



Board of County Commissioners

2401 SE Monterey Road
Stuart, Florida 34996

Agenda Item Summary

File ID: 19-0108

DEPT-7

Meeting Date: 11/20/2018

PLACEMENT: Departmental

TITLE:

REQUEST FOR PRIVATE ATTORNEY-CLIENT SESSION CONCERNING THE CASE OF MARTIN COUNTY, INDIAN RIVER COUNTY, INDIAN RIVER COUNTY EMERGENCY SERVICES DISTRICT AND CARE V. U.S. DEPT. OF TRANSPORTATION AND FEDERAL RAILROAD ADMINISTRATION; CASE NO.: 1:18:CV-333

EXECUTIVE SUMMARY:

The County Attorney intends to meet with the Board of County Commissioners and the County Administrator in a private attorney-client session, in accordance with Section 286.011(8), Florida Statutes, to obtain advice about settlement negotiations and/or strategy related to litigation expenditures in the case: Martin County, et. al. v. US Dept. of Transportation, et. al., Case No.: 1:18:cv-333, United States District Court for the District of Columbia.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** David Arthur
Title: Senior Assistant County Attorney

REQUESTED BY: Sarah W. Woods, County Attorney

PRESET: **3:30 PM**

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

In the case of Martin County, et. al. v. US Dept. of Transportation, et. al., Case No.: 1:18:cv-333, United States District Court for the District of Columbia (the "Lawsuit"), Plaintiffs Martin County, Indian River County, Indian River County Emergency Services District, and Citizens Against Rail Expansion, a non-profit group (collectively "Plaintiffs"), are contesting the validity of tax-exempt Private Activity Bonds ("PABs") that Brightline Trains LLC ("Brightline") intends to use to fund the Phase II of Brightline's construction of a high-speed passenger railway between West Palm Beach and Orlando along the Florida East Coast Railway corridor. Defendant Brightline has disputed Plaintiffs claims, and presently Plaintiffs' and Brightline's motions for final summary judgment are pending with oral argument scheduled for November 27, 2018.

A private attorney-client session is necessary to discuss settlement negotiations and strategy related to litigation expenditures.

ISSUES:

Whether to discuss issues related to settlement negotiations and/or strategy related to litigation expenditures in a private attorney-client session.

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board meet with Taryn Kryzda, County Administrator; Sarah W. Woods, County Attorney; Ruth A. Holmes, Senior Assistant County Attorney; David Arthur, Senior Assistant County Attorney; for approximately one (1) hour, or less, in accordance with Section 286.011(8), Florida Statutes, in order to provide advice about settlement negotiations and/or strategy to litigation expenditures in the following case: Martin County, et. al. v. U.S. Dept. of Transportation, et. al., Case No.: 1:18:cv-333.

ALTERNATIVE RECOMMENDATIONS

None.

FISCAL IMPACT:

RECOMMENDATION

To be determined based on direction given by the Board during private attorney-client session.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

To be determined based on direction given by the Board during private attorney-client session.

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☐ Resolution
☐ Other: