

**Antonia Hover**

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**From:** Veronica Washington  
**Sent:** Tuesday, October 02, 2018 9:19 AM  
**To:** Commissioner Correspondence  
**Subject:** Sale of Vero Beach Electric System  
**Attachments:** Enclosure 3 - Referendums.pdf; Enlosure 1 - Sale of Vero Beach Support Letter.pdf; Public Service Commission - Acquisition Support Letter 10.1.18.pdf; Enclosure 2 - Vero Beach 32963.pdf

Good morning,

Please place the e-mail below and accompanying documents in Docket Nos. 20170235-EI and 20170236-EU.

Thanks

Veronica D. Washington  
Executive Assistant to Commissioner Andrew Fay  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850)413-6036

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**From:** Steele, Patrick <[steele.patrick@flsenate.gov](mailto:steele.patrick@flsenate.gov)>  
**Sent:** Monday, October 1, 2018 19:03  
**To:** Office Of Commissioner Graham; Office of Commissioner Brown; Office Of Commissioner Clark; Office of Commissioner Fay; Office of Commissioner Polmann  
**Subject:** Sale of Vero Beach Electric System

Good Evening,

On behalf of Senator Mayfield, please see attached a letter regarding the Public Service Commission hearing on October 9, 2018. If you have any questions or concerns, please don't hesitate to reach out to our office or to Senator Mayfield directly.

Thank you,



**Patrick Steele**

*Legislative Aide*

**Senator Debbie Mayfield**

**District 17**

***Location***

900 East Strawbridge Ave.

Melbourne, FL 32901

321-409-2025



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR DEBBIE MAYFIELD**  
17th District

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October 1, 2018

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Commissioner Julie Imanuel Brown  
Commissioner Donald J. Polmann  
Commissioner Andrew Giles Fay  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket 20170235 -- Petition by Florida Power & Light Company (FPL) for authority to charge FPL rates to former City of Vero Beach customers and for approval of FPL's accounting treatment for City of Vero Beach transaction.

Docket 20170236 -- Joint petition to terminate territorial agreement by Florida Power & Light and the City of Vero Beach.

Dear Chairman Graham and Commissioners:

As you know, the Public Service Commission (PSC) will hold a hearing on October 9, 2018, to consider the protests filed against the commission's decision to approve Florida Power and Light's (FPL) request to acquire the City of Vero Beach Electric System. I have outlined the many benefits of this deal in my previous letter dated May 30, 2018 (Enclosure 1), and those facts remain the same today. The benefits of this acquisition extend well beyond the City of Vero Beach to FPL existing customer base, electric customers of the Orlando Utility Commission (OUC), the Florida Municipal Power Agency (FMPPA), and the electric customers of the 30 cities across the state that are FMPPA members, all of whom helped make this solution a reality.

Despite good faith efforts put forth by all parties to reach the agreed upon terms and conditions, three protests have been filed against the commission's decision to approve the acquisition. I want to emphasize a couple of points regarding the three remaining protests. You have to ask yourself why these individuals were not present at the initial hearing on June 5, 2018 to voice their concerns. In addition, these protests do not provide proof that these individuals in fact have

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- 1801 27th Street, Vero Beach, Florida 32960 (772) 226-1970
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

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**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

a substantial interest regarding the sale. It is glaringly obvious that two of the three protestors are using this platform as an opportunity to settle personal political scores through the Public Service Commission.

In his protest filed with the PSC on July 23, 2018, Mr. Heady notes, "I agree with a majority of the council in the belief that our city residents and businesses would benefit from lower electric rates. Although my reason may be different I agree with the majority of the council that the city owned electric utility should be sold." The rest of his protest largely focuses on City Council campaign grievances. Mr. Heady continues on to describe his unsuccessful bid for City Council which he credits to campaign contributions that came from corporations and individuals that reside "outside the city limits."

I would make note that 60% of the Vero Beach electric customer base is located outside of the city limits and have no vote on how the utility operates or the rates it charges. It would seem to me that engaging in local political races would be the only outlet for which these non-residents would have to invoke change. For someone who claims to be in favor of the sale of the city utility, it certainly is not reflected in his actions.

