

**SPECIAL INVESTIGATORY COMMITTEE ON JEA**

**SESSION #6**

DATE: Monday, July 27, 2020

TIME: 8:03 a.m. - 9:22 a.m.

PLACE: Zoom

COUNCIL MEMBERS PRESENT:

Brenda Priestly Jackson, Chair, District 10  
Rory Diamond, District 13  
Randy DeFoor, District 14  
Scott Wilson, District 4  
Joyce Morgan, District 1  
Al Ferraro, District 2  
Michael Boylan, District 6  
Garrett Dennis, District 9  
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  
Phillip Peterson, Council Auditor's Office  
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  
Jon Phillips, Office of General Counsel  
Steve Busey, Smith, Hulsey & Busey  
Kurtis Wilson, JEA  
Carla Miller, Director, Ethics Office  
Kirby Oberdorfer, Ethics Office

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

2 CHAIRPERSON PRIESTLY JACKSON: Good  
3 morning, Ms. Mitchell, and all the SIC  
4 Committee Members present.

5 MS. MITCHELL: Yes, ma'am. Good  
6 morning. Yes, all of your members are  
7 present.

8 CHAIRPERSON PRIESTLY JACKSON: Okay. Is  
9 the Acting Council President Samuel Newby  
10 present as well?

11 MS. MITCHELL: Not at this time. I will  
12 let you know as soon as he comes in.

13 CHAIRPERSON PRIESTLY JACKSON: Okay.  
14 He's going to join us to bring greetings,  
15 which the Council President Hazouri has been  
16 doing to every committee. So he's going to  
17 bring greetings this morning to the SIC.

18 So just let us know when he gets on, and  
19 we're going to start and call this meeting  
20 to order.

21 MS. MITCHELL: Yes, ma'am.

22 CHAIRPERSON PRIESTLY JACKSON: This  
23 meeting for the JEA Special Investigative  
24 Committee is called to order for July 27th,  
25 2020. We'll now have an invocation by our

1 chaplain, Council Member Randy DeFoor.

2 COUNCIL MEMBER DeFOOR: Thank you, Madam  
3 Chair.

4 God, we ask that you be with us today in  
5 mind and spirit and to direct our actions.  
6 We ask for the belt of truth to cover this  
7 Committee and the City for protection of  
8 anything that is not of you. In your name  
9 we pray, amen.

10 CHAIRPERSON PRIESTLY JACKSON: Amen.

11 Thank you so much.

12 Can we now -- Councilman Diamond, can  
13 you lead us in the Pledge of Allegiance.

14 Councilman Diamond needs to be unmuted  
15 to lead us in the pledge.

16 (Pledge of Allegiance.)

17 CHAIRPERSON PRIESTLY JACKSON: Thank you  
18 so much, Councilman Diamond.

19 Can we see if our Acting Council  
20 President Newby is on yet?

21 MS. MITCHELL: Yes, ma'am, he has joined  
22 us.

23 CHAIRPERSON PRIESTLY JACKSON: Okay.  
24 Thank you so much.

25 Acting President Newby wants to bring

1 greetings to the first convening of this  
2 council year of the SIC.

3 MS. MITCHELL: He's on mute. He should  
4 be able to unmute himself.

5 COUNCIL MEMBER NEWBY: Good morning,  
6 everyone.

7 CHAIRPERSON PRIESTLY JACKSON: Good  
8 morning.

9 COUNCIL MEMBER NEWBY: Well, first of  
10 all, our thoughts and prayers goes to our  
11 Council President Tommy Hazouri. I talked  
12 to his wife yesterday. He's doing really  
13 good. And so our prayers have definitely  
14 been answered.

15 To the Committee Members, first of all,  
16 I just want to thank each and every one of  
17 you who are willing to serve. Last year you  
18 did a really great job. And I know you're  
19 going to do a really great job this year. I  
20 have all the confidence, me and President  
21 Hazouri, that y'all are going to do what's  
22 best for the City of Jacksonville.

23 So thank you once again. And God bless.

24 And, Madam Chairman, this is your  
25 Committee. Have a great day.

1 CHAIRPERSON PRIESTLY JACKSON: Thank you  
2 so much, Acting Council President Newby.

3 Any Members of the Committee, anything  
4 they want to share with Councilman Newby  
5 before we move on to our agenda?

6 Thank you so much, Councilman Newby.  
7 Thank you.

8 We now move on to outside counsel update  
9 with Steve Busey, Esquire, our outside  
10 counsel.

11 MR. BUSEY: Thank you, Madam Chair. I  
12 think what I would like to do is to tell you  
13 a little bit about where we've been on  
14 behalf of the Committee in our  
15 investigation, where we are, and where we're  
16 going. And in connection with where we're  
17 going, offer some alternatives for the  
18 Committee's consideration this morning.

19 Those options for your consideration  
20 will include whether or not you want us to  
21 take additional sworn testimony. And so  
22 we're going to identify some options in  
23 regard to that and we're going to address  
24 what the -- Jason Gabriel, the General  
25 Counsel, appropriately identified at our

1 last meeting regarding whether or not those  
2 additional interviews will be within the  
3 proper scope of the legislative purpose of  
4 this Commission, and whether or not they're  
5 going to interfere with the federal  
6 investigation of the JEA matters in  
7 Jacksonville.

8 But to begin with, let me remind you  
9 that we sent the Committee, on July 16th, an  
10 interim report updating where we are in  
11 terms of document review that we received  
12 from JEA and third parties and with regard  
13 to the interviews that we've done. At that  
14 time, when we gave you that report on  
15 July 16th, we had received, from JEA and  
16 through the hands of the OGC, approximately  
17 360,000 documents, which we have reviewed  
18 electronically and have produced so far.  
19 I -- an index of facts that's going to be  
20 attached to our ultimate report, which so  
21 far is in excess of 200 pages, which will be  
22 supported material for the report that we  
23 issue.

24 We have gotten to the point now that --  
25 well, since July 7th, which was at 360,000

1 documents, we have been provided, by OGC and  
2 JEA, another approximate close to 200,000  
3 documents. And that is in the last two  
4 weeks. Just as an example, we received  
5 Friday of last week 15,000 text messages  
6 from Melissa Dykes, which we have yet to get  
7 through. And I show that to you only as an  
8 illustration of what we've been dealing with  
9 and the fact that these -- we're finally  
10 getting these documents from JEA now that  
11 there has been a change of management within  
12 JEA. And the dam is broken, the dikes are  
13 coming down, and we're receiving the  
14 documents through OGC.

15 But we still have -- we had the last  
16 200,000 documents we've gotten in the last  
17 couple weeks and we got the Melissa Dykes  
18 text messages on Friday. And we have  
19 additional documents, which are on the  
20 subject of an inventory that we're talking  
21 with the General Counsel's Office with now,  
22 that we expect to receive in the next two  
23 weeks. So that's where we are in document  
24 review.

25 With regard to interviews, between our

1 law firm, Nelson Mullins, and OGC, in  
2 connection with the investigation of JEA and  
3 the termination of the senior leadership  
4 team, we have collectively taken 26  
5 interviews of parties that are intimately  
6 involved in the transition in JEA. The  
7 question going forward now is what should we  
8 do. We could complete the examination of  
9 the documents that have been provided to us,  
10 we can take the benefit of the interviews  
11 that we have taken to date, and we can  
12 produce a report for the Committee and  
13 conclude this matter probably by the end of  
14 September, certainly by the end of October.

15 But in the course of taking the  
16 depositions we've taken to date, we've  
17 realized there are some additional inquiries  
18 that you may want to make. We have  
19 identified 27 additional witnesses that we  
20 haven't taken yet that would be persons of  
21 interest. And it includes, for example,  
22 lawyers and management persons and the  
23 third-party consultants hired by JEA by the  
24 Pillsbury firm, by McKinsey, by Foley &  
25 Lardner, there are a whole bunch of people,



1 JP Morgan, Morgan Stanley, that we could  
2 take their depositions and learn a lot more  
3 about how this came down.

4 If you had asked for our recommendation,  
5 out of those, there are at least five that  
6 we think that we should take if you want to  
7 continue this investigation and fill these  
8 holes. Those five people are Tim Baker, Sam  
9 Mousa, Michael Munz, Alan Howard, and Kevin  
10 Hyde, all of who are central figures in  
11 this.

12 And just to give you an example of why  
13 Tim Baker would be a person of interest --  
14 and it's simply an example, and many of you  
15 all know this, we took Brian Hughes'  
16 deposition last week. And we asked him --  
17 we asked him about the ball game in Atlanta,  
18 why in October would they be -- the mayor  
19 and his chief administrative officer be with  
20 what Next Era says, our two paid lobbyist  
21 for Next Era with regard to the ITN sitting  
22 in a premium box in Atlanta while the cone  
23 of silence is in place and while  
24 negotiations with JEA are going on.

25 And Mr. Hughes said that was really just

1 an invitation for him to go to a ball game  
2 with friends, and that's why he was there.

3 I asked him about the appearance of  
4 impropriety under those circumstances. And  
5 he said I should talk to Tim Baker, who  
6 issued the invitation.

7 And here we are. Whether or not you  
8 want us to talk to Tim Baker is an issue for  
9 the Committee, I probably -- this morning.

10 But that's the option at this point. We  
11 would recommend five additional -- those  
12 five additional witnesses, which would  
13 require subpoenas to be requested by this  
14 Committee from the Rules Committee and  
15 served upon those people. And then there is  
16 a question of whether or not they would  
17 challenge the subpoena.

18 And Jason Gabriel at our last meeting  
19 appropriately raised the issues of whether  
20 or not those additional interviews were  
21 within the appropriate scope of legislative  
22 purpose of this Committee, which is a  
23 necessary constraint on the Committee  
24 issuing subpoenas, and whether or not the  
25 additional interviews would interfere with

1 the federal investigation that's ongoing,  
2 which the General Counsel's Office has been  
3 struggling to deal with in terms of  
4 producing documents.

5 I think it's clear, if you were to want  
6 to pursue those at least five additional  
7 witnesses that clearly are in the scope of  
8 legislative purpose, you have issues of  
9 ethics that need to be dealt with, the  
10 appearances of what happened, you have  
11 issues of control of the JEA board, whether  
12 it should be entirely within the executive  
13 branch to answer whether or not the Council  
14 should participate in that. You have  
15 procurement issues, you have sale to asset  
16 issues, you have all sorts of stuff that  
17 this Committee has been charged with looking  
18 at what happened, how it happened, and what  
19 should be done, if anything, differently in  
20 the Charter and then the Ordinance Code to  
21 keep it from happening again.

22 And at least those five individuals I  
23 named would be clearly within the  
24 appropriate scope of the legislative purpose  
25 of this Commission. And they really jumped

1 out at us as we've taken the interviews we  
2 have to date.

3 But again, I repeat, this is a choice  
4 for the Committee. It's entirely up to the  
5 Committee. We can stop now and within two  
6 months produce a report that I think would  
7 fairly tell the tale of what happened. But  
8 there are going to be, obviously, open  
9 questions until the people that I  
10 interviewed are -- the people that I  
11 identified are interviewed. But that's --  
12 we can go either way, it's up to the  
13 Committee.

14 But that's, I wanted to tell you, what  
15 we've done so far and to tell you where we  
16 are. We're concluding the document review,  
17 which we should have done within the next  
18 month. We need to know whether or not you  
19 want us to take those additional interviews  
20 or not. And then we can wind this thing up  
21 sometime at least by October. That's how  
22 we're thinking. I'm happy to answer any  
23 questions. That introduces what I think is  
24 really the agenda for the Committee meeting  
25 this morning.

1           CHAIRPERSON PRIESTLY JACKSON: Thank you  
2 so much.

3           I want to recognize the Committee  
4 Members before -- I see you Councilman  
5 Salem. After I get to the Committee  
6 Members, I'll acknowledge you and let you  
7 ask your questions.

8           Council Member Diamond.

9           COUNCIL MEMBER DIAMOND: Thank you,  
10 Madam Chair. I appreciate it.

11           I have a series of questions for Steve.  
12 I'm just trying to get my head around a few  
13 of these pieces of the puzzle here. And  
14 then I would like to hear from Jason also,  
15 what he's got at the moment. So I'm just  
16 going to ask Steve Busey for now, though.

17           Going back to the documents, you said  
18 there are 300,000 still to go, is that the  
19 number?

20           MR. BUSEY: No. There are 365,000 we  
21 had as of July 7th. We have approximately  
22 another 200,000 since then. Broken down  
23 probably -- of that 200,000, about 145,000  
24 documents relate to what's been produced by  
25 JEA to the FBI. And then the balance are

1           miscellaneous documents, miscellaneous  
2           sources we identified, which I repeat  
3           included Melissa Dykes' texts, which we  
4           received Friday, and then there is a handful  
5           of additional documents that we're in  
6           dialogue with Jason's office now about  
7           receiving in the next week or two. But  
8           that's all on track. It's been really easy  
9           working with the General Counsel's Office  
10          since we've had a regime change.

11           COUNCIL MEMBER DIAMOND: Okay. It's  
12          just very pleasant to see the complete 180  
13          here; that before we couldn't get documents,  
14          now they're coming very easily. No doubt  
15          new leadership is why.

16           When we kind of started this document  
17          flow, we agreed that there would be a bunch  
18          of documents in the database, you all would  
19          do searches, and then they were tagged for  
20          privilege, that they'd be set aside. How  
21          many documents now are kind of in this no  
22          man's land where Jason's office still needs  
23          to release them so that you can look at them  
24          and we can know what they say?

25           MR. BUSEY: Not very many. It's

1 de minimis right now. The General Counsel's  
2 Office has been keeping up with us. Your  
3 description of the protocol we agreed to is  
4 accurate. We asked for the documents, they  
5 put them in relativity. Our understanding  
6 with OGC is, if we evidence an interest in  
7 publishing, they'll review them for any  
8 statutory privilege. And they have been  
9 doing that as we go along, and it's been  
10 working.

11 COUNCIL MEMBER DIAMOND: Okay. That's  
12 great. I'm glad that process is working.  
13 And it's critical. And thank you to Jason  
14 and his team for making all that work.

15 In your last -- this is my last document  
16 related question. In your last update, you  
17 said that, I think it was the head of IT for  
18 all of JEA potentially put in the wrong  
19 password to Melissa Dykes' tablet multiple  
20 times so as to essentially lock that tablet.  
21 I think that's worth a public airing. So  
22 can you, one, explain that; and two, tell us  
23 if you have been able to get into that  
24 tablet, if those documents have become  
25 available yet?

1           MR. BUSEY: I didn't personally  
2 participate in that interview. My  
3 understanding is what you just said is  
4 exactly accurate, that Shawn Eads testified  
5 that he got into Melissa Dykes' tablet and  
6 used the wrong passwords to such an extent  
7 that it was permanently locked out and stuff  
8 was erased. I have no personal knowledge of  
9 that; that's what I'm told by the people who  
10 participated in the interview. We can get  
11 behind that if you want more detail, though.

12           COUNCIL MEMBER DIAMOND: I think maybe  
13 at some point I want to ask Jason whether or  
14 not he feels a law was broken. That  
15 certainly looks like a public records --  
16 intentional destruction of public records,  
17 and we have a right to know what's on that  
18 tablet. I'll save that for Jason, because I  
19 do think that's the kind of thing OGC, Carla  
20 Miller over at Ethics need to look at, and  
21 IG office also. To me, that's outrageously  
22 inappropriate and illegal. And I think the  
23 public needs to know that's what we've been  
24 dealing with over at JEA under the old  
25 administration, that literally we're



1 intentionally destroying documents.

2 Okay. Before I get to you, your five, I  
3 see Tim Baker, Sam Mousa, Kevin Hyde,  
4 Michael Munz, Alan Howard, put those aside  
5 for a quick second. Not a single one of  
6 those works at Pillsbury, JP Morgan, Morgan  
7 Stanley, or McKinsey. And these are our  
8 four consultants/law firms that were  
9 orchestrating the sale of JEA. Pillsbury  
10 and McKinsey, in particular, seem to have  
11 people who were absolutely critical to the  
12 effort to sell JEA. Pillsbury is the  
13 pipeline through which a lot of these  
14 consultants were hired, and there is still a  
15 big outstanding bill.

16 Is there a reason we're not going to the  
17 partner at Pillsbury who has to waive all  
18 privilege related to this and not deposing  
19 him?

20 MR. BUSEY: The only reason,  
21 Mr. Diamond, is to try to put a fence around  
22 the scope of this investigation, and the  
23 amount of time and money we're spending. I  
24 told you we had a list of 27 additional  
25 people we could take. Those people you just

1 identified are on that list. Plainly, it's  
2 the senior people in each of the outside  
3 vendors, consultants, and law firms that are  
4 involved, including, for example, just  
5 think, Stephen Amdur, who was Aaron Zahn's  
6 college friend --

7 COUNCIL MEMBER DIAMOND: And that --

8 MR. BUSEY: -- who he picked to do this  
9 for Pillsbury. That would be a fascinating  
10 conversation, but it all depends on the  
11 Committee's appetite for this. And that's  
12 why we tried to put what we think would be a  
13 minimum going forward. But I'm open to your  
14 suggestions and I'm open to your  
15 instruction.

16 COUNCIL MEMBER DIAMOND: No, no. And  
17 that's the one in particular, if I were to  
18 add, say, a sixth one, it would definitely  
19 be that one.

20 Okay. And then when we started the  
21 subpoena process and we started asking  
22 people for testimony, we were really clear  
23 at the front end that we wanted to have an  
24 evidentiary basis for asking for someone's  
25 testimony. We didn't want to just kind of

1 go out on theories and rumors and conspiracy  
2 theories; we wanted to have a good, solid  
3 evidentiary basis for asking for somebody.  
4 So I think I'm understanding that, based on  
5 Brian Hughes' deposition, you think Tim  
6 Baker is on that list for that reason.

7 Can you give me the evidentiary basis  
8 for these other ones, just so it's clear in  
9 the record? Because I think it's an  
10 important process, a piece of the process.  
11 For example, Mr. Mousa?

12 MR. BUSEY: Well, I can hit the high  
13 points. Obviously, we have lots of  
14 documents that tie these people in on a lot  
15 of fronts. But just, in short form, Sam  
16 Mousa, you all know Sam, he was the Chief  
17 Administrative Officer for the City of  
18 Jacksonville. He left office, he  
19 immediately went to a consulting business.

20 Next Era reports that he was hired by  
21 Next Era to assist as a lobbyist in  
22 connection with the ITN process. And there  
23 he was sitting with the mayor and the  
24 mayor's staff during the process, during the  
25 ITN process, during the cone of silence,

1           during the negotiations at the Atlanta  
2           baseball game. That's just an example,  
3           obviously, of an awful lot of information  
4           Sam must have. Whether or not he's willing  
5           to testify, I don't know, but that's an  
6           example.

7           Michael Munz, you all know Michael. We  
8           know that he actually scripted questions and  
9           answers for the JEA board meetings at least  
10          in July, if not in June, of 2019. His  
11          communications with the senior leadership  
12          team with JEA would be critical as to why  
13          and how he scripted those questions and  
14          answers.

15          Alan Howard was the Chairman of the JEA  
16          going into 2019. He is the one who  
17          testified on July 23 that the JEA was in a  
18          death spiral and had to be sold, which just  
19          simply is belied by the balance sheets and  
20          the other facts that we know about JEA now.  
21          And while he was -- had a conversation with  
22          Aaron Zahn before that about having his law  
23          firm retained after the -- he left office.

24          And Kevin Hyde was essential to Herschel  
25          Vinyard's looking for another opinion after

1           they were -- Herschel and JEA were told by  
2           Nixon Peabody that the proposed PUP plan  
3           would not comply with Florida law in May of  
4           2019. And then Herschel went to Foley &  
5           Lardner and got a different and better  
6           opinion from their perspective. And those  
7           conversations would be -- I'm assuming JEA  
8           would waive attorney-client privilege, and  
9           those conversations would be extraordinarily  
10          helpful in terms of seeing how this came  
11          down. Those are just examples in answer to  
12          your question.

13                 COUNCIL MEMBER DIAMOND: Okay. And on  
14          Alan Howard, another one where I think he  
15          was trying to get business from JEA while on  
16          at JEA and from Pillsbury Winthrop while  
17          still serving JEA, certainly brought a good  
18          question to ask there. There were a lot of  
19          other consultants and lobbyists working on  
20          this deal for other bidders. I know  
21          we're kind of focused -- it looks like we're  
22          focusing on just the Florida Power & Light  
23          ones here. Is there a reason why we're not  
24          trying to get to the lobbyists for some of  
25          these other bidders?

1           MR. BUSEY: It all depends on the scope  
2 of the investigation that y'all choose to.  
3 I have sensed some concern about the time  
4 this investigation is taking and about the  
5 money it's taking. We can go on for a long  
6 time talking to the people that you're  
7 talking to and have a more complete picture.  
8 But I think we have a pretty good idea of  
9 what happened and how it came down. So  
10 that's why I've tried to strike a balance to  
11 our recommendation.

12           COUNCIL MEMBER DIAMOND: Okay. Thank  
13 you, Mr. Busey. I appreciate it.

14           No more questions, Madam Chair.

15           CHAIRPERSON PRIESTLY JACKSON: Thank  
16 you, Councilman Diamond.

17           Councilwoman DeFoor, do you have  
18 questions for --

19           COUNCIL MEMBER DeFOOR: Yes. Thank you,  
20 Madam Chair.

21           Mr. Busey, how many more documents do  
22 you think we're going to receive? Do you  
23 have any idea?

24           MR. BUSEY: I only have a very rough  
25 idea. My impression is in the tens of

1 thousands. We're currently in dialogue with  
2 Jason Gabriel's office. We're going to talk  
3 today and tomorrow about the loose ends that  
4 we've asked for, and we'll have a better  
5 idea of the volume then, but less than  
6 100,000.

7 COUNCIL MEMBER DeFOOR: To follow up on  
8 Mr. Diamond's questions, as you know, I've  
9 had this conversation with you, I think that  
10 JEA would be very helpful in waiving -- I  
11 know they're going -- I've actually talked  
12 to Paul McElroy, because I'm liaison with  
13 JEA, and he's willing to waive any conflict  
14 as relates to the JEA with Kevin Hyde or any  
15 other attorneys that represented the JEA.

16 And what we could do is have him, if  
17 he's willing, to sit down and have  
18 conversations with his lawyers and have them  
19 present to us exactly what they did, who  
20 they spoke with as an attorney client. In  
21 other words, we would sit in the seat of the  
22 client itself. I think that could be  
23 very -- we'd find information extremely  
24 forthcoming, and it would fill in a lot of  
25 the holes that we have today, just a

1 thought.

2 But I'm ready to make a motion on all  
3 these witnesses, Madam Chair, when it's  
4 appropriate.

5 CHAIRPERSON PRIESTLY JACKSON: Okay.

6 Thank you.

7 One final -- I don't know if Council  
8 Member Wilson, if he has any questions. He  
9 is on.

10 Dr. Brown?

11 COUNCIL MEMBER WILSON: No, ma'am. I'm  
12 listening. I may have questions later on,  
13 though.

14 CHAIRPERSON PRIESTLY JACKSON: Okay.

15 Wonderful. Thank you.

16 So at this time before -- if it's the  
17 will of the Committee, we can entertain a  
18 motion at this time for the additional five  
19 or I can pause. Councilman Salem had his  
20 hand up initially. Do we -- what is the  
21 will of the Committee at this point? Do we  
22 want to entertain a motion and second and  
23 vote or get commentary?

24 And I'm now seeing Councilman Dennis as  
25 well.



1           So, Councilman Diamond, you have a  
2 preference?

3           COUNCIL MEMBER DIAMOND: Well, I would  
4 like to hear from Jason too. My  
5 understanding from Mr. Busey was that there  
6 might be more information that OGC had. If  
7 there is nothing more, then fine, let's have  
8 a motion. But if Jason has something to add  
9 to the discussion, I would like to hear it.

10          CHAIRPERSON PRIESTLY JACKSON: He's next  
11 on the agenda. Do you mean specifically to  
12 these five witnesses, you want him to add  
13 anything he may have to add to those five?

14          COUNCIL MEMBER DIAMOND: Yeah. I just  
15 want to know if he has anything to add with  
16 regard to those five.

17          CHAIRPERSON PRIESTLY JACKSON: Okay.  
18 Wonderful.

19          Mr. Gabriel?

20          MR. GABRIEL: Good morning, Madam Chair.  
21 Thank you.

22          I really don't have much more to add. I  
23 think we have had a few good, productive  
24 conversations and edification on what the  
25 Committee should look at in determining

1           whether -- you know, who and whether to  
2           proceed with more interviews and whatnot.

3           I think Mr. Busey has nicely summarized  
4           where we are and tried to lay out perhaps a  
5           balance, because there are, like you stated,  
6           I mean, there are many other people that you  
7           all could be interviewing and we could do  
8           this for a long time to come. And that's  
9           absolutely fine if that's what y'all, you  
10          know, decide to do.

11          But the fact is, I think, he laid out  
12          sort of a balanced proposal. And it's in  
13          y'all's hands to decide what you want to do.

14          You know, all along what we've said is  
15          just identify the person, generally state --  
16          which I believe has been occurring here,  
17          generally state what the legislative purpose  
18          is for the testimony, because you want to  
19          equip your lawyers with the appropriate  
20          justification for it in the event that, you  
21          know, there is a challenge.

22          So with all that in mind, I think this  
23          conversation has been pretty productive.  
24          And I don't really have anything else to add  
25          other than what's been stated thus far.

1           And I like that, for example, Council  
2 Member Diamond set forth sort of a frame  
3 work in evidentiary basis for the witnesses.  
4 And that dialogue, was, I think, very  
5 helpful in the trajectory of where y'all are  
6 going.

7           So that's all I have to add and  
8 available for any other questions. Thank  
9 you.

10           CHAIRPERSON PRIESTLY JACKSON: Thank  
11 you.

12           Councilman, does that satisfy your  
13 inquiry at this point, Councilman Diamond?

14           COUNCIL MEMBER DIAMOND: Yes. Thank  
15 you, Madam Chair.

16           CHAIRPERSON PRIESTLY JACKSON: Before we  
17 have a motion from Council Member DeFoor,  
18 I'm going to recognize Councilman Salem,  
19 followed by Councilman Dennis quickly. Then  
20 we'll go back to the motion.

21           Councilman Salem.

22           COUNCIL MEMBER SALEM: Thank you, Chair.

23           Through the Chair to Mr. Busey, can you  
24 identify where we are in terms of dollars  
25 spent of the 1.8 million we budgeted as far

1 as you know?

2 CHAIRPERSON PRIESTLY JACKSON: Can I  
3 interrupt one minute? Councilman Salem,  
4 we're actually going to have that on Item H  
5 on our agenda. We'll get to that point, if  
6 you can hold that question until we get to  
7 outside counsel's budget and budget  
8 extension.

9 COUNCIL MEMBER SALEM: Well, the point  
10 I'm trying to raise is, as we vote on  
11 potentially extending this thing and  
12 interviewing other people, I think it's  
13 helpful to know how much we've spent so we  
14 can adequately ensure that, whatever we do,  
15 we try to stay within our budget. That's  
16 the purpose of asking now.

17 CHAIRPERSON PRIESTLY JACKSON: Okay.  
18 And I will share with you that, when I met  
19 with Attorney Busey last week, he assured us  
20 that we were well below our budget.

21 If you want to, restate that  
22 information, you do not anticipate going  
23 over it. So if you can, just quickly answer  
24 that question then, Mr. Busey, then we can  
25 move on and have more conversations about

1 the budget when we get to Item H on the  
2 agenda.

3 MR. BUSEY: The answer to Councilman  
4 Salem's question is, through the end of  
5 June, we've spent \$697,000.

6 COUNCIL MEMBER SALEM: Thank you. I  
7 appreciate that.

8 Number two, I've heard a lot of  
9 questions about the documents and the  
10 documents we're expecting. It sounds  
11 like -- and I'm going to try to put a  
12 percentage on it, maybe you can change it.  
13 We have either reviewed or have in  
14 possession about 90 percent of what we  
15 expect to review. Do you think that's an  
16 accurate percentage?

17 MR. BUSEY: Yes. Give or take, yes.

18 COUNCIL MEMBER SALEM: Okay. Number  
19 three, to go back to Councilman Diamond's  
20 comment about the Melissa Dykes computer, I  
21 think we should do whatever we have to do to  
22 get access to that computer. I mean, that  
23 really bothers me that that computer is in  
24 that situation. And I think that's dollars  
25 well spent if we have to use our own dollars

1 to somehow obtain access to that computer.

2 Thank you, Chair.

3 CHAIRPERSON PRIESTLY JACKSON: Thank  
4 you, Councilman Salem.

5 Council Member Dennis.

6 COUNCIL MEMBER DENNIS: Good morning,  
7 everyone.

8 Through the Chair, my question is to, I  
9 guess, Mr. Gabriel. I want to follow up on  
10 Councilman Diamond's question about the  
11 iPad. Councilman Diamond mentioned going to  
12 the IG, going to Carla Miller, but who  
13 really has jurisdiction over public records  
14 is the State Attorney. And if that was done  
15 deliberately, I think it needs to be  
16 referred as a criminal act to the State  
17 Attorney's Office. And so, you know, I  
18 would like us to follow up on that.

19 And I know that she has pretty much  
20 bounced this investigation over to the  
21 federal -- to the Department of Justice, but  
22 the Department of Justice, from my  
23 understanding, doesn't have jurisdiction  
24 over public records.

25 So I would like to hear from Mr. Gabriel

1 on moving that forward to referring us over  
2 to the State Attorney. If not, Melissa  
3 Nelson, some State Attorney who can  
4 investigate and probably potentially bring  
5 criminal charges on destruction of public  
6 records. Thank you. And I would like to  
7 get that answer from Mr. Gabriel.

8 MR. GABRIEL: Sure. Madam Chair,  
9 through the Chair to Council Member Dennis,  
10 just as a general matter -- I think I stated  
11 this to some of you individually -- as our  
12 office and in these investigations, as we  
13 come across things that we believe may have  
14 a potential tinge of criminality, we  
15 absolutely -- the policy is to immediately  
16 turn that over to the appropriate law  
17 enforcement authorities. So I just want you  
18 to know that absolutely, whether it's that  
19 or anything else, absolutely, that's what we  
20 do and we will do.

21 On that particular issue, that was news  
22 to me. I do -- one of my first questions,  
23 when I had heard that, was does -- what is  
24 the JEA's policy with, you know, password  
25 input and, you know, how many times it would

1 be an error for it to actually delete a  
2 device. And apparently, I've been told, and  
3 we're looking into this, that there is a  
4 policy on that, a long-standing one. My  
5 next question was, well, how long has that  
6 policy been in place, is that a recent thing  
7 or a longstanding one. I was told  
8 longstanding.

9 But having said that, that is something  
10 we're looking into. And we want to delve a  
11 little deeper into that, obviously.

12 But to answer the question, yes,  
13 absolutely we will turn -- we have been  
14 turning and will be turning things over as  
15 we come across them.

16 CHAIRPERSON PRIESTLY JACKSON: Thank  
17 you, Mr. Gabriel.

18 Seeing no additional hands of Committee  
19 Members or Council Members, we are going  
20 to -- is there anything in addition you  
21 would like to share at this time, Mr. Busey?

22 MR. BUSEY: No, ma'am.

23 CHAIRPERSON PRIESTLY JACKSON: Okay. I  
24 would just add that, in our conversations  
25 last week, Committee Members and City



1 Council colleagues, I believe we talked  
2 about the particular witnesses that were  
3 going to be questioned. And then going to  
4 that legislative purpose with relevance and  
5 what we -- legislation we think might result  
6 from that, so we talked about ethics,  
7 whether it was a board change or something  
8 else in the Charter.

9 So I believe we'll have that information  
10 available going forward, right, Mr. Busey,  
11 as we move down the subpoena process for  
12 those five witnesses?

13 MR. BUSEY: Yes. We can anticipate that  
14 some of those subpoenas may be challenged,  
15 and we'll be prepared to meet that  
16 challenge.

17 CHAIRPERSON PRIESTLY JACKSON: Thank  
18 you.

19 So now I move back to Council Member  
20 DeFoor with her motion.

21 COUNCIL MEMBER DeFOOR: Thank you, Madam  
22 Chair.

23 I move that we take the depositions of  
24 Kevin Hyde, Michael Munz, Tim Baker, Alan  
25 Howard, Sam Mousa, as it relates to the JEA

1 and what the facts that may have happened  
2 during the sale of the JEA, which might  
3 require ethics legislation, procurement  
4 legislation, selection of board members  
5 criteria, disclosure requirements to the  
6 board, sale of assets, and Sunshine Law  
7 violations.

8 COUNCIL MEMBER DIAMOND: Second.

9 CHAIRPERSON PRIESTLY JACKSON: There is  
10 a second by Councilman Dennis to the motion.  
11 Any discussion --

12 COUNCIL MEMBER DeFOOR: Wait. It wasn't  
13 Dennis.

14 CHAIRPERSON PRIESTLY JACKSON: I'm  
15 sorry. Councilman Diamond, thank you.  
16 Council Member DeFoor's motion is seconded  
17 by Councilman Diamond. Thank you.

18 Any discussion at this point?

19 Seeing no discussion, Council Members,  
20 all those in favor, signify by raising your  
21 hand.

22 DR. BROWN: Four nays, zero nays.

23 CHAIRPERSON PRIESTLY JACKSON: Four  
24 yeas?

25 DR. BROWN: Four yeas, zero nays. Thank

1           you.

2           CHAIRPERSON PRIESTLY JACKSON: So that  
3 motion passes for the testimony of the five  
4 identified witnesses at this time: Tim  
5 Baker, Sam Mousa, Michael Munz, Alan Howard,  
6 and Kevin Hyde. Okay.

7           DR. BROWN: Excuse me, Ms. Chairman. We  
8 have an inquiry by Peggy Sidman.

9           CHAIRPERSON PRIESTLY JACKSON: Okay.  
10 Ms. Sidman.

11          MS. SIDMAN: Through the Chair, I  
12 appreciate the motion. And I just want to  
13 make sure that that will be in compliance  
14 with the guidance that was given on  
15 obtaining testimony in front of the  
16 Committee. We circulated that to the  
17 Committee so that we can issue the subpoena.  
18 I believe these -- none of these are City  
19 employees, so the subpoena would be issued  
20 in front -- once the Rules Committee votes  
21 on it, to the SIC Committee; is that  
22 correct? Okay.

23          CHAIRPERSON PRIESTLY JACKSON: I think I  
24 was a little uncertain whether we would have  
25 an informal ask before a formal ask. I know

1           some witnesses have already been informally  
2           asked and have said no. So I think we are  
3           prepared to issue subpoenas at this point.

4           And that was your motion, was it not,  
5           Ms. DeFoor?

6           COUNCIL MEMBER DeFOOR: Correct.

7           CHAIRPERSON PRIESTLY JACKSON: Yes,  
8           subpoenas to be issued. Okay?

9           MS. SIDMAN: In accordance with that  
10          memo?

11          CHAIRPERSON PRIESTLY JACKSON: Correct.

12          MS. SIDMAN: Thank you.

13          CHAIRPERSON PRIESTLY JACKSON: All  
14          right. Now we move on to the Office of  
15          General Counsel, Jason Gabriel.

16          MR. GABRIEL: Sure, Madam Chair. If you  
17          don't mind, I would like to turn it over to  
18          Chris Garrett from my office. He's got a --  
19          it's just a little bit of a piggyback on  
20          what Mr. Busey had already stated, if that's  
21          okay.

22          CHAIRPERSON PRIESTLY JACKSON: Okay.  
23          Thank you.

24          Mr. Garrett.

25          MR. GARRETT: Good morning, Madam Chair.

1           CHAIRPERSON PRIESTLY JACKSON: Good  
2 morning.

3           MR. GARRETT: I would like to start  
4 first with the subpoenas. We have received  
5 responses and more documents from all of the  
6 subpoenaed bidders and from the bankers, JP  
7 Morgan and Morgan Stanley. Morgan Stanley,  
8 I think, is complete now since the last time  
9 we have spoken. JP Morgan has produced a  
10 substantial amount of documents and may have  
11 a handful in a subsequent production.

12           The only other outstanding issue at this  
13 time is -- as we discussed before, we had  
14 to -- we had some difficulty serving a  
15 couple of the respondents. And Three  
16 Degrees has now responded. They actually  
17 took my email versus us ever catching them  
18 in San Francisco.

19           And then from New Solutions For  
20 Business, LLC -- and I'm sorry if I butcher  
21 this -- Mr. Doueck, Bruce Doueck, is here,  
22 has appeared today and has brought records  
23 to City Hall and is here on this Zoom  
24 meeting if you would like to speak with him  
25 in response to the subpoena.

1 CHAIRPERSON PRIESTLY JACKSON: I don't  
2 have a question for him at this time.

3 Do any of the other Committee Members  
4 have a question or desire to speak?

5 COUNCIL MEMBER DeFOOR: Not at this  
6 time.

7 DR. BROWN: We have Council Member  
8 Diamond.

9 COUNCIL MEMBER DIAMOND: I don't have a  
10 question for Mr. Doueck. I just want to  
11 make sure there is someone there to receive  
12 the documents.

13 MR. GARRETT: We have taken copies of  
14 his documents and appreciate him bringing  
15 them today.

16 COUNCIL MEMBER DIAMOND: Thank you.

17 CHAIRPERSON PRIESTLY JACKSON: Does that  
18 conclude your information, Mr. Garrett, for  
19 us at this time?

20 MR. GARRETT: Just a couple more things,  
21 Madam Chair.

22 I think Mr. Busey covered it very well.  
23 With respect to the volume of documents, at  
24 least, left to come over from JEA or to be  
25 cleared, I think that volume is very low,

1           probably in the, you know, more like 10,000  
2           than it would be 50. And I think we have,  
3           as new requests have come through, I think  
4           we've been providing those items and we're  
5           continuing to try to do so. And I think  
6           we've got a good flow at this point.

7           The one issue that's kind of out there  
8           is these -- the trade secrets. And that's  
9           been, I think, frustrating for all of us.  
10          And we've continued to work through that,  
11          but just -- I wanted to make the point so  
12          everyone is on the same page that their  
13          redactions and the withholding of the trade  
14          secret information is only information  
15          that's been identified by the bidders or by  
16          a vendor that may have trade secret  
17          information like McKinsey. And based on  
18          their claims, those are the basis for the  
19          redactions.

