

SPECIAL INVESTIGATORY COMMITTEE ON JEA

SESSION #5

DATE: Monday, June 22, 2020

TIME: 5:03 p.m. - 5:57 p.m.

PLACE: Zoom

COUNCIL MEMBERS PRESENT:

Scott Wilson, Council President, District 4
Rory Diamond, Chairman, District 13
Randy DeFoor, District 14
Brenda Priestly Jackson, District 10
Joyce Morgan, District 1
Michael Boylan, District 6
Garrett Dennis, District 9
Terrance Freeman, Group 1
Ronald Salem, Group 2
Sam Newby, Group 5

ALSO PRESENT:

Dr. Cheryl Brown, City Council Director
Steve Cassada, IT Administrator
Melanie Wilkes, Council Support Services
Eric Grantham, Council Support Services
Jeff Clements, Chief of Research
Yvonne Mitchell, Council Research
Kyle Billy, Council Auditor
Kim Taylor, Council Auditor's Office
Heather Reber, Council Auditor's Office
Jeff Rodda, Council Auditor's Office
Peggy Sidman, Office of General Counsel
Paige Johnston, Office of General Counsel
Jason Gabriel, Office of General Counsel
Jody Brooks, Office of General Counsel
Chris Garrett, Office of General Counsel
Steve Busey, Smith, Hulsey & Busey
Kurtis Wilson, JEA
Bruce Dugan, JEA

1 P R O C E E D I N G S

2 CHAIRMAN DIAMOND: This is the Special
3 Investigatory Committee of JEA. It's June
4 22nd at 5:00 p.m. We will call this meeting
5 to order.

6 Can you please announce who all is here
7 and present.

8 DR. BROWN: We have Council Member
9 DeFoor, Diamond, Priestly Jackson, Boylan,
10 Salem, and Newby. We also have the
11 independent counsel, Mr. Busey; and we have
12 OGC with Christopher Garrett and Peggy
13 Sidman, and we also have, I think it's,
14 Sean.

15 CHAIRMAN DIAMOND: I see Jason Gabriel
16 is on there.

17 DR. BROWN: And there is Jason, thank
18 you.

19 CHAIRMAN DIAMOND: I see our awesome
20 Council Auditors are on also.

21 Thank you, everyone, for being here.

22 Join me in the Pledge of Allegiance.

23 Find an American flag.

24 (Pledge of Allegiance.)

25 CHAIRMAN DIAMOND: I have to put

1 American flags in every room where I Zoom so
2 I don't feel like a fool.

3 All right. So let's first go to OGC to
4 talk about where we are on our subpoenas,
5 and then we can go to outside counsel to
6 talk about their interviews and all the
7 rest. But if we want to hear just on the
8 document subpoenas, where we're at.

9 MR. GABRIEL: Council Member Diamond, if
10 you don't mind, can I turn it over to Chris
11 Garrett. I think he can give a good, quick
12 recap of where we are on the subpoenas.

13 CHAIRMAN DIAMOND: Certainly.

14 Chris, go ahead.

15 MR. GARRETT: Thank you. Just briefly,
16 we have gotten responses now from Morgan
17 Stanley, they provided several thousand
18 documents. We're working with -- Chris Dix
19 and I had a call today with their counsel to
20 obtain some additional metadata about those
21 to make them more easily searchable. But
22 they have provided a substantial amount of
23 information.

24 E&W Development Corporation responded
25 last week. They provided, I think it was, a

1 two-page list of consultants and attorneys.
2 They did not have any other responsive
3 documents to the request. And the last was
4 IFM Investors, and they responded that they
5 had one consultant; and however, they've
6 asked that that consultant's name be
7 maintained as trade secret. So that's --

8 CHAIRMAN DIAMOND: Got it.

9 MR. GARRETT: That's something that we
10 may want to discuss offline.

11 CHAIRMAN DIAMOND: Okay. Yeah,
12 understood. Before we move on, do any of
13 our Committee Members want to discuss any of
14 those items before we -- I'll go to
15 Mr. Busey to see if he's had a chance to
16 start going through these.

17 Okay. Mr. Busey, have you had a chance
18 or, Jason, has your team, has anybody had a
19 chance to start to go through these
20 documents we're getting from JP Morgan and
21 Morgan Stanley, in particular? We'll start
22 with Mr. Busey.

23 MR. BUSEY: I'm sorry. Rory, would you
24 say that question again, please.

25 CHAIRMAN DIAMOND: Yeah, certainly. Has

1 your team had a chance to start looking at
2 the JP Morgan or Morgan Stanley documents
3 yet? Do you have access to those?

4 MR. BUSEY: We have access, but we
5 haven't gotten into them yet.

6 CHAIRMAN DIAMOND: Okay. But I would
7 imagine you plan on jumping into those
8 relatively soon.

9 MR. BUSEY: In short form -- and Chris
10 Garrett can add substance to this -- we have
11 been through approximately 350,000
12 documents. Chris Garrett has told us what
13 he's delivering to us this week. We
14 understand we're going to get another 30,000
15 documents, which we would be able to search
16 within the next week or two.

17 So we're working well with OGC now. And
18 JEA has been very forthcoming with the
19 documents. So we're getting documents from
20 the outside consultants. So we're well
21 under way in the course we talked about at
22 our last meeting.

23 CHAIRMAN DIAMOND: Chris, correct me if
24 I'm wrong, or, Mr. Busey, just let me know,
25 but for everybody listening, at the

1 beginning of this process we had a very
2 extensive, 84-point document request to JEA.
3 And it took a while for those documents to
4 get flowing, but now most of those -- or a
5 lot of the responsive documents are in the
6 hands of our outside counsel, and they're
7 going through them now. And we've already
8 come up with several very interesting
9 documents.

10 In addition to that, we issued over 20
11 subpoenas to the bidders asking for
12 documents related to their involvement with
13 JEA. And it sounds to me like almost every
14 single one of those has now been responded
15 to.

16 Is there anything outstanding, Chris,
17 that hasn't been responded to yet?

18 MR. GARRETT: There are -- as far as
19 subpoenas that have been served, JP Morgan
20 is in the process of providing us with
21 documents. We've been -- I had a
22 conversation with them last -- their
23 attorney last week. They had some questions
24 about privilege. We're working through
25 those, Jody Brooks and I. And we'll be --

1 should be getting some documents flowing in
2 from them soon, just like we did for Morgan
3 Stanley.

4 And then the only two other outstanding
5 issues are Three Degrees Group and New
6 Solutions For Business. Those were two that
7 we were never able to serve. And we have
8 issued updated subpoenas with a response
9 deadline of July 27. And those have been
10 sent out to process servers. And they're
11 going to take another shot at getting them,
12 especially now that some of the
13 shelter-in-place orders have been relaxed in
14 various places. And these two in
15 particular, one is in California, in San
16 Francisco, and the other is in Yulee, in
17 Nassau County.

