

DATE: December 2, 2019
TO: Board of Directors
FROM: Barrie S. Buenaventura, General Counsel *BSB*
SUBJECT: Legal Services Activity Report for October and November 2019 – *Receive and File*

SUMMARY

The General Counsel Activity Report summarizes the major activities and work effort of the General Counsel and provides an update on the status of ongoing litigation and any other matters being handled by Special Counsel.

RECOMMENDATION

Receive and File.

COST/FUNDING SOURCE

Uniform Rate.

DISCUSSION

The General Counsel provides legal services to the Board and agency staff and manages Special Counsel in their representation of Tampa Bay Water. During October and November 2019, the major activities and work effort for legal services included:

Board of Directors

- Attended the October Board meeting and advance briefings with Board members.
- Attended the November Executive Committee meeting.

Facilities and Property

- Reviewed documents for, and advised agency staff regarding, real estate matters.
- Working with staff on property acquisition issues related to the Southern Hillsborough County Booster Station.
- Working with staff on property acquisition issues related to new pipeline in the southern Hillsborough County.
- Working with staff to address property rights for the new electric power facilities at the Eldridge Wilde Wellfield.

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Administrative Matters

- Reviewing agency administrative rules for potential amendments or updates, in consultation with staff, as requested by the Joint Administrative Procedures Committee.

Science and Technology

- Working with staff on legal issues related to meeting demands in southern Hillsborough County.
- Working with staff on issues related to water quality and contaminants of emerging concern.
- Participated in discussions with staff and attorney teams regarding PFAS.

Contracts and Procurement

- Reviewed contracts and contract amendments for commodities, construction, grants and professional services.
- Advised staff on ongoing procurement matters and assisted with bid review and contract negotiation.
- Working with staff to develop a Construction Manager at Risk contract template for use with the South Hillsborough County Booster Station procurement.

Legislative Matters

- Review bills addressing issues pertinent to Tampa Bay Water and discuss with staff and legislative team.

Coordination with Agency Management

- Participated in weekly meetings with the General Manager and Officers.

Litigation

Big Cat Rescue Corp. v. Tampa Bay Water et al, Case No. 2016-8904, Hillsborough County Circuit Court, Civil Division

Counsel: David Smith and Kristin Shusko, Gray Robinson Law Firm

Issue: Complaint for statutory way of necessity across property in which Tampa Bay Water has an easement for pipelines and appurtenant facilities.

Status: Tampa Bay Water served with Complaint in October 2016. Plaintiff filed Amended Complaint on January 8, 2019. Tampa Bay Water filed its Answer and Affirmative Defenses to Amended Complaint on January 17, 2019. Case remains pending.

Ruben Bazarte, Jr. v. Hillsborough County and Tampa Bay Water, Case No. 2018-275,
Hillsborough County Circuit Court, Civil Division

Counsel: David Smith and Julia Mandell, Gray Robinson Law Firm

Issue: Complaint for damages based on allegations that Plaintiff's drinking water was contaminated with reclaimed water and wastewater. The Amended Complaint includes counts against Tampa Bay Water for negligence; violating the Safe Drinking Water Act; product liability; and breach of warranty.

Status: Tampa Bay Water's insurer is providing a defense to the lawsuit. Discovery is ongoing.
