

**SPECIAL INVESTIGATORY COMMITTEE ON JEA**

**SESSION #7**

DATE: Monday, August 10, 2020

TIME: 5:00 p.m. - 6:01 p.m.

PLACE: Zoom

COUNCIL MEMBERS PRESENT:

Brenda Priestly Jackson, Chair, District 10  
Rory Diamond, District 13  
Randy DeFoor, District 14  
Scott Wilson, District 4  
Al Ferraro, District 2  
Michael Boylan, District 6  
Garrett Dennis, District 9  
Ronald Salem, Group 2

ALSO PRESENT:

Steve Cassada, IT Administrator  
Melanie Wilkes, Council Support Services  
Eric Grantham, Council Support Services  
Jeff Clements, Chief of Research  
Yvonne Mitchell, Council Research  
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  
Sean Granat, 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

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P R O C E E D I N G S

CHAIRPERSON PRIESTLY JACKSON: I call this meeting of the Special Investigatory Committee on JEA for August 10th, 2020, to order. It is now 5:00 p.m. And if we can have an invocation by Council Member Randy DeFoor, please.

COUNCIL MEMBER DeFOOR: If you'll join me. Lord, help us strive for truth in all that we do here today. That our thoughts, words, and actions reflect that of you. Guide us honestly and courageously to ensure that all that should be known be known in order to protect this great city of ours. In your name we pray, amen.

CHAIRPERSON PRIESTLY JACKSON: Amen. Thank you so much, Council Member DeFoor. Would you also lead us in the Pledge of Allegiance.

(Pledge of allegiance.)

CHAIRPERSON PRIESTLY JACKSON: Thank you so much.

I am going to follow the agenda that we have for today with one exception. Our Ethics Director, Ms. Carla Miller,

1           graciously agreed to come on our meeting.  
2           She is on vacation. And so because she did,  
3           if the Committee Members don't mind, I would  
4           like to take her before we start Outside  
5           Counsel and General Counsel discussions.  
6           And she can have a conversation with us  
7           relative to the Council Members'  
8           disclosures.

9           Hopefully, all Council Members have  
10          pulled up the language of the proposed  
11          disclosures in your email -- I see you,  
12          Councilman Diamond -- so there is some  
13          language for discussion that we'll discuss  
14          today. But, Council -- we're going to move  
15          up to Item F to start that first, if there  
16          is no objection -- there are no objections.  
17          I don't see any objections.

18          Ms. Miller, you have the floor.

19          MS. MILLER: Thank you.

20          And good evening, everybody. It's good  
21          to see your faces, little faces.

22          After the last meeting, there was some  
23          discussion about Council Members'  
24          disclosure. And after that last SIC  
25          meeting, we also had a conference between

1 Jason Gabriel and your Chair and myself.  
2 And so what Jason Gabriel and I tried to do  
3 is to get all those pieces together into  
4 language for ascertaining relationships.  
5 And so that's the language that you have in  
6 front of you.

7 And I do want to give you a caveat that  
8 this isn't set in stone. This is something  
9 for the Committee to discuss and make a  
10 policy decision on the parameters of how far  
11 you want to figure out relationships. I've  
12 always said at Jacksonville that we don't  
13 have six degrees of separation, we have like  
14 two degrees of separation; everybody knows  
15 everybody else and pretty much what's going  
16 on. So how far does the Committee want to  
17 reach into this to determine relationships.

18 Because what you're doing is not a legal  
19 or ethical inquiry per the law. You're  
20 getting into a different area to figure out  
21 relationships from last fall that could have  
22 impacted on JEA.

23 So this language, like I said, is not  
24 set in stone. It's just something that  
25 Jason Gabriel and I tried to pull together

1 from everything that everybody said so it's  
2 all in one place for you to make that policy  
3 decision.

4 CHAIRPERSON PRIESTLY JACKSON: Thank  
5 you.

6 So I think, Members, if you have the  
7 language for ascertaining relationships in  
8 front of you, which is disclosures, do you  
9 want Ms. Miller to walk us through the  
10 proposed language or what is the will of the  
11 Committee?

12 And I see Councilman Diamond.

13 COUNCIL MEMBER DIAMOND: Thank you.

14 I'm fine with however you want to go  
15 through it. I just had a couple of  
16 clarifying questions. I'm in favor of doing  
17 this. I think this is a good place to  
18 start, maybe a couple of tweaks just so we  
19 know where the barriers are. I don't know  
20 how far it goes, but, you know, however the  
21 Chair wants to do it.

22 CHAIRPERSON PRIESTLY JACKSON: Okay. So  
23 do you want -- why don't we have Ms. Miller  
24 walk us through the language that we have  
25 before us that was -- she and our General

1 Counsel for the City worked on the substance  
2 of it. I shared some input relative to time  
3 frames that I thought might be relevant.

4 So does that work for you, Ms. Miller,  
5 to kind of walk us through the language on  
6 time and then the Committee Members can  
7 thereby ask their questions after that and  
8 we can move further?

9 MS. MILLER: Sure, no problem.

10 CHAIRPERSON PRIESTLY JACKSON: Okay.

11 MS. MILLER: So you have the language,  
12 and it basically is one sentence: For a  
13 specified time period have you or your  
14 immediate family had any interaction with  
15 any person or entity connected in any way  
16 with JEA or the City related to the  
17 privatization, reorganization, sale, or  
18 other transfer of interest of JEA or the  
19 ITN?

20 And so since we wanted to specifically  
21 define some of those terms, the terms are  
22 defined as to time period; immediate family  
23 limited just to spouse and children; and  
24 interaction is broad the way that's written,  
25 so you may want to take a look at how you

1 want to define that, means a business  
2 relationship or a contractual relationship,  
3 employment, meeting. It does not mean being  
4 a JEA customer, which I think someone  
5 mentioned at the last meeting. And person  
6 or entity connected to JEA means any JEA  
7 board members, senior leadership, bidders,  
8 consultants, lobbyists, attorneys, or City  
9 officials.

10 So the language is fairly broad on  
11 attempting to ascertain all the  
12 relationships that might have been occurring  
13 last fall between City Council Members and  
14 anybody connected to the ITN. And so that  
15 is your language, which is fairly broad at  
16 this point for you to determine, you know,  
17 fine tune it.

18 CHAIRPERSON PRIESTLY JACKSON: Okay.  
19 And the time period, do you want the time  
20 period that we have, which basically that  
21 first section?

22 MS. MILLER: Right. This would  
23 encompass Council Members going back in time  
24 from when they initially qualified or were  
25 appointed for their seat; going back even to

1           2015, since I believe that the Committee has  
2           looked into matters that preceded 2019. So  
3           it would go back to interactions starting in  
4           2015 for people that are in their second  
5           term. Or if they were appointed, it would  
6           pick it up in 2018 or '19.

7           CHAIRPERSON PRIESTLY JACKSON: Committee  
8           Members, for discussion on -- for Ms. Miller  
9           or General Counsel who offered input?

10           And remember, this is not a conflict  
11           form; this is a disclosure form. And I  
12           think a part of the tenor of the Committee  
13           in particular when we were chaired by  
14           Council Member Diamond was we were requiring  
15           this level of disclosure from others. And  
16           so we wanted to make certain that we had an  
17           adequate amount of disclosure from  
18           ourselves, not because we think we have any  
19           bad actors or agents that are our colleagues  
20           on the Council, but this is to support full  
21           transparency and make certain there is not  
22           anything that anyone could have been  
23           involved in that may compromise the work of  
24           this Committee or the work of the Council.

