

**SPECIAL INVESTIGATORY COMMITTEE ON JEA**

**SESSION #10**

DATE: Monday, October 12, 2020

TIME: 8:00 a.m. - 8:50 a.m.

PLACE: Zoom

COUNCIL MEMBERS PRESENT:

Brenda Priestly Jackson, Chair, District 10  
Randy DeFoor, District 14  
Scott Wilson, District 4  
Joyce Morgan, District 1  
Michael Boylan, District 6  
Garrett Dennis, District 9  
Terrance Freeman, Group 1  
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  
Jeff Rodda, Council Auditor's Office  
Peggy Sidman, Office of General Counsel  
Paige Johnston, Office of General Counsel  
Jason Gabriel, Office of General Counsel  
Chris Garrett, Office of General Counsel  
Steve Busey, Smith, Hulsey & Busey  
Kurtis Wilson, JEA  
Carla Miller, Ethics Office

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

2 CHAIRPERSON PRIESTLY JACKSON: This  
3 meeting of the Special Investigatory  
4 Committee on JEA is called to order. The  
5 time is 8:00 a.m.

6 Will all Council Members present please  
7 identify themselves, as well as Outside  
8 Counsel and OGC.

9 COUNCIL MEMBER DeFOOR: I guess I'll  
10 start. I'm Randy DeFoor, District 14.

11 CHAIRPERSON PRIESTLY JACKSON: Thank  
12 you.

13 COUNCIL MEMBER WILSON: Scott Wilson,  
14 District 4.

15 CHAIRPERSON PRIESTLY JACKSON: Visiting  
16 Council Members.

17 COUNCIL MEMBER WILSON: They might be  
18 muted, so.

19 COUNCIL MEMBER BOYLAN: Michael Boylan  
20 here.

21 COUNCIL MEMBER DENNIS: Garrett Dennis,  
22 District 9. Good morning, everyone.

23 CHAIRPERSON PRIESTLY JACKSON: Good  
24 morning. And I am Brenda Priestly Jackson,  
25 District 10, and Chair of the SIC.

1           If we could also have our Outside  
2 Counsel and OGC introduce themselves, we can  
3 begin.

4           MR. BUSEY: This is Steve Busey, I'm  
5 Special Counsel to the Committee.

6           MS. SIDMAN: Peggy Sidman, Office of  
7 General Counsel.

8           MR. GARRETT: Chris Garrett, Office of  
9 General Counsel.

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

12          CHAIRPERSON PRIESTLY JACKSON: Thank you  
13 so much.

14          Dr. Brown, have I missed any other  
15 Council Members that are visiting or did I  
16 cover everyone?

17          DR. BROWN: All are covered at this  
18 time.

19          CHAIRPERSON PRIESTLY JACKSON: Okay.  
20 Thank you so much.

21          If we could have an invocation, followed  
22 by the Pledge of Allegiance by Council  
23 Member Randy DeFoor.

24          COUNCIL MEMBER DeFOOR: Thank you, Madam  
25 Chair.

1           Bow our heads. God grant us the  
2           serenity to accept the things we cannot  
3           change, courage to change the things we can,  
4           and the wisdom to know the difference.

5           And now if you'll join me -- amen -- in  
6           the Pledge of Allegiance.

7           (Pledge of Allegiance.)

8           CHAIRPERSON PRIESTLY JACKSON: Thank you  
9           so much.

10          We pled to follow our agenda as printed.  
11          And the first item we have, which should be  
12          C, after the invocation, is modification of  
13          the dates and times of the SIC meetings.  
14          Our next SIC meeting is scheduled for  
15          October 26, 2020, and instead of a five  
16          o'clock meeting, that will be another eight  
17          o'clock a.m. meeting.

18          We have modified the dates for the  
19          November meetings because of conflicts with  
20          Council Chambers and other actions of the  
21          SIC. So the meetings will be the third and  
22          fifth weeks, instead of the second and  
23          fourth weeks. And the third week's meeting  
24          is November 16th, 2020, at five o'clock p.m.  
25          and the fifth week's meeting is

1 November 30th, 2020, at 5:00 p.m.

2 Those are our meetings where we're  
3 encouraging public engagement and public  
4 comment as our Special Counsel is moving  
5 through finalizing their report.

6 Our last meeting under the current  
7 charge and extension of time is scheduled  
8 for December 7th, 2020, at 5:00 p.m., and  
9 that meeting is anticipated to have a broad  
10 overview by Outside Counsel of what the  
11 report that they will submit by the 31st of  
12 the month of December will contain.

13 Additionally, Council President Hazouri  
14 asked me to share that he wants us to  
15 thoroughly complete whatever investigations  
16 and what work we need to do as a Committee  
17 to answer the charge and fulfill the charge.  
18 And so he is supportive of that.

19 He has indicated that, if we are able to  
20 commence our work in the time frame as  
21 outlined of December 31st with the final  
22 report, that he will support the  
23 presentation of the final SIC report at a  
24 Council meeting in January after it's  
25 submitted.

1           If there are any additions or changes  
2           that we need to make to the schedule, then  
3           we would notify him of those as they come  
4           up.

5           Are there any questions for the  
6           Committee Members before we move on to our  
7           next item on the agenda?

8           Seeing none, we now take Outside Counsel  
9           updates.

10          Steve Busey, Special Counsel.

11          MR. BUSEY: Thank you, Madam Chair.

12          As we reported in our last interim  
13          report and in the last Committee meeting, we  
14          have, on behalf of the Committee at this  
15          point, reviewed approximately 600,000  
16          documents electronically and we've  
17          interviewed dozens of witnesses. We have  
18          six more witnesses that we've talked about  
19          at the last meeting that we're going to have  
20          formal interviews.

21          And pursuant to the Committee's request,  
22          we intend to have at least telephone  
23          interviews with 5 former members of the JEA  
24          board and approximately 10 existing or  
25          former Council Members. We expect that to

1 be completed -- we're in communication with  
2 those people now. We expect that to be  
3 completed in October. We expect our  
4 drafting to take place in November and  
5 hopefully be on track to get a report to the  
6 Committee in December as the Chair just  
7 outlined.

