

SPECIAL INVESTIGATORY COMMITTEE ON JEA

SESSION #12

DATE: Monday, November 30, 2020

TIME: 5:05 p.m. - 5:46 p.m.

PLACE: Zoom

COUNCIL MEMBERS PRESENT:

Brenda Priestly Jackson, Chair, District 10
Randy DeFoor, District 14
Tommy Hazouri, Council President, Group 3
Ronald Salem, Group 2

ALSO PRESENT:

Dr. Cheryl Brown, Council Secretary/Director
Steve Cassada, IT Administrator
Melanie Wilkes, Council Support Services
Eric Grantham, Council Support Services
Jeff Clements, Chief of Research
Yvonne Mitchell, Council Research
Phillip Peterson, Council Auditor's Office
Jeff Rodda, Council Auditor's Office
Peggy Sidman, Office of General Counsel
Jason Gabriel, Office of General Counsel
Jon Phillips, Office of General Counsel
Paige Johnston, Office of General Counsel
Sean Granat, Office of General Counsel
Steve Busey, Smith, Hulsey & Busey
Kurtis Wilson, JEA
Sandra Homrighouse, 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 now is 5:05 p.m. If we can have all
6 Council Members present please identify
7 yourselves.

8 COUNCIL MEMBER DeFOOR: Randy DeFoor,
9 District 14.

10 CHAIRPERSON PRIESTLY JACKSON: Brenda
11 Priestly Jackson, District 10.

12 COUNCIL PRESIDENT HAZOURI: Tommy
13 Hazouri, Group 3 At-Large.

14 CHAIRPERSON PRIESTLY JACKSON: We will
15 now have an invocation and Pledge of
16 Allegiance by Council Member DeFoor.

17 COUNCIL MEMBER DeFOOR: Heavenly Father,
18 you are the way, the truth and the life.
19 Give us wisdom today that we can make good
20 decisions. Help us to know the truth and
21 share the truth with others. It is in your
22 name we pray, amen.

23 CHAIRPERSON PRIESTLY JACKSON: Amen.

24 (Pledge of Allegiance.)

25 CHAIRPERSON PRIESTLY JACKSON: Thank

1 you, Council Member DeFoor.

2 We are going to move through our agenda
3 as published and printed for today. We will
4 have public comments upon the conclusion of
5 Other Business. And we will accept public
6 comment cards or hand-raises until 6:00 p.m.
7 for those who want to speak to address the
8 SIC Committee today.

9 We now move to Outside Counsel Update,
10 Steve Busey, Esquire.

11 I don't believe that microphone is on,
12 Attorney Busey. Just a moment.

13 MR. BUSEY: Is that more better?

14 COUNCIL PRESIDENT HAZOURI: More better.

15 CHAIRPERSON PRIESTLY JACKSON: That
16 works.

17 MR. BUSEY: I can report on behalf of
18 the independent counsel for the Special
19 Committee that we are on time and, I think,
20 under budget so far. We expect to complete
21 the Committee's report within the charge of
22 the Council President by the end of
23 December.

24 We have a handful of interviews we need
25 to complete, but we've reviewed over 600,000

1 documents. We've interviewed dozens of
2 witnesses.

3 We are in the process of preparing the
4 Committee's report, which will be, with
5 appendices, in the neighborhood of 100 or so
6 pages. We will have a chronology, which
7 supports the report, in the neighborhood of
8 about 350 pages. The chronology will be
9 hyperlinked to supporting documents, which
10 are the evidence supporting the report.

11 We propose to print in hard copy the
12 report and the chronology. We also propose
13 to put the chronology, which is hyperlinked,
14 on a website for the Committee, which the
15 public can review all of the documents
16 supporting the report. We'll have all this
17 complete during the month of December.

18 We propose to put it to the printer and
19 to the web designer by the end of December.
20 And it will be available and published by
21 the first of the year. So we're completely
22 on track.

23 Be happy to answer any questions, but
24 that's, generally speaking, where we are.

25 CHAIRPERSON PRIESTLY JACKSON: Council

1 Member DeFoor, do you have any questions?

2 COUNCIL MEMBER DeFOOR: Yes. Thank you.

3 Through the Chair to Mr. Busey, who is
4 remaining to be -- what witnesses are you --
5 are still to be questioned?

6 MR. BUSEY: Principally, Jody Brooks,
7 Paul McElroy and Michael Weinstein are
8 the -- some of the cleanup witnesses we're
9 going to take. We have a couple of other
10 witnesses we're going to talk to, but those
11 are the principal witnesses we're going to
12 talk to.