18 CHAIRMAN DIAMOND: Gotcha. Well, heck,
19 I can drive the one to Yulee. I haven't
20 been a process server in a while.

21 All right. Well, that sounds good. Do
22 any of our Council Members have any
23 questions about our outstanding subpoenas?
24 We'll start with that before we get to the
25 request for interviews.

1 COUNCIL MEMBER DeFOOR: I do.

2 CHAIRMAN DIAMOND: Shoot.

3 COUNCIL MEMBER DeFOOR: Okay. Going
4 back to -- is it IMF, Chris?

5 MR. GARRETT: IFM.

6 COUNCIL MEMBER DeFOOR: IFM -- sorry, I
7 had to run and go get a pen -- and they're
8 claiming that their -- I've never heard of
9 this trade secret being a consultant. Has
10 that information been presented to
11 Mr. Busey?

12 MR. GARRETT: I sent an email earlier,
13 just probably early afternoon, that had that
14 information in it, but I don't know that
15 he's had a chance to look at it yet. I have
16 sent a copy of the unredacted response to
17 Mr. Busey's team and it's -- I had a
18 conversation today with Latham & Watkins who
19 is the attorney for IFM, and try to get them
20 to kind of back off of the claim, but they
21 have stuck to their guns so far, at least in
22 saying that's important to them; it would
23 cause them injury if their competitors knew
24 who they used for these types of acquisition
25 deals. And they also said that they got out

1 fairly early and didn't feel like the name
2 was of great importance to the investigation
3 so much because of the lack of involvement
4 that they had in the ITN. But again, that's
5 definitely something we can talk about
6 further --

7 COUNCIL MEMBER DeFOOR: I would like
8 to -- I mean, is it a local person?

9 MR. GARRETT: No. It's -- I believe
10 he's in New York.

11 COUNCIL MEMBER DeFOOR: Okay. I'll
12 leave it up to --

13 CHAIRMAN DIAMOND: Councilwoman DeFoor,
14 maybe what we can do is, if Mr. Busey looks
15 at it, maybe he can tell us if it's
16 worthwhile. If it's a hot name that we need
17 to know about, then we can pursue it. If he
18 says, look, it's just somebody who is in
19 that business and has no relationship with
20 Jacksonville or our ITN, maybe we can just
21 look the other way and say --

22 COUNCIL MEMBER DeFOOR: That's exactly
23 where I was going.

24 CHAIRMAN DIAMOND: Mr. Busey, does that
25 make sense?

1 MR. BUSEY: It does. We've been through
2 this with a number of the claims of
3 privileges, confidentiality, trade secrets
4 from these people who have been subpoenaed.
5 And I really think those claims are way
6 overstated and probably unenforceable. It's
7 something that we've been dealing with OGC
8 about.

9 The question that Councilman DeFoor just
10 asked is, is it really worthwhile to pursue
11 this. And we're going to go through there
12 and look at more precisely the claim of
13 privileges, confidentiality, trade secrets.
14 And if we think it's important for the
15 Committee to pursue it, necessitating
16 further action by the Committee, we'll get
17 back to you and make that report. I
18 understand the question.

19 CHAIRMAN DIAMOND: Excellent. And
20 perhaps, in order for us to kind of keep all
21 these straight in our heads, maybe we can do
22 a spreadsheet, a simple like, here are all
23 the ones that, you know, claim privilege or
24 something and, you know, these are the ones
25 that we thought were worth fighting and

1 these ones weren't. And anybody who wants
2 to look at what we did and didn't do can
3 say, you know, here is why.

4 MR. BUSEY: We'll do that.

5 CHAIRMAN DIAMOND: Just to keep it
6 organized.

7 Okay. Anything else on documents and
8 document subpoenas?

9 Okay. Then we can move on to the six
10 interviews that we discussed.

11 Before we get to that, can we get an
12 update on other interviews that happened
13 besides the six we talked about two weeks
14 ago just so we have a full update on those,
15 Mr. Busey.

16 MR. BUSEY: I don't know if I can do
17 that off the top of my head.

18 CHAIRMAN DIAMOND: Or if you can tell us
19 just kind of where we're at and if there is
20 anybody who is still resisting or if you've
21 taken them all.

22 MR. BUSEY: We've taken about five
23 depositions. And everybody has been
24 cooperative so far. The problem we ran
25 into, the ones the Committee identified at

1 our last meeting, the six, are the ones I'm
2 getting ready to report on.

3 CHAIRMAN DIAMOND: Other than these six,
4 there are no outstanding requests for a
5 deposition or interview where someone is
6 saying no; is that right?

7 MR. BUSEY: No, there are no outstanding
8 requests, except for what we're about to
9 talk about.

10 CHAIRMAN DIAMOND: 10-4. All right.
11 Let's go through the six, please.

12 MR. BUSEY: Mike Weinstein has not hired
13 a lawyer and has agreed to talk to us
14 voluntarily, and he's coming in Friday
15 afternoon, completely cooperative.

16 Brian Hughes, has responded to me over
17 the weekend through counsel that he will
18 voluntarily appear, and he just asked for
19 dates. So we're going to set those dates up
20 this week.

21 CHAIRMAN DIAMOND: And to be clear, when
22 Mr. Hughes says that he's volunteering, he
23 means to appear before you for a deposition?

24 MR. BUSEY: That's correct, come to our
25 office and take a deposition, not before the

1 Committee.

2 CHAIRMAN DIAMOND: Okay.

3 MR. BUSEY: Kelly Flanagan has counsel
4 and has expressed to us a preference that
5 she not give testimony. I told her counsel
6 that, if she declined to appear, that the
7 Committee would consider this evening having
8 the Rules Committee issue a subpoena to
9 compel her appearance; and if that happened,
10 it would require her appearance before the
11 Committee itself in a publicly noticed
12 meeting. When I told her that, her counsel
13 said that she would then voluntarily appear
14 in our office for a deposition. But it was
15 only under the understanding that, if she
16 didn't, that the Committee would ask the
17 Rules Committee to issue a subpoena. So I
18 wanted you to know the circumstances of that
19 agreement to appear.

20 Allen Howard has so far declined to
21 appear. I've talked to his counsel.
22 They're trying to get the U.S. Attorney to
23 say that would constitute an interference
24 for the grand jury. And I have not received
25 such word from the U.S. Attorney yet. And

1 we've been in regular communications with
2 Mr. Duval.

3 Sam Mousa has declined through counsel
4 to appear; and I haven't heard from Tim
5 Baker. That's a complete report on
6 answering your questions.

7 CHAIRMAN DIAMOND: Let me go to Members
8 of the Committee. Who has questions?

9 COUNCIL MEMBER DeFOOR: No questions.
10 Just do we need a motion to -- for a
11 subpoena or what is the proper posture for
12 that?

13 CHAIRMAN DIAMOND: There would have to
14 be a motion, a second, and a vote. So if we
15 can, I guess, maybe start with Ms. Flanagan,
16 just so I have the posture of this
17 correctly, is that it was essentially under
18 threat of subpoena that she's agreed to do
19 it. So do we not need to do that today?

20 MR. BUSEY: You're right, it's under
21 threat of subpoena. If you don't need --
22 the real issue is the other ones who have
23 declined to appear. Are you going to issue
24 subpoenas for them or not?

25 CHAIRMAN DIAMOND: So maybe we can come

1 back to Ms. Flanagan and go with Mr. Howard.
2 So what is the Committee's will as far as
3 Mr. Howard?

4 COUNCIL MEMBER DeFOOR: I think -- it's
5 my position that we have to go forward with
6 subpoenas for anyone who refuses to come
7 before Mr. Busey to give testimony. So I
8 move that Allen Howard, Sam Mousa and, since
9 we haven't heard from Tim Baker, Tim Baker,
10 that we issue subpoenas to bring them before
11 this Committee.

12 CHAIRMAN DIAMOND: Ms. Priestly Jackson.

13 COUNCIL MEMBER PRIESTLY JACKSON: Before
14 we entertain the motion from Ms. DeFoor, can
15 we have General Counsel Jason Gabriel
16 explain to the Committee a part of the
17 conversation you shared with me earlier in
18 which situations the Committee can request
19 or require subpoenas or request subpoenas be
20 issued by the Rules Committee and what those
21 situations are? And please let us know if
22 those individuals that we are proposing to
23 subpoena fall within that purview.

24 CHAIRMAN DIAMOND: I mean, we've always
25 run these kind of informally. So if you

1 don't mind, Ms. DeFoor, we'll just hang
2 tough with your motion, you can restate it
3 whenever you want, but if you don't mind,
4 we'll go to Mr. Gabriel and listen to what
5 he has to say. And if you want to restate
6 your motion, completely fine.

7 COUNCIL MEMBER PRIESTLY JACKSON: And I
8 was raising my hand before she did it.

9 CHAIRMAN DIAMOND: My apologies.
10 Jason.

11 MR. GABRIEL: Jason Gabriel, General
12 Counsel.

13 The two principle issues with respect to
14 sworn testimony, number one, you obviously
15 want to make sure whoever you're asking to
16 come in to give the testimony, that that
17 testimony is tied to the relevancy and the
18 purpose and the scope of this Committee; and
19 as a corollary to that, tied to a
20 legislative purpose. So I think it's going
21 to be important that this Committee and then
22 when -- and obviously, y'all would vote.
23 And if that were successful, that would go
24 on to Rules.

25 And I think Rules would have to, in

1 issuing the subpoena, make a statement, a
2 clear statement, as to the relevancy of the
3 testimony tied to the mission and the
4 legislative purpose to which you're trying
5 to accomplish something with that sworn
6 testimony. That's number one.

7 And number two, I'll reiterate what I
8 said at the last meeting, which is, again,
9 across the board, when it comes in
10 particular to sworn testimony, it is my
11 professional judgment that this Committee
12 should be very careful in that territory and
13 in that terrain, because it runs the
14 possibility of interfering with any grand
15 jury or federal investigation. I stick by
16 that professional determination that I made.
17 And I know Steve Busey can give his two
18 cents on that.

19 But again, the two full issues here are,
20 one, what is the legislative purpose, and to
21 identify that. And number two, the -- you
22 know, always keeping in mind that, you know,
23 not trying to do anything that in any way
24 even indirectly interferes with any federal
25 grand jury or federal investigation,

1 because, quite frankly, you just don't know
2 how testimony is being used in any, you
3 know, private type of investigation.

4 So anyway, with respect to that, that's
5 where I stand on that. So if you're going
6 to -- because here is the thing, when you
7 get into the terrain of subpoenas, that's
8 perfectly fine if that's what this Committee
9 desires to do, and we can go through those
10 motions. But ultimately, that point, if
11 it's litigated, we will need as counsel, and
12 whether it's Steve Busey and Smith, Hulsey &
13 Busey doing this on our behalf or otherwise,
14 we will need appropriate justification and
15 legislative purpose in why we're pursuing
16 certain sworn testimony. That's all I have
17 at this moment.

18 CHAIRMAN DIAMOND: Ms. Priestly Jackson.

19 COUNCIL MEMBER PRIESTLY JACKSON: And so
20 I will tell you that my position, I think
21 I've been pretty clear, and as one of the --
22 as the one SSE member who actually served as
23 a criminal defense attorney in the early
24 years of our practice for 13 years, I
25 believe we have an obligation as a Committee

1 to request the evidence, i.e., witness
2 testimony of those that we feel have
3 information germane to the charge given to
4 us by Council President Wilson. So I think
5 we request the testimony. Those that agree
6 to voluntarily come before us, that's fine
7 if they want to do that. But I, in no
8 uncertain terms -- if they are under the
9 advice of counsel during a pending grand
10 jury investigation, right -- a federal
11 investigation, rather, advised not to come
12 talk to us, I totally understand and agree
13 with that, and I don't have a problem with
14 that. That's what I would advise my clients
15 if I still did criminal defense work. So
16 that I actually have to share.

17 It's a little hard for me to separate my
18 old criminal defense hat, even though I
19 haven't worn it in over a decade, but that's
20 my natural inclination; if they're willing
21 to come, fine, offer it. But if their
22 attorney, under the advice of counsel, says
23 no, kind of like we had with Ms. Dykes,
24 correct, then I totally get that and
25 understand that and don't want a subpoena

1 issued in those instances. So that's where
2 I am.

3 CHAIRMAN DIAMOND: Ms. DeFoor.

4 COUNCIL MEMBER DeFOOR: If I can just
5 respond to that, our job isn't to represent
6 these people in a criminal defense manner,
7 that's not our job. Our job is to follow
8 the charge. And the only way that we're
9 going to get in the cross hairs of the
10 federal investigators is if one of these
11 witnesses becomes their witness. And when
12 they become a prosecutor's witness, then
13 it's an issue, and I agree with you. But
14 the ones that I have named have not been
15 identified as witnesses on their behalf.

16 BOARD MEMBER PRIESTLY JACKSON: And I'll
17 respond to that. I think that's a
18 difference of opinion in what we took as our
19 legal interpretations of that. I'm going to
20 think that, if they retained counsel, that
21 they have some connection or nexus to the
22 federal investigation. I'm going to just
23 make that assumption. So again, my position
24 does not change. If they have been given
25 the advice of counsel not to give sworn

1 testimony before this Committee, I am not
2 inclined to vote to issue a subpoena for
3 them. I am one of four, so that leaves the
4 others. My position does not change, and I
5 stand by that.

6 COUNCIL MEMBER DeFOOR: Well, I would
7 respond to that by saying I would get -- run
8 and go get a counsel, that's easy. If I was
9 anybody that was asked, I would go get
10 counsel in a heartbeat, because no one is
11 going to want to come before our
12 Committee under those circumstances, nobody.
13 At that point we have no power whatsoever.
14 We might as well close the Committee, we
15 might as well finish.

16 BOARD MEMBER PRIESTLY JACKSON: I think,
17 again, different interpretation. I have
18 been consistent with what I thought our
19 charge was in the document provided. And I
20 have been consistent in what I thought my
21 scope was as a legislator in terms of having
22 a final report consistent with our charge.
23 I don't know that we are lock-stepped in our
24 interpretation of the charge.

25 So again, I stand by my position. I

1 certainly believe you, Ms. DeFoor, stand by
2 yours. Again, I am one of four.

3 COUNCIL MEMBER DeFOOR: Mr. Chair, I
4 would like to read the charge, if that's
5 okay. It just was reissued, actually.

6 BOARD MEMBER PRIESTLY JACKSON: Yeah, I
7 don't need you to read the charge to me; I
8 read it. And you're not going to change --
9 in your 30 years of practice, along with my
10 25, you're not going to change my
11 interpretation of it. I think you have a
12 motion, you need a second, and then the Body
13 can vote.

14 CHAIRMAN DIAMOND: Ms. DeFoor, you have
15 the floor, and we'll entertain any motions
16 you have. And we'll make sure our Council
17 President has a chance to weigh in. And
18 we'll see if there is a second here.
19 Mr. Wilson will have to second it.

20 COUNCIL MEMBER DeFOOR: Right. My
21 motion is to subpoena Allen Howard, Sam
22 Mousa, and Tim Baker to come before this
23 Committee to address the charge to
24 investigate JEA matters related to recent
25 pursuit of the strategic option to

1 potentially privatize JEA.

2 CHAIRMAN DIAMOND: Do we have a second?

3 COUNCIL PRESIDENT WILSON: So I missed
4 it, Mr. Chairman. I'm sorry if I'm
5 interrupting. I missed a lot of the early
6 conversation. So can you just kind of get
7 me up to speed?

8 CHAIRMAN DIAMOND: Absolutely, yeah. I
9 mean, essentially, it is coming down to
10 whether or not you second this. So
11 absolutely, we'll give you an opportunity
12 here, I'm assuming.

13 So, Mr. Busey, could you explain the
14 situation behind Ms. DeFoor's motion.

15 MR. BUSEY: In our last meeting, the
16 Committee has requested our firm as outside
17 counsel, independent counsel for the
18 Committee, to ask for the sworn testimony of
19 six witnesses, and we've done that. And two
20 of them have agreed to appear; two of them
21 have declined to appear; one of them has
22 made no response at all; and Ms. Flanagan
23 has agreed to appear only under the threat
24 of a subpoena by this Committee.

25 And the question before the Committee

1 now is do you want, under those
2 circumstances, to subpoena the people who
3 have declined to appear or not. I think
4 we've talked about this before. We've been
5 in pretty consistent communication with the
6 United States Attorney's Office, because I
7 have communicated to the United States
8 Attorney's Office the desire of this
9 Committee not to interfere at all with the
10 grand jury investigation. And because of
11 those communications, we have been asked
12 specifically not to take the sworn testimony
13 of the two individuals, and under the
14 circumstances we have deferred because of
15 the Committee's wish not to interfere with a
16 grand jury subpoena.

17 I specifically asked the U.S. Attorney
18 if there was a problem with taking other
19 witnesses other than the ones that have been
20 identified by the grand jury. And I was
21 told they had no objection. So it's really
22 up to the Committee as to how you want to
23 proceed.

24 At our last meeting I told you all that
25 we could complete this investigation and

1 bring it in within the next several months
2 with the data we have, the 350,000 documents
3 we've gotten to date, interviews we've
4 gotten to date, and the next 30,000
5 documents we hope to see in the next couple
6 of weeks, or we can be more complete and
7 take the subpoena to the people who have
8 declined to appear. And it's entirely a
9 Committee decision at this point.

10 CHAIRMAN DIAMOND: And then just for
11 Mr. Council President, Jason, if you could
12 provide kind of your background so that
13 Scott can have everything he needs to make
14 up his mind.

15 MR. GABRIEL: Yeah. So through the
16 Chair to Council Member Wilson, I was just
17 reiterating the points I made before. And
18 I'm trying to simplify it, it's twofold:
19 One, what is the legislative purpose for any
20 sworn testimony you're going to seek, and
21 that's important in terms of any subpoenas,
22 because to the extent we may be having to
23 fight those subpoenas in court, we would
24 want that justification; at the end of the
25 day, what is the legislative purpose, the

1 policy matter, the charter change, the
2 ordinance code changes that are the
3 inspiration for wanting that sworn
4 testimony. So you have to tie any evidence
5 that you're seeking here, in this case sworn
6 testimony, to a legislative purpose and to
7 the scope of this Committee's work. So
8 that's one.

9 And number two, I reiterated what I said
10 last time, and I stand by it, the issue of
11 potentially interfering with the federal
12 grand jury investigation. My take is
13 perhaps a little different from Mr. Busey's
14 in that I know, you know, Mr. Busey is
15 identifying particular witnesses. I think
16 that's a little bit dangerous, because I
17 think that we don't know exactly what
18 witnesses are being talked to and for what
19 reasons.

20 In every situation the testimony could
21 be used for a different purpose. I don't
22 think we can be the adjudicators of which
23 testimony will be used when and for what
24 purposes. So that's not in our domain and I
25 don't think it's even prudent to even talk

1 about this publicly. And there is a reason
2 why federal grand juries are quiet and
3 discreet. There is a lot of reasons for
4 that.

5 So in any event, I would ask that, you
6 know, two standard principles be taken into
7 account as you guys decide what you want to
8 do. One, what is -- what are you tying this
9 sworn testimony to in terms of your
10 legislative purpose and scope and the scope
11 of what this Committee is accomplishing.
12 And number two, always be on the lookout for
13 the potential for any interference with a
14 grand jury investigation.

15 And just by way of example -- I'm trying
16 to pull this up as I speak here -- I think
17 when Mr. Busey sent out the invitations last
18 week -- I'll read you one in particular.
19 Give me a second here.

20 Mr. Busey, you may have it. It's the
21 one with respect to Mr. Mousa. His
22 attorney, Chuck Arnold, did respond. And I
23 think it's a worthwhile statement to put on
24 the record here. Let me read it to you.

25 This is from Mr. Arnold, who is the

1 attorney representing Mr. Mousa, Friday,
2 June 19th at 2:10 p.m. -- and I can
3 circulate this to everyone -- "I represent
4 Mr. Sam Mousa, who received your email dated
5 6/18/2020 requesting him to provide a sworn
6 statement to you concerning matters that are
7 being investigated by the Special Council
8 Committee looking into JEA matters. As you
9 are aware, a United States Grand Jury for
10 the Middle District of Florida is conducting
11 an investigation into those JEA matters.
12 Mr. Mousa has provided information to that
13 grand jury, and to elaborate further on the
14 grand jury investigation could interfere
15 with their important work. Further, to
16 provide testimony to you that will be made
17 public could also interfere with the work of
18 the grand jury.

19 "Until the grand jury investigation is
20 concluded, Mr. Mousa respectfully declines
21 your request to provide a sworn statement.
22 Chuck Arnold, Attorney for Sam Mousa."

23 So again, I think, you can take that and
24 process that as you wish, but that is, you
25 know, something we've been consistently

1 bringing to the attention of this Committee.
2 And, obviously, you'll decide what you want
3 to do, and I'll leave it at that. Thank
4 you.

5 CHAIRMAN DIAMOND: Mr. President, the
6 floor is yours if you have other questions
7 or comments.

8 COUNCIL PRESIDENT WILSON: Yes, sir. So
9 what legislative purpose or what will we
10 gain from their testimony? Do we have an
11 idea of what we're looking for? I don't
12 know who I'm asking this question to, so
13 whoever you think is appropriate.

14 COUNCIL MEMBER DeFOOR: I'll take it.
15 First of all, we have to determine what
16 exactly happened, that's part of the charge,
17 to be able to get -- to be able to address
18 some of the concerns and legislative changes
19 that we need to make with the JEA. I mean,
20 today we had a long meeting. And a lot of
21 that, changes we made, quite honestly, came
22 from stuff we learned through this
23 Committee, using consultants for early on to
24 look into privatization. You know, we're
25 now dealing with that legislatively. That

1 would address, you know, quite frankly, the
2 Tim Bakers of the world, you know, and Sam
3 Mousa actually too. I think he was involved
4 with hiring PFM.

5 So there are things that we can learn
6 from these people that we can then make
7 changes legislatively to ensure that it
8 won't happen again.

9 CHAIRMAN DIAMOND: Ms. Priestly Jackson,
10 I do see you've had your hand out. Did you
11 want to talk now or --

12 BOARD MEMBER PRIESTLY JACKSON: I did.

13 So Council President asked the question,
14 and I take the opposite view, Mr. President
15 Wilson. I don't think that we should have
16 subpoenas issued by the Rules Committee if,
17 under the advice of counsel, individuals
18 we've called as witnesses are not
19 comfortable giving sworn testimony before
20 this Committee. And I don't think I can
21 articulate it better than Chuck Arnold did.
22 And I would advise any client that I had,
23 regardless, to not offer sworn testimony if
24 there was a pending federal investigation.

25 And so, for me, the charge relates to

1 our investigating JEA matters that could be
2 prevented in the future through legislative
3 action. So today we had the wonderful
4 opportunity to review the entire redraft of
5 Chapter 21 in Mr. Boylan's workshop, which
6 is kind of a culmination of our work. And
7 so there can possibly be other legislation
8 brought forth throughout this Body in
9 charter changes or City Council rule changes
10 or something else. I still think we can
11 move forward with that.

12 I think we have an obligation to request
13 the testimony of those that we think have
14 relevant information. I am not inclined to
15 compel the testimony through a subpoena for
16 those who, under the advice of counsel, have
17 been told to not offer sworn testimony. And
18 that's my -- that's, to me, totally
19 different from my ask. We did the ask.
20 Some said they would, some said they
21 wouldn't.

22 But I respect the advice of counsel to
23 their clients and would not begin to second
24 guess why counsel told their client that.
25 And I am less inclined to see the right

1 nexus of a legislative purpose in getting
2 subpoenas to have them come forward at this
3 point.

4 CHAIRMAN DIAMOND: Council President,
5 hate to put you on the hot seat, but we
6 basically have two paths ahead of us as far
7 as I can tell: You're either going to
8 second the motion or we can punt to the next
9 meeting if you need time to understand this
10 issue more, I understand it is complex, or
11 we can deal with it right now with a vote.

12 COUNCIL PRESIDENT WILSON: Have you
13 shared an opinion, Mr. Chairman?

14 CHAIRMAN DIAMOND: I have not. And I'll
15 be candid, I think that, if I had
16 information to share with the Committee and
17 I just didn't feel like doing it and all I
18 had to do is say, "My counsel said no," I
19 would find a counsel who would say no,
20 that's pretty easy. That's my two cents.

21 And I respect Ms. Priestly Jackson's
22 statement; I get it, compelling testimony is
23 a big step, but we can if we want. The
24 question is do we want to.

25 I think there are a lot of people we can

1 talk to that have a lot of good information
2 who can provide us a lot of background about
3 what happened. The question is do we need
4 that in order to fill the charge. And I
5 think everyone is going to have to make up
6 their mind on that.

7 COUNCIL PRESIDENT WILSON: So I'm not
8 ready to second it today. And I say that
9 because I respect what Council Member
10 Priestly Jackson is saying. I've said all
11 along that attorneys for folks involved are
12 going to discourage their clients from
13 participating in a public meeting when they
14 know they will be speaking with the federal
15 government privately later.

16 And so I think if we did issue the
17 subpoenas through the Rules Committee and
18 requested they require that testimony, I
19 honestly think that they're going to show up
20 or they're not going to show up. And when
21 they do, they're going to plead the Fifth
22 and not really provide any information.

23 I say all that, and while I continue to
24 think through this, I'm struggling, because
25 I can go either way to be honest with you.

1 I do believe the testimony is important. I
2 believe the public wants to know what
3 happened and the public has a right to know
4 what happened. So, you know, if I had a
5 little more time, I might change my thought
6 process, but at this point I'm leaning on
7 the advice of our attorneys, both our
8 professional counsel and our attorneys
9 through the Office of General Counsel, as
10 well as the attorneys that I've listened to
11 on this Committee.

12 So I'm going to -- at this point I'm not
13 going to second it. I would -- I think it
14 would be a good idea to allow myself, as a
15 lay person that doesn't really understand
16 the law as well as y'all do, a little more
17 time to talk with Mr. Busey
18 and/or Mr. Gabriel to better understand
19 where they're coming from, if that's
20 allowable. If it's not, then I really have
21 no control over that then.