8 At the last meeting the Committee  
9 requested that we give a memorandum  
10 regarding the legislative authority for the  
11 Committee to issue subpoenas to request the  
12 Council to issue subpoenas to Tim Baker. We  
13 did that on Friday. And also with -- the  
14 Office of General Counsel did the same  
15 thing.

16 We have -- that has been posted on a  
17 Committee website, that memorandum that we  
18 gave to the Committee on Friday. Our  
19 conclusion was that, based upon  
20 Mr. Baker's -- the fact that he was under  
21 contract as a consultant with Florida Power  
22 & Light from December 21, 2017, until  
23 July 31, 2019, at the same time while he was  
24 consulting with JEA regarding the auction  
25 process for the sale of JEA, most

1 particularly including the Club Continental  
2 meeting on July 10, 2019, and the fact that  
3 Mr. Baker provided comments on the agenda  
4 for the July 23, 2019, JEA board meeting,  
5 that there appear to be a conflict of  
6 interest when he was serving both Florida  
7 Power & Light and JEA board at the same  
8 time.

9 We took his interview, sworn interview,  
10 on September the 8th, as we have previously  
11 reported. And he has declined to answer  
12 questions regarding his relationship with  
13 Florida Power & Light, any polling that he  
14 did for Florida Power & Light, and the  
15 communications between him and his  
16 companies, his five companies or consultants  
17 with Florida Power & Light.

18 And so we have recommended in the  
19 memorandum we gave to the Committee on  
20 Friday that the Committee ask for subpoenas  
21 to issue to those five companies and to  
22 Mr. Baker, which would compel him to provide  
23 the documents we requested regarding his  
24 relationship with Florida Power & Light and  
25 provide testimony regarding his



1           communications with Florida Power & Light  
2           during the ITN process, which occurred  
3           between August 2 and the end of December of  
4           2019.

5           We think that, because of the issues of  
6           ethics and procurement and governance of the  
7           independent authorities, it is plainly  
8           within the legislative authority. We've  
9           concluded that with legal citations in our  
10          memorandum we gave to the Committee. And if  
11          the Committee chooses to do so, to issue  
12          those subpoenas, we think it's appropriate.  
13          And that is what the Committee asked us to  
14          be prepared to address this morning, and we  
15          have.

16          I'll be happy to take any questions  
17          about that, but that is a short summary.

18          CHAIRPERSON PRIESTLY JACKSON: Thank  
19          you, Mr. Busey.

20          Committee Members?

21          Ms. DeFoor.

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

24          Just so I'm clear, Mr. Busey, I just  
25          want to make sure I understand your

1 recommendation. Is this not just a  
2 recommendation -- are you advising us that,  
3 based on the charge of the Committee, that  
4 we should pursue the subpoenas?

5 MR. BUSEY: Based on the charge of the  
6 Committee, the subpoenas are plainly within  
7 your authority, the authority of your charge  
8 and the authority given to the Committee  
9 under the Municipal Code. Whether or not  
10 the Committee wishes to pursue those  
11 subpoenas and incur whatever time and  
12 expense that may be involved in that is a  
13 choice of the Committee.

14 COUNCIL MEMBER DeFOOR: I realize that.  
15 But if I could go further, Madam Chair.

16 CHAIRPERSON PRIESTLY JACKSON: Yes.

17 COUNCIL MEMBER DeFOOR: Your words were  
18 you recommended and it was appropriate for  
19 this Committee to pursue the subpoenas;  
20 correct?

21 MR. BUSEY: It is appropriate, yes.

22 COUNCIL MEMBER DeFOOR: And I just want  
23 to make sure that this isn't being done on  
24 the basis of anybody's feelings, I'll put  
25 that in air quotes, my feelings, Madam

1 Priestly Jackson's feelings, or Scott  
2 Wilson's feelings; that your recommendation  
3 is based on your legal and thorough review  
4 of the matter; is that correct?

5 MR. BUSEY: Yes. And let me be clear.  
6 The charge of President Wilson, when he gave  
7 us the charge in February, was to find out  
8 what happened with regard to the sale of  
9 the -- attempted sale of JEA in the period  
10 of 2018 and 2019; and to determine what, if  
11 anything, the Council could or should do in  
12 terms of legislative or Charter changes to  
13 address that.

14 What we've found so far, and we've  
15 reported to the Committee in our interim  
16 reports, is there were close connections  
17 between the City and Florida Power & Light  
18 during the auction process for JEA. And  
19 we're trying to get to the bottom of what  
20 those connections were. And the fact that  
21 Mr. Baker was a consultant for Florida Power  
22 & Light at the same time he was advising the  
23 JEA regarding the auction process, my  
24 judgment deserves the Council's attention.

25 It is a question of time and resources

1 the Council wishes to put in -- the  
2 Committee wishes to put into the  
3 investigation that's before you today.

4 COUNCIL MEMBER DeFOOR: I just want to  
5 thank you, through the Chair. I just want  
6 to make sure that this is done based on your  
7 recommendation and your review and judgment,  
8 that this is appropriate and part of the  
9 duties of this Committee. Thank you.

10 CHAIRPERSON PRIESTLY JACKSON: Thank  
11 you, Ms. DeFoor.

12 Mr. Wilson, do you have any questions  
13 for Mr. Busey?

14 COUNCIL MEMBER WILSON: Not at this  
15 time, ma'am.

16 CHAIRPERSON PRIESTLY JACKSON: I have a  
17 question before we entertain any more action  
18 on the recommendation.

19 Mr. Busey, is it in your legal opinion  
20 possible for the Committee to fully execute  
21 the charge and fulfill the conditions if we  
22 don't pursue subpoenas for the five  
23 corporate entities affiliated with Mr. Baker  
24 and him personally?

25 MR. BUSEY: I think the Committee would

1 be subject to criticism now that we've  
2 uncovered these facts that I just outlined  
3 if you did not pursue this attempt to obtain  
4 the communications between Mr. Baker and  
5 Florida Power & Light while he was advising  
6 JEA during the ITN process. It is just such  
7 an obvious question, at least the Committee  
8 should inquire.

