

Clearwater, Florida –November 6, 2009
Special Board Meeting

The Board of Directors of Tampa Bay Water met via a telephone conference call in their offices, 2575 Enterprise Road, Clearwater, Florida 33763.

BOARD MEMBERS PRESENT VIA TELEPHONE:

Present: Chairman – Commissioner Mark Sharpe, Hillsborough County
Vice Chairman – Commissioner Ann Hildebrand, Pasco County
Council Member James Bennett, City of St. Petersburg
Commissioner Al Higginbotham, Hillsborough County
Commissioner Susan Latvala, Pinellas County
Mayor Scott McPherson, City of New Port Richey
Councilman Charlie Miranda, City of Tampa
Commissioner Ted Schrader, Pasco County

Absent: Commissioner Karen Seel, Pinellas County
Gerald J. Seeber, General Manager

Staff: Rick Lotspeich, General Counsel
Koni Cassini, Director of Finance & Administration
Donald Polmann, Director of Science & Engineering

Other: Marc Bern, Esq., Special Counsel

Chairman Sharpe called the Special Board Meeting to order at 9:04 a.m.

Roll Call was taken by Micki Dempster, Recording Secretary.

PUBLIC COMMENT

Chairman Sharpe opened the meeting to the public. No one was present to speak.

1. In Re: Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation, Tampa Bay Water v. Amerada Hess Corp. et al, United States District Court Southern District of New York, Master File C.A. No. 1:00-1898, MDL 1358 (SAS), M21-88 - Approve three settlement offers

Prior to presenting the agenda item, Mr. Lotspeich advised the Board that Commissioner Seel was out of the country and Mr. Seeber was home ill with the flu. He thanked everyone for their participation in the conference call.

Mr. Lotspeich stated that on October 22, 2009 we received settlement offers from three of the 37 defendants in the pending MTBE litigation and we were under some pressure to get those settlement offers approved in fairly short order which necessitated the need for this special meeting. The only change from the information contained in the memo previously distributed to the Board, is a recalculation was completed on the net amount actually coming to Tampa Bay Water. The adjustment was to the positive and we are going to receive \$111,720 instead of the \$105,816 stated in the memo. He also stated that if there were any questions about the matter, Marc Bern, Special

Counsel in New York, is on the line. There being no questions, he requested a motion to approve the three settlement offers.

Commissioner Higginbotham asked if the meeting had been properly noticed in accordance with the Sunshine requirements. Mr. Lotspeich replied that it had.

Motion: Mayor McPherson moved to accept the settlement offers. Commissioner Hildebrand seconded the motion. A roll call vote was taken and the motion carried unanimously (8-0). Commissioner Seel was absent.

Adjournment:

The meeting adjourned at 9:10 a.m.

Attest: Gerald J. Seel
Gerald J. Seel, Secretary

Date: December 14, 2009