22 At this point I'll decline the second
23 and support Council Member Priestly Jackson,
24 but I certainly am not at 100 percent
25 comfort level because I don't understand all

1 the nuances that y'all talk about in the
2 legal limbo world. So thank you.

3 CHAIRMAN DIAMOND: Okay. Ms. DeFoor,
4 I'll give you the floor.

5 COUNCIL MEMBER DeFOOR: I can table it.
6 You know, having -- if we don't have
7 Ms. Priestly Jackson's support -- she is
8 Chair of the Rules Committee, so it's going
9 to be hard to get that through anyway.

10 You know, it's frustrating, I will tell
11 you, because I'm sitting here thinking what
12 more do we have to do then. Because I can
13 tell you no one is going to come talk to us
14 anymore unless -- I wouldn't. And I
15 wouldn't -- if I were -- I just wouldn't
16 come, I would get an attorney, say no.

17 So I think maybe we should consider
18 wrapping it up. I don't know. Tell me what
19 more we're going to do if we don't. Someone
20 explain to me what else we've got going left
21 then.

22 CHAIRMAN DIAMOND: 10-4.

23 Ms. Priestly Jackson.

24 COUNCIL MEMBER PRIESTLY JACKSON: I'm
25 not necessarily answering the second half of

1 Ms. DeFoor's question. I am saying that I
2 think we all had an opportunity to read the
3 subpoena that was provided to JEA, every
4 Member of the Committee has. So I think
5 that, because of the legal knowledge and
6 experience on this Committee, it was
7 reasonably foreseeable to see those that
8 would be what you want to call lawyered up
9 at some point in time. It was reasonably
10 foreseeable, so there were no big shockers
11 to me in terms of those who through counsel
12 say they won't come talk to us.

13 And so, for me, I believe we are
14 fulfilling the charge that is before us. So
15 we've got charter changes, we have -- we're
16 going to continue moving forward in terms of
17 getting a final report from this Committee
18 that's going to talk about what started
19 when, who the actors and agents were of
20 that, not so much the individual as
21 positioned, were they on the senior
22 leadership team, were they on the JEA board,
23 were they some other person. Those are the
24 things to me that we have the authority to
25 control.

1 If there are things that we think push
2 people down a particularly ethically
3 compromised position that actually may lead
4 to a criminally compromised position, we
5 then change the Charter to litigate against
6 that. So I don't see any problem with what
7 we're doing or what we have done today.

8 I think that that -- you asked the
9 question, Ms. DeFoor, a moment ago in terms
10 of -- I think there is other work, I think
11 we'll finish this meeting today, and we'll
12 get a clear vision of, you know, some other
13 things we need to bring this in for landing.
14 But let me be really clear, when I asked our
15 General Counsel, Jason Gabriel, to talk
16 about the bases for a subpoena, and he said
17 relevancy and then he said also legislative
18 purpose, right, so the relevancy to what
19 we're doing, those are high thresholds. And
20 I -- last I checked, if we're going to talk
21 about for our legislative purpose on a
22 charge that was crafted by the Office of
23 General Counsel, with the Council President,
24 I would need his resounding endorsement that
25 it was relevant and it was for a legislative

1 purpose, right. And I don't know that,
2 based on what he said today, he thinks he'd
3 be able to offer that in defense of
4 subpoenas.

5 And, Mr. Gabriel, please, if I'm
6 misspeaking, please share.

7 And so that, to me, is a different
8 threshold, right. So I don't see it as a
9 barrier at this point, but I'm very mindful,
10 which is why I asked him to tell you what's
11 the basis for the Rules Committee. I didn't
12 make those up, those didn't come from me.
13 He said relevancy and the legislative
14 purpose of it. And the legislative purpose
15 of the entirety of the charge, which is
16 we're looking at charter changes and other
17 things along those lines. So that, again, I
18 got that from him.

19 If there is something else I'm missing,
20 Mr. Jason, Mr. Gabriel, please let me know
21 in terms of who would be the ultimate
22 decider on that relevancy and legislative
23 purpose.

24 CHAIRMAN DIAMOND: Jason, do you have
25 anything to add?

1 And I'll get to these other Committee
2 Members -- or non-Committee Members.

3 MR. GABRIEL: Was that to me,
4 Mr. Diamond?

5 CHAIRMAN DIAMOND: Do you have anything
6 to add in response? I'm just checking.

7 MR. GABRIEL: No. I think Council
8 Member Priestly Jackson definitely hit it on
9 the head and summarized it. I mean, that's
10 exactly right. At the end of the day, the
11 Body, the full City Council is the ultimate
12 decider on we provide the standards and the
13 criteria and interpretations, et cetera, you
14 all will be the ultimate deciders on what is
15 relevant or not and what is tied to a
16 legislative purpose or not. But we can
17 certainly help you and guide you into what
18 that means.

19 And we've said it and said it before and
20 we'll say it again, what charter changes,
21 what ordinance code changes, what policy
22 changes will be the ultimate conclusion of
23 this Body. And so how you get there via
24 evidence, sworn testimony, et
25 cetera, that's what you got to decide, you

1 know. And in this case, we're talking about
2 sworn testimony. How does this sworn
3 testimony get us to that ultimate end goal
4 of the appropriate legislative changes to
5 the Charter and the Code.

6 CHAIRMAN DIAMOND: Okay. I have two
7 non-Committee Members, Mr. Dennis was first.
8 Go ahead.

9 COUNCIL MEMBER DENNIS: Thank you.
10 Through the Chair, my question is for
11 Mr. Busey, he had mentioned that there were
12 two individuals that the U.S. Attorney asked
13 not to take sworn testimony. Are you at
14 liberty to say who they are or can you tell
15 me are they one of the six or seven that's
16 on the list that you have been in contact
17 with this week?

18 MR. BUSEY: They are not among the six
19 and seven. And I'm not comfortable talking
20 about it. That attorney has been very
21 cooperative with us and has helped us
22 understand what they're doing. And because
23 this process is a confidential process, I
24 want to respect that.

25 COUNCIL MEMBER DENNIS: Okay, okay. So

1 you don't have any hesitation with moving
2 forward with taking any of these -- the ones
3 that have agreed and the ones that have not
4 agreed, do you feel comfortable moving
5 forward in trying to have them to speak? Or
6 to -- or to get a sworn testimony from them?

