

**SPECIAL INVESTIGATORY COMMITTEE ON JEA**

**SESSION #8**

DATE: Monday, August 24, 2020

TIME: 8:00 a.m. - 8:56 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

ALSO PRESENT:

Dr. Cheryl Brown, Director, City Council  
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  
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: Good morning. Good morning. I will call this meeting of the Special Investigatory Committee on JEA to order. The time is 8 o'clock a.m., the date is August 24th, 2020.

And if we may have an invocation by our chaplain at this time, please.

COUNCIL MEMBER DeFOOR: Dear Lord, we thank you for bringing us together this early Monday morning. We ask that you continue to help us to shine the light on truth. Use us as your servants, Lord. We ask this in your name, amen.

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

COUNCIL MEMBER DeFOOR: Just real quick, hang on.

(Pledge of allegiance.)

CHAIRPERSON PRIESTLY JACKSON: Thank you so much.

We will take our agenda in order. We

1           have a few, I think, additional items that  
2           will come up once we get to Outside Counsel  
3           or General Counsel. And we may need motions  
4           from the Body for actions to be taken at  
5           that time. However, at this point we will  
6           begin with Outside Counsel update with Steve  
7           Busey, Esquire.

8           Mr. Busey.

9           MR. BUSEY: Good morning, Madam Chair.

10          CHAIRPERSON PRIESTLY JACKSON: Good  
11          morning.

12          MR. BUSEY: Since our last Committee  
13          meeting, we've continued to review the  
14          documents provided to us by the JEA and by  
15          the OGC. We're substantially through that.  
16          We probably have another three weeks worth  
17          or more to do.

18          We've completed the deposition of Brian  
19          Hughes, and we have completed the deposition  
20          of Alan Howard. I know that Brian Hughes'  
21          transcript has been posted. I think Alan  
22          Howard's will be posted soon on the  
23          Committee website. This past Friday we took  
24          the deposition of Kevin Hyde, which leaves  
25          us with three more depositions to take,

1 we'll complete, of Michael Munz, and Sam  
2 Mousa, and Tim Baker.

3 And with that, we're hopeful that, by  
4 the end of September, we can start drafting  
5 our report and get a draft Committee report  
6 in October. And we have put all that in our  
7 status report, or interim status report,  
8 which we sent to the Committee this past  
9 Thursday, on August 20th, which summarizes  
10 our activity to date. And I'm happy to  
11 answer any questions.

12 CHAIRPERSON PRIESTLY JACKSON: Okay.  
13 Thank you.

14 Any questions from any of the Committee  
15 Members relative to information shared by  
16 Mr. Busey? No questions?

17 COUNCIL MEMBER DeFOOR: I'll ask  
18 questions, sorry. Thank you, Madam Chair.

19 Through the Chair to Mr. Busey, thank  
20 you for your summary of -- as of last  
21 Thursday, I was -- I thought it was -- Alan  
22 Howard's deposition appeared to be extremely  
23 informative; is that correct?

24 MR. BUSEY: Oh, yeah. And obviously, I  
25 didn't put in a two-page summary what was

1 going to be several hundred pages of  
2 transcript of Alan Howard's deposition. But  
3 it was very enlightening. He was pretty  
4 clear that he didn't think the board was  
5 well served by the senior leadership team in  
6 terms of the quantum of data regarding the  
7 issues before July 23, 2019, or the amount  
8 of time the board had to discern what those  
9 issues were about.

10 But when the time comes, y'all all need  
11 to read it; it's a very telling report. I  
12 think with that and with Kevin Hyde's  
13 deposition on Friday, we're beginning to  
14 look behind the curtain now and see what  
15 really happened.

16 COUNCIL MEMBER DeFOOR: Thank you very  
17 much.

18 CHAIRPERSON PRIESTLY JACKSON: Thank  
19 you.

20 Any other Committee Members?

21 I also see we have visiting Council  
22 Members Salem and Ferraro. I don't know if  
23 I'm missing anyone else. Thank you all for  
24 joining us. Do you have any questions,  
25 visiting Council Members Salem or Ferraro

1 for Mr. Busey? No? Thank you so much.

2 COUNCIL MEMBER DIAMOND: Mr. Boylan is  
3 here.

4 CHAIRPERSON PRIESTLY JACKSON: Okay.  
5 Council Member Boylan, I don't see him --  
6 oh, there you are. Do you have any  
7 questions for Mr. Busey? No? Okay.  
8 Wonderful.

9 I think that, Mr. Busey, one of the  
10 things that we shared, and then I had an  
11 opportunity to talk with, our next Committee  
12 meeting is going to actually be four weeks  
13 from now because a week from now -- two  
14 weeks from now is actually Labor Day, and  
15 you believe that was enough time for you to  
16 conclude the remaining depositions of the  
17 witnesses; is that correct?

18 MR. BUSEY: Yes.

19 CHAIRPERSON PRIESTLY JACKSON: Okay.  
20 And so -- I know that you have shared that  
21 you anticipate after that time that we  
22 should be able to wrap this up with a final  
23 report being submitted in October, which  
24 moves us one month past the current date  
25 that we have; correct?

1           MR. BUSEY: Right. And we made that  
2 adjustment in our projected time frame as a  
3 result of the five depositions we're taking,  
4 that it would prolong the time and effort,  
5 but we're still with that adjusted budget,  
6 yes.

7           CHAIRPERSON PRIESTLY JACKSON: Okay. Is  
8 there any additional actions -- and I see  
9 Ms. Sidman's hand. Are there any additional  
10 actions you need from this Body at this time  
11 for you to continue doing your work between  
12 now and the 28th of -- 28th of September?

13          MR. BUSEY: Were you directing that to  
14 Peggy or to me, Madam Chair?

15          CHAIRPERSON PRIESTLY JACKSON: I'm  
16 actually directing it to you, if there is  
17 any additional requests you have of the  
18 Committee at this time before --

19          MR. BUSEY: There are two requests, and  
20 Peggy can help me with this. The OGC had  
21 originally contracted with a KL Discovery to  
22 help OGC and to help us get a handle on all  
23 the documents being produced by JEA in this  
24 case. And their original budget, I think,  
25 was \$9,000, and they've told us how they

1           need to exceed that budget by another  
2           \$10,000. And I think that what is required  
3           of the Committee today is a motion to  
4           approve the extension of that -- of their  
5           financial budget for that outside consulting  
6           firm from \$10,000 to 20,000.

7           Peggy, is that right? Do I have it  
8           right?

9           CHAIRPERSON PRIESTLY JACKSON:  
10          Ms. Sidman, yes.

11          MS. SIDMAN: Through the Chair, Peggy  
12          Sidman, Office of General Counsel.

13          That's my understanding, Smith Hulsey  
14          has been using KLD and supervising their  
15          discovery through a series of documents.  
16          The initial contract was not to exceed  
17          \$10,000, as Mr. Busey noted, and we're  
18          bumping up on the notice provision that  
19          Mr. Dix let me know about last -- this past  
20          week. So there will be an amendment needed  
21          to the KLD contract to increase it. And I  
22          think Smith Hulsey is indicating that  
23          \$10,000 should be sufficient; you know, not  
24          to exceed another \$10,000. And we're  
25          prepared to do that contract upon the



1 direction and motion of the SIC Committee.

2 Thank you.

3 CHAIRPERSON PRIESTLY JACKSON: Thank you  
4 so much.

5 So in light of that, do I have a motion  
6 from a Member of the SIC Committee to extend  
7 the KLD contract of up to \$20,000?

8 COUNCIL MEMBER DIAMOND: So moved.

9 COUNCIL MEMBER DeFOOR: Second.

10 CHAIRPERSON PRIESTLY JACKSON: Thank  
11 you, Councilman Diamond and Councilman  
12 DeFoor.

13 Now we're open for discussion. Are  
14 there any questions from Members of the SIC  
15 Committee relative to the contract  
16 extension? No questions.

17 Okay. Councilman Dennis, welcome to the  
18 meeting. Is your question relative to the  
19 extension of the contract for KLD at this  
20 time? If so, you may present your question.  
21 If it's of a more general nature, we will  
22 come back to it later.

23 Would you please unmute Mr. Dennis.

24 COUNCIL MEMBER DENNIS: It does have to  
25 do with KLD, but it does have to do with the

1 budget since we're talking about the budget  
2 and Mr. Busey.

3 CHAIRPERSON PRIESTLY JACKSON: Okay.  
4 Well, can you hold that question, because I  
5 think we have a couple more action items  
6 we're going to take. I want to address the  
7 motion for the extension on the contract  
8 right now for them to commence the work --  
9 finish the work that they've already  
10 commenced. Is that okay if I come back to  
11 you?

12 COUNCIL MEMBER DENNIS: Yeah, yeah, but  
13 it has to do with that as well. So it's not  
14 something else, but it has to do with the  
15 contract extension, my question.

16 CHAIRPERSON PRIESTLY JACKSON: Do you  
17 want to present the part that's just limited  
18 to KLD Discovery or do you want to save that  
19 for the more general time when you ask your  
20 question?

21 COUNCIL MEMBER DENNIS: For the more  
22 general time.

23 CHAIRPERSON PRIESTLY JACKSON: Okay.  
24 Thank you, Mr. Dennis.

25 It's been properly moved and seconded

1           that the contract with KLD Discovery is  
2           extended to \$20,000. Seeing no further  
3           discussion, all Members of the SIC in  
4           support of the contract extension, please  
5           raise your hand.

6           DR. BROWN: Four yeas, zero nays.

7           CHAIRPERSON PRIESTLY JACKSON: By your  
8           action, you have approved the contract  
9           extension for KLD Discovery -- KL Discovery.  
10          Thank you so much.

11          Is there any additional action that you  
12          need to have taken by the SIC at this time,  
13          Mr. Busey, relative to your work as Outside  
14          Counsel?

15          MR. BUSEY: Yes, ma'am. There is one  
16          other contract that we entered into. We  
17          talked with OGC about this. We've  
18          identified a consulting firm called  
19          eDiscovery CoCounsel, and they are in the  
20          business of helping digest -- review and  
21          digest large quantities of documents.

22          When we got into the 144,000 pages of  
23          documents that the City -- that is, JEA and  
24          the City have produced through OGC to the  
25          FBI, we did a predictive coding analysis of

1           those documents to see what we needed to do  
2           to review them closely enough to make sure  
3           we had seen everything that's important in  
4           those documents. And when we went through  
5           our predictive coding of the 144,000  
6           documents, we had hits on approximately  
7           36,000 documents that appeared to be  
8           material to the Committee's review. And so  
9           we're faced with how do we actually put our  
10          eyes on 36,000 documents in the time frame  
11          that we've talked about and looking at the  
12          expense.

13                 And we found that this is pretty  
14          ordinary when you're dealing with forensic  
15          document analysis like this, you go to a  
16          consultant. And we can use their services,  
17          eDiscovery CoCounsel, at a much lesser price  
18          than using the lawyers in our office to look  
19          at these 36,000 documents.

20                 The contract price they've estimated for  
21          us to go through the documents and tell us  
22          what's in there that we need to look at is  
23          \$35,000. We anticipate that, if we had our  
24          lawyers do that to put the time in necessary  
25          to review those documents, in many times

1           that would be somewhere between 100,  
2           \$200,000. This is a much more efficient way  
3           to get it done and get it done in the time  
4           frame we've talked about.

5           We've talked to OGC about it. I think  
6           OGC is onboard, but we need the Committee's  
7           approval to hire them. And the \$35,000 will  
8           come out of the budget already appropriated  
9           by the City, the max cap, our fees, which is  
10          ultimately \$1.8 million, but we're right now  
11          at a 1.150 budget, absent further notice  
12          from the Committee, but it will come out of  
13          those numbers for our law firm.

14          CHAIRPERSON PRIESTLY JACKSON: Thank you  
15          so much, Mr. Busey.

16          And before I take questions from  
17          Committee Members and get a motion,  
18          Ms. Sidman, would you please elaborate on  
19          that and share with the Committee as well?  
20          Thank you.

21          MS. SIDMAN: Yes. Thank you, Madam  
22          Chair. Peggy Sidman, Office of General  
23          Counsel.

24          We've been in communication with Smith  
25          Hulsey. And as Mr. Busey indicated, they

1           feel like the document review by eDiscovery  
2           would be a cost savings to the City.  It's  
3           my understanding it's a flat fee of \$34,000.  
4           It might be 35, Mr. Busey mentioned that.  
5           But it would be a flat fee for those  
6           documents that the FBI had provided.

7           So this is a third-party consultant.  
8           And so pursuant to the Smith Hulsey  
9           contract, we'll have to get approval from  
10          the contract to do the third-party  
11          consultant -- I mean, this Body, the SIC  
12          Committee.  Thereafter, it will come up  
13          underneath Smith Hulsey's contract and be  
14          billed like Westlaw and something else.  So  
15          we would just have that approved thereunder.

16          So if it's appropriate, the Chair might  
17          consider taking a motion from one of the SIC  
18          Committee Members to approve that contract  
19          not to exceed the flat fee of \$35,000 --  
20          we'll get the documents correct -- so that  
21          we can enter into that contract.  Thank you.

22                   CHAIRPERSON PRIESTLY JACKSON:  Is there  
23                   a motion from a Committee Member and a  
24                   second?

25                   COUNCIL MEMBER DIAMOND:  So moved.

1           CHAIRPERSON PRIESTLY JACKSON: It's been  
2 moved by Council Member Diamond.

3           COUNCIL MEMBER DeFOOR: Second.

4           CHAIRPERSON PRIESTLY JACKSON: And  
5 seconded by Council Member DeFoor.

6           Now we open it up for discussion  
7 relative to the third-party contract with  
8 eDiscovery CoCounsel. Any SIC Committee  
9 Members with questions for Mr. Busey or  
10 Ms. Sidman relative to that?