The second protest I would like to address was filed by Lynne Larkin, an individual that has been opposed to any sale of the City's electric utility since the inception of the negotiations. Ms. Larkins protest filed on behalf of the Civics Association of Indian River County misrepresents many facts throughout. Ms. Larkin states in her protest that "Both residents of Indian River County and of the Town of Indian River Shores have full voting representation on the City's Utility Commission and actually constitute a majority of members on that commission." This statement is incredibly misleading considering the fact that the City's utility commission cannot approve or deny a sale, they simply make a recommendation to the City Council that is charged with making that decision.

Ms. Larkin continues on to state that she is representing 900 engaged members who have a stake in the sale. However, Ms. Larkin has failed to provide (1) a list of members, (2) a meeting agenda showing the electric sale was discussed, or (3) meeting minutes to show where a vote of the Board of Directors or corporation officers was taken to file the objection and engage Larkin to represent the Association in the matter (Vero Beach 32963 - Enclosure 2). It seems that Ms. Larkin is operating under the guise that the community is outright opposed to this acquisition, however, there is no evidence to corroborate her assertions.

Two referendums regarding the sale of the City of Vero Beach electric utility have been presented to the citizens of Vero Beach. The first referendum presented in 2011 asked citizens whether they approved of leasing the City's power plant for the purpose of selling the electric utility if the City Council finds that such a sale is beneficial to the citizens. It received over 65% approval. The second referendum presented in 2013 asked citizens whether they approved of the sale and disposition of the City's electric utility and substantially all of its assets for the purpose

October 1, 2018

Page 3

of exiting the electric utility business under terms substantially similar to the asset purchase and sale agreement between the City and FPL. That item received over 63% approval (Enclosure 3).

Despite two separate referendums commissioned by the City of Vero Beach, Ms. Larkin still states that “no informed vote of the City residents has ever occurred allowing them a decision in what might directly and adversely affect all resident via higher taxes and other detriments as a result of this sale.” In addition to the two city referendums previously noted, I would argue Ms. Larkin’s point by highlighting the fact that our society is a republic, not a democracy. Just like any local issue, citizens do not have a direct vote on every decision being made by the council. If that was the case, what would be the point of elected officials? City Council members campaigned largely on this issue and, through the will of the people, were elected to office to make this change.

I have addressed the Public Service Commission multiple times regarding this acquisition and I have made very clear the unique electric utility problems that my constituents face. I trust that this body understands the full benefits that your approval will provide to all parties involved. I urge you to consider this acquisition based off its merits and approve this sale to move forward. Thank you for your service to the State of Florida.

Sincerely,



Debbie Mayfield  
State Senator, District 17

cc: The Honorable Rick Scott, Governor of Florida  
Braulio Baez, Executive Director, Florida PSC  
Ken Rubin, Senior Counsel Florida Power and Light  
Kenneth Hoffman, VP Regulatory Affairs Florida Power and Light  
The Honorable Harry Howle, Mayor City of Vero Beach  
Jim O’Connor, City Manager City of Vero Beach  
Wayne Coment, Attorney City of Vero Beach  
The Honorable Tom Slater, Mayor Town of Indian River Shores  
Chester Clem, Attorney Town of Indian River Shores  
The Honorable Peter O’Bryan, Chairman IRC Board of County Commissioner  
Jason Brown, County Administrator Indian River County  
Dylan Reingold, Attorney Indian River County  
Brian Barefoot, Indian River Shores



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Tallahassee, Florida 32399-1100

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## JOINT COMMITTEE:

Joint Legislative Auditing Committee,  
*Alternating Chair*

## SENATOR DEBBIE MAYFIELD

17th District

May 30, 2018

Chairman Art Graham  
Commissioner Gary F. Clark  
Commissioner Julie Imanuel Brown  
Commissioner Donald J. Polmann  
Commissioner Andrew Giles Fay  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Docket 20170235 -- Petition by Florida Power & Light Company (FPL) for authority to charge FPL rates to former City of Vero Beach customers and for approval of FPL's accounting treatment for City of Vero Beach transaction.

Docket 20170236 -- Joint petition to terminate territorial agreement by Florida Power & Light and the City of Vero Beach.

Dear Chairman Graham and Commissioners:

I recently learned that next Tuesday, the Public Service Commission will vote on Florida Power and Light's (FPL) request to acquire the City of Vero Beach Electric System. The acquisition was painstakingly negotiated by FPL, City of Vero Beach, and other stakeholders to resolve unique electric utility issues that have plagued my area for decades. The acquisition is structured to provide tangible benefits to the City of Vero Beach electric customers, to FPL's existing customers, and to customers of other utilities around our State. The acquisition has statewide benefits and I urge you to approve the transaction as it was carefully structured by the parties.