9 But, again, that's a question of whether  
10 or not you want to devote the time and  
11 resources to it.

12 CHAIRPERSON PRIESTLY JACKSON: And a  
13 further question for you. I know that you  
14 have five corporate entities that are listed  
15 in your memorandum and him personally. And  
16 you have related to his engagements as a  
17 consultant for Florida Power & Light, also  
18 the JEA board. But there is also, relative  
19 to our charge if we're looking at dealing  
20 with ethical issues, procurement issues, and  
21 governance, was not Mr. Baker, via Data  
22 Targeting Research, the political consultant  
23 for current members of the City Council?

24 MR. BUSEY: Yes. I'm not sure precisely  
25 how many, but my understanding is that

1 Mr. Baker and Brian Hughes were consultants  
2 for a number of the City Council Members  
3 during their most recent campaign in 2019.

4 CHAIRPERSON PRIESTLY JACKSON: Right.  
5 And so I want to be really clear. I ask  
6 that question not because I think any  
7 alleged or purported impropriety on our  
8 colleagues on the City Council, but I do  
9 think that, as we delve further into this  
10 and you have an opportunity to get questions  
11 answered by Mr. Baker, it may lead to the  
12 self-governance portion for the City Council  
13 on what we need to address relative to City  
14 Council Members when they retain a political  
15 consultant and later become a member of the  
16 City Council, and what those communications  
17 and commitments might look at, at that  
18 point. I think, traditionally, we know once  
19 someone qualifies for office, there are  
20 certain things that trigger.

21 But at the time that many pursue their  
22 political consultant, the ultimate decision  
23 for the recapitalization, i.e., sale of JEA,  
24 was going to be in the laps of the City  
25 Council. And so I do think that that

1 requires us to be a bit more mindful going  
2 forward on what actions we may engage in so  
3 that we don't appear to support -- and I'm  
4 saying we collectively as City Council -- a  
5 predetermined outcome on any matter that may  
6 come before us later as elected members of  
7 the City Council.

8 I now have one of our visiting Council  
9 Members with a question.

10 Council Member Ron Salem, you're  
11 recognized.

12 He needs to be unmuted.

13 COUNCIL MEMBER SALEM: Can you hear me?

14 CHAIRPERSON PRIESTLY JACKSON: Yes, now  
15 we can.

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

18 I met with Mr. Busey on Friday.

19 Mr. Busey, I think it would be helpful,  
20 because you've alluded to whether the  
21 Council would want to spend the time and the  
22 effort to pursue this subpoena or other  
23 subpoenas, and you walked me through the  
24 scenario that might occur where this thing  
25 could play out for another year or so. And

1 I think it would be helpful to outline that  
2 process to the Committee Members, as well as  
3 the other Council Members on this call.  
4 That's question -- comment number one.

5 Comment -- question number two is can  
6 these documents be obtained from FP&L versus  
7 through Mr. Baker? Is there a reason why  
8 we're pursuing them from that angle versus  
9 trying to obtain them from FP&L? Thank you.

10 CHAIRPERSON PRIESTLY JACKSON: So the  
11 first question I want to address before you  
12 have Mr. Busey address how the process will  
13 be spread out. If you look on our agenda,  
14 underneath the Office of General Counsel,  
15 we're going to let them articulate what the  
16 process is if there is an action taken by  
17 the SIC today for that. So that question  
18 will be more appropriate after that process  
19 is outlined for General Counsel for the  
20 members of the Committee.

21 And then Mr. -- and so we're going to  
22 hold that one in advance until we get  
23 through down to General Counsel's  
24 presentation.

25 Mr. Busey, the second question from



1 Mr. Salem relative to pursuit of the same  
2 information from FP&L.

3 MR. BUSEY: Yes, the Committee has the  
4 authority under the Ordinance Code to issue  
5 subpoenas to FP&L as well. We wanted to  
6 talk to Mr. Baker about this because it was  
7 Mr. Baker who personally and through his  
8 companies that had the relationship not only  
9 with FP&L, but that was communicating with  
10 JEA during the ITN process and commenting on  
11 the July 23 board package before the board  
12 meeting. And so the -- although we couldn't  
13 subpoena either FP&L or Tim Baker, we  
14 thought it was appropriate to start with  
15 Mr. Baker because he was central in this  
16 process.

17 CHAIRPERSON PRIESTLY JACKSON: Thank  
18 you.

19 Seeing -- do we have a motion from a  
20 Member of the Committee at this time  
21 relative to the subpoenas?

22 COUNCIL MEMBER DeFOOR: Madam Chair, I'm  
23 happy to make that motion. I move, based on  
24 the recommendation of our Outside Counsel,  
25 to issue a subpoena in furtherance of the

1 duties of this Committee for the following  
2 entities. And I, of course, have lost  
3 the -- and for purposes of legislative  
4 purpose for procurement and ethics, the  
5 following entities: BCSP, LLC; Conventus,  
6 LLC; Data Targeting Research, LLC; Timothy  
7 Baker Consulting, LLC; Baker Law Group,  
8 PLLC; and finally, Mr. Baker individually.

9 CHAIRPERSON PRIESTLY JACKSON: Is there  
10 a second?

11 COUNCIL MEMBER WILSON: Second.

12 CHAIRPERSON PRIESTLY JACKSON: It's been  
13 properly moved and seconded. Any further  
14 discussion from Members of the Committee?

15 Seeing no further discussion, all those  
16 Members of the Committee voting in favor of  
17 the motion to subpoena BCSP, LLC; Conventus,  
18 LLC; Data Targeting Research, LLC; Timothy  
19 Baker Consulting, LLC; Baker Law Group,  
20 PLLC; and Mr. Baker individually, please  
21 signify by raising your hand.

22 DR. BROWN: Three yeas, zero nays.

23 CHAIRPERSON PRIESTLY JACKSON: By your  
24 action, you have approved the motion to  
25 subpoena the corporate entities so

1 identified in the motion, as well as  
2 Mr. Baker individually.

3 We now move to -- if there is nothing  
4 else from you, Mr. Busey, at this time,  
5 we're going to move to the Office of General  
6 Counsel. And we will let them give an  
7 update regarding witnesses, documents, and  
8 related matters.