11           Seeing no hands raised for discussion,  
12 all those in favor of the eDiscovery  
13 CoCounsel consultant agreement not to exceed  
14 \$35,000, would you please raise your hand.

15           DR. BROWN: Four yeas, zero nays.

16           CHAIRPERSON PRIESTLY JACKSON: By your  
17 action, you have approved eDiscovery  
18 CoCounsel consulting agreement with Smith  
19 Hulsey.

20           Anything further from you at this time,  
21 Mr. Busey, that we need to consider before  
22 we move on to the Office of General Counsel?

23           MR. BUSEY: Nothing further. Thank you,  
24 Madam Chair.

25           CHAIRPERSON PRIESTLY JACKSON: Thank you

1 so much.

2 We move on now to Item E, Office of  
3 General Counsel, Jason Gabriel.

4 Mr. Gabriel.

5 MR. GABRIEL: Good morning, Madam Chair.  
6 Jason Gabriel, General Counsel.

7 I don't really have anything much else  
8 to add. I think the August 20th memo from  
9 Mr. Busey pretty much summarizes where we  
10 are. We continue to work closely with  
11 special counsel. And just available for any  
12 questions that you may have.

13 CHAIRPERSON PRIESTLY JACKSON: Okay.  
14 Well, I would like for you to address: On  
15 Friday afternoon, after you and I spoke, you  
16 were kind enough to forward two memos to  
17 Members of the SIC Committee. And those  
18 memos related to the executive privilege  
19 asserted by Brian Hughes in his deposition  
20 with Smith Hulsey. Can you further  
21 elaborate on the basis of that privilege for  
22 the Members of the Committee, as well as the  
23 public. And then we can have further  
24 discussion after that. I believe each SIC  
25 Member should have received a copy of it on



1 Friday, hopefully.

2 MR. GABRIEL: Sure, Madam Chair. Thank  
3 you for the opportunity.

4 Yes, this is an issue that actually  
5 comes up from time to time in consolidated  
6 government. It comes up at, you know, the  
7 federal, state, and local level.  
8 Governments that are modeled after a  
9 traditional separation of powers type  
10 government where you have a traditional  
11 executive branch in the local government  
12 case, you know, led by the mayor and his  
13 administration, and, of course, you have the  
14 separate legislative branch, which is  
15 primarily the city council or a county  
16 commission, different context.

17 The issue on executive privilege, on  
18 legislative purpose, you know, these things  
19 we've been sort of talking about over the  
20 course of the past several weeks or months,  
21 and they're all kind of tied together  
22 really. They're all kind of extensions of  
23 the same branch of common law.

24 It came up -- just to give you a little  
25 historical context, because there were

1           several of you that weren't on the Council a  
2           few years back when actually the potential  
3           sale of JEA came up. Now we're talking, I  
4           suppose, the beginning of 2018, somewhere in  
5           that time frame. This very issue came up.  
6           If y'all recall, there was a special  
7           committee on the potential sale of JEA that  
8           was led at the time by Council Member John  
9           Crescimbeni. The issue of subpoenas came up  
10          at the time, and that was debated greatly;  
11          and also the issue of, you know, by  
12          extension of the subpoena discussion, the  
13          issues of legislative privilege, executive  
14          privilege and so forth.

15                 So at the time several Council Members,  
16          including the chair, had asked about what  
17          would that look like, you know. So we  
18          prepared, for example, memos and research on  
19          subpoenas, how that process works, which  
20          actually served as a templet and a baseline  
21          for what we've done recently here under this  
22          Committee. So memos were prepared on that  
23          at the time.

24                 The -- a question by extension of that  
25          came up on executive privilege. So if, for

1           example -- and again, I'm going back from  
2           2018. If we were to bring, as in the City  
3           Council were to bring up members of the  
4           Mayor's staff, you know, what are the outer  
5           limits of what could be asked even in a  
6           subpoena-type setting? Well, the issue of  
7           executive privilege came up.

8           Now, and so we did some research on it  
9           and we prepared a memo. So the memo that  
10          recently surfaced that Mr. Durden in my  
11          office had prepared is essentially a  
12          summarized version of previous counsel and  
13          guidance given back about two and a half  
14          years ago. And that's the reason why I sent  
15          both those memos for context on Friday. I  
16          sent the recent executive summary one that  
17          Steve Durden did, but I also sent, just so  
18          that everyone can see, the one that was  
19          prepared back in 2018. And they're pretty  
20          consistent with each other.

21          Now, having said all that, I want to be  
22          clear on a few things, because I think there  
23          was some -- maybe perhaps a misapprehension  
24          of what it means or what the extent of it is  
25          and all that. And probably part of that is

1           due to the brevity of the summarized memo  
2           that Mr. Durden had circulated, because we  
3           actually do have much more research on that,  
4           and there was actually a draft longer form  
5           memo. And I even have that too, that's like  
6           a third memo that I could share with you  
7           all, but it's essentially the same thing  
8           that's in the 2018 memo.

9           But I want to be clear on it in a couple  
10          of points. Number one, in our consolidated  
11          government setting and under Florida law,  
12          that executive privilege legal analysis,  
13          that has nothing to do with impairing any  
14          public record or Sunshine Law requirements.  
15          In other words, to the extent we're talking  
16          about any public records or even issues  
17          related to Sunshine Law, none of that gets  
18          extinguished by executive privilege. So  
19          executive privilege has no bearing on nor  
20          does it stop the dissemination of public  
21          records and Sunshine Law and things like  
22          that.

23          I think in Mr. Durden's memo he utilized  
24          the term all communications. That is  
25          technically -- that is technically correct

1           under the executive privilege doctrine;  
2           however, in Florida public records laws and  
3           Sunshine Laws trump any type of privilege  
4           including executive privilege. That is a  
5           very important point. And I think that's  
6           been clarified, I think, both online and,  
7           you know, in other circles.

8           And the other thing I wanted to add on  
9           that is the privilege that we're talking  
10          about is really relevant to a small subset  
11          of conversations. And what I mean by that  
12          is, in this context, it would only apply to  
13          the deliberative mental prerogatives of the  
14          executive branch within the executive  
15          branch.

16          So in other words, the Mayor and his  
17          staff get to decide on executive policy,  
18          they get to arrive at certain propositions,  
19          and the deliberative process that leads to  
20          that is their prerogative. And that is in  
21          the context of executive privilege. And  
22          again, by extension on legislative process,  
23          that is a place that would not, under this  
24          doctrine, be allowed to be pried into even  
25          under the -- even under subpoena or oath

1 testimony by the legislative branch.

2 And this is only within the context of  
3 government at the civil level, at the city,  
4 county government level. This does not  
5 apply, for example, to federal grand jury  
6 investigations or anything like that. This  
7 only has to do with the separation of powers  
8 construct of government. And again, it's a  
9 very small sliver. It would have to be  
10 applied on a case-by-case basis.

11 And in any event, that's it in a  
12 nutshell in terms of the actual doctrine.  
13 And there are ways to overcome it; I outline  
14 that in the email I sent on Friday. Two  
15 quick examples -- one quick, very broad and  
16 briefly to do it would be to request the  
17 Mayor's Office, the Mayor, to waive it and  
18 so that would extinguish it altogether,  
19 that's one.

20 The other way would be to overcome it by  
21 establishing -- and again, this is kind of a  
22 sort of similar exercise that we've been  
23 conducting all along in the way of  
24 legislative purpose; and that is, you would  
25 ascertain what exactly is the communication

1 or subject matter of the communication  
2 you're looking for. Is there any other way  
3 to get it other than that testimony. And if  
4 not, if that's evidenced and appropriate  
5 within your legislative prerogative, then  
6 you would formulate that and we would  
7 present it to the Mayor's Office for further  
8 consideration. And there is also other  
9 potential ways, but anyway.

10 In any event, Madam Chair, that's it in  
11 a nutshell, I'm obviously available for any  
12 other questions that you may have, but thank  
13 you for the opportunity to clarify that.

14 CHAIRPERSON PRIESTLY JACKSON: Okay.  
15 Thank you for that.

16 And I'm going to -- I see Council Member  
17 and Committee Member DeFoor's hand is  
18 raised.

19 Ms. DeFoor.

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

22 And to Mr. Gabriel, my understanding was  
23 the Mayor had directed his people to both  
24 cooperate and be transparent. So my  
25 question to you is who asked you to draft

1 the memo in July?

2 MR. GABRIEL: Through the Chair to  
3 Council Member DeFoor, I believe that was a  
4 request by the chief administrative officer  
5 to our office to clarify -- as he was  
6 preparing for the interview, to clarify that  
7 particular privilege. Again, I think having  
8 been aware of it -- you'd have to obviously  
9 ask him, but, you know, that was -- you  
10 know, that was a concept that had been  
11 talked about before 2018. So it's not like  
12 it was some, you know, concept that no one  
13 had ever heard about or talked about before.

14 But it was prepared in preparation for  
15 and at the request of the CAO. And so Steve  
16 Durden in my office, I assigned that to him,  
17 and he prepared it. And that was the -- you  
18 know, the product of that was that memo.

19 COUNCIL MEMBER DeFOOR: Thank you.

20 A couple more questions, if that's okay,  
21 Madam Chair.

22 CHAIRPERSON PRIESTLY JACKSON: Yes,  
23 please.

24 COUNCIL MEMBER DeFOOR: The thing that  
25 bothered me the most about the memo is it



1           appeared that it extended out to third  
2           parties. Can you clarify that?

3           MR. GABRIEL: Yeah. And again, it's --  
4           you know, it conceivably or conceptually  
5           could, but we have to be careful in terms of  
6           how we look. And that's -- you would have  
7           to -- if we were going to -- if someone were  
8           going to base not answering a question on  
9           executive privilege, we'd have to look  
10          carefully at exactly what is the question,  
11          the Q&A that they're talking about. And  
12          then to see if that executive privilege is  
13          appropriate, we would apply the analysis.

14          Because -- and so to answer your  
15          question, Council Member DeFoor, it could  
16          potentially apply to advisors to the Mayor  
17          that are outside of his staff, but it would  
18          have to be relegated to, again, arrive --  
19          the Mayor arriving at some executive policy  
20          and whatever advisors were assisting him in  
21          arriving at that, that is the conversation  
22          part -- again, within the contours of the  
23          executive branch, that could potentially  
24          have an assertion of executive privilege.  
25          It has to do with the deliberations of the

1 Mayor at arriving at executive policy. So  
2 conceivably it could include someone from  
3 the outside, but it may not; it just depends  
4 on the circumstances and the actual Q&A.

5 COUNCIL MEMBER DeFOOR: Okay. And then  
6 my final question is, if we were to request  
7 the Mayor to waive it, how best do we go  
8 about doing that?

9 MR. GABRIEL: The -- you know, again,  
10 we're treading on a lot of new territory in  
11 all of this, from the subpoenas through  
12 where we are now here. I would just sort  
13 of, off the top of my head, the way I would  
14 look at that is it would probably be  
15 appropriate for the Committee to take a  
16 vote, just like you have been on other  
17 propositions, to respectfully request, you  
18 know, from the Mayor's office that that  
19 executive privilege be waived. I suppose  
20 you're saying, you know, across the board,  
21 which is one request you could make to the  
22 Mayor. And then that could be done in a  
23 very, you know, quick, brief letter of  
24 request by virtue of your vote. And then  
25 the Mayor's Office would consider it and go

1 from there. I'm sort of answering it off  
2 the cuff, but that would be a way.

3 COUNCIL MEMBER DeFOOR: Thank you.

4 CHAIRPERSON PRIESTLY JACKSON: Any other  
5 SIC Committee Members with questions for  
6 Mr. Gabriel relative to the memos on  
7 executive privilege?

8 Seeing no other SIC Committee Members, I  
9 see Councilman Dennis has his hand raised  
10 for a question relative to the memos.  
11 Councilman Dennis is recognized.

12 COUNCIL MEMBER DENNIS: Good morning.  
13 Through the Chair to Mr. Gabriel, thank you  
14 for that explanation. I have two questions,  
15 or two requests. Number one, can you  
16 forward that email that you sent to the SIC  
17 Members to all Council Members to read that?

18 And then the second thing, would you  
19 consider converting that memo into a binding  
20 legal opinion based on everything that you  
21 kind of shared with us today and the whole  
22 parameters of executive privilege?

23 CHAIRPERSON PRIESTLY JACKSON:

24 Mr. Gabriel.

25 MR. GABRIEL: Yeah. Through the Chair

1 to Council Member Dennis, I don't believe at  
2 this point -- we have prepared three memos,  
3 one in summary fashion. I don't believe  
4 there will be anything else additional to  
5 add. And I don't believe it prudent at this  
6 time to do that in a binding fashion. And  
7 in any event, this is one of those things,  
8 you know, typically we do the binding  
9 opinion, you know, when you're trying to  
10 resolve some issue at the end of its  
11 exhausted journey, and you're trying to  
12 resolve something between agencies. And it  
13 may be that this would arrive at that at  
14 some point, I don't know.

15 But what I would highly recommend and  
16 advise is that the two branches try to seek  
17 to resolve it. Because the memo is guiding  
18 principle, it's not -- I have no intention  
19 of binding anyone in particular. This is  
20 something, I think, that can and should be  
21 resolved. And I think at some point, if  
22 it's not, we can look at that potential for  
23 binding.

24 But I'd respectfully ask that, you know,  
25 the Council and the Administration perhaps

1 try to work it out through either a waiver,  
2 if that's what you deem as the possible  
3 solution, or negotiating the potential Q&A  
4 to get the answers you want. And we can  
5 look at that at another way. But at this  
6 point I do not believe that to be the  
7 proper -- or should I say prudent course of  
8 action, respectfully.

9 COUNCIL MEMBER DENNIS: Through the  
10 Chair, let me ask just one more question.  
11 So -- and if the Chair allows this question  
12 to be asked and answered.