This is a unique and unusual situation involving a municipal utility whose electric rates have historically been some of the highest in our state. Over **sixty percent** of the utility's customers reside outside of the City of Vero Beach's corporate limits and have no vote on how the utility operates or the rates it charges. Tens of thousands of these non-resident customers have been disenfranchised, and are offered no protection by the state's Office of Public Counsel. To complicate matters even further, City of Vero Beach's utility operates unilaterally within the corporate limits of another co-equal municipality – the Town of Indian River Shores – without the Town's consent. These

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President Pro Tempore

May 30, 2018  
Page 2

anomalies have spawned numerous litigation and administrative proceedings with claims of taxation without representation, unregulated monopoly abuse, constitutional conflict, and usurpation of home rule powers. Many of those litigation proceedings remain pending and unresolved today.

The FPL acquisition will resolve all of those issues and more. Rates would be substantially reduced at the outset, which would immediately place more money in the pockets of about 35,000 customers in the Indian River County area. Service quality would improve since FPL offers more reliable service, investment in storm hardening, a modernized electric grid, cleaner energy sources and an industry-leading storm restoration team. Non-resident customers no longer would be disenfranchised nor would they be at the mercy of an unregulated monopoly. Instead, they would be served by a utility whose rates and services are intensely regulated by your agency. Those customers also would be protected by the Office of Public Counsel.

But the benefits of this transaction extend well beyond just the City of Vero Beach customers. This truly is one of those rare win-win transactions that also benefits FPL's existing customer base. There are also tangible benefits for electric customers of the Orlando Utility Commission (OUC), for the Florida Municipal Power Agency (FMPA), and for the electric customers of the 30 cities across the state that are FMPA members, all of whom helped make this solution a reality. I sincerely believe there are clear, tangible benefits for citizens throughout Florida.

Negotiating this carefully balanced agreement to achieve these statewide benefits has not been an easy task. The agreement is the culmination of many years of hard work and cooperation. Many stakeholders in addition to FPL and the City of Vero Beach have been involved in navigating the way to a solution, including the Town of Indian River Shores, Indian River County, FMPA and about 20 of its member cities, OUC, and the Florida Legislature. Working together, this broad and diverse group has thoughtfully constructed a solution that some said would never come.

That is why I find myself very disappointed with your staff's recommendation. While I am certainly not a utility regulation expert, the staff's recommendation seems to be focused on the trees and not the forest, and in so doing overlooks the practical, real world benefits of this sensibly balanced deal. The recommendation seems to fixate on a sale that took place between two different utilities more than 25 years ago that were facing a very different set of circumstances. The fact is that this deal has its own unique and complex set of facts – challenges that were overcome with the help of so many stakeholders across our State over the last 9 years.

The staff seems to have issues with how FPL calculated the benefits for its own customer base. Again, I am not an expert, but I'm sure that FPL has its own team of experts who looked at this transaction. In fact, FPL's experts project more than \$100 million in benefits for FPL's existing customers. That is not an insignificant benefit. Even if there are disagreements over the precision of FPL's projections (which is the case with every projection) it is clear that there still will be substantial benefits for FPL's existing customers. That conclusion seems intuitively obvious since FPL will be able to spread its fixed costs over an additional 35,000 customers.

It is unfortunate that staff's recommendation loses sight of these state-wide benefits. Instead of commending the parties and all the stakeholders for working so hard on this comprehensive solution

May 30, 2018  
Page 3

that is beneficial to all, the recommendation seems intent on rewriting, at the eleventh hour, this sensibly constructed agreement that has been nine years in the making. I am deeply concerned that if you approve staff's recommendation as written, you will effectively dismantle this carefully balanced agreement and the opportunity to finally resolve this issue for all stakeholders will be lost. That would be a travesty.

When I last appeared before you in September 2016, I explained the unique electric utility problems that my constituents face. While you appeared to understand my concerns, you said at that time you did not have the jurisdictional tools to help. But now you do. That is why I am urging you to approve this carefully structured transaction that will benefit all.

Thank you for your service to the State of Florida.

