



Tampa Bay Water  
Emergency Board Meeting  
July 13, 2015 Minutes

The Board of Directors of Tampa Bay Water met in their offices, 2575 Enterprise Road, Clearwater, Florida 33763.

**BOARD MEMBERS PRESENT:**

**Present:** Chairman – Commissioner Ted Schrader, Pasco County  
Vice Chairman - Council Member Karl Nurse, City of St. Petersburg  
Mayor Rob Marlowe, City of New Port Richey  
Commissioner Sandra Murman, Hillsborough County  
Commissioner Kenneth Welch, Pinellas County

**Present by**

**Phone:** Commissioner Ken Hagan, Hillsborough County  
Commissioner Jack Mariano, Pasco County

**Absent:** Councilman Charlie Miranda, City of Tampa  
Commissioner John Morroni, Pinellas County

**Staff:** Matt Jordan, General Manager  
Alison Adams, Chief Technical Officer  
Christina Sackett, Chief Financial Officer  
Chuck Carden, Chief Operating Officer  
Michelle Biddle, Chief Communications Officer

**Presenters:** Donald Conn, Counsel

**General**

**Counsel:** Barrie Buenaventura, General Counsel

A list of others present who signed the attendance roster was filed in the permanent files of Tampa Bay Water. Staff and Consultants presenting to the Board are listed above.

Chairman Ted Schrader called the Emergency Meeting to order at 9:03 a.m.

**PUBLIC COMMENT**

Chairman Schrader opened the Emergency Board meeting to the public for comment. The following speaker(s) made public comment to the Board of Directors:

Mark Klutho

Public comment was duly recorded and is filed in the permanent records of Tampa Bay Water.

## AGENDA

### A. GENERAL COUNSEL

#### 1. Consideration of settlement of BP oil spill litigation – *Barrie Buenaventura and Don Conn*

Barrie Buenaventura, General Counsel, explained that the BP oil spill occurred in 2010. In December 2012, the agency retained The Penton Law firm and Frank Miranda, P.A., to assess and pursue Tampa Bay Water's claim for economic damages due to lost revenues from fewer visitors to the area resulting in lower water demands and sales. The legal team filed a claim on behalf of Tampa Bay Water in January 2013 for \$3.7 million. BP rejected the claim and Tampa Bay Water filed suit on April 22, 2013, in U.S. District Court in Louisiana. The suit was consolidated with other local governments. In early July 2015, the agency's counsel was notified of possible settlement. Ms. Buenaventura introduced Mr. Conn for a brief presentation.

Chairman Schrader announced those in attendance at the meeting were himself, Councilman Karl Nurse, Mayor Rob Marlowe, Commissioner Sandra Murman, Commissioner Kenneth Welch and Councilman Hagan was present via telephone.

Mr. Conn presented a brief summary of the settlement of the BP oil spill litigation as it relates to Tampa Bay Water's claim for consideration. Mr. Conn explained that a claim was filed on behalf of the agency in the amount of \$3.7 million. The actual loss that was calculated was \$1.24 million as a result of lost revenues that the agency experienced due to the economic impact of the oil spill. The calculation of loss of sales for the period of April 2010 to December 2010 was calculated at 443 million gallons. Mr. Conn stated that it was a very complex lawsuit involving five states, multiple local governments and approximately 40 defendants. The judge in the case appointed a panel of neutrals to review all claims for possible settlement. On July 2, 2015, counsel received notice that a settlement had been proposed. The notice of settlement came with a confidentiality order which prohibited disclosure of the settlement amount until the Board met in public session to consider the settlement. In addition, the proposed settlement requires the plaintiffs to act on the settlement offers by July 15, 2015. Mr. Conn relayed that the settlement offered to Tampa Bay Water is \$1.25 million. If the Board accepts the settlement, there are two actions to be taken. First, acceptance of the settlement document and release. Second, approval of the resolution. Mr. Conn provided a summary of the documents which were provided to the Board.

Commissioner Welch asked how future economic impact would be handled.

Mr. Conn explained that the settlement would release BP from all future claims brought by Tampa Bay Water which were directly related to the spill of April 2010.

Commissioner Welch asked how the Restore Act affects the settlement.

Mr. Conn stated that there is another category of claims that deals with environmental damage as well as civil penalties that BP has to pay. The payout to the five states in civil penalties, economic damages and environmental damages total \$18.7 billion. The State of Florida is receiving \$2 billion for economic damages and local governments throughout the five county area are receiving \$1 billion in lost economic damages. The State of Florida has filed claims for environmental and economic damages.

**Motion:** Councilman Karl Nurse moved for approval of the settlement and release. Mayor Rob Marlowe seconded the motion.

**Vote:** The motion carried by a vote of 7-0.

Chairman Schrader asked if allocation of the settlement funds would be discussed at this meeting or at a future meeting.

Mr. Conn explained that the emergency meeting was called for the sole purpose of consideration of the settlement and recommended the allocation of the funds be addressed at a future meeting.

Chairman Schrader recognized Commissioner Mariano attending via telephone.

**Motion:** Councilman Karl Nurse moved for approval of the Resolution Accepting Full and Final Settlement and General Release. Mayor Rob Marlowe seconded the motion.

**Vote:** The motion carried by a vote of 7-0.

**Adjournment:**

The Board adjourned at 9:19 a.m.

Attest:   
Matt Jordan, General Manager/Secretary

Date: 8/17/15