9 Mr. Gabriel will then speak to the  
10 legislative and policy rationale for  
11 issuance of the subpoenas, which we've done,  
12 and then more specifically give an overview  
13 and timeline of the SIC/City Council  
14 subpoena process.

15 MR. GABRIEL: Good morning.

16 CHAIRPERSON PRIESTLY JACKSON: Thank  
17 you. Good morning.

18 MR. GABRIEL: Good morning, Madam Chair  
19 and Committee. I'll try to be brief and  
20 succinct.

21 I think as far as the documents and  
22 where we are in that, I think Mr. Busey has  
23 outlined that. We're pretty much at the  
24 tail end of all that. So I think I would  
25 just ditto what Mr. Busey has already

1           stated.

2           As for legislative purpose, proper  
3           legislative purpose, Mr. Busey has also  
4           summarized it for you, and looks like we've  
5           already taken action on that. We did submit  
6           a memo going over the scope of legislative  
7           purpose and pretty much citing the same case  
8           law that Mr. Busey had in their memo.

9           It's outlined on our memo dated  
10          October 5th, which was circulated and  
11          submitted to all the SIC Committee Members  
12          on Thursday afternoon. And the outline  
13          memo -- the memo basically outlines, you  
14          know, what we've been talking about in terms  
15          of proper legislative purpose, what the  
16          power to investigate is, what the parameters  
17          are for that.

18          We spoke about this, I kind of gave a  
19          quick summary last time. I'll just very  
20          quickly recap the legislative power to  
21          investigate is quite broad; however, it is  
22          limited by certain parameters. The inquiry  
23          ends where the jurisdiction of the body  
24          ends. In essence, the limit of the inquiry  
25          is marked by the power to legislate. To

1           very succinctly summarize, it's your power  
2           to legislate. What could the City Council  
3           legislate on? That would be within the  
4           ecosystem of things you can do and obtain  
5           information for, which in one sense is  
6           pretty broad; in the other, you obviously  
7           want to be careful with, you know, not  
8           prying into private citizens' private  
9           affairs and things like that.

10                   And the considerations are basically  
11           laid out on page 4 of our memo. And they're  
12           basically outlined as follows: How much --  
13           you know, how much does the Council need the  
14           information in question for its  
15           investigation, is the information sought  
16           related to and in furtherance of a  
17           legitimate task of Council. A legitimate  
18           task of Council would essentially be  
19           legislation. And when you do these  
20           subpoenas or when you ask for information,  
21           you want it to be narrowly drawn and  
22           specified with particularity so that you're  
23           obtaining exactly the information you need  
24           to further your investigation, nothing more,  
25           nothing less.

1           And you've already -- the other  
2           consideration is, is the information  
3           available from other sources. I just heard  
4           Mr. Salem ask a question kind of along those  
5           lines. And, yes, there is another  
6           possibility of getting, for example, in this  
7           case, the information from FP&L and, you  
8           know, that's a consideration as well.

9           And then of course lastly, the effort  
10          and expense required in obtaining the  
11          information and considering that against the  
12          likelihood of obtaining information useful  
13          to the investigation and the time it would  
14          take to be successful in that endeavor.

15          That's it in a nutshell for legislative  
16          purpose. I would like to maybe quickly  
17          dovetail into the subpoena process itself.  
18          And we've kind of talked about this off and  
19          on over the past several months, sort of  
20          mostly in the abstract. But, you know, to  
21          sort of go down the line on this,  
22          essentially, the way the subpoena process  
23          works, whether it's for testimony,  
24          documents, or both, is the first step is  
25          this SIC Committee makes its recommendation;

1           you've already taken action on that.

2           So the next step is this goes to the  
3           Rules Committee. I presume this will go to  
4           your Rules Committee next Tuesday. I  
5           believe that's October 20th. And the Rules  
6           Committee, obviously, considers it. And  
7           assuming that the Rules Committee approves  
8           the subpoena, that's, essentially, the last  
9           part of the first step of the subpoena  
10          process.

11          Immediately after that, the subpoena or  
12          subpoenas are issued. Essentially, the  
13          Rules Committee approves them, and they're  
14          issued in the sense that they're signed by  
15          the Council Secretary and submitted and  
16          served very quickly thereafter. That could  
17          happen within a day or a couple of days of  
18          the Rules Committee action.

19          And then they're served with a deadline  
20          and a date certain for the information and  
21          testimony. And we would set that just like  
22          we have in the past to a -- we would  
23          coordinate it with an upcoming or  
24          forthcoming SIC Committee meeting. In this  
25          case, I suppose the -- an ideal time may be

1           if you're issuing it, for example, by the  
2           Rules Committee next week, and I'm just  
3           throwing this out there, an ideal time to  
4           give you enough time to comply with the  
5           subpoena may be your SIC Committee meeting,  
6           I believe, in November. And so I'll just  
7           use an example, your November 16 meeting  
8           that you outline, Madam Chair, could be a  
9           proposed deadline for the testimony and  
10          information.

11           And at that point, if the subpoena is  
12          adhered to, it's adhered to; if it's not,  
13          then at that point the Rules Committee would  
14          have another decision to make as to whether  
15          it wanted to report the nonadherence to the  
16          Council. And that's done in the form of  
17          legislation, a resolution that would be  
18          considered by the Rules Committee, passed on  
19          to Council. Council would then have to take  
20          a vote on whether to re-subpoena and allow a  
21          time to adhere to the subpoena. And then  
22          there would be a date certain. And if  
23          that's not adhered to -- again, I'm assuming  
24          the worst to go down the line on this  
25          process -- then at that point the Rules



1           Committee and Council, through legislation,  
2           would decide at that time whether it wanted  
3           to seek further enforcement of the subpoena.  
4           And the way that's outlined actually in the  
5           Code and in the Charter, is it's submitted  
6           at that point in time to the State Attorney  
7           for further enforcement; however, inherent  
8           in your powers are always -- is always the  
9           power to enforce it civilly in the circuit  
10          court. And that would also be an option at  
11          that time too.

12                 That's it in a nutshell, Madam Chair.  
13           And I'm, obviously, available for any  
14           questions you may have on that process.