Regards,



Debbie Mayfield  
State Senator, District 17

cc: The Honorable Rick Scott, Governor of Florida  
Braulio Baez, Executive Director, Florida PSC  
Ken Rubin, Senior Counsel Florida Power and Light  
Kenneth Hoffman, VP Regulatory Affairs Florida Power and Light  
The Honorable Harry Howle, Mayor City of Vero Beach  
Jim O'Connor, City Manager City of Vero Beach  
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The Honorable Peter O'Bryan, Chairman IRC Board of County Commissioner  
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# VERO BEACH 32963

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## Pro-sale forces go on offensive in electric battle

STORY BY LISA ZAHNER

One down, three to go. Now that the Florida Industrial Power Users Group has voluntarily dismissed its challenge to the Florida Public Service Commission's approval of the \$185 million sale of Vero electric to Florida Power & Light, pro-sale legal teams are poised to gang up on the three local obstructors.

FPL's attorneys have already filed a motion to dismiss separate claims filed by Michael Moran, former Vero councilman Brian Heady, and attorney and former Vero councilwoman Lynne Larkin, who asserts that she's challenging the sale on behalf of 900 unnamed members of the Civic Association of Indian River County.

Vero Mayor Harry Howle on Saturday predicted Vero and FPL will ultimately prevail at the PSC, but said the protests have forced the city to push back the sale closing until early 2019, according to the PSC's published schedule of hearings on Oct. 9 and 10 to consider claims and motions and a final decision by Dec. 31.

Howle said he thinks those objecting to the sale "will fall flat on their face, having not met the first burden of proof: How does this action harm you?"

FPL characterizes Heady's claims as "legally deficient," claiming his objection "fails in all material respects to allege the requirements necessary to obtain standing to challenge the Commission's proposed agency action."

In FPL's opinion, Heady did not demonstrate how he would be injured by the sale, noting that Heady even states he's not opposed to the sale itself, but instead to how it has been conducted. FPL Senior Counsel Kenneth Rubin also argued in a 10-page motion that Heady has not challenged relevant facts and that his filing goes way beyond the scope of the matter at hand.

"The Heady Motion is nothing more than an expression of Mr. Heady's dissatisfaction with the political process that led to the execution of the Asset Purchase and Sale Agreement ("PSA") for the sale of the COVB electric utility to FPL," Rubin wrote in the motion filed Aug. 10.

With regard to Moran, who describes himself as a "deaf American" and who asked for a PSC hearing with sign-language interpretation to be held in Vero Beach, FPL basically lumps him with Heady as a malcontent who disapproves of how the City of Vero Beach and individual public officials executed the electric sale.

Moran even claims in his July 23 petition that several media outlets – corporate and independently owned newspapers and television stations, plus bloggers and newsletter publishers – collectively, deliberately withheld information from the public about potential future increases in FPL rates.

"Nowhere in the Moran Petition does Mr. Moran identify how he has been or would be impacted by Order 2018-0336. The Moran Petition also fails to specifically identify the substantial interests that have been affected by Order 2018-0336 or the issues that are being disputed," Rubin states for FPL.

Moran's challenge is described as no more than a litany of personal beefs with agencies and individuals.



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"The Moran Petition is replete with the author's personal misgivings about circumstances and events that played out at the local level related to the utility sale, including those related to: voting representation; local referendum administration; supposed local media blackouts; Sunshine laws as applied to local officials; alleged neglect of certain FPL customers; and impolite attitudes and behavior of local officials, attorneys, and an unnamed FPL employee," the motion to dismiss states.

The Indian River Board of County Commissioners has petitioned to join the matter as an intervening party, and the Indian River Shores Town Council has voted to do the same, both supporting the sale as approved by PSC.

If both are approved as intervenors by the PSC, the county and the Shores would have the power to issue interrogatories to all three protestors. This is likely of little consequence to Heady and Moran, but it puts Larkin in the hot seat.

Larkin's Civic Association has come under fire for not being anything close to what Larkin purports it to be – an active organization of 900 engaged members who have a stake in the Vero electric sale.

Larkin has refused to release a list of members or to produce a meeting agenda where the electric sale was discussed, or meeting minutes showing where a vote of the Board of Directors or corporation officers was taken to file the objection and engage Larkin to represent the entity in the matter.

Former Vero councilman and utility activist Charlie Wilson has filed a complaint with the Florida Bar saying that Larkin improperly filed the PSC challenge because, Wilson argues, Larkin has not shown that she was officially engaged to do so.

In simple terms, Wilson alleges that the Civic Association of Indian River County is an empty shell of an organization that Larkin dusts off whenever she needs a legitimate-sounding platform from which to launch a political attack or legal challenge of an issue or policy.

