



J. DAVENPORT, CHAIRMAN
R. HAWES, VICE CHAIR
L. CONRAD, SECY.-TREAS.
J. SMITH, ASST. SECY.-TREAS.
L. KELLY, JR., COMMISSIONER
T. CLOUD, GENERAL COUNSEL
J. BUNCH, GENERAL MANAGER/CEO
D. SIMMONS, EXEC. MGR. / CLERK

AGENDA**
SPECIAL MEETING OF
NEW SMYRNA BEACH UTILITIES
TO BE HELD MONDAY,
SEPTEMBER 12, 2022, AT 3:00* P.M.
200 CANAL STREET, DEBERRY ROOM,
3RD FLOOR, NEW SMYRNA BEACH, FL

(COVID PROTOCOLS – MTG. APPTS., MASKS OPTIONAL)

RESULTS OF SPECIAL NSBU MEETING

ROLL CALL

1. Ratification – Re-Scheduling of Executive Session – Closed Attorney-Client Session

- a. Rescheduled from 9-26-22 to 9-12-22
- b. 9-12-22 Date for Closed Attorney-Client Session Properly Noticed in Orlando Sentinel on 9-4-22
(APPROVED RATIFICATION OF RE-SCHEDULING EXECUTIVE SESSION FROM 9-26-22 TO 9-12-22)

2. Approval – Re-Scheduling of Regular (Reorganizational) NSBU Meeting

- a. Rescheduling from 9-26-22, Monday, 3:00 pm to 9-22-22, Thursday, 10:00 am
(APPROVED RE-SCHEDULING OF REGULAR (REORG.) NSBU MEETING FROM 9-26-22 TO 9-22-22)

***I. Executive Session – Closed Attorney-Client Session**

(RECESSED SPECIAL NSBU MTG. @ 3:04 PM – EXECUTIVE SESSION ATTENDEES RETIRED TO THE 2ND FLOOR CONFERENCE ROOM)

PUBLIC NOTICE

TAKE NOTICE HEREOF THAT IN ACCORDANCE WITH SECTION 286.011(8), FLORIDA STATUTES, THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, WILL GO INTO ATTORNEY/CLIENT SESSION AFTER THE BEGINNING OF A SPECIAL U.C. MEETING TO BE HELD ON MONDAY, SEPTEMBER 12, 2022. **THE BELOW ATTENDEES WILL RETIRE TO THE 2ND FLOOR EXECUTIVE CONFERENCE ROOM TO CONDUCT THE CLOSED SESSION.**

ATTENDEES

NEW SMYRNA BEACH UTILITIES COMMISSIONERS (FIVE):

- 1) CHAIRMAN JAMES DAVENPORT
- 2) VICE CHAIR RICHARD HAWES
- 3) SECRETARY-TREASURER LILLIAN CONRAD
- 4) ASST. SECRETARY-TREAS. JAMES SMITH
- 5) COMMISSIONER LAWRENCE KELLY, JR.

IN ADDITION TO THE FIVE NSBU COMMISSIONERS, EXPECTED ATTENDEES TO THE ATTORNEY/ CLIENT SESSION ARE:

- 6) THOMAS CLOUD, GRAY ROBINSON, P.A.
- 7) JACK KIRSCHENBAUM, GRAY ROBINSON, P.A.
- 8) FRANK MARI, BELL & ROPER, P.A.
- 9) JOSEPH BUNCH, UCNSB GM-CEO
- 10) CERTIFIED COURT REPORTER

THE SPECIAL NSBU MEETING WILL RECOMMENCE AFTER COMPLETION OF THE ATTORNEY-CLIENT SESSION. THE UTILITIES COMMISSION WILL NOT TAKE ACTION IN THE ATTORNEY/CLIENT SESSION, BUT MAY TAKE ACTION CONCERNING SETTLEMENT NEGOTIATIONS AND STRATEGY RELATING TO LITIGATION EXPENDITURES IN OPEN SESSION.



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RESULTS OF SPECIAL NSBU MEETING

3. **Recommendation of Special Meeting – 3rd Floor DeBerry Room**
(CLOSED ATTORNEY-CLIENT SESSION LASTED APPROXIMATELY ONE HOUR – RECONVENED SPECIAL NSBU MEETING IN 3RD FLOOR DEBERRY ROOM)

4. **Possible Action Concerning Settlement Negotiations and Strategy**
(NO ACTION TAKEN RE: SETTLEMENT NEGOTIATIONS AND STRATEGY)

5. **Conclude Special Meeting**
(COMMS. SMITH MADE A MOTION TO ADJOURN THE SPECIAL NSBU MEETING – MEETING CONCLUDED AT 4:02 PM)

* Closed Executive Session will be conducted on the second floor – Executive Conference Room.

** Pursuant to Section 286.0105 of the Florida Statutes, if an individual decides to appeal any decision made by the New Smyrna Beach Utilities, with respect to any matter considered at a meeting or a hearing, that individual will need a record of the proceedings, and will need to ensure that a verbatim record of the proceedings is made. The transcription of such a verbatim will be provided an individual at a cost to be determined by the New Smyrna Beach Utilities in accordance with the full cost to reproduce such transcriptions and copies.

** In accordance with the American with Disabilities Act, persons needing special accommodations to participate in this proceeding should contact the individual or agency sending this notice as soon as possible but no later than two days prior to the proceeding at the address given on the notice.