25           And I would like to give a caveat,



1 before the questions flow, that the Council  
2 Members are free to consult with Ms. Miller,  
3 Outside Counsel Mr. Busey, or our General  
4 Counsel relative to -- no one is saying what  
5 you have to disclose, this is a disclosure.  
6 But every Council Member, hopefully, if we  
7 take action on this, will submit a form.  
8 And if their form says none applicable, then  
9 there's none applicable. So that's kind of  
10 the theory behind it.

11 So now I will take -- Council Member  
12 Diamond, were you before DeFoor?

13 COUNCIL MEMBER DIAMOND: Councilwoman  
14 DeFoor was before me.

15 CHAIRPERSON PRIESTLY JACKSON:  
16 Councilwoman DeFoor.

17 COUNCIL MEMBER DeFOOR: Thank you, Madam  
18 Chair.

19 I think this is very well done, very  
20 thorough. And I think it shows that, you  
21 know, we will -- those that submit it, that  
22 we're moving forward as a Council in good  
23 faith. And I think it's very well done.

24 CHAIRPERSON PRIESTLY JACKSON: Thank  
25 you.

1 Councilman Diamond.

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

4 I just have a couple questions, I think,  
5 for Carla, or maybe Jason if he wants to  
6 weigh in. The first one is, I'm just trying  
7 to understand how this would work. I'm  
8 going to fill it out. I have no problem  
9 with this.

10 My question is for other City Council  
11 People, Carla, what -- through the Chair,  
12 what are we traveling under? What authority  
13 does this travel under? I mean, how can I  
14 basically say another Council Person -- or  
15 how can this Committee say another Council  
16 Person has to fill out a disclosure sheet?  
17 If I weren't on this Committee, I might have  
18 a problem with that. I might say, Well, why  
19 do I have to do this? I support it, but I'm  
20 just trying to understand that piece of the  
21 puzzle.

22 MS. MILLER: Through the Chair, to  
23 answer your question, I could speak to  
24 ethics inquiries, like if there was a  
25 specific inquiry under Chapter 112 as to a

1 conflict, like, Do you have a voting  
2 conflict? I can answer that question.

3 As far as the legal duty of Council  
4 Members to respond to this disclosure form,  
5 that's something better answered by Jason  
6 Gabriel.

7 COUNCIL MEMBER DIAMOND: Madam Chair, if  
8 you don't mind, Mr. Gabriel.

9 CHAIRPERSON PRIESTLY JACKSON: Yeah,  
10 that's fine.

11 Mr. Gabriel.

12 MR. GABRIEL: All right. Through the  
13 Chair to Council Member Diamond, yeah, I  
14 mean, briefly stated, this is not a legal  
15 requirement nor an ethical requirement. And  
16 as Chairwoman Priestly Jackson stated at the  
17 outset, it's a policy, call it a SIC, you  
18 know, Special Investigatory Committee  
19 policy. So it's not legally or ethically  
20 mandated. It would be distributed -- the  
21 theory would be distributed to all your  
22 colleagues. And as mentioned, they can  
23 answer it or they can say not applicable.

24 But there is no legal or ethical  
25 mandate. This is just -- and as the

1 Chairwoman has indicated, this is just for  
2 full disclosure and transparency. That's  
3 why it's being called an ascertainment of  
4 relationships, or a disclosure, not, you  
5 know, an ethical form or a legal form.

6 So in a way, you can say it's Scout's  
7 honor, you know, it's being used at the  
8 honesty of every Council Member and their  
9 disclosure.

10 COUNCIL MEMBER DIAMOND: Okay. So it's  
11 voluntary, I get it.

12 The second thing is, by this definition,  
13 with this time frame, it would start to  
14 include the investigation. Because, if  
15 you'll recall, the investigation started in  
16 December of 2019. So, for example,  
17 Councilman Salem and I had multiple JEA  
18 executives, including Aaron Zahn, come to a  
19 meeting. So are we going to include  
20 investigation meetings in this? Which is  
21 fine by me if we are, I just want to know  
22 where we're cutting this off. I would  
23 rather ask publicly, that way there is never  
24 any question that this is what it is.

25 CHAIRPERSON PRIESTLY JACKSON: Right.

1           And I'll share. I think that one of the  
2           things we want to drive our disclosures  
3           under this, Council Member Diamond, is  
4           you're making best efforts to provide  
5           information. If there is any ambiguity,  
6           feel free to talk to Outside Counsel,  
7           Mr. Busey; Carla Miller, our Ethics  
8           Director; or General Counsel.

9           So again, we're not determining the  
10          parameters of the substance of nature of  
11          what you put in, if you have questions  
12          whether something applied. I would not  
13          think that work you did under the  
14          investigation you and Councilman Salem in  
15          terms of the hearings you had on the 16th of  
16          December would apply. I wouldn't think  
17          that's a part.

18          But I would think for those nuance  
19          cases -- and Council Members may have them,  
20          that's why Mr. Busey said he makes himself  
21          available, Ms. Miller says she's available,  
22          as well as our Outside Counsel -- I mean,  
23          our General Counsel, Mr. Gabriel, on what  
24          that looks like.

25          The full -- the scope of it, the depth,

1 the breadth of it is left up to each Council  
2 Member. And it's not a gotcha or a  
3 catch-you-if-you-can. And you might  
4 remember I mentioned this when we had our  
5 initial request for production of everybody  
6 else. And so it's kind of -- and you  
7 understand this as a member of the Florida  
8 Bar, we are a self-regulated entity, right,  
9 as members of the Florida Bar. So kind of  
10 moving that same logic onto the City  
11 Council, this is a part of our  
12 self-regulation of what we will share and  
13 disclose.

14 Oftentimes, self-regulated entities hold  
15 themselves to higher standards. And so my  
16 hope is that, because of the nature of the  
17 work that we have been doing and because  
18 it's been tough work and it's been filled  
19 with a certain degree of challenges, that we  
20 want to make certain as a Council we are  
21 holding ourselves to the same standard that  
22 we're holding those of the public that we've  
23 sought and inquired of.

24 COUNCIL MEMBER DIAMOND: Yeah, no. And  
25 I am 100 percent on the same page. I like

1           that. That makes sense to me.

2           The only kind of like quirk to this that  
3 I'm a little concerned about is that so I go  
4 and talk to Carla or Jason or Steve about an  
5 issue, and then it's a private conversation  
6 and that's not public.

7           So this is what I would ask, could we at  
8 least make a kind of -- have Carla or Jason  
9 or Steve, however they kind of meet with  
10 Council Members to give guidance, that maybe  
11 we publish kind of a list of the quirks that  
12 came up without attributions to the Council  
13 Person and say, This is kind of the  
14 scenario, we looked at it and said no need;  
15 that was a social interaction, you said  
16 hello; that was part of investigation, it  
17 was fine.

18           I just want to give our Council  
19 Colleagues comfort that they're not going to  
20 get gotcha'd later on, that we put it all  
21 out in the open and that we're transparent  
22 about our transparency, if that makes sense.  
23 And then I'll be totally great with the rest  
24 of it. I think, as written, I'm fine with  
25 it.

1           CHAIRPERSON PRIESTLY JACKSON: I think  
2           that sounds like a good idea, because  
3           actually one of the issues that came up in  
4           the conversation was every Council President  
5           goes to New York for, I think, bond hearings  
6           or something relative to JEA. So that --  
7           we're naturally not talking about anything  
8           like that. But I think that's an excellent  
9           idea to have a general -- Council Member  
10          general questions asked during this and  
11          that.

12           I anticipate that the disclosures will  
13          be available for the public to review.  
14          Again, each Council Member gets to decide  
15          what they put out, the scope of it. And  
16          this Committee will report back that these  
17          are the extent of Council Members that  
18          responded and provided we're not going to  
19          offer any input or insight on what the  
20          disclosure actually contains. But those are  
21          my thoughts.