Wilson also argues that Larkin has knowingly made false statements in her filings on behalf of the Civic Association. The City of Vero Beach has its attorneys researching Wilson's claims to see how the city might join the Florida Bar complaint, but so far that has not happened.

In FPL's Aug. 6 motion to dismiss Larkin's challenge, FPL's Rubin said the Civic Association's filing is "both legally deficient and factually inaccurate," as well as not meeting the requirements to establish standing as it alleges only "speculative harm."

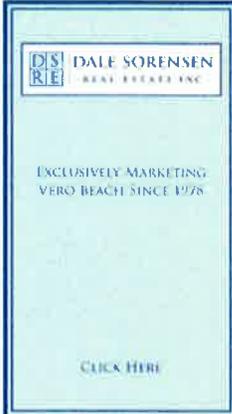
"The Civic Association, dissatisfied with the political process that led to the City of Vero Beach ("COVB") City Council's approval of the agreement to sell the COVB electric utility to FPL, has filed its Protest Petition in a thinly veiled – and legally deficient – attempt to use the administrative process to challenge the sale, motivated by political objectives that are not jurisdictional to this Commission and despite the fact that the typical COVB residential customer using 1000 kWh per month stands to save approximately \$26 a month by transitioning to FPL's rates," Rubin states in the FPL motion.

Over the past month, interrogatories and responses have been flying back and forth among the parties, but unfortunately for the public, those documents are either not disclosed, or they are heavily redacted. Testimony of intervenors is due to the PSC by Friday, Sept. 7, with staff testimony and rebuttals to follow throughout September and a prehearing date on Oct. 3. Then come two days of hearings on Oct. 9 and 10, moved up from Oct. 10 and 11 so Larkin could attend a family reunion.

To show that a substantial number of her 900 member-clients Larkin says are represented by the Civic Association would be substantially impacted by the PSC's approval of the sale, presumably Larkin would need to disclose exactly who those people are, where they live and whether they are Vero Beach electric ratepayers, or FPL ratepayers.

Former County Administrator Joe Baird, who managed the county from 2004 until he retired in 2016, and who held top positions in the county budget office and utilities department for three decades, said two weeks ago that he remembered the Civic Association being very active in the 1980s, mostly on land-use issues, but that he could not remember the group approaching the county about an issue or being involved with local politics for decades.

"Aren't they all dead?" Baird asked. "I thought they were probably all gone by now."



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## CITY OF SEBASTIAN

CITY OF SEBASTIAN	
CITY COUNCIL MEMBERS Vote for no more than three (3)	
Andrea B. Coy	← <input type="checkbox"/> <input type="checkbox"/>
David DeVirgilio	← <input type="checkbox"/> <input type="checkbox"/>
Damien Gilliams	← <input type="checkbox"/> <input type="checkbox"/>
Bob McPartlan	← <input type="checkbox"/> <input type="checkbox"/>
Ambor Miller	← <input type="checkbox"/> <input type="checkbox"/>
Don Wright	← <input type="checkbox"/> <input type="checkbox"/>

### CHARTER AMENDMENTS

#### CITY OF SEBASTIAN, FLORIDA CHARTER AMENDMENT QUESTION #1

##### CONDUCT ELECTIONS IN EVEN NUMBERED YEARS AND PROVIDE FOUR-YEAR TERMS FOR CITY COUNCIL MEMBERS

Shall Sections 2.03, 2.04 and 4.12(e) of the City Charter be amended to provide that council members shall:

- be elected in even numbered years instead of having elections every year, and
- be elected to four year terms instead of two years terms; provided that, for purposes of transition, council members elected in 2011 shall serve until November 2014?

Yes for Approval ←    
No for Rejection ←

#### CITY OF SEBASTIAN, FLORIDA CHARTER AMENDMENT QUESTION #2

##### REMOVAL OF CHARTER OFFICERS

Shall Section 3.03 of the Charter be amended to provide that any charter officer may be removed from office with or without cause by a majority vote of the entire city council, without the presentation of written charges, suspension, notice to the charter officer, hearing and delay provided for in the current Charter?

Yes for Approval ←    
No for Rejection ←

#### CITY OF SEBASTIAN, FLORIDA CHARTER AMENDMENT QUESTION #3

##### FILLING VACANCIES ON THE CITY COUNCIL

Shall Section 2.08 of the Charter be amended to fill city council vacancies without calling special elections:

- if there is a scheduled citywide election within 6 months of the vacancy, the city council may appoint a replacement.
- if there is no election within 6 months, the city council shall appoint a replacement within 45 days, and
- vacancies are created if there are fewer candidates than city council seats open for election?