7 MR. BUSEY: Well, you're asking me about
8 my comfort level, we need to be precise
9 about that. I'm very respectful with what
10 Ms. Priestly Jackson has said today and what
11 Jason has said today. But I have a clear
12 understanding with the U.S. Attorney's
13 Office of the ones they don't want us to
14 take. And he did not object to us taking
15 others, which was --

16 COUNCIL MEMBER DENNIS: And I think that
17 was my question. Comfort level, you know,
18 maybe I used the wrong word, I know you will
19 follow whatever we ask you to do since
20 you're our legal attorney. But I think the
21 question is, you know, do you have any
22 reservations doing it if the Committee or --
23 this Committee or the Rules Committee have
24 you to do so? And it's not comfort level,
25 but, you know, do you have any reservations

1 if you were given that directive?

2 MR. BUSEY: If I were given that
3 direction by the Committee and as long as
4 the Committee and the General Counsel
5 thought it was within the legislative
6 purpose of the charge given to the Committee
7 by the Council President, I would have no
8 reservation about proceeding.

9 COUNCIL MEMBER DENNIS: So if the
10 Committee says yes, if the Rules Committee
11 says yes, but General Counsel says there is
12 no legislative purpose, then you would
13 not -- I'm sorry, then you would not do it?
14 So in other words, the Committee says yes,
15 the elected Body says yes, but the General
16 Counsel says no, you would take the approach
17 from the General Counsel of not taking the
18 testimony?

19 CHAIRMAN DIAMOND: Mr. Busey, do you
20 understand that question? I had trouble
21 catching it. I just want to make sure
22 because it's an important one, I want to
23 make sure we get it exactly right.

24 MR. BUSEY: I think I can say honestly I
25 wouldn't want Jason's job. But I was asked

1 a direct question of whether or not I would
2 go forward if the Committee wanted to
3 proceed and the General Counsel, which is
4 your counsel is the General Counsel of the
5 City of Jacksonville determined it was
6 within the legislative purpose, then, yes, I
7 would follow your direction and proceed.

8 COUNCIL MEMBER DENNIS: Okay. Thank
9 you.

10 CHAIRMAN DIAMOND: Thank you,
11 Mr. Dennis.

12 And, Mr. Salem.

13 COUNCIL MEMBER SALEM: Through the Chair
14 to Mr. Busey, two quick questions: One, can
15 you review with me the testimony that you
16 have taken in the last 30 to 45 days, from
17 who you've taken that from and where are
18 those located to be reviewed? That's
19 question number one. Do you have those
20 readily available?

21 MR. BUSEY: I have a list here.

22 COUNCIL MEMBER SALEM: Can you read them
23 off for more?

24 MR. BUSEY: Stephanie Burch, Robin
25 Smith, Randall Barnes, Paul McElroy, Joseph

1 Orfano and Jody Brooks. And my
2 understanding is all those transcripts are
3 in the possession of the General Counsel's
4 Office.

5 COUNCIL MEMBER SALEM: So they're not
6 available for review by the Council at this
7 point?

8 MR. BUSEY: They should be available for
9 review, yeah. The General Counsel's Office
10 wants to clear them, make sure there is no
11 confidential information. From my point of
12 view, they're completely available on public
13 documents.

14 COUNCIL MEMBER SALEM: Through the Chair
15 to Mr. Gabriel, would you let me know when
16 those are available for review, please.

17 MR. GABRIEL: Sure. No problem,
18 Mr. Salem.

19 COUNCIL MEMBER SALEM: That's question
20 number one. Question number two is you
21 indicated -- through the Chair to Mr. Busey,
22 somebody indicated that you had gotten a
23 bunch of documents from JEA recently, and
24 there was some interesting information in
25 there. Who could review that with me so I

1 can understand what new information has been
2 revealed?

3 MR. BUSEY: I think it was Mr. Diamond
4 who said there was interesting information
5 in there. We've reviewed, as I said, over
6 350,000 documents. We've been told by Chris
7 Garrett that we have approximately another
8 30,000 coming that we haven't looked at yet.
9 I'll review with you, Mr. Salem, anything
10 that's in our possession any time you want
11 to do it.

12 COUNCIL MEMBER SALEM: You and I met
13 three or -- maybe a month ago, six weeks ago
14 on that original hour-and-a-half meeting. I
15 would be interested in new information. So
16 I can call your office and set that up?

17 MR. BUSEY: Oh, sure. Yes, yes.

18 COUNCIL MEMBER SALEM: Okay.

19 MR. BUSEY: I'll make sure we're
20 prepared to do that when you want to.

21 COUNCIL MEMBER SALEM: Thank you.

22 CHAIRMAN DIAMOND: Okay. Obviously,
23 this is probably the first time since we
24 started this process where there is kind of
25 a difference of opinion about how to

1 proceed. It sounds to me like right this
2 second there is not a second, Mr. Council
3 President is going to learn more, spend
4 time.

5 So, Ms. DeFoor, if you want to bring
6 your motion back, Ms. Priestly Jackson will
7 be the Chair, I won't speak for her, but I'm
8 sure she'll entertain motions generally.

9 And I think everyone appreciates that
10 everyone is looking for the truth here. We
11 have to get to the end of it. But I
12 certainly share Ms. DeFoor's frustrations
13 today.

14 Our next item is budget. Ms. Sidman, do
15 we need to cover any budget items and/or do
16 we need to talk about extending any budgets
17 today or is that covered already from our
18 last meeting?

19 MS. SIDMAN: Peggy Sidman, Office of
20 General Counsel.

21 The Committee, at the last meeting,
22 voted to extend the budget. And we have
23 executed an amendment to the agreement with
24 Smith, Hulsey & Busey, and we're just
25 proceeding. There is no action that's

1 needed today.

2 CHAIRMAN DIAMOND: All right. It
3 doesn't sound like there are any action
4 items there. There are two more pieces to
5 our puzzle today, which are anything else
6 from the Committee Members that you want to
7 discuss. We're going to do a hand-over of
8 this Committee from me as Chair to
9 Councilwoman Priestly Jackson. And then
10 public comment, which Ms. Priestly Jackson
11 would like to -- asked us to have a
12 5:00 p.m. meeting. I don't know if we have
13 members of the public, that many, on here,
14 but we'll certainly entertain it at the end
15 of the meeting.

16 So if you're on here, when we call for
17 public comment, all you have to do is raise
18 your hand, and we'll try to recognize you.
19 You have to state your name and address and
20 share with us whatever you'd like.

21 But before we get to that, is there
22 anything else we need to talk about,
23 Committee Members, or anything else?

24 Ms. DeFoor.

25 COUNCIL MEMBER DeFOOR: No. I just

1 think -- I'm trying -- where do we go from
2 here? If we're not going to take testimony,
3 what's left to do, Mr. Busey?

4 MR. BUSEY: Well, we have two people who
5 have agreed to appear voluntarily, that's
6 Mike Weinstein and Brian Hughes, so I'm
7 going to take their depositions. I'm going
8 to release Kelly Flanagan from her
9 commitment to appear, which was under the
10 duress of a subpoena, unless she wants to
11 voluntarily appear. I will give her that
12 option; I don't expect that to happen. Then
13 we have to complete our document review and
14 then we have to prepare a draft report for
15 y'all's consideration.