22          Council Member DeFoor and Council Member  
23          Wilson, if you want to chime in as well.

24          COUNCIL MEMBER DeFOOR: I think that it  
25          really is for purposes of being transparent.



1 I've already jotted down mine. And you  
2 know, just -- it's about accountability, and  
3 it's about making sure that we hold  
4 ourselves to the same -- like our Chairwoman  
5 said, to the same level of accountability  
6 that we're expecting of other people outside  
7 of this Council.

8 So I think it's an easy ask. And I  
9 think everybody really knows what they're  
10 asking, which is -- you know, Did you have  
11 any private meetings with any of these  
12 people during this time frame in relation to  
13 privatization of the JEA? It's pretty  
14 simple, so that's it.

15 CHAIRPERSON PRIESTLY JACKSON: Thank  
16 you.

17 Councilman Wilson, do you -- does he  
18 have anything he wants to -- Councilman  
19 Wilson?

20 COUNCIL MEMBER WILSON: Can you hear me?

21 CHAIRPERSON PRIESTLY JACKSON: Yes. Now  
22 we can hear you.

23 COUNCIL MEMBER WILSON: Good. I support  
24 the idea, and I support what we're doing.  
25 I'll have to really think hard because I

1 recognize I probably had four or five  
2 meetings with Aaron Zahn in the last term.  
3 And really we only talked about basics about  
4 how they felt, like solar power was changing  
5 and things of that nature. So I'll do the  
6 best I can to describe those meetings. But  
7 I'm sure I'll be far from perfect from  
8 remembering every detail.

9 CHAIRPERSON PRIESTLY JACKSON: We  
10 appreciate you sharing that. I think each  
11 of us are going to have those kind of  
12 conversations. And that's why I'm comforted  
13 that we have Outside Counsel, our Ethics  
14 Director, and our General Counsel for the  
15 City that can help guide us. This is not  
16 designed to make people over-disclose or  
17 under-disclose. It is just a good faith  
18 effort on the part of the colleagues.

19 I see a comment from Councilman Boylan,  
20 who is visiting us today.

21 COUNCIL MEMBER BOYLAN: Thank you, Madam  
22 Chair. Needless to say, in the meetings  
23 with the Workshop, Future of JEA Workshop,  
24 we started well before even the  
25 Investigative Committee work, et cetera.

1           Literally countless phone calls and emails.  
2           I will do the best I can to capture those.

3           My only suggestion to make, with respect  
4           to language, is if it's anything that helped  
5           to advance either the sale and/or the ITN,  
6           as part of it, because my conversations were  
7           never intended about advancing all of those  
8           things, just trying to understand them. And  
9           I venture to guess I probably had 20 or 30  
10          phone calls with Sherry Hall for over a  
11          period of, you know, four or five weeks not  
12          to mention the number of meetings. I'd be  
13          more than happy to do all that.

14          So really two suggestions: One is a  
15          suggestion to say -- if we can narrow it  
16          down to say something speaks to the -- in an  
17          effort to advance the ITN or the sale of  
18          JEA; and/or secondly, some clarification as  
19          to not quantifying each and every -- or  
20          qualifying every meeting, but just a general  
21          comment to say I had 20-some-odd phone calls  
22          with Sherry Hall, because not all of those I  
23          have documented, and I don't know that I  
24          could document them because some of those I  
25          just pick up the phone and she asks me a

1 question or vice versa.

2 CHAIRPERSON PRIESTLY JACKSON: And so  
3 two points on that. I don't think we're  
4 going to be comfortable with the language of  
5 advanced, because, if you met prior to, you  
6 didn't know what you were advancing since  
7 the ITN didn't come out until the 23rd of  
8 July of 2019. So you would not necessarily  
9 have known at that time you were advancing  
10 it because the ITN was kind of a  
11 Jack-in-the-Box that popped out.

12 But relative to your second point with  
13 the JEA Workshops, I don't think that's  
14 required to be disclosed. You were the --  
15 you conducted the Workshops, you were the  
16 chair of that committee, that explains that.  
17 So, you know, if you had 20 communications  
18 in relation to that, that satisfies that.  
19 That satisfies that.

20 And that's why I'm encouraging Council  
21 Members each to speak with Mr. Busey or  
22 Ms. Miller or Mr. Gabriel. And I think we  
23 have such a variety of individuals to choose  
24 from, that each Council Member can discern  
25 who they're most comfortable with vetting

1           this kind of issue and what should be in  
2           their disclosure.

3           COUNCIL MEMBER BOYLAN: Thank you, Madam  
4           Chair. Good advice.

5           CHAIRPERSON PRIESTLY JACKSON: I thought  
6           I saw Councilman Salem pop on and then he  
7           popped off, and no more, he's gone, he's  
8           good. Thank you. Okay.

9           Anything else on that? So at this time  
10          we've moved up with the -- Ms. Miller  
11          explained we had discussion. Do we have a  
12          motion at this time relative to the position  
13          of the SIC Committee for the Council Member  
14          disclosures?

15          COUNCIL MEMBER DIAMOND: I'll move it.

16          COUNCIL MEMBER DeFOOR: I'll second it.

17          CHAIRPERSON PRIESTLY JACKSON: Okay.  
18          Properly moved and seconded by -- properly  
19          moved by Council Member Diamond and seconded  
20          by Council Member DeFoor that Council  
21          Members will voluntarily fill out  
22          disclosures relative to any involvement they  
23          had with JEA and the attempts to privatize,  
24          reorganize, sell, manage, and the ITN. Any  
25          further discussion?

1           Seeing none, all those in favor, please  
2 signify by raising your hand.

3           MS. MITCHELL: Four yeas, zero nays.

4           CHAIRPERSON PRIESTLY JACKSON: By your  
5 action, you have approved the voluntary  
6 disclosure comments for Council Members  
7 contacts with JEA relative to the attempts  
8 to privatize.

9           Thank you so much, Ms. Miller. Enjoy  
10 your vacation. We appreciate you taking the  
11 time.

12           We will now go pick up Item D on our  
13 agenda, Outside Counsel updates, Steve  
14 Busey, Esquire, Mr. Busey.

15           MR. BUSEY: Let me just bring just a  
16 brief summary again of where we've been,  
17 where we are, and where we're going, and our  
18 management of the Committee's investigation.  
19 We last gave you an interim report on  
20 July 16th. We had the last Committee  
21 meeting on July 27th. In that report in  
22 that meeting two weeks ago, we told you that  
23 we were trying to conclude JEA's document  
24 production with the assistance of OGC.

25           We made a lot of progress in that

1           regard. We've met with my staff and OGC  
2           staff, Jason, last Thursday. We've made a  
3           great deal of progress. We think we've  
4           closed most of the remaining issues. And we  
5           expect to have all of that production by the  
6           end of the month completed. And with very  
7           few remaining issues. So that's -- we're  
8           well underway with that.

9           The status of our document review is we  
10          have reviewed, according to folks on my  
11          team, over 400,000 files. I've been  
12          educated that a file is a term of art. And  
13          in a file you can have as many as thousands  
14          and thousands of documents. So we really  
15          don't know the number of -- total number of  
16          documents that we have actually either seen  
17          or have done predictive coding on to  
18          determine whether or not it's something we  
19          want to look at, but it's probably close to  
20          a million documents at this point.

21          We have 144,000 documents remaining to  
22          look at documents. Those are documents that  
23          have been turned over to us by JEA, which  
24          was principally its production to the  
25          Justice Department a week or two weeks ago.

