

11-16-01

FINAL ORDER NO. AC-02-003

STATE OF FLORIDA
ADMINISTRATION COMMISSION

CITY OF SEBASTIAN,

Petitioner,

vs.

INDIAN RIVER BOARD OF COUNTY
COMMISSIONERS,

Respondent,

and

CITY OF VERO BEACH,

Intervenor.

AC Case No. FTX-01-002
DOAH Case No. 01-3508

REM-CLOS

FILED
02 MAY 16 PM 2:39
DIVISION OF STATE
ADMINISTRATIVE
HEARINGS

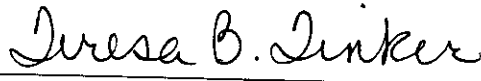
FINAL ORDER OF DISMISSAL

The above-styled case is hereby dismissed in accordance with the Stipulation in Settlement filed with the Administration Commission on May 9, 2002. Representatives of the City of Sebastian, the Indian River County Board of County Commissioners, and the City of Vero Beach signed the Stipulation in Settlement on May 6, 2002. The parties agree in the stipulation that the Fiscal Year 2000-2001 Local Option Gas Tax proceeds currently held by the Clerk of the Court of Indian River County will be disbursed in the manner set forth in an attached exhibit and that the City of Sebastian voluntarily dismisses this subject appeal. A copy of the Stipulation in Settlement with exhibit is attached hereto and incorporated as Exhibit A.

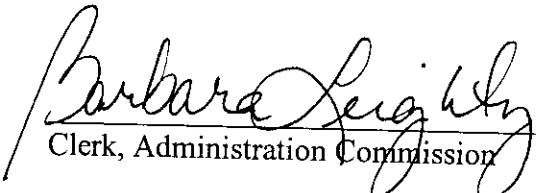
Any party to this Order has the right to seek judicial review of the Order pursuant to

section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; and by filing a copy of the Notice of Appeal, accompanied with the applicable filing fees, with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days of the day this Order is filed with the Clerk of the Commission.

DONE AND ENTERED this 15th day of May, 2002.


for DONNA ARDUIN, Secretary
Administration Commission

FILED with the Clerk of the Administration Commission this 15th day of May, 2002.


Clerk, Administration Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true ⁴⁸ and correct copy of the foregoing was delivered to the following parties by U.S. Mail this 15 day of May, 2002.

Honorable Jeb Bush
Governor
The Capitol
Tallahassee, Florida 32399

Honorable Katherine Harris
Secretary of State
The Capitol
Tallahassee, Florida 32399

Honorable Robert Milligan
Comptroller
The Capitol
Tallahassee, Florida 32399

Honorable Tom Gallagher
Insurance Commissioner
The Capitol
Tallahassee, Florida 32399

Honorable Bob Butterworth
Attorney General
The Capitol
Tallahassee, Florida 32399

Honorable Charlie Crist
Commissioner of Education
The Capitol
Tallahassee, Florida 32399

Honorable Charles H. Bronson
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32399

Gregory Munson, Esquire
Governor's Legal Office
The Capitol, Room 209
Tallahassee, Florida 32399

Rich Stringer, City Attorney
City of Sebastian
1225 Main Street
Sebastian, Florida 32958

Honorable Robert E. Meale
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

William G. Collins, II, Esquire
Deputy County Attorney
Indian River County
1840 25th Street
Vero Beach, Florida 32960

Charles P. Vitunac, Esquire
Assistant City Attorney
City of Vero Beach
1053 20th Place
Vero Beach, Florida 32960

Rick McClure, Esquire
Department of Revenue
Post Office Box 6668
Tallahassee, Florida 32314-6668

Florida Administrative Law Reports
Post Office 385
Gainesville, Florida 32602

Terese B. Dinker
for DONNA ARDUIN, Secretary
Administration Commission

BOARD OF COUNTY COMMISSIONERS
OFFICE OF COUNTY ATTORNEY

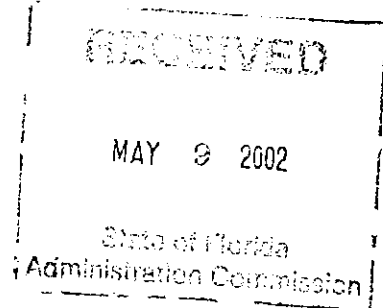


Paul G. Bangel, County Attorney*
William G. Collins II, Deputy County Attorney*
Marian E. Fell, Assistant County Attorney

*Board Certified by the Florida Bar Board of
Legal Specialization and Education in City,
County & Local Government Law

May 7, 2002

Donna Arduin
Secretary
Administration Commission
Office of the Governor
THE CAPITOL
Tallahassee, FL 32399-0001



Attn: Barbara Leighty

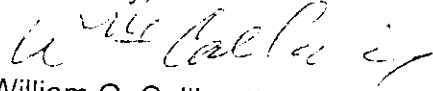
Re: State of Florida Division of Administrative Hearings
Case No. 01-3508
City of Sebastian vs. Indian River County and the City of Vero Beach

Dear Ms. Arduin:

Please find enclosed a Stipulation In Settlement between the parties in the above-styled case which sets out the agreed upon distributions from gas tax funds escrowed with the Clerk of the Court, and a voluntary dismissal of the case by the City of Sebastian.