13 The difference between a memo and a  
14 legal binding opinion, you know, because I  
15 thought the memo is just -- you know, just  
16 an FYI versus a binding opinion is, you  
17 know, lock, stock, and barrel, you know,  
18 this is it, this is the final word and it  
19 has to be done. So, you know, so can you  
20 just tell the difference and, you know, you  
21 see that there is an impasse between, you  
22 know, the two branches of government, why  
23 wouldn't a binding legal opinion be prudent  
24 to settle this once and for all?

25 CHAIRPERSON PRIESTLY JACKSON: So,

1 Mr. Dennis, I think I'm comfortable with  
2 Mr. Gabriel answering the distinction  
3 between a legal or advisory opinion of the  
4 Office of General Counsel and a binding  
5 opinion. At this point I don't think that  
6 there is a motion before us to make it a  
7 binding opinion. So if he can explain that,  
8 and I think we have further discussion, if  
9 that's an action --

10 COUNCIL MEMBER DENNIS: I disagree,  
11 Chairwoman.

12 CHAIRPERSON PRIESTLY JACKSON: I'm  
13 not --

14 COUNCIL MEMBER DENNIS: -- because any  
15 Council Member can ask for a binding  
16 opinion.

17 CHAIRPERSON PRIESTLY JACKSON: And you  
18 may. And you may. And I'm not saying you  
19 cannot. I don't know that the SIC Committee  
20 is the forum for you to ask for it verbally.

21 COUNCIL MEMBER DENNIS: Well, I can just  
22 do it in writing to the Office of General  
23 Counsel then.

24 CHAIRPERSON PRIESTLY JACKSON: You may.  
25 But would you like Mr. Gabriel to answer the

1 other part of your question?

2 COUNCIL MEMBER DENNIS: Yes, ma'am, I  
3 would. Yes, ma'am, I would.

4 CHAIRPERSON PRIESTLY JACKSON: Okay.  
5 Thank you.

6 This will be the question from  
7 Mr. Dennis at this time.

8 MR. GABRIEL: And I appreciate the  
9 opportunity to clarify that. Yeah, I mean,  
10 you know, in our consolidated government  
11 format, obviously, there is the potential  
12 for the General Counsel to issue a binding  
13 legal opinion, which settles it at least at  
14 the local level once and for all.  
15 Obviously, it's subject to any potential  
16 court proceedings or things like that. But  
17 it settles it at the local level.

18 But again, that is reserved really for  
19 resolving discrepancies or issues between  
20 agencies and resolving it. And usually,  
21 it's resolved in favor of one over the other  
22 just by virtue of resolving it.

23 But I don't want it to be lost to  
24 anyone. The memos, yes, they're guiding  
25 memos. We do our best to provide the

1 Council in guidance. And we hope and would  
2 advise that our clients take that advice and  
3 heed it, but we can't make the clients do  
4 that.

5 So I want to be clear inasmuch as the  
6 memos thus far have not been in a binding  
7 format, they are our guidance. It's not  
8 like, you know -- this is the guidance of  
9 the Office, we stand by that guidance. And  
10 it provides a pathway to resolving the  
11 issues and how to behave, but it is  
12 guidance.

13 And again, I do not believe and would  
14 not be inclined to do a binding opinion on  
15 this issue, perhaps not at all, but  
16 certainly not at this juncture. And that's  
17 where I stand on that.

18 CHAIRPERSON PRIESTLY JACKSON: Thank  
19 you, Mr. Gabriel. I have a few follow-up  
20 questions.

21 Are there any other SIC Committee  
22 Members that have questions relative to the  
23 memo dated July 17th, 2020, and April 18th,  
24 2018?

25 I have a few follow-ups, Mr. Gabriel. I



1 think my challenge with the one that's dated  
2 July 17th, 2020, is that that did not come  
3 to the SIC Committee's attention at the time  
4 that we were requesting the testimony of  
5 members of the executive branch. So I wish  
6 that that memo had been afforded and  
7 provided at that time, because I think that  
8 it would have required each of us to review  
9 our role in this process as the SIC and have  
10 conversations with Mr. Busey relative to  
11 that and how we wanted to operate and/or  
12 engage.

13 My thoughts are at this point that what  
14 we need to do is review and digest those  
15 memos and probably confer with Mr. Busey on  
16 what additional follow-up he feels that the  
17 SIC Committee Members need to make to have  
18 questions answered that we may think are  
19 integral that Mr. Hughes or anyone else may  
20 not have answered. Those are my thoughts.  
21 I don't know that I'm fully prepared to know  
22 which questions, as you indicated, what  
23 evidence they will provide to us that we are  
24 missing at this point. I have some ideas,  
25 but I would like Mr. Busey's guidance --

1 and, Mr. Busey, I'm going to ask you to give  
2 it now -- but I would like his guidance on  
3 how we craft that in the form of these  
4 memos.

5 And then the last thing, I think my  
6 question is you shared a moment ago that the  
7 executive privilege flows to members of that  
8 branch as it relates to the policy and  
9 decisions and guidance of the executive  
10 branch, and that's what's protected, not the  
11 actual evidence necessarily that will fall  
12 under Sunshine Law or Public Records.

13 I think I need to understand narrowly  
14 what policy decision, what is the executive  
15 branch making that prohibits them from  
16 sharing that with the Committee, then that's  
17 what we explore. Because if the policy  
18 decision was to sell JEA by the executive  
19 branch, I think we have been given evidence  
20 to the contrary of that, right, that we've  
21 been told that was not a decision that  
22 flowed from the executive branch's office.

23 So if you could refine and narrow down  
24 for us what was the policy decision that the  
25 executive branch was making that you think

1 is covered by the privilege, then I think --  
2 that can come after today as well, not now,  
3 I think that will help me.

4 But I would encourage all SIC Members,  
5 as well as City Council Members to consult  
6 with Mr. Busey relative to the memos and  
7 Mr. Gabriel's office for additional  
8 follow-up.

9 I see Council Member DeFoor has her hand  
10 raised again.

11 Yes, ma'am.

12 COUNCIL MEMBER DeFOOR: Thank you, Madam  
13 Chair. And you're hitting on exactly my  
14 concerns. I am very concerned about the  
15 depositions that are coming before us where  
16 they might try to now state Executive  
17 Privilege because, as you said, it was  
18 our -- it has always been represented to us  
19 that this Mayor and this Administration were  
20 not making decisions about privatizing the  
21 JEA, that that was coming from the JEA  
22 independently of the Administration. And  
23 now it appears that may not be the case.

24 And I'd like to also know whether we  
25 should move forward with the request for a

1 waiver. And those are decisions, again,  
2 that I think we need with the help of  
3 Mr. Busey.

4 CHAIRPERSON PRIESTLY JACKSON: And so I  
5 concur. I think we're on the same  
6 wavelength relative to this. I think in  
7 terms of the waiver, I -- and I want Mr.  
8 Busey's input on this. I think we might  
9 need to meet with him to kind of get a  
10 better understanding. It's that whole -- I  
11 think we're in a position to get a waiver  
12 after Mr. Gabriel identifies for us what  
13 policy decision by the executive branch he  
14 thinks is covered by executive privilege.  
15 Does that make sense?

16 MR. GABRIEL: Can I say something, Madam  
17 Chair?

18 CHAIRPERSON PRIESTLY JACKSON: Yes.

19 MR. GABRIEL: I didn't know if you could  
20 hear me. Thanks.

21 What you just said is hitting on  
22 exactly -- thus far we've been really  
23 talking about this as a -- I don't mean to  
24 downplay it, but as an academic discussion,  
25 you know, what is the principle, what are we

1 talking about. But what you just pointed  
2 out and Council Member DeFoor also  
3 piggybacked on is exactly kind of honing in  
4 on the exact issue, if there even is one;  
5 and that is, what are we even talking about  
6 in terms of -- by way of conversation for  
7 the privilege to even attach to. And that's  
8 exactly the exercise. And I think, for  
9 example -- and I'm not aware, and Mr. Busey  
10 can answer this, I'm not aware this has even  
11 come up yet other than this CAO's  
12 transcript, but to the extent it was raised  
13 in there, you could look and see exactly at  
14 what question and for what answer trying to  
15 be gleaned was it raised. And that will  
16 answer your question as to what subject  
17 matter it's even being used for. And that  
18 would help in terms of the exercise as to  
19 whether, you know, Council would overcome  
20 the privilege because the subject matter may  
21 be relevant, if you understand what I'm  
22 saying.

23 So where it was raised in the transcript  
24 in terms of a question and answer is exactly  
25 where you would look and see, again on a

1 case-by-case basis, well, what was the  
2 question even being -- what was being asked  
3 in order to ascertain an answer to see if  
4 that is something that Council needs for its  
5 legislative review here, so.

6 CHAIRPERSON PRIESTLY JACKSON: I think,  
7 Mr. Gabriel, you have to identify the policy  
8 questions. Since your office came out with  
9 the memo and said it attaches, tell us what  
10 was a policy decision being made by the  
11 executive branch that's covered by the  
12 privilege. That, to me, comes from your  
13 office. That's not for us to glean  
14 individually from the depositions of the  
15 witnesses.

16 So since the memo and the guidance came  
17 from your office, you give us what the  
18 policy decisions by that office is that's  
19 covered by the executive privilege. I think  
20 that's appropriate because, if not, you're  
21 going to literally have four individual  
22 opinions of the SIC Members, along with 15  
23 other individual opinions of Council Members  
24 on what is it. If you can narrow and refine  
25 that for us, and not today, I think that

1 after I receive that, I know that I will be  
2 talking with Mr. Busey, I'm certain that  
3 Ms. DeFoor and Mr. -- the other SIC  
4 Committee Members will be doing the same  
5 thing.

6 But I believe it's incumbent upon your  
7 office to tell us, since you prepared the  
8 advisory memo, they're not legally binding,  
9 I think it's incumbent upon your office to  
10 identify in this specific scenario -- it is  
11 not purely academic; it is substantive --  
12 what policy decision by the executive branch  
13 you believe is covered by that. And again,  
14 if you would give us that, I would say,  
15 within the next week, I am comfortable with  
16 that.

17 Is there anything additional from you,  
18 Councilman DeFoor?

19 COUNCIL MEMBER DeFOOR: No, ma'am. You  
20 hit it on. Thank you.

21 CHAIRPERSON PRIESTLY JACKSON: Okay.

22 Councilman Diamond, Councilman Wilson,  
23 don't want to miss either one of you.

24 Councilman Diamond, your hand is raised,  
25 yes, sir.

1           COUNCIL MEMBER DIAMOND: Thank you,  
2           Madam Chair. I think I have a question for  
3           you and for Councilwoman DeFoor just so I  
4           understand where this is going. Is the idea  
5           to kind of tighten this up to kind of figure  
6           out what our areas of inquiry that we didn't  
7           get responses to, get OGC to give us a  
8           response specifically of executive privilege  
9           that attaches to those, and then once we  
10          have that we ask for a waiver? Is that kind  
11          of what we're looking at? I'm just trying  
12          to make sure I understand, because we're  
13          kind of in new territory. No one has ever  
14          been in this area before. So I just want to  
15          make sure I understand what our plan is and  
16          understand what Jason is going to do, what  
17          Steve is going to do, and then what our  
18          Committee is going to do.

19          CHAIRPERSON PRIESTLY JACKSON: That's  
20          kind of the broad nutshell for me since I  
21          didn't know the executive privilege would be  
22          asserted until -- or was asserted until  
23          Mr. Hughes' deposition came out. And so we  
24          weren't made aware of the memos prior to  
25          time.



1           So a read of the memos is an academic  
2           exercise until we're able to apply it to our  
3           specific scenario. So I need to know what  
4           policy decision by the executive branch,  
5           what policy decision by the executive branch  
6           does Mr. Gabriel's office, the Office of  
7           General Counsel, believe executive privilege  
8           attaches. Then that fuels our conversation  
9           with Mr. Busey to say, so these are the  
10          questions not answered, are they covered by  
11          that and what is our next course of action.  
12          So that is exactly it for me.

13           COUNCIL MEMBER DIAMOND: Okay. I think  
14           I understand. Thank you.

15           CHAIRPERSON PRIESTLY JACKSON: Anything  
16           additional? Mr. Gabriel, am I pretty clear  
17           with that one? Do you -- are you --

18           MR. GABRIEL: Yes, ma'am, Madam Chair.  
19           So just -- so the way we're going to  
20           approach this is what we're going to do is  
21           we're going to look at the actual  
22           transcript, the one that we're talking about  
23           here, and we're going to identify the places  
24           where it was asserted, which that will show  
25           you what subject matters we're talking

1           about. And we'll summarize that for you.  
2           And I think that gives you a little flavor  
3           of those subject areas.

4           And again, there are two ways: You can  
5           request the Mayor to do it across the board,  
6           and then you're not even talking about it  
7           anymore at all, no matter whom and whatever  
8           the subject matters; or you can do it on a  
9           subject-by-subject basis where it's  
10          identified and y'all decide, okay, we want  
11          to discuss further here and get it that way.

12          But that's what we'll do and we'll go  
13          from there.

14          CHAIRPERSON PRIESTLY JACKSON: And we  
15          may come back with it across the board. I  
16          just think I need a clear understanding of  
17          what policy decision we're engaging. If  
18          another one of the SIC Committee Members are  
19          comfortable and want to move without that,  
20          then feel free to raise your hand and let me  
21          know.

22          COUNCIL MEMBER DeFOOR: Madam Chair?

23          CHAIRPERSON PRIESTLY JACKSON: Yes.

24          COUNCIL MEMBER DeFOOR: I would just say  
25          to Mr. Gabriel, not just based on the

1 deposition that just took place, but also  
2 going forward my biggest concern really are  
3 the ones ahead, not the one that just  
4 passed. And based on the memo that was so  
5 broadly written, which I personally disagree  
6 with. But privilege is not an absolute, as  
7 we all know here, all the lawyers know that.  
8 So if you could just identify -- you know  
9 the charge of this Committee, Mr. Gabriel,  
10 so based on the charge of the Committee, if  
11 you can identify those areas where there  
12 might be an executive privilege, we would  
13 appreciate that.

14 CHAIRPERSON PRIESTLY JACKSON: Thank  
15 you.

16 And I'm going to go to Mr. Busey.

17 Is there anything additional -- you're  
18 sitting there, since you're our guy that's  
19 our counsel, is there anything additional  
20 you think we need for this matter?

21 MR. BUSEY: Not for the time being. I  
22 think the action that y'all have just taken  
23 is appropriate. We were -- like you all, we  
24 were surprised when Mr. Hughes gave us, as  
25 he came to sit for his interview, that

1 memorandum, which we had not seen before.  
2 But it did not materially impair my  
3 interrogation of Mr. Hughes.

4 As Ms. DeFoor mentions, there could be  
5 depositions coming up where this could be  
6 material. So I'm anxious that we follow  
7 through on the process y'all started.

8 And as Mr. Gabriel said, ultimately, it  
9 will come down, if there is an issue about  
10 it, it will come down to the question and  
11 the area of inquiry, and we'll have to look  
12 as to whether or not that is appropriate  
13 subject of executive privilege or not. And  
14 if there is a dispute about that, then the  
15 General Counsel can resolve that dispute  
16 about whether or not there is or isn't an  
17 executive privilege. And then if the  
18 General Counsel determines there is an  
19 executive privilege that's applicable, then  
20 we can come back to the Committee with a  
21 request that the Mayor waive; that's a  
22 two-step process.

23 But let's go through exactly the  
24 procedure that y'all started this morning.  
25 I think that would work just fine.

1           CHAIRPERSON PRIESTLY JACKSON: Thank you  
2 so much.

3           Seeing no further hands relative to that  
4 issue, is there anything else, Mr. Gabriel,  
5 from the Office of General Counsel, that you  
6 want to share with the SIC Committee at this  
7 time?

8           MR. GABRIEL: No, ma'am. The only other  
9 thing I can offer is on the Next Era case,  
10 we are -- I believe this week we should have  
11 a final order. We've already prepared a  
12 draft one, but we believe that, at some  
13 point this week, we should have a final  
14 order which would then allow for the  
15 appropriate disclosure of the values from  
16 that case. But other than that, that's all  
17 I have.

18          CHAIRPERSON PRIESTLY JACKSON: Thank you  
19 so much for that.

20          Moving on to Item F, Council Members'  
21 disclosure forms. The SIC Committee took  
22 action relative to Council Members'  
23 disclosures at the last meeting. And so  
24 that language that was voted upon and agreed  
25 upon will be passed out via memo form to all

1 the City Council Members, forwarded via  
2 email today. And there is a request that  
3 the information is provided back by noon on  
4 September 4th, 2020. So it's the language  
5 that we agreed upon at the last SIC meeting  
6 for the time periods specified for Council  
7 Members and immediate family. That will be  
8 forwarded via email today for Council  
9 Members to answer those questions and  
10 provide that information back to the SIC  
11 Committee.

12 And if there are any additional  
13 questions that Council Members have, we have  
14 encouraged them to seek guidance from the  
15 Office of General Counsel, Carla Miller, the  
16 Office of Ethics, or Mr. Busey. So you have  
17 a wide array of options on that.

18 Anything additional for Council Members'  
19 disclosures?

20 Seeing none, we now move on to Council  
21 Members' one-on-one meetings with Outside  
22 Counsel, Steve Busey.

23 Mr. Busey, how are the one-on-one  
24 meetings going? And are you still available  
25 for one-on-one meetings with Council

1 Members?

2 MR. BUSEY: The meetings are coming  
3 fine. We've been busy most every week with  
4 Members of the Council calling. And we have  
5 probably altogether now met with close to  
6 half of the Council.

7 But we are open. I continue to  
8 encourage the Council to call and visit us.  
9 If they have questions about the  
10 investigation or anything they want to  
11 contribute to what we're doing, we are wide  
12 open. We'll make ourselves available.

13 CHAIRPERSON PRIESTLY JACKSON: Thank  
14 you.

15 Council Member Salem, your hand is  
16 raised. Yes, sir.

17 COUNCIL MEMBER SALEM: Thank you, Chair.

18 I was just going to ask there are,  
19 obviously, a number of Council Members  
20 interested in this global issue beyond the  
21 Committee. And I'm having difficulty  
22 getting documents. I know Mr. Hughes'  
23 testimony was posted -- I mean, it was sent  
24 in an email, I think, to all of us. I would  
25 just request that anything sent to the SIC

1           should be sent to the entire Council. I  
2           don't understand why it's not. And that  
3           would help me versus trying to look on  
4           websites to see if testimony is posted. As  
5           soon as the testimony is finished, it ought  
6           to be sent to us. A memo sent to the SIC  
7           Committee from Mr. Busey or Mr. Gabriel  
8           ought to be sent to all 19 people. And if  
9           there is an issue with that, please tell me.  
10          Otherwise, I would just think that should be  
11          the standard practice.

12                 CHAIRPERSON PRIESTLY JACKSON: And I  
13          appreciate you calling that to attention. I  
14          believe that was a standard practice, Mr.  
15          Salem. So by all means, I'll make that  
16          additional inquiry to make sure you're  
17          receiving what we're receiving. I do know  
18          specifically as it related to the memos that  
19          came out late Friday, that was after a  
20          conversation with me and Mr. Gabriel when he  
21          alerted me to not only the memo from the  
22          17th of July that Mr. Durden did, but the  
23          foundational memo or the basis of that from  
24          July, I said send them both out. And we'll  
25          make certain that all documents are actually



1 forwarded to you guys.

2 COUNCIL MEMBER SALEM: My comments  
3 aren't in regard to that. It's just been an  
4 ongoing issue of getting communication.

5 CHAIRPERSON PRIESTLY JACKSON: We're on  
6 it, and we will forward that information to  
7 you.

8 I will further share, before we go  
9 further, I had a conversation with  
10 Mr. Gabriel relative to the timeliness of  
11 some information being provided. And I am  
12 very uncomfortable with information being  
13 provided late Friday afternoon. Does that  
14 make sense?

15 COUNCIL MEMBER SALEM: Yes.

16 CHAIRPERSON PRIESTLY JACKSON: So mine  
17 is -- and that's the lawyer in me. And I  
18 think every other attorney on this Committee  
19 can kind of say, you know, whatever you get  
20 on Friday afternoon, you kind of look at  
21 extra, like why. So I have asked him not to  
22 dump or release things late on a Friday.

23 So, Mr. Gabriel, if that's not a  
24 problem, if we could have it by noon on  
25 Friday if there is anything additional to go

1 out from anybody, depositions, statements,  
2 evidence, anything that we need, we would  
3 appreciate that. And I'll make certain that  
4 we follow up from our end as well for that.