1           And we hope to complete that examination by  
2           the end of this month. And so we're -- the  
3           remaining thing we need to do, besides the  
4           document production and document  
5           examination, is complete the witness  
6           interviews.

7           At the Committee's meeting two weeks  
8           ago, you authorized the issuance of  
9           subpoenas for five individuals who were  
10          principal players in the privatization  
11          efforts, four of whom had previously  
12          declined to appear for interviews by the  
13          Committee absent a subpoena; therefore, at  
14          your meeting two weeks ago, you authorized  
15          the -- or requested the Rules Committee to  
16          issue subpoenas to those five individuals;  
17          to refresh your recollection, Alan Howard,  
18          Kevin Hyde, Sam Mousa, Michael Munz, and Tim  
19          baker.

20          Since that meeting two weeks ago, we've  
21          communicated with counsel for each of those  
22          witnesses. And given the conviction and  
23          willingness of this Committee to ask Rules  
24          Committee to issue subpoenas, they have  
25          yielded in their resistance. And all five



1 of those witnesses have agreed now to  
2 voluntarily appear for their sworn interview  
3 and to produce documents that are requested  
4 they may have in their possession that we  
5 have not received from the City, they may  
6 have in their individual possession. We  
7 have scheduled those interviews on dates now  
8 between now and mid-September. The  
9 interviews should be completed by  
10 mid-September.

11 And with that and with the completion of  
12 our document review by the middle or end of  
13 September, we're hoping to make a draft  
14 report of the Committee's work product to  
15 date absent any further developments and  
16 absent anything that comes out of those  
17 interviews that we didn't anticipate by the  
18 end of October.

19 That's generally where we are, subject  
20 to those caveats. I would be happy to  
21 answer any questions, but that's an overview  
22 of where we are and what we're doing to  
23 date. We will later this week give you  
24 another inter-written report so you can have  
25 it for the benefit of more precisely the

1 data that I just shared with you.

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

4 I see Council Member, Committee Member  
5 Randy DeFoor.

6 Ms. DeFoor.

7 COUNCIL MEMBER DeFOOR: Thank you,  
8 Ms. Chairwoman.

9 Through the Chair to Mr. Busey, could  
10 you provide us with the dates of those --  
11 scheduled dates for each one of those  
12 witnesses?

13 MR. BUSEY: Yeah. I'll get that to you  
14 separately, Councilwoman. I would rather  
15 not do it in this meeting, but I will give  
16 you each of those dates separately.

17 COUNCIL MEMBER DeFOOR: Thank you.

18 CHAIRPERSON PRIESTLY JACKSON: Before I  
19 acknowledge our visiting Council Members,  
20 any -- Councilman Diamond or Councilman  
21 Wilson, any questions for Mr. Busey relative  
22 to what he's shared?

23 COUNCIL MEMBER DIAMOND: Nope. He's  
24 doing a great job as usual. Super  
25 impressive of those people to show up. I

1           honestly didn't think that would happen, and  
2           we would have a long court battle, but I  
3           think it goes to show the respect he has in  
4           the legal community to be able to get that  
5           done in such an elegant fashion. Thank you.

6           CHAIRPERSON PRIESTLY JACKSON:

7           Absolutely.

8           Councilman Wilson.

9           COUNCIL MEMBER WILSON: No, ma'am. I  
10          don't have anything to share.

11          CHAIRPERSON PRIESTLY JACKSON: Okay. We  
12          have our visiting Council Member Salem, who  
13          has his hand raised.

14          Council Member Salem.

15          COUNCIL MEMBER SALEM: Thank you, Chair,  
16          for recognizing me.

17          Through the Chair to Mr. Busey, last  
18          meeting we had a discussion about Melissa  
19          Dykes' computer. And the implication from  
20          the discussion was that maybe her or JEA  
21          employees had intentionally blocked or  
22          eliminated files in her computer. And I  
23          have read since then that potentially that  
24          whole process was a complete accident and  
25          her computer may have been set up to erase

1 files based on two or three false entries in  
2 her computer. And there were a lot of  
3 things that were said at that meeting that  
4 were pretty negative about that process.

5 Can you comment on exactly what happened  
6 or has there been further evidence that's  
7 come out to clarify that situation?

8 MR. BUSEY: Yes, I can provide some  
9 clarification for it. My information about  
10 that comes from the deposition that -- of  
11 Shawn Eads, who we took, who is Informations  
12 Director for JEA. And he testified during  
13 his sworn testimony that he had that tablet,  
14 which had been provided to Melissa Dykes by  
15 JEA, and that as he tried to access it for  
16 information, in his words, accidentally  
17 repeatedly entered the inappropriate  
18 password to such an extent that the internal  
19 computer mechanism of the tablet erased  
20 material. That was his testimony.

21 There was some discussion in the meeting  
22 that you're referring to as to whether or  
23 not that was accidental or intentional.  
24 Mr. Eads' testimony was that it was  
25 accidental. We haven't gone behind that and

1 don't have any other details to offer that  
2 to you. And so I'm going to leave that up  
3 to the Justice Department at this point.

4 COUNCIL MEMBER SALEM: Thank you.

5 CHAIRPERSON PRIESTLY JACKSON: Thank  
6 you, Mr. Busey.

7 Any other of our colleagues, questions  
8 for Outside Counsel?

9 Thank you so much, Mr. Busey, for that  
10 update. And while we have you up, why don't  
11 we move to Council Members' one-on-one  
12 meetings with Outside Counsel. So why don't  
13 you -- since I'm going out of order, we  
14 might as well keep going.

15 MR. BUSEY: We've had a number of  
16 Council Members who, at your invitation,  
17 have come and visited with us. We still  
18 have several more scheduled. Our calendar  
19 is open to any Councilman. We probably have  
20 had four or five in so far. But we're  
21 completely open. We'll spend whatever time  
22 the Council wants. I'm very interested in  
23 making sure that we have heard from every  
24 single member of the Council who has  
25 questions or interest they want us to pursue

1 before we complete this process.

2 So they have been productive meetings so  
3 far. I have really been impressed with the  
4 diligence of the individual Council Members  
5 who are not on the Committee and their  
6 interest in this process. And we'll  
7 continue to be open to their inquiries and  
8 questions.

9 CHAIRPERSON PRIESTLY JACKSON: Thank you  
10 so much. Appreciate you making yourself  
11 available. And appreciate our colleagues  
12 who are taking advantage of that. I'm very  
13 encouraged by that. Thank you so much.

14 Now we will move to the Office of  
15 General Counsel, our General Counsel, Jason  
16 Gabriel.

17 Mr. Gabriel.

18 MR. GABRIEL: All right. Good  
19 afternoon. Jason Gabriel, General Counsel.

20 And I'm about to turn it over to Chris  
21 Garrett to piggyback on anything he would  
22 like to add regarding the document review.  
23 I think Mr. Busey has summarized that pretty  
24 well, just any odds and ends.

25 But I will tell you this is some good

1 news, and it's fresh off the press, and I  
2 will be circulating this order -- actually,  
3 there's two orders. But we just got the  
4 orders in for the Next Era vs. JEA case.  
5 And it's an order where our good Judge  
6 Virginia Norton has ordered that the  
7 Plaintiff Next Era's request for temporary  
8 and permanent injunctions preventing the  
9 disclosure of the initial gross and net  
10 proceeds from its bid to purchase Defendant  
11 JEA is denied. And the initial gross and  
12 net proceeds are not exempt from disclosure  
13 of public record. So that's some good news  
14 on behalf of JEA and the City at-large.

15 I will tell you just -- and we're still  
16 trying to digest the contents of the order;  
17 we literally just got this not too long ago,  
18 this afternoon.