13 COUNCIL MEMBER DeFOOR: Thank you.

14 CHAIRPERSON PRIESTLY JACKSON: Council
15 President Hazouri, do you have any
16 questions?

17 COUNCIL PRESIDENT HAZOURI: You said --
18 you said Jody Brooks and Mike and who else?

19 MR. BUSEY: Jody Brooks, Paul McElroy
20 and Michael Weinstein.

21 COUNCIL PRESIDENT HAZOURI: Thank you.

22 MR. BUSEY: Excuse me. I said Mike
23 Weinstein. I meant to say Michael
24 Hightower, not Mike Weinstein.

25 CHAIRPERSON PRIESTLY JACKSON: Thank

1 you. Would you also give the Committee and
2 the public at-large an update on the
3 subpoenas that we -- the Rules Committee
4 issued in relations to one of the witnesses
5 and incorporations, Tim Baker?

6 MR. BUSEY: Tim Baker and five of his
7 entities, we -- the Rules Committee issued
8 subpoenas to him. Mr. Baker, through his
9 counsel, declined to respond to the
10 subpoenas, refused to comply.

11 The question for the Committee is
12 whether or not to go back to the Council and
13 ask for the enforcement of those subpoenas.
14 The time and expense that would be consumed
15 in enforcing the subpoenas, in our judgment,
16 is not worthwhile, and it's not a good
17 expenditure of the Council's time and money,
18 so we do not recommend that.

19 We think we can complete the report. We
20 will make appropriate inferences regarding
21 Mr. Baker's refusal to comply with the
22 subpoenas in the Committee's report.

23 CHAIRPERSON PRIESTLY JACKSON: Thank you
24 for the update.

25 Any Committee Members that have any

1 questions relative to that?

2 So no further action by the SIC or no
3 further action for the Rules Committee
4 relative to those matters?

5 MR. BUSEY: That's our recommendation.

6 CHAIRPERSON PRIESTLY JACKSON: Thank
7 you.

8 And for those who are laypersons,
9 Mr. Busey, just explain -- can you briefly
10 share that you'd requested subpoenas based
11 on best evidence rule, but you have been
12 able to, you believe, complete the report
13 without further enforcement?

14 MR. BUSEY: That's right. And what,
15 essentially, we were trying to get ahold of
16 is the fact that Mr. Baker and his entities
17 were, at the same time, advising JEA's
18 senior leadership team regarding the process
19 of the sale of JEA and, at the same time,
20 was under contract with Florida Power &
21 Light, NextEra regarding its interest in
22 purchasing JEA.

23 We think that's a conflict. We think
24 there was an awful lot of communications
25 going on between Mr. Baker and the

1 administration and Florida Power & Light at
2 the same time. We tried to get those
3 communications, and Mr. Baker has declined
4 to provide them. NextEra and FPL have
5 declined to provide them.

6 We'll make the requisite inferences
7 regarding that decline to provide those
8 communications, but we really don't think
9 that it's necessary to complete the
10 Committee's investigation, and we'll make
11 the appropriate conclusions regarding the
12 ITN process.

13 CHAIRPERSON PRIESTLY JACKSON: Council
14 President Hazouri.

15 COUNCIL PRESIDENT HAZOURI: Steve, just
16 a quick question, and this goes back to
17 Mr. Baker and his entities. They -- it
18 seems like they're a substantive part of
19 this report. And what will you be doing,
20 just kind of circling the wagon and
21 addressing some of the things that you feel
22 like have been implied that's occurred? How
23 do you -- I'm just curious how we -- when we
24 come out with our report, since he's a key
25 element in this report, I would assume, that

1 you would have substantial information that,
2 you know, you say that you wouldn't be
3 getting it from a subpoena because they're
4 not acknowledging it, but how do we dot the
5 Is and cross the Ts when we're addressing
6 that particular issue with him and the
7 entities? How do you subsequently give a
8 good response in your report for -- and I'm
9 sure you have the answer, but for him not
10 testifying?

11 MR. BUSEY: Well, you take the fact
12 that -- the facts are that Mr. Baker went to
13 the July 10, 2019, planning session for the
14 sale, designed the ITN process in Orange
15 Park, and at the same time was under
16 contract with FP&L. And we have a lot of
17 evidence supporting FPL's interest in the
18 acquisition of JEA and its hiring of
19 lobbyists in Jacksonville.

20 So we can pretty much conclude fairly
21 what was happening in terms of the
22 administration's and FP&L's interest in
23 collaborating regarding the sale of JEA.
24 We'll make those inferences and -- we
25 propose to make those inferences in the

1 report.

2 It would be better to actually see the
3 communications between Mr. Baker and FP&L
4 regarding what he was doing in connection
5 with the City of Jacksonville. We don't
6 have that evidence.

7 The question for the Committee is
8 whether or not it's worthwhile to enforce
9 the subpoenas through a judicial process.
10 That would involve months, many months, and
11 a lot of money. And I just don't think it's
12 necessary for the Committee at this point to
13 bring -- to draw the conclusions it needs to
14 draw regarding that process.

15 COUNCIL PRESIDENT HAZOURI: When you
16 refer to Orange Park, are you talking about
17 the meeting at Club Continental?

18 MR. BUSEY: Yes, Club Continental
19 meeting on July 10 and July 11, 2019.

20 COUNCIL PRESIDENT HAZOURI: Thank you.

21 CHAIRPERSON PRIESTLY JACKSON: Any --
22 Council Member DeFoor.

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

25 And through the Chair, it wasn't just

1 that, though. My recollection was that he
2 reviewed the actual board documents and gave
3 comments. So I think we have enough, is my
4 personal opinion, for the report. And then
5 we can hand it over, the information, you
6 know, if necessary, to the other agencies
7 that are asking the same questions we are.

8 MR. BUSEY: You're right. We have
9 confirmation communications that Mr. Baker
10 actually reviewed and commented on the July
11 23, 2019, board minutes -- board meeting
12 agenda prior to the meeting.

13 CHAIRPERSON PRIESTLY JACKSON: Okay. I
14 think the only thing additional that I would
15 add, you shared the role with the
16 independent authority relative to it and
17 then the respondent to the ITN, which is
18 FP&L, but also serving as a political
19 consultant to individuals who are currently
20 on the City Council. So our role in this
21 process is to propose legislative changes to
22 our Charter and other governing documents.
23 And I think that we can have enough to
24 mitigate against those future ethical
25 conflicts that may even abridge potentially

1 lobbyist actions and everything else. So I
2 believe we can do that, our charge.

3 MR. BUSEY: Yes. I think the
4 Committee's report will include legislative
5 recommendations regarding procurement and
6 ethics and Sunshine law, all of that.

7 CHAIRPERSON PRIESTLY JACKSON: Thank
8 you.

9 No other questions?

10 Thank you so much, Mr. Busey. We
11 appreciate you. We will see you with our
12 wrap-up meeting next Monday at 5 o'clock.

13 MR. BUSEY: December 7th, yes. Thank
14 you.

15 CHAIRPERSON PRIESTLY JACKSON: We now
16 move to the Office of General Counsel. Our
17 General Counsel, Jason Gabriel.

18 MR. GABRIEL: Good evening. Jason
19 Gabriel, General Counsel.

20 I don't have much to report other than
21 we continue to work with Mr. Busey's office
22 and bring this whole process and report to a
23 completion.

24 I am going to finalize this week, I know
25 it's taken a little extra time, but I think

1 it's probably time well worth it on the OGC
2 index, disclosure index, with the whole
3 litany of all the memos and official legal
4 guidance we gave over the years. As I'd put
5 stuff into the index, I'd find that, oh,
6 there was something else I need to insert.

7 So anyway, it's been a great exercise
8 actually. And that should be completed and
9 done and finalized this week. And I'll get
10 it over to the SIC Committee Members
11 hopefully before the end of this week and,
12 in any event, before your next meeting next
13 Monday.

14 But other than that, we continue, like I
15 said, to work with outside counsel and
16 hopefully bring this to an appropriate
17 conclusion. I'm available for any questions
18 you may have.

19 CHAIRPERSON PRIESTLY JACKSON: Council
20 Member DeFoor, any questions for
21 Mr. Gabriel?

22 COUNCIL MEMBER DeFOOR: Through the
23 Chair to Mr. Gabriel, is there anything that
24 we may have missed as we come to a close in
25 this investigation that you think we need to

1 address?

2 MR. GABRIEL: Through the Chair to
3 Council Member DeFoor, I don't think so. I
4 will take another look. I think what you'll
5 see, at least in the exercise we've been
6 conducting internally, is to the extent
7 there's -- I think the story is there, all
8 the various events that are important are
9 there. It might -- and I'm talking from the
10 perspective of our index that I'm preparing
11 and the memos as we kind of brush up on
12 advice and things given over time, questions
13 that were asked and advice that was given
14 and even legislation that was considered
15 before some of you were on the Council. I
16 think that will add some, you know,
17 appropriate color to the whole sort of set
18 of years we've gone through where there have
19 been a couple of privatization discussions.