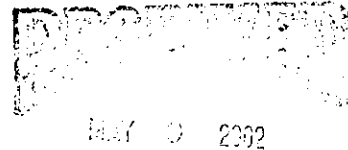
Thank you for the assistance of your office in bringing this matter to a satisfactory conclusion.

Yours truly,


William G. Collins II
Deputy County Attorney

WGC/nhm
Enclosures

cc: Rich Stringer – City Attorney, City of Sebastian
Charles P. Vitunac – City Attorney, City of Vero Beach
Rick McClure, Esq.



Office of Policy & Budget
Director's Office

18-40 25th Street, Vero Beach, Florida 32960 · (772) 567-8000, Ext. 1424 · Fax (772) 569-4317
ircattorney@bec.co.indian-river.fl.us

EXHIBIT A

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CITY OF SEBASTIAN,
Petitioner,

vs.

INDIAN RIVER COUNTY BOARD
OF COUNTY COMMISSIONERS,
Respondent,

and

CITY OF VERO BEACH,
Intervenor.

CASE NO. 01-3508

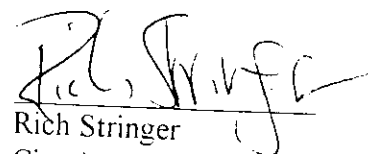
STIPULATION IN SETTLEMENT

COMES NOW the undersigned, and in full and complete settlement of the present controversy stipulate as follows:

1. That the parties agree that the Fiscal Year 2000-2001 Local Option Gas Tax proceeds held by the Clerk of Court of Indian River County shall be disbursed within ten (10) days in the manner set forth in the attached Exhibit "A".
2. That in reliance thereupon, the City of Sebastian hereby takes a voluntary dismissal of the appeal in this cause.
3. That any party hereto may enforce this *Stipulation in Settlement* through injunctive relief in the Circuit Court in and of Indian River County, Florida, and the parties waive any and all defenses pertaining to the propriety of bringing any such action, though not as to ultimate entitlement to said relief.

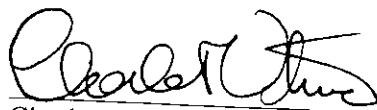
AGREED this 14 day of May, 2002.

For City of Sebastian



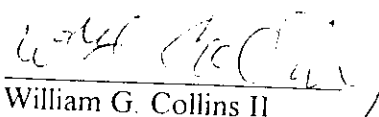
Rich Stringer
City Attorney
Fla. Bar #731277
1225 Main Street
Sebastian, FL 32958

For City of Vero Beach



Charles P. Vitunac
City Attorney
Fla. Bar #0176672
1053 20th Place
Vero Beach, FL 32960

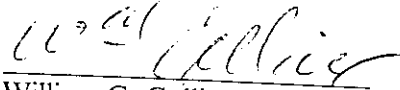
For Indian River County



William G. Collins II
Deputy County Attorney
Fla. Bar #487287
1840 25th Street
Vero Beach, FL 32960

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served this 17th day of May, 2002, by U.S. mail to Rich Stringer, 1225 Main Street, Sebastian, FL 32958, Rick McClure, Esq., P.O. Box 6668, Tallahassee, FL 32314-6668, Charles Vitunac, Esq., 1053 20th Place, Vero Beach, FL 32960, and Donna Arduin, 1601 The Capitol, Tallahassee, FL 32399-0001.



William G. Collins II
Deputy County Attorney
Fla. Bar #487287
1840 25th Street
Vero Beach, FL 32960
(772)567-8000, Ext. 1425

LOCAL OPTION GAS TAX DISTRIBUTION

| Municipality | Revised (2001) Distribution | Gas Tax Distribution | Applicable Interest* | Total Distribution |
|-----------------------------|--------------------------------|-------------------------|-------------------------|-----------------------|
| Indian River County | 68.4100% | 739,259.44 | 8,432.10 | 747,691.54 |
| City of Sebastian | 14.0500% | 180,360.03 | 1,731.78 | 182,091.81 |
| City of Vero Beach | 13.7200% | 86,721.43 | 1,691.11 | 88,412.54 |
| City of Fellsmere | 2.7100% | 40,046.18 | 334.03 | 40,380.21 |
| Town of Indian River Shores | 1.0600% | 9,820.61 | 130.65 | 9,951.26 |
| Town of Orchid | 0.0500% | 1,816.82 | 6.16 | 1,822.98 |
| Total | 100.0000% | 1,058,024.51 | 12,325.83 | 1,070,350.34 |

* Applicable interest was calculated by the Finance Director for an assumed payout date of May 8, 2002.

Exhibit A