19 There was actually another order issued  
20 simultaneously with it on the transcript and  
21 exhibits from the final hearing, which  
22 basically allows for Next Era to make  
23 redactions and file it with the Court within  
24 15 days of the order's issuance, which it  
25 was issued today, the 10th. So it's

1 still -- there's still that process going  
2 on.

3 But anyway, I wanted to report that as  
4 soon as I got it, which literally was just  
5 in the past couple hours from the Court.  
6 I'll circulate the orders to the Committee.  
7 And obviously, if there is any question,  
8 certainly let us know. But I wanted to  
9 report that before I turned it over to Chris  
10 Garrett on the document stuff.

11 CHAIRPERSON PRIESTLY JACKSON: Okay.  
12 Before we turn to -- Mr. Gabriel turns it  
13 over to Chris Garrett. I see Committee  
14 Member, Council Member Rory Diamond has a  
15 question.

16 COUNCIL MEMBER DIAMOND: Thank you,  
17 Madam Chair.

18 Through the Chair to Jason, can you  
19 disclose what the number is that Florida  
20 Power & Light was going to offer to buy JEA?

21 MR. GABRIEL: I don't have the number in  
22 front of me. And because of the  
23 simultaneous order on the transcript and  
24 exhibits form the final hearing, you know,  
25 Next Era does have the next 15 days to



1 extract and redact from the exhibits and the  
2 transcripts. So I think -- and we want to  
3 digest the order itself. It certainly bodes  
4 and orders in favor of disclosure as a  
5 public record. But we want to honor the  
6 other order that was issued on giving the  
7 opportunity to Next Era to be able to  
8 redact. And I want to check with the  
9 litigators to make sure in terms of I don't  
10 know what appellate review or anything they  
11 might want to pursue. So I just want to  
12 honor the, you know, and respect the  
13 situation we're in at the moment.

14 But I'll let you know immediately once  
15 we have that green light. Obviously, we'll  
16 share that information as well. I will send  
17 you guys the order, though, in the interim.

18 COUNCIL MEMBER DIAMOND: I appreciate  
19 it. I would just state for everybody  
20 watching at home, the reason why this number  
21 is so important, one, it puts into context  
22 the effort to sell JEA. And that's helpful  
23 and interesting in one point, but more  
24 importantly, it's the missing variable; it's  
25 the X in your algebra class for the PUP

1           equation. So once you know how much you can  
2           sell JEA for, what the offer was, then you  
3           plug that into the performance unit plan  
4           equation and you find out how much these  
5           executives were thinking they were going to  
6           make.

7           And my hunch is it's in the hundreds and  
8           hundreds of millions of dollars into their  
9           pocket, and there was nothing we could do  
10          about it had we sold JEA. So that's why I'm  
11          very happy OGC is pursuing this, because  
12          that number needs to be public. We need to  
13          be able to show people just how much these  
14          people were trying to profit off of us.

15          Thank you, Madam Chair.

16          CHAIRPERSON PRIESTLY JACKSON: Thank  
17          you.

18          I think Mr. Busey has a comment.

19          MR. BUSEY: Yes, ma'am. I would just  
20          like to follow up on what Jason had said  
21          about that and put Judge Norton's ruling in  
22          context. Next Era filed that lawsuit  
23          because the Committee had asked for this  
24          data from JEA. And Next Era said, No,  
25          that's confidential, you can't provide that

1 to the Committee. So Next Era filed the  
2 lawsuit asking for declaration by the Court  
3 that this was confidential trade secret  
4 information and issued a preliminary order  
5 keeping JEA and OGC from providing us that  
6 information.

7 And then there was a hearing a week or  
8 two ago in which OGC went and defended the  
9 City and JEA, and we monitored that hearing.  
10 And Judge Norton has now issued a ruling  
11 that Next Era was wrong, that this is public  
12 information that can be disclosed.

13 You all should know that the Committee  
14 has that -- we, as counsel for the  
15 Committee, have that number. It is  
16 available to us. We intended to use it one  
17 way or another in our report. But because  
18 of the controversy surrounding this lawsuit,  
19 we were slowed to use it until it had been  
20 cleared up. This is a significant removal  
21 of an impediment to a completion of this  
22 report.

23 But it is just an example of why all the  
24 people participating in the ITN and the ITN  
25 process who have asserted trade secrets just

1           wrongly, just wrongly had tried to muzzle  
2           JEA and muzzle the information coming out of  
3           this investigation. It's now starting to  
4           free up. And I think Judge Norton's ruling  
5           not only is going to be significant in and  
6           of itself for the reasons Jason said, it's  
7           going to be precedential on other claims of  
8           trade secrets in the ITN process. And it's  
9           really going to start to uncover.

10           And what Councilman Diamond said is just  
11           absolutely correct, I have to underline it,  
12           that it is going to disclose the materiality  
13           of what was going on with the PUP and what  
14           was about to be pulled over the eyes of the  
15           City of Jacksonville.

16           CHAIRPERSON PRIESTLY JACKSON: Thank  
17           you.

18           Council Member DeFoor.

19           COUNCIL MEMBER DeFOOR: Thank you,  
20           Chairwoman. I just want to thank Mr. Busey,  
21           because what he didn't tell you is that the  
22           JEA, we had agreed -- the counsel for the  
23           JEA had agreed to keep -- agreed to the  
24           confidentiality initially until -- and then  
25           when Mr. Busey got involved and forced -- he

1           actually had to force his way into the  
2           hearing, by the way. It really made a  
3           difference. It changed the whole dynamics  
4           of the situation. I'm not sure it would  
5           have happened without his involvement. So I  
6           just want to thank him for representing this  
7           Committee and this community as he has.

8           CHAIRPERSON PRIESTLY JACKSON: Thank  
9           you.

10          Any other -- Councilman Ferraro,  
11          visiting Council Member Ferraro, thank you.

12          COUNCIL MEMBER FERRARO: Hi, Chairman.  
13          I just had a couple questions and I don't  
14          know if you answered it. With all the  
15          lawyers here, you may have answered it and  
16          it went by me.

17          On Melissa Dykes, has she been  
18          subpoenaed or is she testifying at all about  
19          anything?

20          MR. BUSEY: May I respond?

21          CHAIRPERSON PRIESTLY JACKSON: Yes,  
22          please do. Thank you.

23          MR. BUSEY: We have asked for her  
24          testimony. When I say "we," our law firm on  
25          behalf of the Committee, as Special

1           Investigatory Counsel, has asked for her  
2           testimony. What we asked for, her lawyer  
3           resisted saying that it would interfere with  
4           the FBI's investigation. She was one of two  
5           people identified by the FBI. When the  
6           Justice Department talked to us, they  
7           acknowledged that our interviewing of her  
8           and another witness would, in their  
9           judgment, interfere with the Justice  
10          Department's investigation and they  
11          requested that we defer. And because we  
12          know that, generally speaking, the Council  
13          and the City of Jacksonville and the General  
14          Counsel's Office does not want to impair the  
15          Department of Justice's investigation into  
16          what happened with the JEA, we have  
17          deferred. And that's why we have not come  
18          to you all and asked for a subpoena for --  
19          under those circumstances.

20                 COUNCIL MEMBER FERRARO: I have some  
21                 more questions, Madam Chair. Do you mind if  
22                 I continue?

23                 CHAIRPERSON PRIESTLY JACKSON: Yes. You  
24                 have another question related to this one,  
25                 yes, sir.

1           COUNCIL MEMBER FERRARO:  So, Mr. Busey,  
2           you started answering my second question and  
3           led me to a third one.  So is there anything  
4           you can tell us between the City and the  
5           federal investigation?  And then my last one  
6           that I wanted to ask:  When you say that her  
7           testimony will be deferred to this, will  
8           there be a later date that she discusses or  
9           talks with you or is -- after the federal,  
10          does that end at that point?  I'm just  
11          trying to learn how this works.