20 But to answer your question, Ms. DeFoor,
21 in terms of a big item that may have been
22 missed, not that I can see, not that I can,
23 you know, highlight at this point. But
24 certainly, I mean, as we've been going
25 along, to the extent something has come up

1 or an item that may have been missed, we've
2 been working with outside counsel and other
3 agencies to make sure that information is
4 there.

5 But I do think -- you know, I was
6 talking to Mr. Busey a little earlier. I
7 can't believe here we are, December 1st is
8 tomorrow. We were talking about
9 legislative -- outside legislative counsel,
10 if you recall, I think, exactly a year ago,
11 maybe even a little more. So I can't
12 believe here we are about a year later and
13 the time and I think the effort that's gone
14 into all this has provided, I think, a lot
15 of information and facts at this point that
16 I think were, you know, at least as far as I
17 can tell, at the bottom of the barrel on.
18 So in any event, I hope that answers the
19 question.

20 COUNCIL MEMBER DeFOOR: Thank you.

21 CHAIRPERSON PRIESTLY JACKSON: Council
22 President Hazouri?

23 Thank you for that, Mr. Gabriel. And I
24 am very encouraged by OGC disclosure as it
25 relates to these matters. I think that's

1 the kind of information that we as a council
2 need going forward. And it also is a good
3 opportunity for us to also look at potential
4 issues that we may need to address as it
5 relates to transparency and conflicts and
6 things like that. So I'm further encouraged
7 by your doing that, and we'll look forward
8 to getting that later this week.

9 No other Committee Members?

10 Thank you so much.

11 We now move to Agenda Item E, Witnesses,
12 Subpoenas, Documents and Related Issues.

13 Are there any updates?

14 MR. BUSEY: From the perspective of the
15 independent counsel, nothing additional than
16 we've already talked about.

17 CHAIRPERSON PRIESTLY JACKSON:

18 Mr. Gabriel?

19 MR. GABRIEL: Same here from our
20 perspective. I think Mr. Busey outlined the
21 remaining interviews, and that's all we have
22 to offer at this time.

23 CHAIRPERSON PRIESTLY JACKSON: I do have
24 a question just for you, Mr. Gabriel. At
25 what point would you anticipate letting the

1 Members of the SIC, as well as the Council
2 Members know those individuals who have
3 retained attorneys in relations to the JEA
4 matters, not an SIC matter, it's a JEA
5 matter, do you have a proposed timeline when
6 you might be able to give the SIC Committee
7 or the Council Members that information?

8 MR. GABRIEL: So to the Chair and to the
9 Committee, obviously, to the extent we have
10 received any written requests or things like
11 that, they're public records, I'm happy to
12 provide anything we've received to date.
13 But just to clarify, to your question, there
14 is, obviously, the city officials and any
15 requests for reimbursement that they may be
16 asking for, and that, for example, was
17 associated with the legislation y'all
18 passed, I think, last week. So, you know,
19 in that event, I think it was stated last
20 week, we received -- and I'm going off
21 memory here -- I think, five written
22 requests for reimbursement totaling \$61,000
23 at this point in time. And I think 14,000
24 of the 61,000 had nothing to do with the SIC
25 Committee stuff.

1 However -- but I just want to make sure
2 I'm answering your question. Are you also
3 talking about so, for example, JEA
4 officials, I'm talking about like former SLT
5 members, potential, you know, former board
6 members and things like that, to the extent
7 that they've requested, is that what you're
8 asking?

9 CHAIRPERSON PRIESTLY JACKSON: That's
10 exactly. And I'll just tell you, maybe I'm
11 a bit sensitive because I've been involved
12 in this work and Council Member DeFoor has
13 as well since its inception. It's not SIC
14 work, it's JEA. So we're not a separate
15 entity, we are the Special Investigatory
16 Committee regarding JEA, the proposed sale.
17 So, yes, that is exactly what I'm asking,
18 because there appears to be a
19 mischaracterization of the work of this
20 Committee.

21 And I would contend that no one retained
22 an attorney solely to come talk with the
23 special counsel to the SIC. Attorneys are
24 retained when the subpoenas were served on
25 JEA, the City of Jacksonville and other

1 entities. So whenever you want to -- that's
2 the information, I want to know those
3 individuals who reached out to the Office of
4 General Counsel regarding that time who
5 said, I need an attorney, this is what I
6 have to do and my role in that, because I
7 think that's the level of accountability
8 we're going to owe to the public to let them
9 know.

