

RESOLUTION NO. 2014 - 34

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, SUPPORTING FLORIDA STATE SENATOR THAD ALTMAN'S REQUEST FOR A FLORIDA ATTORNEY GENERAL OPINION CONCERNING CERTAIN PROVISIONS OF THE LEASE AGREEMENT BETWEEN THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY (NOW KNOWN AS THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY) AND ALL ABOARD FLORIDA – OPERATIONS, LLC; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, All Aboard Florida – Operations, LLC (“All Aboard Florida”) is proposing to provide passenger rail service between Miami and Orlando that will run through populated areas of the City of Vero Beach; and

**WHEREAS**, All Aboard Florida has no proposed stops between West Palm Beach and the Orlando International Airport; and

**WHEREAS**, All Aboard Florida has entered into a lease agreement with the Orlando-Orange County Expressway Authority, now known as the Central Florida Expressway Authority, (the “Authority”) in which All Aboard Florida has agreed that any additional stops would require, among other things, an increase in rental payment to the Authority and an opinion from the Authority’s bond counsel that the additional stops will not jeopardize the Authority’s bonds; and

**WHEREAS**, the Authority is controlled by a nine member board consisting of the Mayor of Orange County, the Mayor of Orlando, an Orange County commissioner appointed by the Mayor of Orange County, an Osceola County commissioner appointed by the chair of the Osceola County Commission, a Seminole County commissioner appointed by the chair of the Seminole County Commission, a Lake County commissioner appointed by the chair of the Lake County Commission, and three members appointed by the Governor; and

**WHEREAS**, the City Council of the City of Vero Beach is extremely concerned that the Authority, run by elected officials from central Florida and unelected individuals appointed by the Governor, will dictate how passenger rail service is proposed to be provided in the City of Vero Beach, Indian River County, and the Treasure Coast; and

**WHEREAS**, Florida State Senator Thad Altman has requested Florida Attorney General Pam Bondi to issue an opinion as to whether certain language concerning the addition of new stops in the lease agreement between the Authority and All Aboard Florida imposes an illegal special tax on the residents of Brevard County and Indian River County; and

**WHEREAS**, the City Council of the City of Vero Beach is supportive of the request made by Florida State Senator Thad Altman to Florida Attorney General Pam Bondi; and

**WHEREAS**, the City Council of the City of Vero Beach is opposed to any efforts by the State of Florida, including any other agencies and entities of the State of Florida, to dictate and impose a passenger rail system on the citizens of the City of Vero Beach,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:**

**Section 1. Recitals.**

The foregoing “WHEREAS” clauses are hereby ratified and incorporated herein.

**Section 2. Support for a Florida Attorney General Opinion.**

The City Council of the City of Vero Beach supports Florida State Senator Thad Altman’s request for an Attorney General Opinion concerning the provisions of the lease agreement between the Authority and All Aboard Florida concerning the addition of new stops in the lease agreement between the Authority and All Aboard Florida imposes a special tax on the residents of Brevard County and Indian River County.

**Section 3. Opposition to a Passenger Rail System.**

The City Council of the City of Vero Beach opposes any attempts by the State of Florida and its governmental agencies and entities to dictate and impose a passenger rail system on the citizens of the City of Vero Beach.

**Section 4. Direction to City Clerk.**

The City Clerk is directed to distribute copies of this Resolution to Governor Rick Scott, Florida Attorney General Pam Bondi, Florida State Senators Thad Altman and Joe Negron, Florida State Representative Debbie Mayfield, and the governing bodies of each municipality in Indian River County.

**Section 5. Effective Date.**

This Resolution shall become effective upon adoption by the City Council.

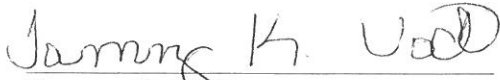
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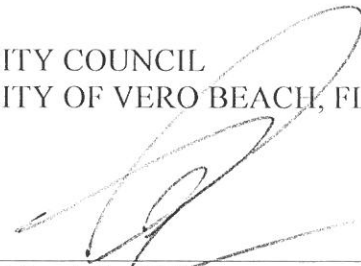
This Resolution was heard on the 21<sup>st</sup> day of October, 2014, at which time it was moved for adoption by Councilmember Fletcher, seconded by Councilmember Turner, and adopted by the following vote:

Mayor Richard G. Winger	<u>yes</u>
Vice Mayor Jay Kramer	<u>yes</u>
Councilmember Pilar E. Turner	<u>yes</u>
Councilmember Amelia Graves	<u>yes</u>
Councilmember A. Craig Fletcher	<u>yes</u>

ATTEST:

CITY COUNCIL  
CITY OF VERO BEACH, FLORIDA

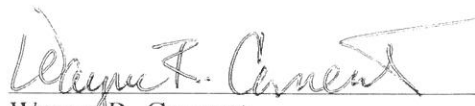
  
\_\_\_\_\_  
Tammy K. Voek  
City Clerk

  
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Richard G. Winger  
Mayor

[Seal]

Approved as to form and legal  
sufficiency:

Approved as conforming to municipal  
policy:

  
\_\_\_\_\_  
Wayne R. Coment  
City Attorney

  
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James R. O'Connor  
City Manager