12          MR. BUSEY:  The answer, as a practical  
13          matter, we hope because we -- we hope to  
14          conclude this Committee's investigation this  
15          year and within a time frame and a budget  
16          acceptable to the Committee and to the City  
17          Council.  We know, as a practical matter,  
18          that because of the COVID situation, that  
19          the Department of Justice is not going to be  
20          able to convene a grand jury to hear  
21          testimony from the witnesses that are  
22          interviewing currently probably until later  
23          this year or early next year.

24          And so the FBI investigation, the  
25          Justice Department investigation and any

1 result of that investigation is not going to  
2 be completed within the time frame of the  
3 Committee's work. And I've had that  
4 conversation with the Department of Justice,  
5 and they're well aware of that.

6 So we probably will not be in a position  
7 as your counsel for this Special Committee,  
8 absent a renewal of the Committee's effort  
9 next year, for us personally to take her  
10 deposition. But I expect in that same time  
11 frame, she will testify, in one form or  
12 another, either before the grand jury or in  
13 any subsequent criminal proceedings and that  
14 her evidence will come out. That's about as  
15 much information as I have in response to  
16 your question, Councilman.

17 COUNCIL MEMBER FERRARO: Thank you.

18 Thank you, Madam Chair.

19 CHAIRPERSON PRIESTLY JACKSON: Thank  
20 you.

21 Thank you, Mr. Busey.

22 Okay. We don't see any other hands  
23 raised.

24 I think, Mr. Gabriel, you were going to  
25 pass it off to --



1 MR. GABRIEL: Yes.

2 CHAIRPERSON PRIESTLY JACKSON: Yes, sir.

3 MR. GABRIEL: Just real briefly Chris  
4 Garrett is just going to give a final  
5 rundown on the documents stuff.

6 MR. GARRETT: Good evening.

7 CHAIRPERSON PRIESTLY JACKSON: Good  
8 evening, Mr. Garrett.

9 MR. GARRETT: I won't take up much of  
10 your time. I think Mr. Busey covered where  
11 we are pretty well.

12 We are kind of at the tail end of the  
13 document production and will continue to  
14 work with JEA to try to get those to Smith  
15 Hulseley so they can be initially reviewed.  
16 And we should be -- we should be done with  
17 that process, I think, by the end of this  
18 month, as Mr. Busey stated. So I think  
19 we're coming in for a landing here.

20 CHAIRPERSON PRIESTLY JACKSON: Okay.  
21 Thank you. Is there anything else from  
22 anyone at your office, Mr. Gabriel?

23 MR. GABRIEL: No, ma'am, that is it.  
24 Thank you.

25 CHAIRPERSON PRIESTLY JACKSON: Thank

1           you. And while I still see -- I see you,  
2           Councilman Ferraro. If you have not, I  
3           would definitely encourage you to have a  
4           one-on-one with Mr. Busey. And I'm hoping  
5           that all of our colleagues will take  
6           advantage of that. I feel that we are  
7           stronger together when it's all 19 of us  
8           engaged. And we have an ability to do that.  
9           We can answer the charge presented by  
10          Council President Hazouri if we all 19  
11          engage in the process. So my hope is that  
12          all of us will do that. We are stronger  
13          together than we are one by one. So  
14          hopefully you can do that, Mr. Ferraro.

15                 Councilman Salem. You're muted,  
16          Councilman Salem.

17                 COUNCIL MEMBER SALEM: Can you hear me  
18          now?

19                 CHAIRPERSON PRIESTLY JACKSON: Yes, we  
20          can.

21                 COUNCIL MEMBER SALEM: Would it make  
22          more sense to schedule that meeting more  
23          towards the end of this process, like  
24          mid-September, when the interviews are  
25          completed and you can get a total picture of

1 the process, versus scheduling it now? That  
2 really is to Mr. Busey.

3 CHAIRPERSON PRIESTLY JACKSON: Well, I  
4 think we're not going to limit your seeing  
5 him. You follow me? So if you went now --  
6 because some Council Members may have a need  
7 now because, you know, they may want to  
8 offer input into what's going to be asked of  
9 the five witnesses, right, they might.

10 COUNCIL MEMBER SALEM: I gotcha.

11 CHAIRPERSON PRIESTLY JACKSON: So he's  
12 going to come back and talk to me and say,  
13 we need to talk some more because I want to  
14 come back in about a month and a half and  
15 say, guess what, he's available for you to  
16 talk to again before he does his final  
17 report, right.

18 COUNCIL MEMBER SALEM: Okay.

19 CHAIRPERSON PRIESTLY JACKSON: I will  
20 never say Council Members are denied access  
21 to Outside Counsel to share their insight,  
22 so, okay.

23 COUNCIL MEMBER SALEM: Thank you.

24 CHAIRPERSON PRIESTLY JACKSON: That's  
25 what you were going to say, Mr. Busey,

1 weren't you?

2 MR. BUSEY: Yes. I agree. You're  
3 absolutely right. If we get input now, we  
4 get input later, all the input, the more,  
5 the better.

6 CHAIRPERSON PRIESTLY JACKSON: Thank you  
7 so much.

8 Is there any other business that any of  
9 the SIC Committee Members have before we get  
10 to other business? I think I see Councilman  
11 Dennis.

12 Yes, sir, Councilman Dennis, welcome.

13 COUNCIL MEMBER DENNIS: Good evening,  
14 Chair. And good evening, everyone. Thank  
15 you.

16 Through the Chair, I just want to thank  
17 Mr. Busey for giving us an update of  
18 potential timeline or tentative timeline,  
19 but (audio distortion) --

20 CHAIRPERSON PRIESTLY JACKSON:

21 Councilman Dennis, we can't hear you.

22 Councilman Dennis, you're breaking up.

23 COUNCIL MEMBER DENNIS: -- Mr. Busey's  
24 timeline, but the timeline of the  
25 investigation because, you know, the clock

1 is ticking on a lot of -- what about now?

2 CHAIRPERSON PRIESTLY JACKSON: You may  
3 want to start over because we can't --

4 COUNCIL MEMBER DENNIS: I'll come back  
5 to my question. I'll come back to the end.  
6 I can come back at the end.

7 CHAIRPERSON PRIESTLY JACKSON: Okay.  
8 That works, because you're breaking up on  
9 us, okay. Thank you.

10 We now move to any other business by any  
11 of the SIC Committee Members. I'm going to  
12 call one by one.

13 Council Member DeFoor.

14 COUNCIL MEMBER DeFOOR: No, I have no  
15 further business.

16 CHAIRPERSON PRIESTLY JACKSON:  
17 Councilman Diamond.

18 COUNCIL MEMBER DIAMOND: I'm good.  
19 Thank you.

20 CHAIRPERSON PRIESTLY JACKSON:  
21 Councilman Wilson? Nothing? Any of our  
22 visiting?

23 COUNCIL MEMBER WILSON: I have nothing,  
24 ma'am.

25 CHAIRPERSON PRIESTLY JACKSON: Okay.

1 Thank you so much.

2 COUNCIL MEMBER WILSON: I was muted,  
3 sorry.

4 CHAIRPERSON PRIESTLY JACKSON: Thank you  
5 so much. Thank you.

6 And any of our visiting Council Members,  
7 any additional issues you want to present to  
8 the SIC Committee? None.

9 Is Councilman Dennis, he's back in now,  
10 let's try Councilman Dennis one more time.

11 Councilman Dennis, you're recognized.

12 COUNCIL MEMBER DENNIS: So can you all  
13 hear me now?

14 CHAIRPERSON PRIESTLY JACKSON: You sound  
15 clear, yes.

16 COUNCIL MEMBER DENNIS: Okay. So I want  
17 to just thank Mr. Busey for giving us that  
18 tentative timeline. I really appreciate it.  
19 But I'll be honest, what concerns me is that  
20 the clock is ticking on a lot of people with  
21 attorneys and attorney fees. And, you know,  
22 I know I continue to bring this up over and  
23 over and over. But, you know, at one point,  
24 you know, probably thinking that this would  
25 be wrapped up by the end of the year or the

1 end of the summer, but now we're looking at  
2 next year, and the clock is ticking. And  
3 we're going to be responsible for we don't  
4 know how many people, people's attorney's  
5 fees. And we're -- you know, it's going to  
6 come out of our general fund budget.