16 COUNCIL MEMBER DeFOOR: Okay.

17 CHAIRMAN DIAMOND: Okay. Anybody else
18 in the Committee?

19 All right. Ms. Priestly Jackson.

20 BOARD MEMBER PRIESTLY JACKSON: And so
21 other things that are left to deal with,
22 which I was actually going to talk about
23 when you did your handoff, in the next few
24 months leading to the final report being
25 submitted by the 30th of September, an

1 opportunity for our colleagues, the other
2 15, to conduct what would amount to possibly
3 exit interviews with our outside counsel,
4 Steve Busey, as we did entrance interviews.
5 So he's going to set the time up for those.
6 So if there are any other issues or anything
7 we're missing that our colleagues think that
8 we have not looked at, he can kind of tell
9 them the timeline and the theory of where
10 we're going with the report, so that's going
11 to happen.

12 The other item that we are going to
13 hopefully look at going forward as well, in
14 the January meeting I had originally
15 mentioned a disclosure for City Council
16 colleagues for any of us that have had any
17 type of meeting, relationship, business or
18 professional, with members of the senior
19 leadership team at JEA, the JEA board, or
20 any other respondents. We are now going to
21 probably look at what -- with the Ethics
22 Office, what does that disclosure of that
23 document look like.

24 The last thing that I think anybody on
25 this Committee wants is any implications

1 that we are covering for anyone, we've not
2 done a thorough investigation of all parties
3 concerned. I think we talked about that in
4 the very beginning since we are asking all
5 that information from those in our original
6 request. So those are the two things.

7 And the last that I hope would be every
8 member of the SIC would make certain they
9 have met with Steve Busey so that their
10 theory of what should be in our final report
11 is clear and concise, because it has to be a
12 merger of the four members of the Committee,
13 along with our colleagues, to generate the
14 final report. So that's what we have left
15 to do before we bring this in for a public
16 landing.

17 CHAIRMAN DIAMOND: All right. So with
18 that, if any member of the public would like
19 to speak, just raise your hand on the Zoom,
20 and we will recognize you. I think the
21 members of the public know this is about as
22 much fun speaking in public as it is for us
23 to be on this Committee. I don't see any
24 here.

25 In any event, look, we've done a lot of

1 good work since January -- actually, since
2 Councilman Salem and I started in December.
3 I think we're on the path to truth. I think
4 there is no way there is a U.S. federal
5 Department of Justice investigation going on
6 right now if we hadn't started. And so this
7 Committee has a lot of integrity as we speak
8 today. I think it's well respected by the
9 public. I see my job as a member of the
10 Committee and as no longer Chair starting in
11 a couple weeks just to ensure we maintain
12 that reputation and keep our integrity and
13 keep our eye on the truth. So it's been fun
14 for a minute here. I will sign off, and we
15 are adjourned.

16 DR. BROWN: Council Member Priestly
17 Jackson has her hand up.

18 CHAIRMAN DIAMOND: Yes, ma'am.

19 BOARD MEMBER PRIESTLY JACKSON: The next
20 meeting that's scheduled for the SIC is July
21 27th, that was our next regularly scheduled
22 date. The only issue we have is the time
23 that day, but we will have it on the 27th.
24 Thank you.

25 CHAIRMAN DIAMOND: Do we want to just

1 agree on that now?

2 DR. BROWN: And Council Member Garrett
3 Dennis.

4 CHAIRMAN DIAMOND: I can do either
5 morning or afternoon, but maybe --

6 DR. BROWN: We have 8 o'clock open,
7 because we have an 11 o'clock right now,
8 from 11 to 1 would be the Future -- well,
9 the new Social Justice.

10 CHAIRMAN DIAMOND: Mr. Garrett has
11 something to say.

12 MR. GARRETT: I was just going to remind
13 the Committee that the two subpoenas that we
14 reissued have the July 27th at 8:00 a.m. is
15 the date and time on those.

16 CHAIRMAN DIAMOND: Can we make that
17 work, Dr. Brown, 8:00 a.m.?

18 DR. BROWN: Yes.

19 CHAIRMAN DIAMOND: Okay. It looks like
20 that's what we have.

21 Okay. Mr. Dennis.

22 COUNCIL MEMBER DENNIS: Through the
23 Chair, thank you for recognizing me. I have
24 been sounding the alarm for the past several
25 weeks about attorney fees that we are going

1 to be responsible for. And seeing that
2 there are so many people with attorneys and,
3 you know, being questioned by the U.S.
4 Attorney, being questioned by this, this
5 Committee, so on and so forth, and we're
6 going to be responsible for covering those
7 attorney fees if those individuals aren't
8 charged with the crime.

9 And so I think there's -- we need to get
10 a handle on it, you know, identify who all
11 has attorneys so we will know what -- you
12 know, what we're facing.

13 I shared this before, and I know I'm,
14 you know, disclosing privilege, but
15 Mr. Gabriel said that he may come before the
16 City Council and ask for \$3 million to put
17 to the side to cover everybody and their
18 brother, for lack of a better term, attorney
19 fees. And so, you know, with the budget
20 being a tight budget potentially this year
21 with everything else going on and then being
22 faced with covering -- we don't know who all
23 has an attorney, covering all their attorney
24 fees.

25 So again, you know, every opportunity I

1 get, I'm going to continue to sound the
2 alarm. We have to wrap our head around this
3 ballooning fees of attorneys that we're
4 going to be faced with. So there is my
5 peace, and it's on the record. Thank you.

6 CHAIRMAN DIAMOND: Thank you,
7 Mr. Dennis.

8 With no more business, we are adjourned.

9 (Meeting adjourned at 5:57 p.m.)

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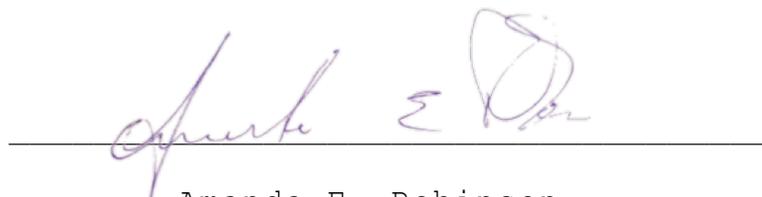
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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF DUVAL

I, Amanda E. Robinson, Registered
Professional Reporter, do hereby certify that I
was authorized to and did report the foregoing
proceedings; and that the transcript, pages 1
through 53, is a true record of my stenographic
notes.

DATED this 30th day of June, 2020.



Amanda E. Robinson,
Registered Professional Reporter