20          So if there was any concern that OGC has  
21          been redacting things not based on those  
22          requests, that's not the case. So I just  
23          want to make that clear.

24          And there is not really a resolution for  
25          that at the moment. We've pushed back as

1 much as we can without some kind of a  
2 lawsuit being instigated, but there -- you  
3 know, they may change their mind if that was  
4 decided to be done. I don't know, but there  
5 also is a good chance there is -- there is  
6 some trade secret information in here. I'm  
7 not sure. I'm not going to pass on whether  
8 it actually is or not, but I just wanted to  
9 address that.

10 The only thing that's open right now on  
11 that issue is the lawsuit with Next Era.  
12 And if that is resolved -- there was a  
13 hearing the other day. If that's resolved  
14 in our favor, then the final bid number for  
15 the gross and net proceeds numbers from Next  
16 Era would be released.

17 CHAIRPERSON PRIESTLY JACKSON: Thank  
18 you.

19 Any Committee Members that have anything  
20 for Mr. Garrett before I move back to  
21 General Counsel Mr. Gabriel?

22 DR. BROWN: Council Member Diamond.

23 CHAIRPERSON PRIESTLY JACKSON: Council  
24 Member Diamond.

25 COUNCIL MEMBER DIAMOND: This is mostly



1           just for the public. The reason the Next  
2           Era number is so important to be released is  
3           that, when you take that number and you plug  
4           it into the equation for the performance  
5           unit plan, it will tell everybody in the  
6           world just how much money these people  
7           thought they were going to make. And just  
8           remember, every billion dollars it goes up,  
9           they make about a hundred million more  
10          dollars. And so you'll see this number grow  
11          exponentially assuming that, that's it.

12                 DR. BROWN: Madam Chair, we have Peggy  
13                 Sidman, who previously had her hand up --  
14                 okay. She's decided not to speak. Thank  
15                 you, Chairman.

16                 CHAIRPERSON PRIESTLY JACKSON: Thank  
17                 you.

18                 I want to move back to Mr. Gabriel, if  
19                 he's going to add anything additional. And  
20                 I also asked him to share the kind of unique  
21                 but challenging role of the Office of  
22                 General Counsel in our investigation in JEA  
23                 and in the consolidated government. And I  
24                 share this because I am certain all  
25                 Committee Members and our colleagues

1 oftentimes receive commentary from the  
2 public relative to what they think  
3 Mr. Gabriel should or should not be doing in  
4 terms of advocating for the Council or some  
5 other independent authority and entity.

6 And I thought it might be helpful if he  
7 shared his role as General Counsel. And  
8 that kind of dovetails into uniquely why we  
9 retained outside counsel, Mr. Busey, with  
10 the hope of the public having a more nuance  
11 understanding of the role of General Counsel  
12 at this time in our consolidated government  
13 specific to this investigation of the  
14 Committee.

15 MR. GABRIEL: Sure. Thank you, Madam  
16 Chair. Appreciate that.

17 And I think you used a word that  
18 actually maybe sort of summarizes what I'm  
19 about to say, which is advocacy. Which  
20 that's something, when I was in private  
21 practice, we -- I used to do quite a bit.  
22 But in entering the Office of General  
23 Counsel and over the years -- I have been  
24 there about ten years now, I can't believe  
25 it, I didn't think I would be here this

1 long -- but advocacy, essentially, was left  
2 at the door when I left private practice and  
3 came into government practice.

4 And what that morphed into really was  
5 more facilitation, and that's what we do.  
6 We are the centralized legal services for  
7 the Charter, legislatively approved and  
8 voter referendum upheld Charter. And we  
9 facilitate the legal needs of the variety of  
10 components of the consolidated government.  
11 At the end of the day, we represent the  
12 interest, the greatest interest, of the  
13 consolidated government as a whole, which  
14 means, for example, when Council -- you  
15 know, you have 19 Council Members, for  
16 example, and each one has a varying idea or  
17 a position on something. But at the end of  
18 the day, you all collegially vote. And we  
19 take whatever that vote is, it can be 10 to  
20 9, it can be 9 to 0, and we defend that  
21 position if it were to be challenged,  
22 et cetera. I use that as a small example.

23 And so our office all along has been and  
24 will continue to, under the Charter,  
25 facilitate the legal needs of the entire

1 consolidated government.

2 JEA, for example, over a year ago or so,  
3 decided to embark on this journey of looking  
4 at the potential privatization of JEA. And  
5 I understand there were other options at the  
6 time, but here we are, and that's what they  
7 ended up trying to do. So at the time we  
8 equipped that particular client with the  
9 appropriate -- at least at the time as we  
10 saw it fit, the appropriate legal apparatus  
11 to be able to legally and ethically,  
12 hopefully -- at that time, that's what the  
13 hope was, legally and ethically -- pursue  
14 the process. And that's what happened with  
15 the variety of attorneys and firms that were  
16 brought to the table and consultants,  
17 et cetera, at least from the OGC's  
18 perspective, you know. I'm really  
19 concentrating more on the legal side of it.

20 So now with hindsight and retrospection  
21 with what's occurred and what we have been  
22 looking at, obviously, there were a lot of  
23 deficiencies in what occurred. But I want  
24 to just assure everyone here our office has,  
25 is, and always will be addressing and, as

1 long as I'm there, achieving and attempting  
2 to achieve the best and greater interest of  
3 the City as a whole.

4 And I'll just use a few quick examples.  
5 Over the past several months, you know,  
6 there was a discussion, for example, of  
7 this -- what was known back last summer as  
8 this proposed incentive plan that came to be  
9 known under the acronym of PUP. And at the  
10 time, you know, we had a very basic  
11 understanding, the memos and the evidence, I  
12 believe, dictates as much; and that is, you  
13 know, we are very familiar with the statutes  
14 that allow for long-term incentive plans and  
15 we provided information on that.

16 Now, as we came to find out over time  
17 what the details and issues were related to  
18 that particular proposal, we embarked -- I  
19 had many attorneys in my office come to the  
20 table and look at and review that. And we  
21 came to a determination, over the course of  
22 September and October and then it culminated  
23 at the end of October in a very pivotal  
24 meeting on November 5th of 2019 with JEA  
25 folks, that that particular plan could not

1           legally be pursued. There were a lot of  
2           deficiencies to it, a lot of issues. I'll  
3           restrain myself from getting into any  
4           further description of it in terms of what I  
5           believe, you know, went into that.

6           But needless to say, we provided that  
7           legal counsel. And it was an uphill  
8           discussion and battle, because we were up  
9           against very prestigious law firms giving us  
10          information otherwise justifying. So that's  
11          one example.

12          Another example is, when our ethics  
13          director was, I believe, being bumped out of  
14          proceedings that were occurring with the  
15          negotiation team, I intervened to have her  
16          interaction available there. And by the  
17          way, the same with our IG's office. And I  
18          can go through a number of other instances.  
19          I don't want this to come across as a  
20          defense of what we're doing.

21          But, you know, people have generally  
22          been supportive and understand our role. I  
23          think, as Ms. Priestly Jackson has aptly  
24          pointed out, there is some nuance and, you  
25          know, other sort of things that people just

1 don't see. I don't think people see the  
2 agony and the things that we have to deal  
3 with internally in order to try to get the  
4 government on the right track.

5 But in any event, you know, I just  
6 wanted to assure the -- not just this  
7 Committee, obviously, but the public  
8 at-large and anybody that may be paying  
9 attention that we're striving our best to  
10 provide the adequate facilitation -- that's  
11 the word I think I started out with using  
12 here at the beginning of this monologue --  
13 to make sure that and to endeavor and to  
14 allow for this Committee to optimally  
15 achieve its legislative purpose and its  
16 investigation.

17 And part of doing that also is, as has  
18 been discussed and as Ms. Priestly Jackson  
19 brought up, is facilitating, just like I  
20 said over a year ago with JEA for the City  
21 Council, for us facilitating the City  
22 Council's obtaining of special counsel  
23 through the Smith Hulsey Busey law firm.  
24 And we've been working hand in hand. You  
25 know, there is tensions that arise and

1 things that pop up, but we work through it.  
2 It's been a great collaboration thus far,  
3 and we intend to continue that good,  
4 productive collaboration.

5 But anyway, with that, for whatever  
6 that's worth, I just appreciate the  
7 opportunity, Madam Chair, to put that out  
8 there. And obviously, again, always  
9 available for any questions or comments or  
10 things that might help. But I appreciate  
11 the opportunity to say that. Thank you.

12 CHAIRPERSON PRIESTLY JACKSON: Thank  
13 you.

14 Any Committee Members have anything they  
15 would like to add to or ask Mr. Gabriel at  
16 this time?

17 COUNCIL MEMBER DeFOOR: I would just say  
18 thank you for the -- it was nice to hear,  
19 and I think it's a great reminder of the  
20 difficulty that you have in your position.  
21 And I just appreciate you, Madam Chair, for  
22 bringing that to our attention.

23 CHAIRPERSON PRIESTLY JACKSON: Thank  
24 you.

25 We will now move -- thank you,



1 Mr. Gabriel.

2 We'll now move on to Council Members'  
3 conflict and disclosures. Carla Miller,  
4 Director of Ethics and Compliance and  
5 Oversight. And I'm going to kind of preface  
6 this with there was a conversation during  
7 the first meeting of the SIC in January -- I  
8 believe January was our first meeting -- and  
9 at that time we had -- I mentioned, as you  
10 were requesting documents and possibly  
11 witness testimony from many others, a lot of  
12 those who were members of the senior  
13 leadership team, members of the JEA board,  
14 who were the ITN respondents, various other  
15 consultants and lobbyists, that I said, as  
16 we make this inquiry of others, we must  
17 assure the public that we're operating with  
18 full integrity relative to ourselves as  
19 Council Members.