15                     CHAIRPERSON PRIESTLY JACKSON: Okay.  
16           I'll recognizing any Members of the Rules  
17           Committee for questions.

18                     Or, Ms. DeFoor, do you have any  
19           questions for --

20                     COUNCIL MEMBER DeFOOR: No. I thought  
21           that was well done. Thank you.

22                     CHAIRPERSON PRIESTLY JACKSON:  
23           Mr. Wilson.

24                     COUNCIL MEMBER WILSON: So when would  
25           the legislation actually be drafted? If the

1 Rules Committee would decide on the 16th of  
2 November, would the legislation be drafted  
3 and filed after that, so they would vote to  
4 file legislation as a Committee, so it would  
5 be filed November 23rd or whatever that next  
6 date would be?

7 MR. GABRIEL: Yes. Through the Chair to  
8 Council Member Wilson, again, we're treading  
9 new territory, but the way I would envision  
10 that would be, if the subpoena were not  
11 adhered to -- and let's assume November 16th  
12 SIC Committee meeting, and y'all would,  
13 obviously, consider the issue at that time,  
14 and then you would make a recommendation in  
15 Rules. The way I would envision it is we  
16 would prepare a resolution along with some  
17 sort of reporting order we'll create from  
18 scratch that would go to Rules. That Rules  
19 would -- so Rules would be entertaining a  
20 draft piece of legislation.

21 I think the way it works is your  
22 Committee week, you know, Rules is on a  
23 Tuesday. So if it considered that draft  
24 resolution and draft reporting order, it  
25 could be filed, I suppose, the very next

1 day, which would be that Wednesday, that  
2 follows Rules.

3 COUNCIL MEMBER WILSON: Okay.

4 MR. GABRIEL: Let me assume  
5 November 16th. So November 17th, I think,  
6 would be a -- I'm sure Peggy will correct me  
7 here if I'm wrong -- but November 17th would  
8 be a filing deadline for legislation. You  
9 could do it by emergency if you wanted to.  
10 And then it would pass, that legislation  
11 with the attached reporting order would go  
12 to Council, I suppose, the following  
13 Tuesday, I guess, the 24th, if I'm not  
14 mistaken or whatever that Tuesday is.

15 So, I mean, longwinded way to answer  
16 your question, yes, there would be  
17 legislation that would be circulated and --  
18 be drafted, circulated, and put through the  
19 legislative process.

20 COUNCIL MEMBER WILSON: Okay. Thank  
21 you.

22 CHAIRPERSON PRIESTLY JACKSON: Just to  
23 clarify the dates before we recognize our  
24 visiting Council Members, Mr. Gabriel,  
25 you -- the Rules Committee will take action

1 to approve the subpoenas on October 20th,  
2 which is the Rules Committee meeting next  
3 week.

4 MR. GABRIEL: Correct.

5 CHAIRPERSON PRIESTLY JACKSON: After  
6 that the subpoenas will be signed by the  
7 City Council Secretary, and the hope is that  
8 those subpoenas then would be served within  
9 24 to 48 hours upon Mr. Baker and the  
10 corporate entities so identified in the  
11 motion.

12 At the point of service, Mr. Baker has,  
13 is it not, 20 days to comply, and the 20th  
14 date will fall with the November 16th, 2020,  
15 SIC meeting, because the subpoena  
16 requires -- and I believe consistent with  
17 our Charter -- that the response is provided  
18 to the SIC Committee; correct?

19 MR. GABRIEL: Correct.

20 CHAIRPERSON PRIESTLY JACKSON: Okay. So  
21 on the 16th, if there is not a response or a  
22 failure to comply, the Rules Committee on  
23 the 17th, which is the following day, would  
24 then address the item of a resolution  
25 requesting the compliance of the subpoenas,

1           which would then go on to the full Council  
2           for a vote on the 24th of November; correct?

3           MR. GABRIEL: Yes. If that's what the  
4           Rules Committee wanted and that would be on  
5           an emergency cycle, obviously, yes, that  
6           could occur that way.

7           CHAIRPERSON PRIESTLY JACKSON: Okay.  
8           And so --

9           MR. GABRIEL: I so apologize. I might  
10          have gotten the days off by a day or two,  
11          but that's right, yes.

12          CHAIRPERSON PRIESTLY JACKSON: Okay.  
13          And so my questions are twofold from this  
14          point, because one has been our -- even  
15          though we are going to, you know, share  
16          costs that we think have been -- we know  
17          costs have been expended by the SIC  
18          Committee, as well as costs by JEA in the  
19          pursuit of privatization, there are concerns  
20          relative to the costs of the potential  
21          enforcement of the subpoenas.

22          My questions for you at this time is:  
23          For the actions that happen from the action  
24          of the SIC Committee today to request the  
25          issuance of subpoenas by the Rules Committee

1           until the action would actually come back if  
2           there is noncompliance, until the action  
3           comes before the City Council on the 24th of  
4           November, if there is no compliance, are  
5           there any additional costs anticipated for  
6           actions taken during that time, which is  
7           basically issuance of the subpoena, signing  
8           of the subpoena, service of the subpoenas,  
9           resolution for possible enforcement by the  
10          Rules Committee and that action before the  
11          City Council? So between this time and the  
12          24th of November, if there is noncompliance,  
13          are there any additional costs you  
14          anticipate?

15                 MR. GABRIEL: Is that question for me,  
16          Madam Chair?

17                 CHAIRPERSON PRIESTLY JACKSON: Yes.

18                 MR. GABRIEL: You're talking about with  
19          respect to the subpoena issue?

20                 CHAIRPERSON PRIESTLY JACKSON: Right.  
21          Well, I'm talking about actually we have  
22          done a -- we have a motion that the SIC has  
23          passed now. The next step is it goes to the  
24          Rules Committee.

25                 MR. GABRIEL: Right, right.

1           CHAIRPERSON PRIESTLY JACKSON: So then  
2           the Rules Committee would take action,  
3           decide whether they're going to approve the  
4           issuance of subpoenas as recommended by the  
5           SIC Committee. Then that -- you indicated  
6           that after that the subpoenas are then  
7           signed by the City Council Secretary,  
8           Dr. Brown. After that the subpoenas then  
9           would be served.