Yes for Approval ←    
No for Rejection ←

#### CITY OF SEBASTIAN, FLORIDA CHARTER AMENDMENT QUESTION #4

##### ELECTION ARRANGEMENTS

Since general state law and other provisions of the City Charter establish the manner in which elections are to be called and held, shall Section 4.07 of the Charter, which deals with the same subject, be repealed in its entirety?

Yes for Approval ←    
No for Rejection ←

#### CITY OF SEBASTIAN, FLORIDA CHARTER AMENDMENT QUESTION #5

##### CITY COUNCIL INVESTIGATIONS AND ORDERS

Since the Charter prohibits the city council from giving orders to any employee other than a charter officer, shall Section 2.11 of the Charter be amended to delete references to penalties for failing or refusing to follow orders from the city council?

Yes for Approval ←    
No for Rejection ←

# OFFICIAL SAMPLE BALLOT

MUNICIPAL GENERAL ELECTION ★ INDIAN RIVER COUNTY, FLORIDA ★ November 8, 2011  
ATTENTION VOTERS: You may mark your sample ballot and bring it with you to the polls.

TO VOTE, COMPLETE THE ARROW ←  POINTING TO YOUR CHOICE

Use a black or blue ballpoint pen or a #2 pencil. If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

Early Voting begins October 29th and runs through November 5th (including Sunday) from 8:00 am - 4:00 pm at the following location **ONLY**:  
**Supervisor of Elections Office**  
4375 43rd Avenue, Vero Beach, FL 32967

## CITY OF VERO BEACH

CITY OF VERO BEACH	
CITY COUNCIL MEMBER TWO (2) YEAR TERM Vote for no more than Two	
Tracy M. Carroll	← <input type="checkbox"/> <input type="checkbox"/>
Dick Winger	← <input type="checkbox"/> <input type="checkbox"/>
Brian Heady	← <input type="checkbox"/> <input type="checkbox"/>
Ken Daige	← <input type="checkbox"/> <input type="checkbox"/>

### REFERENDUM

#### REFERENDUM ON LEASE OF CITY POWER PLANT SITE

Do you approve of the lease of the City of Vero Beach power plant site north of the 17<sup>th</sup> Street Bridge, west of the Indian River, and east of Indian River Boulevard, with the City retaining ownership of the land, for the purpose of selling the City electric utility if the City Council finds that such sale is beneficial to the citizens of Vero Beach?

Yes for Approval ←    
No for Rejection ←

## CITY OF FELLSMERE

CITY OF FELLSMERE	
CITY COUNCIL MEMBER TWO (2) YEAR TERM Vote for no more than Two	
Susan Adams	← <input type="checkbox"/> <input type="checkbox"/>
Alberto DeLeon, Jr.	← <input type="checkbox"/> <input type="checkbox"/>
John Luke	← <input type="checkbox"/> <input type="checkbox"/>
Sara J. Savage	← <input type="checkbox"/> <input type="checkbox"/>

It is a **FELONY** to vote in a precinct which you do not reside. If your address has changed, please contact the Elections Office.

Remember, you must be a **RESIDENT** of the municipality to vote in the municipality's election. Check your voter information card to determine if you are permitted to vote in these elections.

## CITY OF SEBASTIAN

#### CITY OF SEBASTIAN, FLORIDA CHARTER AMENDMENT QUESTION #6

##### COMMENCEMENT OF COUNCIL MEMBER TERMS

In order to provide the city with additional time to receive election results from the Supervisor of Elections, shall Sections 2.04, 2.06 and 4.08 of the City Charter be amended to provide that newly elected council members be sworn in at the first regular meeting of the council following certification of the election results?

Yes for Approval ←    
No for Rejection ←

#### CITY OF SEBASTIAN, FLORIDA CHARTER AMENDMENT QUESTION #7

##### JUDGE OF QUALIFICATIONS FOR OFFICE AND THE CONDUCT OF CANDIDATES

Shall Sections 2.09 and 4.13 of the Charter be amended to provide that the Florida Division of Elections, the Florida Elections Commission or the courts shall determine issues relating to the qualifications and election of city council members, rather than assigning these responsibilities to the city council?