20 So I at that time shared that I felt it  
21 was integral for Council Members to file a  
22 possible conflict or disclosure form  
23 outlining any contact they had with members  
24 of the senior leadership team of JEA,  
25 members of the board, any of the ITN

1 respondents, or any of the other lobbyists.  
2 And a big part of that for me was we wanted  
3 to make certain that we were operating with  
4 integrity and that we -- our work would not  
5 be undermined by any perception of  
6 impropriety by any of our colleagues.

7 So I've asked Ms. Miller to come on this  
8 morning to talk about that disclosure or  
9 conflict form, and she's going to share what  
10 we're contemplating doing. I think the  
11 Committee will need to kind of narrow the  
12 window and the scope of the disclosure  
13 requirements.

14 So, Ms. Miller, would you now tell --

15 DR. BROWN: Excuse me, Ms. Chairman. We  
16 have Member Diamond is trying to get your  
17 attention.

18 CHAIRPERSON PRIESTLY JACKSON: Okay.  
19 Councilman Diamond, yes.

20 COUNCIL MEMBER DIAMOND: Madam Chair,  
21 sorry to interrupt. I filed last week I  
22 have an early exit from this meeting, but  
23 I'm sure I'll support whatever disclosure  
24 the Committee and Ms. Miller come up with.  
25 I also filed one, I think, back in January.

1 But if you need additional information, I'll  
2 supplement mine, no problem at all.

3 CHAIRPERSON PRIESTLY JACKSON: Okay.  
4 Thank you. Thank you, Mr. Diamond, take  
5 care.

6 Ms. Miller.

7 MS. MILLER: Good morning, everyone.  
8 The Chair did ask me to take a look at  
9 conflicts of interests and disclosures of  
10 Council Members. And you've all received a  
11 form that our office uses, Conflict of  
12 Interest Self-Assessment Tool. And that is  
13 a comprehensive plain English way to pick up  
14 conflicts of interest. So we send this out  
15 to all board members, City employees, and  
16 they check out every aspect of this list.  
17 And if they say yes to any questions, then  
18 we can make further inquiries to see if any  
19 state laws have been violated. So  
20 essentially, we have done this list.

21 The first time we used it with JEA was  
22 back in October when it was used with the  
23 negotiators that had been chosen by JEA on  
24 the ITN. And as a result of that and about  
25 a month's worth of work with the Office of

1           General Counsel, the negotiators were  
2           removed and new negotiators were put in  
3           place.

4           Since that time we've also used this  
5           conflict of interest form with all of the  
6           JEA board members. So it has had a lot of  
7           use. It picks up a lot of issues. And  
8           we're more than happy to adapt it for any  
9           use that this Committee might need for it.

10          And my deputy, Kirby Oberdorfer, is  
11          here. She has worked on some of those  
12          opinions to the State Ethics Commission on  
13          conflicts of interest. So we can speak for  
14          it on conflicts for five minutes or five  
15          hours, whatever the Committee wants.

16          But there are -- I wanted to mention  
17          there are two types of conflicts: One is a  
18          conflict that's prohibited by law under  
19          Chapter 112 of Florida Statutes; the other  
20          is the perception of conflicts, and that's  
21          who spoke to who, who hangs out with someone  
22          else. I mean, that may give the appearance  
23          of conflict, but it doesn't violate Chapter  
24          112.

25          So our Conflict of Interest Assessment

1 Tool that you all have a copy of picks up  
2 the legal conflicts of interest under  
3 Section 112 of the Florida Statutes. There  
4 may be other questions that are relevant  
5 that might be asked in the deposition, for  
6 instance, but they are not focused on clear  
7 violations of 112. So those are two types  
8 of conflicts, the legal conflicts and the  
9 appearance of conflicts.

10 CHAIRPERSON PRIESTLY JACKSON: Thank  
11 you.

12 Ms. Oberdorfer, are you going to share  
13 with us now?

14 MS. OBERDORFER: Thank you, Madam Chair.

15 Essentially, what the conflict checklist  
16 that Carla developed goes through are the  
17 two types of prohibitive conflict at the  
18 state level in Chapter 112. So the first  
19 type of prohibitive conflict would prohibit  
20 a Council Member acting in their public  
21 capacity to do business with their own  
22 agency. And under opinions from the State  
23 Ethics Commission, the agency is City  
24 Council itself. So in other words, somebody  
25 on Council could not vote to approve a

1 contract for their own business or for the  
2 business of their spouse or child or a  
3 business in which their spouse or child or  
4 themselves were an officer or director or  
5 had more than a five percent ownership  
6 interest.

7 The state law also directs us doing  
8 business with your own agency in a personal  
9 capacity of a Council Member. And that is a  
10 Council Member themselves, not their spouse  
11 or child but them themselves, cannot sell to  
12 the City or any other part of the  
13 consolidated government if they are an owner  
14 of a company or an officer or director. So  
15 that's the one type of conflict that's  
16 addressed in the conflict checklist.

17 The second big conflict, prohibitive  
18 conflict under state law, is that a Council  
19 Member in their capacity individually cannot  
20 have an employment or contractual  
21 relationship with an entity that, in turn,  
22 is doing business with the Council. So  
23 those are the two types of things that that  
24 conflict assessment tries to address.

25 CHAIRPERSON PRIESTLY JACKSON: Thank

1           you.

2           And so before I go to Committee Members  
3           for questions, I think in this instance we  
4           were trying to -- I know many of the  
5           Committee Members have not had an  
6           opportunity to review the form. So we're  
7           actually going to take a formal action item  
8           on the form when we get back in two weeks,  
9           which will give all the Committee Members  
10          and our colleagues an opportunity to look at  
11          it and refine it for this unique scenario.

12          So our concerns primarily were engage us  
13          with our independent authority JEA relative  
14          to a time frame that this Committee may be  
15          investigating and looking at the attempts to  
16          recapitalize.

17          So with that, I believe you said all  
18          Committee Members or all Council Members  
19          forward the form as well, Ms. Miller, or was  
20          it all Council Members as well?

21          MS. MILLER: Just the three on your  
22          Committee, but we can forward it to all  
23          Council Members if you desire.

24          CHAIRPERSON PRIESTLY JACKSON: Yes. I  
25          would like that, because I want to get some

1           commentary back. So they can forward that  
2           information to your office directly, because  
3           we hope to have the actual tool that we  
4           would like to use ready by the time we meet  
5           in two weeks.

6           Are there any questions for Ms. Miller  
7           or Ms. Oberdorfer from the Ethics Office  
8           relative to the Council Members conference  
9           and disclosures?

10          Ms. DeFoor, do you have any?

11          COUNCIL MEMBER DeFOOR: Yes, thank you.

12          I just looked over it very quickly. And  
13          I'll do this offline, but I do think we're  
14          looking for a little broader scope, but I'll  
15          raise that with her. Thank you.

16          CHAIRPERSON PRIESTLY JACKSON: Thank  
17          you.

18          Do we have -- Council Member Wilson, do  
19          you have any questions? I know Councilman  
20          Diamond is gone.

21          I'll take Council Member Boylan,  
22          followed by Council Member Salem.

23          COUNCIL MEMBER BOYLAN: Thank you, Madam  
24          Chair.

25          This is perhaps a bit extreme, but



1 obviously, the vast majority of us are  
2 ratepayers, customers of JEA. So we do  
3 have, actually, indirect, if, well, albeit  
4 small, you know, direct connect to the  
5 entity. I might suggest that we clearly  
6 delineate that is not part of this process  
7 in terms of Ms. Miller's presentation.  
8 Thank you.

9 CHAIRPERSON PRIESTLY JACKSON: Thank  
10 you, Mr. Boylan. Yeah, and what we're going  
11 to do, she's going to forward this form to  
12 all of the Council Members. So I'm going to  
13 encourage you individually to reach out to  
14 Ms. Miller or Ms. Oberdorfer relative to  
15 your concerns. We will work probably  
16 towards the middle to the end of next week  
17 on the actual form for everybody to vote on,  
18 for the Council Members to fill out at that  
19 time. So as much input as we can get as  
20 possible to cover it, our concerns, I look  
21 forward to that.

22 Council Member Salem.

23 COUNCIL MEMBER SALEM: Ms. Miller, I'm  
24 trying to understand the purpose of this  
25 form versus any other vote that I would take

1 on any issue. I've had discussions with you  
2 on previous votes where I perceive there was  
3 a conflict. And I don't understand the  
4 scrutiny of this particularly beyond the  
5 voting members of the Committee. I mean,  
6 we're all on various committees, TEU,  
7 Finance. I mean, this issue is out there on  
8 any vote that we take, and we have a  
9 responsibility to contact your office if we  
10 perceive a conflict. So please explain to  
11 me the additional scrutiny here versus on  
12 any vote that I've obtained.

13 MS. MILLER: Through the Chair, this is  
14 not a scrutiny that is initiated by our  
15 office. We're happy to assist your  
16 Committee in anything that you want us to  
17 develop based upon Florida law; we're happy  
18 to offer that to you.

19 But we work on conflicts on a continual  
20 basis. As you know, we get a call every day  
21 from a board member or a different Council  
22 Member saying, you know, I have a voting  
23 conflict, I believe, on this particular  
24 issue, or I can't even get into this issue  
25 at all because of my employment. And so I

1 would say that that's one of the main  
2 functions of our office.

3 So most of the Council Members, from our  
4 training, know that, if the issue seems a  
5 little bit familiar to them, they need to  
6 call us and we need to work it out to make  
7 sure it's okay with the State Ethics  
8 Commission.

9 If this issue with JEA, if the ITN had  
10 actually come to you for a vote, we may have  
11 had some people raise their hand and say, we  
12 need to talk to you, someone in our family  
13 has a connection, or this bidder is actually  
14 someone that -- you know, we would have had  
15 those questions come up as the process went  
16 further on.