10           If there is noncompliance with the  
11           subpoenas which request a response by  
12           November 16th, 2020, back to the SIC, which  
13           means the enforcement mechanism would then  
14           go back to the Rules Committee on the 17th  
15           for a resolution to require compliance to be  
16           voted on by the entire Council on the 24th  
17           of November, are there additional costs you  
18           anticipate or are the costs for the signing,  
19           service, and resolution nominal? There is  
20           an issue relative to cost. So would there  
21           be any additional costs between actions  
22           taken by the SIC and the City Council  
23           between now and November 24th, is my --

24           MR. GABRIEL: So what you basically  
25           outlined is essentially -- I would -- the

1 way I'd answer that is it's in the normal  
2 course of the stuff we do. OGC bills our  
3 time. So I would have -- just like we have  
4 in the past, I'd have our typical litigation  
5 attorneys prepare the draft, subpoenas,  
6 legislation. I mean, essentially, you're  
7 asking for something that -- the Council is  
8 asking for something we're going to answer  
9 and deliver in the normal course of how we  
10 do that. So we do bill our time for the  
11 work we do, so we'll do that, but it will be  
12 just like you've asked us to prepare any  
13 other legislation or document. So from that  
14 standpoint, that's the only cost you'll  
15 have.

16 The only extra cost perhaps in this time  
17 period would be, typically, we work with  
18 Special Counsel. Like, in other words,  
19 we'll prepare all the stuff, our office can  
20 prepare it, but we'll have -- you know,  
21 because a lot of this and the genesis of  
22 this was prepared and outlined by Steve  
23 Busey and his office, so we'll probably have  
24 them take a look at it, so that will be some  
25 billable time to look at that and review it.



1 And then we deliver it to you.

2 Again, what I'm outlining is,  
3 essentially, kind of the normal course of  
4 how we've been operating in this whole  
5 process anyway.

6 CHAIRPERSON PRIESTLY JACKSON: Okay.  
7 Thank you. And I wanted that so, if there  
8 were attendant cost and time, that would be  
9 something you could share with the SIC and  
10 the City Council after that November 24th,  
11 '20, date, so we then know what the next  
12 steps are.

13 MR. GABRIEL: And then, of course -- and  
14 you've kind of created this timeline. Of  
15 course, what happens after the 24th would be  
16 a whole other cost consideration.

17 CHAIRPERSON PRIESTLY JACKSON: Okay.  
18 Thank you.

19 Before any other -- seeing no hands  
20 raised by any of the Committee Members, I  
21 see Councilman Dennis has joined us.

22 You're recognized.

23 COUNCIL MEMBER DENNIS: Good morning.  
24 Thank you, Madam Chair, for recognizing me.

25 And thank you, Mr. Gabriel, for walking

1 us through the process of the SIC, Rules,  
2 and serving, and all that.

3 But my question and concern is, you  
4 know, just like if there is a bill and there  
5 is a financial conflict between a Council  
6 Member and that particular bill, you know,  
7 whether they work for a company and this and  
8 that, they have to recuse themselves from  
9 voting.

10 And so in the beginning Mr. Busey talked  
11 about Mr. Baker and Mr. Hughes working for a  
12 lot of the candidates -- I mean, a lot of  
13 the current Council Members. And over the  
14 weekend I had the opportunity to read  
15 Mr. Baker's testimony, and he talked about  
16 running several of my colleagues' campaigns.  
17 I couldn't remember all of them during the  
18 statement.

19 So my question is, you know -- you know,  
20 is there some type of ethical issue where my  
21 colleagues should not be voting whether to  
22 subpoena him or not? Because there is  
23 clearly a conflict, there is a financial  
24 relationship, a relationship to get them to  
25 the dance.

1           And so, you know, I can see where it's  
2           hard for any of my colleagues to make a  
3           decision, you know, against or for that, you  
4           know, that -- you know, that they had a  
5           financial, professional business  
6           relationship. So if you can, address that.

7           And if there is not an issue where they  
8           have to recuse themselves, that they cannot  
9           vote, you know, is there some way that we  
10          can compel, before we take any action,  
11          whether it's the Rules Committee or full  
12          Council, that each one stands up or whatever  
13          and declares, this guy ran my campaign, you  
14          know, I had a contract, you know, with him.  
15          So, you know, if you can kind of address  
16          that, because I do think we're treading in  
17          some very murky waters moving forward.

18                   CHAIRPERSON PRIESTLY JACKSON: Thank  
19                   you, Mr. Dennis.

20                   Mr. Gabriel.

21                   MR. GABRIEL: Yeah, Madam Chair.  
22                   Through the Chair to Council Member Dennis,  
23                   a couple things: One, I heard Brian's name.  
24                   And in fairness here, I want to make sure,  
25                   like, for example, Brian, unless there is

1           some evidence I'm not aware of, has not and  
2           did not -- I don't know what he did in his  
3           private sector life prior to him coming  
4           aboard as Chief of Staff, I think it was  
5           January of '18, but my understanding is he  
6           has not and did not operate in his private  
7           or political -- previous private or  
8           political -- I'm sorry. He has not operated  
9           as a consultant to these Council Members, at  
10          least not since he's been onboard as Chief  
11          of Staff, that's my understanding. Of  
12          course, I always want to confirm these  
13          things. So I think he's a separate matter.  
14          And I would just be careful when we're  
15          talking about --

16                   COUNCIL MEMBER DENNIS: Mr. Busey  
17                   mentioned it, that's the reason why I --

18                   MR. GABRIEL: No. Understood. You're  
19                   right. And I should have mentioned that  
20                   earlier. It wasn't because of you, Council  
21                   Member Garrett, but it was mentioned  
22                   earlier. So that's one thing.

23                   Going to this topic of whether there is  
24                   a conflict of interest. The ethics laws on  
25                   conflict of interest are present time

1           pecuniary interest. So in other words, the  
2           general rule is, unless there is a present  
3           time conflict, that is not a conflict of  
4           interest and most likely would not inure to  
5           the benefit of anyone's financial gain or  
6           loss, for that matter. That's an assessment  
7           that each Council Member will have to make  
8           individually.