Yes for Approval ←    
No for Rejection ←

#### CITY OF SEBASTIAN, FLORIDA CHARTER AMENDMENT QUESTION #8

##### DELETE REFERENCES TO POOR HOUSES, DAIRIES & SLAUGHTER HOUSES

Shall Section 1.02 of the City Charter be amended to delete the references to "poor houses", "dairies" and "slaughter houses" listed in that Section?

Yes for Approval ←    
No for Rejection ←

## IMPORTANT POLLING PLACE CHANGES!

Many Polling Locations Have Been Consolidated, Please Check Your Polling Location

Need to Update your Voter's Signature?

How: Use a Florida Voter Registration Application Form completing all required blocks per instructions.

When: At any point there is a significant change in your signature or identifying "mark".

Where: Florida Voter Registration Application forms are available at all government offices, public assistance offices, libraries, and upon request by calling or e-mailing our office, or visiting our website at [www.voteindianriver.com](http://www.voteindianriver.com)

Polls Will Be Open 7am - 7pm  
On Election Day

Visit our website [www.voteindianriver.com](http://www.voteindianriver.com)  
Up-to-the-minute election night results are posted on the website and can be viewed on Cable Channel 13 in Vero Beach, Cable Channel 27 in Indian River, and Cable Channel 25 in Sebastian.



**LESLIE R. SWAN**

Supervisor of Elections, Indian River County  
4375 43rd Avenue, Vero Beach, FL 32967  
772-226-3440 • [www.voteindianriver.com](http://www.voteindianriver.com)

REGISTRATION & TURNOUT INDIAN RIVER COUNTY			
Completed Precincts:	26	of	26
Total Registration	26,354		
Election Day Ballots Cast	4,037	15.32%	
Absentee Ballots Cast	1,499	5.69%	
Early Voting Ballots Cast	428	1.62%	
Total Ballots Cast	5,964	22.63%	

CITY OF VERO BEACH			
Number to Vote For:	2		
Completed Precincts:	12	of	12
Under Votes:	372		
Over Votes:	0		
NP - Tracy M. Carroll	1,783	29.57%	
NP - Dick Winger	1,613	26.75%	
NP - Brian Heady	1,493	24.76%	
NP - Ken Daige	1,141	18.92%	

CITY OF SEBASTIAN			
Number to Vote For:	3		
Completed Precincts:	12	of	12
Under Votes:	810		
Over Votes:	18		
NP - Andrea B. Coy	1,646	23.06%	
NP - David DeVirgilio	576	8.07%	
NP - Damien Gilliams	704	9.86%	
NP - Bob McPartlan	1,395	19.55%	
NP - Amber Miller	1,151	16.13%	
NP - Don Wright	1,665	23.33%	

CITY OF FELLSMERE			
Number to Vote For:	2		
Completed Precincts:	2	of	2
Under Votes:	13		
Over Votes:	0		
NP - Susan Adams	88	43.35%	
NP - Alberto DeLeon, Jr.	7	3.45%	
NP - John Luke	25	12.32%	
NP - Sara J. Savage	83	40.89%	

# 1 CONDUCT ELECTIONS IN EVEN NUMBERED YEARS			
Completed Precincts:	12	of	12
Under Votes:	47		
Over Votes:	3		
NP - Yes for Approval	992	38.08%	
NP - No for Rejection	1,613	61.92%	

# 2 REMOVAL OF CHARTER OFFICERS			
Completed Precincts:	12	of	12
Under Votes:	91		
Over Votes:	2		
NP - Yes for Approval	894	34.89%	
NP - No for Rejection	1,668	65.11%	

# 3 FILLING VACANCIES ON THE CITY COUNCIL			
Completed Precincts:	12	of	12
Under Votes:	101		
Over Votes:	2		
NP - Yes for Approval	1,549	60.70%	
NP - No for Rejection	1,003	39.30%	

# 4 ELECTION ARRANGEMENTS			
Completed Precincts:	12	of	12
Under Votes:	179		
Over Votes:	1		
NP - Yes for Approval	1,474	59.56%	
NP - No for Rejection	1,001	40.44%	

# 5 CITY COUNCIL INVESTIGATIONS AND ORDERS			
Completed Precincts:	12	of	12
Under Votes:	154		
Over Votes:	1		
NP - Yes for Approval	1,392	55.68%	
NP - No for Rejection	1,108	44.32%	