17 So I guess the question for your  
18 Committee, as a policy decision, is do you  
19 want to ask those questions now and develop  
20 some of those interrelationships.

21 This is not an inquiry originated from  
22 our office. It's just something that your  
23 committee may be interested in to develop  
24 that information.

25 COUNCIL MEMBER SALEM: Through the Chair

1 back to Ms. Miller, what is the vote that  
2 we're going to take that may warrant the  
3 conflict? That's what I'm having trouble  
4 with.

5 CHAIRPERSON PRIESTLY JACKSON: Let me  
6 interrupt, let me answer that question for  
7 you. It's not about a vote. The inquiry  
8 that was made of the members of the  
9 negotiating team because they had -- whether  
10 they were unduly influenced, that's what  
11 yielded, I think, a total change in most of  
12 the members of the negotiating team at that  
13 time.

14 Because, Mr. Salem, much of the actions  
15 that transpired relative to an attempt to  
16 recapitalize JEA were not advanced in the  
17 public with full transparency, our desire as  
18 a Committee is to make certain not that any  
19 Council Members intentionally engaged in  
20 behaviors, but there could not be any  
21 behaviors that were engaged in maybe prior  
22 to that time that could be used by anyone to  
23 indicate that Council Members were unduly  
24 influenced in the process to recapitalize  
25 JEA. And, you know, we find out so much

1           about what's going on as we work through  
2           this that we did not know in the beginning,  
3           correct. So that's the purpose of this.

4           My concern, quite candidly, is this  
5           Committee has put in several hours of work,  
6           outside counsel has done a lot of work,  
7           others have done a lot of work to support  
8           this. I don't have any time for anyone to  
9           throw a hand grenade in our work when the  
10          final report comes out to indicate there was  
11          something we left unturned -- or a stone  
12          unturned or there was some other inherent  
13          conflicts that we didn't know about that we  
14          should have known about.

15          So for many it might be they don't have  
16          any. Have you looked at the form? I don't  
17          have any conflict, that's fine. That  
18          totally satisfies me.

19          This is not a gotcha or I'm going to  
20          catch you if I can. But it just kind of  
21          shows to the public that the same level of  
22          transparency that we are requiring for  
23          others, the same level of inquiry we're  
24          making for others, particularly in light of  
25          the five additional witnesses we're going to

1 ask Mr. Busey to talk to, that we're doing  
2 it to ourselves. And that's what that is.

3 And I'll just add this last piece of  
4 information. I might have been one of the  
5 last people to know that FP&L had a box that  
6 City Council Members were in during the  
7 game. You follow me? Way above my head.  
8 You follow me? I was a little late to that  
9 party, so things like that.

10 But that's why I am encouraging Council  
11 Members, all Council Members, not just the  
12 Committee, to review the form that she  
13 forwarded, have one-on-one conversations  
14 with Ms. Miller, right. And then what we  
15 will do is have whatsoever document we need  
16 for the Body to take action upon at the next  
17 meeting.

18 COUNCIL MEMBER SALEM: Has she forwarded  
19 it to the Committee Members?

20 CHAIRPERSON PRIESTLY JACKSON: Now she  
21 is going to send it to all the Council. She  
22 sent it, thank you.

23 COUNCIL MEMBER SALEM: Thank you, Chair.

24 CHAIRPERSON PRIESTLY JACKSON: Thank  
25 you.

1 Ms. Miller, Ms. Oberdorfer, is there  
2 anything additional you would like to add?

3 MS. MILLER: No, thank you.

4 MS. OBERDORFER: Thank you.

5 CHAIRPERSON PRIESTLY JACKSON: Thank you  
6 all.

7 We're going to move on now to Item G on  
8 our agenda, Council Members one-on-one  
9 meetings with outside counsel, Steve Busey,  
10 Esquire.

11 So as many of you may recall, when the  
12 outside counsel, or special counsel, was  
13 retained, the Council voted to have  
14 Mr. Busey. He made himself available to all  
15 the Council Members to have one-on-one  
16 meetings with him.

17 So we are now -- we now think at this  
18 point in time that it's appropriate for  
19 Council Members to have their one-on-one  
20 meetings with Mr. Busey, and he can kind of  
21 give you an outline of where the Committee  
22 is at this time and share what's going on.  
23 And you all will let us know if there are  
24 any additional stones we need to turn over  
25 or any additional information or things that

1 we need pursue or other witnesses that are  
2 necessary for our report.

3 And so, Mr. Busey, would you kind of  
4 tell them your window of time and how that  
5 process is to have their one-on-one  
6 meetings?

7 MR. BUSEY: Yes. This was an excellent  
8 idea by the Chair. She wants to make sure  
9 that anybody who is on the Council or on the  
10 Committee who has concerns about this  
11 investigation and are fearful that we may  
12 not address those issues, talk to us about  
13 them and share it with us so we can make  
14 sure that we can consider that input. And  
15 we would welcome it.

16 Our -- I'm going to be -- I'll make  
17 myself available. It's completely flexible  
18 on calendaring. So if any Council Person  
19 wants to talk to me, give me a call. And  
20 within the next two weeks, we will schedule  
21 it at your convenience either on the  
22 telephone or here in our office or at City  
23 Hall, wherever you want to do it. We will  
24 make ourself available for the Council for  
25 those individual sessions.



1           CHAIRPERSON PRIESTLY JACKSON: Thank  
2           you, Mr. Busey.

3           And any commentary from any of our  
4           colleagues on the Council, Committee  
5           Members?

6           And what I will probably have my ECA,  
7           Ms. Hodges, do is send a note out to all of  
8           the Council Members and their ECAs that  
9           that's available, with your contact  
10          information, Mr. Busey, so they know that  
11          was discussed at this morning's Council  
12          Committee Meeting.

13          Any additional -- no additional comments  
14          on that.

15          We now move to Item H, outside counsel  
16          and budget extension. I'll take that over  
17          to Ms. Sidman.

18          MS. SIDMAN: Thank you.

19          Through the Chair to the Committee, so  
20          you may recall back in June there was an  
21          extension for the outside counsel Smith,  
22          Hulsey & Busey. And the terms of that was  
23          that the outside counsel was going to return  
24          to the Committee and notify it -- well,  
25          notify OGC when the budget hit \$800,000. We

1           have not paid out the number. The number  
2           that Mr. Busey mentioned earlier in the  
3           call, the 610, that's the number that has  
4           been expended. But we have received a bill  
5           for the month of June for a hundred and --  
6           or sorry, yeah, for the month of June, yeah,  
7           for \$157,000. So the total amount that  
8           we're looking at, once that gets approved,  
9           is \$766,921.54, and that includes the costs.

10           Because of the amount of work that's  
11           being put in, even though we're not quite at  
12           \$800,000, it might be appropriate for the  
13           Committee to take a look at that to see if  
14           there should be an extension at this point  
15           in time. You may recall that the total  
16           amount that was authorized by Council  
17           initially was \$1.8 million. So to the --  
18           what Mr. Busey said is, yes, you have not  
19           expended \$1.8, million, but you are at --  
20           bumping up at the amount of \$800,000, by  
21           which you might want to consider an  
22           extension. So I bring that to your  
23           attention.

24           CHAIRPERSON PRIESTLY JACKSON: Before I  
25           offer comments, Mr. -- any Committee Members

1           that have any commentary?

2           I would propose -- I talked with  
3           Mr. Busey -- an extension of \$300,000, which  
4           would get us to the additional witness  
5           testimony, as well as the one-on-one  
6           meetings with Council Members.

7           But, Ms. DeFoor.

8           COUNCIL MEMBER DeFOOR: Thank you, Madam  
9           Chair.

10          I have no problem extending. You know,  
11          like I said, I'm the liaison for the JEA. I  
12          was looking at the numbers they've actually  
13          spent on the Vogtle litigation. That's  
14          Vogtle, this is separate from the JEA. It's  
15          closing in on 10 million.

16          You know, I -- this has been a huge --  
17          and that, to me, the Vogtle, the whole  
18          Vogtle litigation, actually plays into what  
19          happened, right, it was all part of the  
20          whole death spiral narrative. And so at the  
21          end of the day, the JEA is going to have  
22          spent, I would say -- I would imagine it's  
23          huge. I mean, it's going to be at least 50  
24          million, if not greater, on this whole  
25          debacle.

1           So us spending the little bit of money  
2           that we are in trying to get to what  
3           happened and how it happened is, in my mind,  
4           small potatoes. So I am fully prepared to  
5           extend it for the full amount of the 1.8,  
6           but whatever needs to be done, needs to be  
7           done. Thank you.

8           CHAIRPERSON PRIESTLY JACKSON: Thank  
9           you.

10          Council Member Wilson has his hand  
11          raised.

12          Committee Member.

13          COUNCIL MEMBER WILSON: Yes, ma'am. I  
14          just want to second the motion -- I think it  
15          was for \$300,000 -- so then we can vote.

16          CHAIRPERSON PRIESTLY JACKSON:  
17          Councilman DeFoor, was that a motion you  
18          made?

19          COUNCIL MEMBER DeFOOR: I'll move to  
20          extend it for 300,000.

21          CHAIRPERSON PRIESTLY JACKSON: There's a  
22          motion to extend the outside counsel budget  
23          for \$300,000, and there is a second by  
24          Committee Member Wilson. Is there any  
25          additional discussion?

1           Seeing no additional discussion at this  
2           time, all Members in support, please signify  
3           by raising your hand.

4           DR. BROWN: Three yeas, zero nays.

5           CHAIRPERSON PRIESTLY JACKSON: Thank  
6           you. Three up.

7           All right. That -- now we move on to  
8           Item I, Other Business. And I will go  
9           through each of the Committee Members to see  
10          if there is anything additional that you all  
11          want to call to the Committee's attention  
12          today, and then we'll acknowledge our  
13          colleagues as well.