9           So I would look at this as no different  
10          than any other policy matter that any  
11          Council Member is going to partake and  
12          consider. I'm glad we're talking about it  
13          now, so that every Council Member can take  
14          stock of what, if any, you know,  
15          arrangement, business or otherwise you  
16          people have with folks. And in this case,  
17          if it's one of those entities or Mr. Baker,  
18          that will have to be looked at.

19          But, again, the crux of the analysis  
20          will always be, at the time of the vote, is  
21          there a present time conflict. Now, when I  
22          say that, obviously, if it's -- you know,  
23          present time should include, like, for  
24          example, well they're going to enter into  
25          contract the next day, so we have to look at

1           those too. But the bottom line is, unless  
2           someone has some present time conflict where  
3           they have some pecuniary gain or loss that  
4           may be as a result of the vote on the issue,  
5           that they are likely going to be not only  
6           able but required to vote on the matter. So  
7           I hope that answers the question.

8                     We'll, obviously, look at this and  
9           consult with Council Members on a  
10          case-by-case basis, but that's the general  
11          rule on it.

12                    CHAIRPERSON PRIESTLY JACKSON: Thank  
13          you.

14                    Any other Committee Members that have a  
15          question to follow up with that one? I will  
16          just say to show that we're trying to have a  
17          coherent process, that was part -- one of  
18          the requests of our colleagues when we did  
19          the disclosures of all contacts with JEA.  
20          And I want to thank the 17 to date Council  
21          Members who have done it. I want to call  
22          attention to Council Member Terrance  
23          Freeman, who submitted his after the last  
24          meeting, so thank you for that.

25                    And I would think, perhaps, there are

1 two courses of action relative to what  
2 Mr. Council Member Dennis raised. One is  
3 not a conflict on voting, but one might be a  
4 supplement to a disclosure. So if it's not  
5 included in a Council Member's disclosure,  
6 perhaps consulting with Ms. Miller, Carla  
7 Miller, might be to someone's advantage and  
8 to decide, if it's not listed in your  
9 disclosure that you provided, if it needs to  
10 be disclosed at this point. I would think  
11 that it would. So whether you need a  
12 supplement to that, that might be something  
13 worth pursuing relative to that issue.

14 Seeing no other hands raised, anything  
15 additional you would like to share with us  
16 Mr. Gabriel?

17 MR. GABRIEL: No, that's it at this  
18 time. Thank you.

19 CHAIRPERSON PRIESTLY JACKSON: We now  
20 move on to witnesses, documents, and related  
21 issues. And so any update on that from  
22 Outside Counsel, Mr. Busey, or Mr. Gabriel's  
23 office, additional witnesses, documents, and  
24 matters at this time for consideration by  
25 the SIC?

1           MR. BUSEY: Thank you, Madam Chair. Not  
2 beyond that which I've already mentioned.  
3 I've told you that we have a handful of  
4 witnesses that we're going to interview in  
5 October. We expect to conclude that process  
6 before November apart from the Baker issue.  
7 So we're on track.

8           CHAIRPERSON PRIESTLY JACKSON: Okay.  
9 Thank you.

10           Mr. Gabriel, anything additional?

11           MR. GABRIEL: No, ma'am. Thank you.

12           CHAIRPERSON PRIESTLY JACKSON: Okay.  
13 Committee Members anything on those? No,  
14 okay.

15           We'll now move on to Council Member's  
16 disclosures. And I shared a moment ago that  
17 we have to date 17 Council Members that have  
18 voluntarily disclosed connections to JEA or  
19 the attempts to privatize JEA, and the new  
20 additional Council Member is Council Member  
21 Terrance Freeman, who completed his  
22 disclosure and submitted it. I want to  
23 thank him after that.

24           I would encourage all Council Members  
25 that you reach out to Ms. Miller. Carla



1 Miller stands ready and able to assist any  
2 Council Members with any ethical questions  
3 or considerations. And if there are -- if  
4 you feel you may have the issue of whether  
5 you need to do a supplement to your  
6 disclosure, I would encourage you to do  
7 that.

8 Council Member DeFoor.

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

11 I think it would be worthwhile to state  
12 either who has or who has not. I mean, I  
13 guess it's probably best to say who has not  
14 since there are only -- 17 have. So who has  
15 not provided the disclosure form?

16 CHAIRPERSON PRIESTLY JACKSON: The names  
17 that I -- to my knowledge and checking this  
18 morning, we have not received Council Member  
19 disclosures from two Council Members, Aaron  
20 Bowman and LeAnna Cumber. All other 17  
21 Council Members have submitted their  
22 disclosures to date.

23 Any additional items for Council Member  
24 disclosures?

25 Moving on now to Council Members

1 one-on-one meetings with Mr. Busey.

2 Mr. Busey.

3 MR. BUSEY: We continue to be available  
4 to any Council Member who wants to visit  
5 with us. As Mr. Salem indicated, he was  
6 here on Friday afternoon. We had a fruitful  
7 conversation with him. And I appreciate his  
8 interest in the Committee's investigation.

9 And we've had a number of other Council  
10 People coming in, probably less than half.  
11 But we remain completely available at any  
12 time that any Council Member wants to visit  
13 with us.

14 CHAIRPERSON PRIESTLY JACKSON: Thank  
15 you.

16 And I want to just call your attention,  
17 you notice this is on the agenda every  
18 meeting, because it's going to be. Because,  
19 you know, we, the three current Members of  
20 the SIC, are charged with investigating what  
21 happened relative to the JEA matter, as  
22 appointed by Council President Hazouri.  
23 However, all Council Members are involved in  
24 the process who are in the court of public  
25 opinion charged with investigating the

1 matter and want to have an involvement in  
2 the process. We are stronger together. So  
3 I would encourage our colleagues to continue  
4 to meet with Mr. Busey if they have any  
5 questions or any other concerns relative to  
6 the process.