# 6 COMMENCEMENT OF COUNCIL MEMBER TERMS			
Completed Precincts:	12	of	12
Under Votes:	127		
Over Votes:	0		
NP - Yes for Approval	2,095	82.87%	
NP - No for Rejection	433	17.13%	

# 7 JUDGE OF QUALIFICATIONS FOR OFFICE			
Completed Precincts:	12	of	12
Under Votes:	154		
Over Votes:	5		
NP - Yes for Approval	1,685	67.51%	
NP - No for Rejection	811	32.49%	

# 8 DELETE REFERENCES			
Completed Precincts:	12	of	12
Under Votes:	163		
Over Votes:	0		
NP - Yes for Approval	1,716	68.86%	
NP - No for Rejection	776	31.14%	

LEASE OF CITY POWER PLANT SITE			
Completed Precincts:	12	of	12
Under Votes:	52		
Over Votes:	0		
NP - Yes for Approval	2,074	65.86%	
NP - No for Rejection	1,075	34.14%	

# OFFICIAL SAMPLE BALLOT

GENERAL ELECTIONS ★ INDIAN RIVER COUNTY, FLORIDA ★ MARCH 12, 2013  
ATTENTION VOTERS: You may mark your sample ballot and bring it with you to the polls.

TO VOTE, COMPLETE THE ARROW ← → POINTING TO YOUR CHOICE

Use a black or blue ballpoint pen. If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

You must be a **RESIDENT** of the municipality to vote in the municipality's election. Check your voter information card to determine if you are permitted to vote in these elections. **Eligible precincts for the City of Vero Beach election include: 17, 19, 23, 24, 25. Eligible precinct for the Town of Indian River Shores election: 16**

## City of Vero Beach

### Referendum on Sale and Disposition of Vero Beach Electric Utility

Do you approve of the sale and disposition of the City of Vero Beach electric utility and substantially all of its assets for the purpose of exiting the electric utility business under terms substantially similar to the asset purchase and sale agreement between the City and Florida Power & Light Company?

Yes for Approval ← →

No for Rejection ← →

## Town of Indian River Shores

TOWN COUNCIL MEMBER  
FOUR (4) YEAR TERM  
(Vote for no more than Three)

Charles (Chuck) Wurmstedt ← →

Brian M. Barefoot ← →

Mike Ochsner ← →

Thomas Slater ← →

Gerard (Jerry) Weick ← →

**YOU MUST BE REGISTERED TO VOTE AND WILL BE ASKED TO PROVIDE A SIGNATURE AND PHOTO I.D.**

If you do not have a photo or signature I.D., you may still vote by provisional ballot, but the process will take longer.

**Some forms of acceptable I.D. include:**  
Florida Driver's License, Florida I.D.,  
Passport, Student I.D., Debit/Credit Card

**POLLS WILL BE OPEN  
7 AM – 7 PM  
ON ELECTION DAY**

### ..... Need to update your Voter's Signature? .....

**How:** Use a Florida Voter Registration Application form completing all required blocks per instructions.

**When:** At any point there is a significant change in your signature or identifying "mark".

**Where:** Florida Voter Registration Application forms are available at all government offices, public assistance offices, libraries and upon request by calling, e-mailing or visiting our website.

If you have any questions about where you vote or on any election-related subject, please call the Supervisor of Elections Office at 772-226-3440.

**Visit our website: [www.VoteIndianRiver.com](http://www.VoteIndianRiver.com)**

Up-to-the-minute election night results will be posted on the Elections website.  
Vero Beach election results can be viewed on Cable Channel 13 and Channel 27.

## LESLIE ROSSWAY SWAN

Supervisor of Elections, Indian River County  
4375 43<sup>rd</sup> Avenue, Vero Beach, FL 32967  
772-226-3440 • [www.VoteIndianRiver.com](http://www.VoteIndianRiver.com)



It is a **felony** to vote in a precinct in which you do not reside. If your address has changed, please contact the Elections Office.

REGISTRATION & TURNOUT INDIAN RIVER COUNTY			
Completed Precincts:	5 of 5		
Total Registration	10,482		
Election Day Ballots Cast	2,689	25.65%	
Absentee Ballots Cast	983	9.38%	
Total Ballots Cast	3,672	35.03%	

REFERENDUM			
Completed Precincts:	5 of 5		
Under Votes:	3		
Over Votes:	0		
NP - YES FOR APPROVAL	2,339	63.75%	
NP - NO FOR REJECTION	1,330	36.25%	