14          Council Member DeFoor.

15          COUNCIL MEMBER DeFOOR: I have no other  
16          business.

17          CHAIRPERSON PRIESTLY JACKSON: Thank  
18          you.

19          Council Member Wilson?

20          COUNCIL MEMBER WILSON: I have nothing  
21          else.

22          CHAIRPERSON PRIESTLY JACKSON: Okay. I  
23          saw your hand, Council Member Ferraro. Call  
24          on Council Member Ferraro at this time.

25          COUNCIL MEMBER FERRARO: Yes, ma'am.

1           Through the Chairman, is there any way  
2           that any of this money can be paid back from  
3           JEA to the general fund to pay this back?

4           CHAIRPERSON PRIESTLY JACKSON: That's a  
5           good question. And I would then ask  
6           Ms. Taylor if she can look into that to see  
7           if there is any possibility, when this  
8           concludes, that we can claw back some of the  
9           money from outside counsel and other  
10          agencies from JEA.

11          So I know, Ms. Taylor, you didn't know  
12          that was a question coming today, but is  
13          that something your office would be able to  
14          look into for us to answer Mr. Ferraro's  
15          question.

16          MS. TAYLOR: Yes, ma'am, Madam Chair,  
17          happy to look into that.

18          COUNCIL MEMBER FERRARO: Thank you.

19          CHAIRPERSON PRIESTLY JACKSON: Thank  
20          you, Mr. Ferraro, that's a great idea.

21          Council Member Dennis.

22          COUNCIL MEMBER DENNIS: Through the  
23          Chair, for months now I have been beating  
24          the drum on some other fees, as you all  
25          know, that the City, we're responsible for

1           any City employee, elected official who  
2           retains an attorney, and we're responsible  
3           for paying their legal fees if they're not  
4           convicted or anything like that.

5           And I want to thank Mr. Busey for  
6           sending over Ms. Burch's testimony. I saw  
7           that she has an attorney out of Winter Park.  
8           And in saying that, we're probably -- you  
9           know, she's not charged with any crime; we  
10          will be picking up that tab.

11          And so I would like to -- and so I've  
12          asked General Counsel to draft legislation,  
13          you know, on trying to get a handle on what  
14          else that we're going to be out of  
15          financially.

16          In my conversation with Attorney  
17          Gabriel, he said that, you know, he's going  
18          to come to the Council with at least a \$3  
19          million appropriation to set aside to start  
20          paying people's legal fees. And I know  
21          we're wrangling back and forth with  
22          Mr. Busey, you know, 150,000 fee. I know  
23          this Committee just approved another  
24          300,000.

25          But that's the elephant in the room.

1           And so, you know, again, every Committee  
2           meeting I'm talking about it. We don't know  
3           who has attorneys. And it's not about who  
4           has legal counsel, but it's about the big  
5           bill that we're going to be stuck with that  
6           we're not dealing with, that we're not  
7           talking about.

8           So I don't know if Mr. Gabriel wants to  
9           talk about how we're going to get a handle,  
10          but it's an issue, and it's coming down to  
11          we can't hide around from it.

12          CHAIRPERSON PRIESTLY JACKSON: Thank  
13          you, Councilman Dennis. And so what I'm  
14          going to take that as -- you've raise it at  
15          every meeting. We'll have Mr. Gabriel at  
16          the next SIC meeting explain that process.

17          So my understanding, which is somewhat  
18          limited, is that, the -- in addition to get  
19          attorneys who are authorized to retain  
20          counsel through Mr. Gabriel's office, that's  
21          the first step. Before we pay their bills,  
22          that's the further down the road process, in  
23          terms of it being related to either their  
24          employment, their role on the board or  
25          something of that nature.



1           But, Mr. Gabriel, can you come back at  
2           the next meeting and share with the  
3           Committee what the process would be for  
4           those individuals that are connected to the  
5           JEA in an attempt to recapitalize who  
6           retained outside counsel, on what that  
7           process would be in terms of what the City's  
8           obligation would be to pay attorney's fees  
9           for those individuals? I don't know if we  
10          have the list yet. So would you be prepared  
11          to bring that information forward at the  
12          next SIC meeting?

13           MR. GABRIEL: Sure. Yeah, I'm available  
14          for any questions. I can even explain now  
15          generally what that means. But, yeah,  
16          whatever your desire, I can be prepared at  
17          the next meeting to go through that.

18           And I do appreciate Council Member  
19          Dennis bringing that up. It is an important  
20          issue, and there is a process for it. And  
21          it is something that you all should just be  
22          cognizant of, obviously. But, yeah, I can  
23          do that. Thank you.

24           CHAIRPERSON PRIESTLY JACKSON: Do you  
25          want to share it now? If you want to share

1           it now, that's fine. I didn't know if you  
2           were prepared to address it now. If you're  
3           prepared to address it now, we still have  
4           time. So then you could address it now, if  
5           you want.

6           MR. GABRIEL: Yeah. So generally  
7           speaking, and we have some memos on this  
8           that dig back over 12 years ago, and it's  
9           based in common law; and that is, public  
10          officials are entitled under Florida law to  
11          a reimbursement of their attorneys fees as  
12          long as -- and I'm kind of high level  
13          generalizing here -- as long as two main  
14          things are met: Number one, as has been  
15          mentioned, they're exonerated, which  
16          basically means they're not indicted at the  
17          end of a legal or administrative process.

18          And then number two, that the billings  
19          are reasonable and commensurate with stuff  
20          that's related to the official duties and  
21          responsibilities of that person, you know,  
22          because -- and you have to kind of sort  
23          through that because there could be things  
24          that in an investigation are tied to private  
25          interests versus public interests, so that's

1 the analysis, generally speaking and quickly  
2 stated, that we would undergo.

3 And so what we do anticipate as we go  
4 along is that we will be getting requests  
5 for reimbursements for that sort of thing.  
6 And certainly, we'll report back as that  
7 happens and let you know.

8 I don't know, the \$3 million price tag,  
9 I honestly don't know where that came from.  
10 It could be less than that, it could be more  
11 than that. I have no idea. I don't know  
12 what the number is, but we can make --  
13 anticipate based on the interviews that  
14 we're going to be conducting what that could  
15 be. And of course, you also have other  
16 jurisdictions looking at this stuff, and  
17 there could be billing from that too.

18 So in any event, that's just generally a  
19 brief of that, but I'm happy to address it  
20 any further or in more detail later if you  
21 would like.

22 CHAIRPERSON PRIESTLY JACKSON: So if you  
23 could bring, for the next meeting, just what  
24 you anticipate the costs, the possible costs  
25 or indebtedness that the City will be in for

1           those that you are aware of related to JEA  
2           and their outside counsel.

3           I realize that the time to determine if  
4           they're exonerated and the billings are  
5           reasonable will definitely be after the U.S.  
6           Attorney's Office makes any decisions on  
7           indictments and other related matters. And  
8           we don't really know a time frame for any of  
9           that, particularly during the pandemic since  
10          a lot of that is stalled. So that might be  
11          a longer time frame that we anticipated.

12          But if you can, to the best of your  
13          knowledge and ability, tell us what might be  
14          the max that we can face for attorney's fees  
15          and then what you might think is the  
16          minimum, that would help us at the next  
17          meeting.

18          Council Member Dennis, does that answer  
19          your question before I move on to Committee  
20          Member DeFoor?

21          COUNCIL MEMBER DENNIS: It does. And  
22          again, I'm not too concerned about who, it's  
23          just, you know, the budget issue and given  
24          notice and for us to, you know, appropriate  
25          because we're going into a budget season.

1           So that does, and I will wait to hear from  
2           Attorney Gabriel at the next meeting. Thank  
3           you.

4           CHAIRPERSON PRIESTLY JACKSON: Thank  
5           you, Council Member.

6           Council Member DeFoor.

7           COUNCIL MEMBER DeFOOR: Thank you, Madam  
8           Chair.

9           I think that Councilman Dennis raised a  
10          great point. In the private sector, we  
11          have -- you don't have this reasonable rate,  
12          which is ambiguous; you actually have a  
13          contract rate. And you say, if you're going  
14          to go out and hire a person, you can't --  
15          the hourly rate has to be X.

16          And I think that's -- it sounds to me  
17          that this may be legislation we need to look  
18          into going forward, because look what we had  
19          to do with our own counsel. We couldn't  
20          just go out and hire willy-nilly Steve  
21          Busey, we had to do a whole -- so why would  
22          an employee get that -- you know, why would  
23          they have more power than we do? So I would  
24          suggest that we look into this going forward  
25          with legislation.

1                   CHAIRPERSON PRIESTLY JACKSON: That  
2                   sounds like an excellent idea, Council  
3                   Member DeFoor.

4                   Seeing no further hands for other  
5                   business at this time, seeing none from  
6                   anyone, then this meeting of the Special  
7                   Investigatory Committee on JEA for  
8                   July 24th, 2020, is adjourned. Thank you,  
9                   everyone.

10                   (Meeting concluded at 9:22 a.m.)

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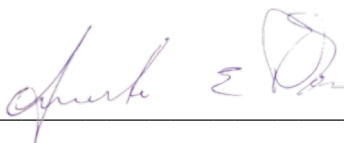
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## CERTIFICATE OF REPORTER

STATE OF FLORIDA  
COUNTY OF DUVAL

I, Amanda E. Robinson, Registered Professional Reporter, Certified Realtime Captioner, do hereby certify that I was authorized to and did report the foregoing proceedings; and that the transcript, pages 1 through 78, is a true record of my stenographic notes.

DATED this 5th day of August, 2020.



Amanda E. Robinson,  
Registered Professional Reporter,  
Certified Realtime Captioner