7 So if Mr. Gabriel can at least ease my  
8 mind and ease our minds on, you know, the  
9 runaway attorney fees that we don't even  
10 know that's coming, we know it's coming, but  
11 we don't know it's coming. So if I could  
12 get him to address that, I would really  
13 appreciate it.

14 CHAIRPERSON PRIESTLY JACKSON: Thank  
15 you, Councilman Dennis.

16 Mr. Gabriel.

17 MR. GABRIEL: Sure. Am I unmuted?

18 CHAIRPERSON PRIESTLY JACKSON: Yes.

19 MR. GABRIEL: Yeah. And I, again, do  
20 appreciate Council Member Dennis bringing it  
21 up, because it's an issue that we will be  
22 dealing with at some point.

23 I suppose, for the SIC Committee  
24 purpose, I think we can probably identify at  
25 this point, because you all are the ones

1           deciding who to interview and when, et  
2           cetera, so for the -- I guess for the  
3           ecosystem of the SIC Committee, we already  
4           know who's been interviewed and who is going  
5           to be interviewed. And again, we're only  
6           talking about the City official folks or,  
7           for that matter, JEA, you know, the ones  
8           that are public officials, for lack of a  
9           better term, you know, that will be the ones  
10          with attorneys that we'll be seeking  
11          reimbursement. Of course, we put it through  
12          a review.

13                 I've asked Jon Phillips, who is the head  
14                 of my litigation department, to kind of take  
15                 a quick look-see, because this has come up a  
16                 couple times, to kind of give an  
17                 approximation, perhaps, to this Committee as  
18                 to what to anticipate. And again, it's  
19                 going to depend on who else amongst the City  
20                 officials or JEA officials will be  
21                 interviewed in this process. And then we  
22                 can give an approximation per person,  
23                 perhaps, what the cost will be. And we will  
24                 come to City Council with legislation for  
25                 that reimbursement at the appropriate time.



1           But if I may, Madam Chair, if I can turn  
2           it over to Jon Phillips to give a quick  
3           approximation of what we're looking at per  
4           person, if that's okay.

5           CHAIRPERSON PRIESTLY JACKSON: Attorney  
6           Phillips, Mr. Phillips.

7           MR. PHILLIPS: Well, historically, I  
8           think for this kind of thing you're probably  
9           looking at perhaps 8,000 to 15,000 a piece,  
10          in that neighborhood. We've only received  
11          two invoices so far. And one of them was  
12          for 8,500 and the other for 14,000. So --  
13          and that's about in line with our past  
14          experience with this type of representation.

15          So you can just kind of do the math of  
16          how many people get interviewed times --  
17          coupled with how many people get interviewed  
18          and lawyered, and that's where your number  
19          is going to be. I don't think it's going to  
20          be -- I wouldn't necessarily call it runaway  
21          attorney's fees.

22          CHAIRPERSON PRIESTLY JACKSON: Okay. So  
23          before I -- I know we have Councilman  
24          Diamond in the queue, as well as Councilman  
25          Salem. I'm not certain if Councilman Dennis

1 had a follow-up, if he's still on the line.  
2 Before we get to Councilman Dennis, can  
3 you -- either Mr. Gabriel or Mr. Phillips,  
4 can you outline what's the policy in terms  
5 of reimbursement, what's the basis?

6 I am kind of surprised to hear someone  
7 has submitted a bill when the investigations  
8 are ongoing. I thought it always was at the  
9 culmination of the process that that  
10 happens. So can you tell us what is the  
11 process in terms of when a -- an individual  
12 who has retained counsel with the permission  
13 of General Counsel can then have their  
14 attorney paid? Where in the investigative  
15 process does that fall?

16 MR. PHILLIPS: Well, we didn't -- we  
17 haven't paid the invoice or authorized  
18 paying. You're correct that it's at the  
19 end. I'm just saying they've sent an  
20 invoice because, I guess, they believe that  
21 their involvement is over. And they  
22 probably are right in the instances of the  
23 two people that have sent us invoices. But,  
24 right, it's -- it's at the end. They're not  
25 entitled to the money at this point.

1           CHAIRPERSON PRIESTLY JACKSON: Okay. I  
2           just wanted some clarity on that. That was  
3           my understanding that, when the  
4           investigations were completed and those, of  
5           course, were either exonerated or not  
6           charged or not whatever, that's usually  
7           when, I thought, they were entitled to  
8           reimbursement for attorney's fees. If I'm  
9           mistaken from that, Mr. Gabriel, is there a  
10          more intermediate point with the City?

11          MR. GABRIEL: Yeah. Thank you, if I can  
12          just maybe add to this.

13          So what we're talking about here is the  
14          Special Investigative Committee of City  
15          Council and this whole process, which, you  
16          know, if it's anticipated as what we're  
17          hearing here today, we'll be coming to a  
18          landing, so to speak, or a conclusion in the  
19          next few months.

20          So I am talking about any reimbursements  
21          for that process. Now, the federal grand  
22          jury and who or what or when may happen  
23          there is another process, and that very well  
24          could end up being another set of fees.

25          And, yeah, I mean, to answer your

1 question, essentially, there is three  
2 principles in terms of reimbursement, and  
3 it's found in Florida Common Law, people are  
4 entitled to it under Florida Common Law.  
5 One, that it was -- it's an investigation  
6 that's somehow tied or has a nexus to the  
7 official duties or the -- there is a public  
8 purpose, in essence, and it's for the  
9 reimbursement of attorney's fees with  
10 respect to someone who is under  
11 investigation or is a witness or what have  
12 you with respect to their duties in their  
13 public domain.

14 And then number two, that they're  
15 exonerated. And what that means is that  
16 they're not indicted. There is probably a  
17 little more nuance to that, but in other  
18 words, I mean, technically, someone could be  
19 indicted, but then exonerated. And that's a  
20 long process, but if they are, they would be  
21 entitled to reimbursement of fees at the end  
22 of that process.

23 So those are two of the three  
24 principles: One, related to their official  
25 public duties; two, that they're exonerated.

1           And then the third is that there is a  
2           nexus between the fees and this whole line  
3           of interview or investigation. I mean,  
4           that's it, sort of in a nutshell. We've  
5           gone through this over the years in  
6           different settings. We have a good memo  
7           that we can share with you all where the  
8           case law has not changed since 2008. It was  
9           drafted by a former General Counsel  
10          attorney, Joel Toomey, who is now a special  
11          magistrate, but we have that memo, and  
12          that's the guiding principles that are at  
13          play here.

14          Now, I know a couple of Council Members,  
15          several of you actually, have brought up the  
16          point of potential, you know, protocols or  
17          policies or even some sort of, for lack of a  
18          better term I'll use the word cap or  
19          something along that line for attorney's  
20          fees to make sure it doesn't get out of  
21          hand. And we're looking at those  
22          possibilities, and I -- you know, I have a  
23          couple conversations later this week with a  
24          couple of Council Members to discuss that  
25          further.