5 MR. GABRIEL: Sure. Absolutely, Madam  
6 Chair. I just want to also remind everyone  
7 I'm not in control of all the documents.  
8 But I assure you anything within our  
9 control, we'll get that on a timely basis  
10 and circulated not just to the SIC  
11 Committee, but to everyone else. But I  
12 appreciate that. Thank you.

13 CHAIRPERSON PRIESTLY JACKSON: Okay.  
14 Thank you.

15 And that means we'll tell Dr. Brown.

16 Dr. Brown, by noon on Friday, so we  
17 don't post salacious depositions late on  
18 Friday or memos, if we can have everything,  
19 whatever we need to get posted for the  
20 Committee Members, the Council Members, and  
21 the public on noon on Friday whenever it's  
22 received. Does that work?

23 DR. BROWN: Yes, ma'am, that would work.  
24 But first thing is I have not received these  
25 documents you're discussing today.

1           CHAIRPERSON PRIESTLY JACKSON: And I --  
2           yeah, and I think it's not this information  
3           as much as it was some others. So we just  
4           don't want any hotbed items going out late  
5           on a Friday afternoon. So we'll do that.  
6           And all Council Members should receive that.

7           Is that -- Council Member Salem, does  
8           that --

9           COUNCIL MEMBER SALEM: Thank you. Thank  
10          you.

11          CHAIRPERSON PRIESTLY JACKSON: And what  
12          we can also have too -- and sometimes you  
13          don't know what you have because you don't  
14          know what you're missing. I will ask my ECA  
15          to work with Mr. Diamond's ECA, the prior  
16          chair, to see what all we received. And  
17          then we can make certain that we coordinate  
18          with Ms. Brown to get all those documents,  
19          everything we received to date since our SIC  
20          Committee began to all Council Members.  
21          Does that work?

22          Councilman Ferraro, you're recognized.

23          COUNCIL MEMBER FERRARO: Thank you,  
24          Madam Chair. I thought I would chime in.  
25          I'm having problems locating a lot of

1 information. And I'm trying to keep -- a  
2 lot of us aren't lawyers, so when you ask do  
3 we have questions, we're trying to bring  
4 ourselves up to speed. And I've attended  
5 all the meetings, but I don't think I  
6 have -- in fact, I know I don't have all the  
7 information. So is there a way that Jason  
8 Gabriel, Mr. Busey, and the SIC Committee  
9 can have a hard package copy I can get -- I  
10 don't know if anybody else wants one -- to  
11 bring me up to date on everything? Because  
12 I do feel like you're talking about things I  
13 don't have. And I would like to look over  
14 everything.

15 So is there a way that you can make a  
16 hard package for me that would show from the  
17 beginning up to right now so I could have  
18 that so I can see what I'm missing? Because  
19 I don't know what to ask for.

20 CHAIRPERSON PRIESTLY JACKSON: I  
21 appreciate that. That is part of what I  
22 shared when I said my ECA would get with  
23 Mr. Diamond's ECA on all documents we  
24 received. So there is no problem at all  
25 making that information available, even our

1 minutes available to Council Members.

2 COUNCIL MEMBER FERRARO: So I'm having a  
3 lot of problems with my computer. If I can  
4 have a hard copy to pick up, I'm happy to  
5 pick it up.

6 CHAIRPERSON PRIESTLY JACKSON: Thank  
7 you.

8 Council Member DeFoor.

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

11 Through the Chair to Councilman Ferraro,  
12 have you had an opportunity to meet with  
13 Mr. Busey?

14 COUNCIL MEMBER FERRARO: Through the  
15 Chair, no, I have not. I'm trying to  
16 compile some questions. I want to make sure  
17 my time is used up properly. So there is  
18 things I'm missing that I really want to  
19 look at, that's why.

20 COUNCIL MEMBER DeFOOR: Okay. I would  
21 suggest you meet with him. And he can help  
22 you walk through that whole process, because  
23 there is a tremendous amount of information.  
24 And then you can summarize it to his  
25 summaries that he provides and then the

1           depositions, because the documents itself,  
2           you're talking about literally hundreds of  
3           thousands of documents.  It's just --

4           COUNCIL MEMBER FERRARO:  I do understand  
5           that, and I'm not talking about reading  
6           through all that.  I'm talking about all the  
7           memos and things we had talked about today,  
8           along with some of the information that has  
9           been in past, where I don't have that.  So I  
10          need to look at that.

11          COUNCIL MEMBER DeFOOR:  Very good, but I  
12          would go ahead and schedule that meeting  
13          with Mr. Busey.  He'll walk you through a  
14          lot of it.

15          COUNCIL MEMBER FERRARO:  Thank you.

16          CHAIRPERSON PRIESTLY JACKSON:  Thank  
17          you.

18          Anything additional on that?

19          We now move to Item H, other business.  
20          Is there any other business that needs to  
21          come before the Members of the SIC today?  
22          Any others?  Not seeing any.

23          Wonderful.  Okay.  Well, we noticed that  
24          our next meeting is September 28th, 2020, at  
25          5:00 o'clock p.m.  Remember we established

1 early on morning meetings and then evening  
2 meetings to further encourage transparency  
3 and public engagement.

4 We will not have a meeting for better  
5 than four weeks because of the Labor Day  
6 holiday, as well as Mr. Busey anticipates  
7 that he will have the other depositions  
8 concluded by that time. That does not  
9 prevent any SIC Members or Council Members  
10 from engaging with Mr. Busey or the Office  
11 of General Counsel during the interim.

12 Council Member DeFoor.

13 COUNCIL MEMBER DeFOOR: Thank you, Madam  
14 Chair.

15 Now, if we come across this need for a  
16 waiver, I'm assuming we can call an  
17 emergency meeting, if that's necessary.

18 CHAIRPERSON PRIESTLY JACKSON: I would  
19 think so if you felt -- yes, ma'am, if we  
20 thought that was, that would be some other  
21 date and time, absolutely. If there is  
22 anything of that --

23 COUNCIL MEMBER DeFOOR: Very good.

24 CHAIRPERSON PRIESTLY JACKSON: -- I  
25 would seek guidance from Mr. Busey or any

1 SIC Members or Council Members of anything  
2 of that magnitude that comes out, yes,  
3 ma'am.

4 COUNCIL MEMBER DeFOOR: Very good.  
5 Thank you.

6 CHAIRPERSON PRIESTLY JACKSON: Anything  
7 else for the good of the order?

8 Thank you, everyone, for your attendance  
9 this morning and your engagement. I send  
10 you peace. And this meeting is adjourned.

11 (Meeting adjourned at 8:56 a.m.)

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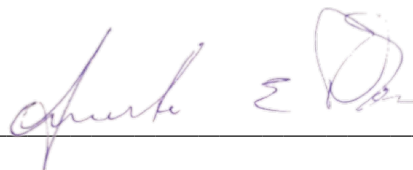
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## CERTIFICATE OF REPORTER

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 56, is a true record of my stenographic  
notes.

DATED this 4th day of September, 2020.



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