7 Any other business before the SIC at  
8 this time? Council Member DeFoor?

9 Or, Ms. Sidman, yes, ma'am. You're  
10 recognized.

11 MS. SIDMAN: Thank you. Peggy Sidman,  
12 Office of General Counsel.

13 There was a list of times that you went  
14 over at the beginning of this meeting when  
15 the SIC is going to meet next. And then  
16 there were identified the number of  
17 individuals and businesses, rather, by which  
18 the SIC was subpoenaing and Rules will  
19 subpoena.

20 My question is did you put a date in for  
21 when those documents would be required? I  
22 think you were talking about November 16th,  
23 but I just wanted to make sure that was on  
24 the record if that was the intended date.

25 CHAIRPERSON PRIESTLY JACKSON: I believe

1 the date is November 16th based on the  
2 timeline that's established for action by  
3 the Rules Committee and since the charge  
4 requires that any response be provided to  
5 the SIC Committee. So that would be  
6 November 16th.

7 MS. SIDMAN: Perfect. Thank you.

8 CHAIRPERSON PRIESTLY JACKSON: Council,  
9 any other SIC Committee Members with  
10 questions about that?

11 Council Member Boylan, you're  
12 recognized.

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

15 I just wanted to touch base with both  
16 the Members of the Committee, as well as  
17 those supporting the Committee, and request  
18 they take some time and effort over the  
19 course of the next two weeks to review bill  
20 2020-419, the Article 21 rewrite.

21 So I want to make certain that we have  
22 incorporated into that document any of the  
23 concerns and items that you have all  
24 uncovered as you go through this process.  
25 So I would appreciate if you could add to

1 agenda for the upcoming meeting, report out  
2 from your members on any specific items that  
3 they may have, either shortcomings or  
4 inclusions and amendments for that document,  
5 I would appreciate it very much.

6 CHAIRPERSON PRIESTLY JACKSON: So you're  
7 saying the SIC Committee, any comments or  
8 anything that they may have relative to it,  
9 is that what you're asking?

10 COUNCIL MEMBER BOYLAN: Yes, ma'am,  
11 including Mr. Busey and others who have  
12 taken the time to -- I know, obviously,  
13 working with the Office of General Counsel,  
14 they're intimately familiar with the  
15 document. I'm not sure Mr. Busey or others  
16 are as familiar with it. I want to make  
17 certain, at the end of the day, that we  
18 incorporate into it safeguards that you all  
19 might think may not be presently in the  
20 document. So that's all I'm asking for is a  
21 review.

22 CHAIRPERSON PRIESTLY JACKSON: Right.  
23 And so since many of the SIC Committee  
24 Members work with you on the redraft, I  
25 will -- yeah, I will, and we'll have it on

1 the Rules -- I think it's set to be  
2 work-shopped on the next Rules --

3 COUNCIL MEMBER BOYLAN: That is correct.  
4 I really meant more for your support folks,  
5 Mr. Busey's office, for them to take a look  
6 at and report back to you. Let me change  
7 that request to say, if Mr. Busey's office  
8 could do that, I would appreciate it.

9 CHAIRPERSON PRIESTLY JACKSON: Okay.  
10 And you know what, this comes that part when  
11 we say Council Member's one-on-one meetings  
12 with Outside Counsel, that you have full  
13 access to Mr. Busey to share any concerns.  
14 And I encourage you to --

15 COUNCIL MEMBER BOYLAN: We had that  
16 conversation already. I was just following  
17 up for the record, to let you know I respect  
18 the work of this Committee, and I want to  
19 make certain that we are as comprehensive as  
20 possible in our response in 419.

21 CHAIRPERSON PRIESTLY JACKSON: Okay.  
22 Thank you so much. Yes, sir.

23 Any -- Mr. Wilson, Council Member and  
24 Committee Member Wilson.

25 COUNCIL MEMBER WILSON: Thank you, Madam

1 Chair. Is it possible that Mr. Busey could  
2 just mention or state the names of the  
3 members or the folks that he is planning to  
4 interview one more time so we have that?

5 CHAIRPERSON PRIESTLY JACKSON: Yes.

6 Mr. Busey.

7 MR. BUSEY: The six people that we  
8 anticipate having formal interviews are  
9 Michael Mace with PFM; Allen Manes with  
10 Holland & Knight; Joey Greive, who is the  
11 City's Chief Financial Office; Michael  
12 Hightower; Jody Brooks; and Paul McElroy.

13 And beyond that, we're going to have  
14 telephone interviews with former board  
15 members and City Council Members that are  
16 going to be less formal. But that's pretty  
17 much the universe of what we're looking for  
18 at this point.

19 COUNCIL MEMBER WILSON: Thank you.

20 CHAIRPERSON PRIESTLY JACKSON: Thank  
21 you. Any other business before the  
22 Committee at this time?

23 Okay. I wanted to -- I wanted to share  
24 once more that we have modified the dates  
25 and times of our next four meetings. And so

1 the October 26, 2020, meeting will be at  
2 8:00 a.m. instead of 5:00 p.m., and the  
3 meetings for November are the 3rd and 5th  
4 Monday, November 16, 2020, at 5:00 p.m., and  
5 November 30th, 2020, at 5:00 p.m.

6 And we are strongly encouraging -- we  
7 have reserved the Chambers if we're able to  
8 meet in Council Chambers at that time. And  
9 we're strongly encouraging the public to  
10 come and share with us any concerns they may  
11 have. You're not limited to that time, but  
12 please, please, know that those meetings at  
13 5 o'clock are designed for full transparency  
14 and inclusion of the public as we wind our  
15 process down.

16 And then our last meeting will be  
17 December 7, 2020. At this time, without any  
18 change to the timeframe outlined for the  
19 Committee, and that's at 5:00 p.m. And that  
20 meeting is also the first Monday and not the  
21 second Monday, because the City Council goes  
22 on recess after the City Council meeting on  
23 the 8th. And that complies with the time  
24 frame for that.

25 Anything else for the good of the order



1           this morning?

2           Thank everyone for getting up bright and  
3           early and raising the issues. This meeting  
4           is adjourned.

5           (Meeting adjourned at 8:50 a.m. )

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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 49, is a true record of my stenographic  
notes.

DATED this 19th day of October, 2020.

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