1           But in any event, that's it in a  
2 nutshell, and I hope that addresses the  
3 question.

4           CHAIRPERSON PRIESTLY JACKSON: Well, you  
5 actually raised a separate question for me,  
6 because I am well aware for those who are  
7 going -- involved in the Department of  
8 Justice investigation, they're seeking  
9 counsel if they thought they were going to  
10 be in that umbrella, or that net. But you  
11 just shared information that alluded to if  
12 they were involved in the SIC -- were you  
13 saying that, if they were involved solely in  
14 the special -- the SIC Committee, that they  
15 too got outside counsel? Because that would  
16 be totally new to me that there was anybody  
17 that got it because of this Committee. Is  
18 that -- maybe I misheard.

19           MR. GABRIEL: Hopefully I'm  
20 understanding the question appropriately.  
21 So basically, to the extent a City official  
22 has obtained counsel for an interview,  
23 again, as long as those principles are in  
24 play, they're entitled to a reimbursement.  
25 Now, whether it's the SIC Committee or the

1 federal grand jury or any other process that  
2 I'm not aware of, federal, state, local or  
3 otherwise, if they are seeking -- if they're  
4 going to be a part of the interview or  
5 interrogation or investigation process and  
6 they obtain counsel for their defense or  
7 protection in that process, and it's linked  
8 to their duties and they're exonerated at  
9 the end of it, they are entitled to  
10 reimbursement. So I don't know who of the  
11 ones that have been interviewed by -- and  
12 again, we're only talking about City or  
13 public officials. I'm not talking about  
14 outside officials. I just want to be clear  
15 about that. We're only talking about  
16 employees or members of the public domain  
17 and their attorneys and the reimbursement of  
18 the same.

19 So again, I mean, it may be that several  
20 of the people that this Committee has  
21 interviewed very well may be a part of the  
22 whole federal side of it. But it may be  
23 that you've interviewed folks that won't be  
24 part of the federal side of it. I just  
25 don't know at this point.

1           What I'm saying is, to the extent  
2           they're intertwined in the investigative  
3           process, federal, state or local, and they  
4           get an attorney, they're entitled to  
5           reimbursement under those principles I laid  
6           out.

7           CHAIRPERSON PRIESTLY JACKSON: I think  
8           we know the ecosystem of who we talked to.  
9           We can get with Mr. Busey. That's far more  
10          limited. I am comfortable, because I think  
11          that most of those that we are going to talk  
12          to, we can clearly identify those. And so  
13          that would be individuals that this  
14          Committee has said they wanted to have sworn  
15          testimony provided to help with the --  
16          fulfill the charge of the Committee.

17          So, Mr. Busey, not for this meeting, but  
18          the next one, we can narrow that universe  
19          down so we'll know who those are that have  
20          outside counsel in relation to the SIC  
21          Committee. I believe that's easily -- easy  
22          to ascertain.

23          MR. BUSEY: We can do that. We can do  
24          that. I can answer your question right now.  
25          We've interviewed seven individuals for the



1           Committee, who are City officials and who  
2           would fall within the definition that Jason  
3           just mentioned. And I don't think their  
4           expense in connection with the Committee's  
5           investigation would be a material variance  
6           from what Jon Phillips has estimated.

7           CHAIRPERSON PRIESTLY JACKSON:  
8           Wonderful. And so then on top of those  
9           seven, would it be the other five that are  
10          going to move forward? Any of those that  
11          are on that list that are City officials?

12          MR. BUSEY: There are four of the five  
13          that are -- one of the five which are City  
14          officials, and it's included in the seven  
15          number I gave you.

16          CHAIRPERSON PRIESTLY JACKSON: Okay.  
17          Okay. Thank you, thank you for that.

18          Council Member Diamond.

19          COUNCIL MEMBER DIAMOND: Thank you,  
20          Madam Chair.

21          I just want to put this money question  
22          into context just very briefly. I think  
23          it's important to look at what the  
24          investigation costs us both from what Smith  
25          Hulsey cost, what the internal cost to OGC

1 is, and to what some of these outside  
2 counsels may cost. That's a very rational  
3 question to have.

4 But the counterweight is what we've  
5 gotten for that. And I think it can be very  
6 easily forgotten. One, we have some  
7 confidence that our City government is  
8 operating well and we can offer to the  
9 people of Jacksonville truth and justice;  
10 that's invaluable.

11 But put that aside, this Committee  
12 stopped the paying of millions of dollars of  
13 invoices earlier this year. And this  
14 Committee, I guarantee, will have paid for  
15 itself, in addition to the good government  
16 piece, it's going to stop millions of  
17 dollars going to law firms that, in my  
18 opinion, don't deserve to be paid.

19 So I just want to put this in context  
20 whenever the money issue comes up. It's a  
21 good conversation to have, but not only do I  
22 think we paid for ourself, but what we've  
23 offered the City, I think, in my opinion,  
24 has been invaluable. That's it.

25 CHAIRPERSON PRIESTLY JACKSON: Thank

1           you, Councilman Diamond. And I say you're  
2           preaching to the choir with that one, I  
3           think.

4           I see you, Councilman Salem.

5           COUNCIL MEMBER SALEM: Thank you, Chair.

6           And this is to Mr. Gabriel or Mr. Busey:  
7           Can you identify -- I don't want names, but  
8           the number of City employees, what I  
9           consider City of Jacksonville, versus JEA  
10          employees that are in this universe of  
11          people that may be seeking reimbursement,  
12          can you give me just a total?

13          CHAIRPERSON PRIESTLY JACKSON:

14          Councilman Salem, can you -- can Mr. Busey  
15          provide that at our next meeting if it's  
16          going to be more detailed than the seven  
17          that he's identified? He wasn't prepared  
18          for that question, that's the only thing  
19          we --

20          COUNCIL MEMBER SALEM: That's fine.

21          CHAIRPERSON PRIESTLY JACKSON: And I'd  
22          feel more comfortable with him having an  
23          opportunity to provide that.

24          Does that work for you, Mr. Busey, for  
25          our next --

1 MR. BUSEY: Yes, ma'am.

2 COUNCIL MEMBER SALEM: Thank you.

3 CHAIRPERSON PRIESTLY JACKSON: Thank  
4 you.

5 Any other business? And I don't know --  
6 I think -- any other business for the SIC  
7 Committee at this time? No other business.

8 Before we move to adjourn and identify  
9 our next meeting, adjourning this meeting, I  
10 want to share with the public that you see a  
11 time frame that says 5:00 p.m. and I think  
12 we allow ourselves until 7:30. That was  
13 just a theory, because sometimes this  
14 Committee might actually have sworn  
15 testimony coming before it and other  
16 matters, but I wanted to let everybody know  
17 that we won't hang around for that time if  
18 we don't need all of that time, we will  
19 adjourn early.

20 And we have the meeting, 8 o'clock  
21 meeting followed by a 5 o'clock meeting to  
22 encourage public engagement and transparent  
23 and participation.

24 So with that being said, the next  
25 meeting of the Special Investigatory

1           Committee is scheduled for August 24, 2020,  
2           at 8:00 a.m., that lovely time that  
3           Councilman Diamond started for us earlier  
4           on.

5           This meeting is hereby adjourned. Thank  
6           you everyone for coming.

7           (Meeting adjourned at 6:01 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA  
COUNTY OF DUVAL

I, Amanda E. Robinson, Registered  
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Captioner, do hereby certify that I was  
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notes.

DATED this 31st day of August, 2020.

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