10 MR. GABRIEL: Sure. And if I may, and
11 just to maybe piggyback on that, I know it
12 probably -- it's -- it maybe makes more
13 nuance sense for those of us here, but for
14 the public, it doesn't matter, taxpayer
15 dollar, ratepayer dollar, it's all the same,
16 it's public dollars.

17 But just for purposes of our
18 conversation here, JEA members, whether they
19 were former SLT or former board members or
20 what have you that have been interviewed and
21 gotten attorneys, et cetera, again, not
22 associated with SIC, that's from the JEA
23 budget. That would not be coming from the
24 City -- or the City's coffers. Now, granted
25 y'all approved the budget for JEA, and it's

1 all the same public dollars.

2 But in any event, yeah, I mean, what we
3 can do, I'll get with our litigation group
4 and I can see thus far who has requested a
5 reimbursement, and we can get that
6 information together. The bottom line is,
7 yes, we can get you that information.

8 CHAIRPERSON PRIESTLY JACKSON: And since
9 JEA is our municipally owned utility still,
10 we need that information because we will be
11 splitting hairs right now to say that they
12 were different entities, I think.

13 Council Member DeFoor.

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

16 And through the Chair, just so I'm
17 clear, so the -- so the attorney's fees that
18 we had approved last week only relates to
19 individuals who work for the City and not
20 the JEA; is that correct?

21 MR. GABRIEL: Yes, that is correct. And
22 if I may, that's correct, but, also, that
23 pot of money was not just for JEA or SIC
24 Committee-related matters. Just to be
25 clear, that was a number -- it's an abstract

1 number, it may never be reached possibly.
2 And it's for any reimbursement of attorney's
3 fees to the extent it qualifies, qualifies
4 for reimbursement.

5 COUNCIL MEMBER DeFOOR: One of them
6 related to Joe Peppers' investigation;
7 correct?

8 MR. GABRIEL: That's correct. So that's
9 why what I was mentioning earlier, thus far,
10 and assuming something hasn't come in in the
11 past few days, there have been \$61,000 worth
12 of reimbursement request. And that's why I
13 mentioned 14,000 of that has nothing to do
14 with JEA or SIC Committee-related stuff.

15 COUNCIL MEMBER DeFOOR: Great. Because
16 I would be saddened to hear that 40,000
17 resulted in our interviews. That would be
18 hard for me to imagine. And I hope that
19 we're doing a good job of looking at those
20 bills, if any of it did, because that's just
21 ridiculous to have 40,000 go for any of our
22 interviews.

23 But -- and I know that they also worried
24 about the federal investigation, I'm sure,
25 as well. So I would imagine that this has a

1 lot more to do with the federal
2 investigation than it does to ours. Thank
3 you.

4 CHAIRPERSON PRIESTLY JACKSON: Thank
5 you, Mr. Gabriel. Thank you, Mr. Gabriel.
6 I appreciate you clarifying that. And I
7 think the other piece that's missing from
8 this, in the Office of General Counsel's
9 budget, you have a line item for outside
10 attorney's fees. You just requested 250,000
11 to increase that. I think people felt this
12 was something separate just related to us.
13 Is that correct?

14 MR. GABRIEL: Yeah. To the Chair and
15 our Committee, our professional services
16 line item, which includes reimbursement of
17 attorney's fees in a situation like this,
18 and for that matter any outside engagements
19 that qualify per the code. Obviously, we
20 come to City Council on certain requests,
21 such as legislative council, for example.

22 But that's right, so that is a pot of
23 money that's already there. We anticipated
24 this was a year where there's probably going
25 to be some more requests than usual. And

1 again, we were just being belt and
2 suspenders. When we say 250, we may never
3 hit that number, you know. And I heard, for
4 example, in a previous meeting, I heard a
5 Council Member cite that I had said it might
6 be 3 million or more. I don't recall ever
7 saying that. And maybe if I did, it was in
8 reference to a completely different question
9 and answer.

10 But, yeah, the 250, number one, is a
11 number we created as a reasonable number
12 that we may never see the end of -- we may
13 never reach. So there is that. And then
14 number two, it has to do with any
15 reimbursement that comes our way. It could
16 be an ethics issue that somebody goes
17 through and they're exonerated so they --
18 you know, and assuming it meets the public
19 purpose and some other principles of common
20 law, they can be reimbursed.

21 So again, that's a longwinded way to
22 answer your question to say that's correct,
23 there is a line item in our budget. We were
24 just putting a little more money just in
25 case.

1 CHAIRPERSON PRIESTLY JACKSON: Thank you
2 for that.

3 Council Member DeFoor.

4 COUNCIL MEMBER DeFOOR: Just one other
5 question. This was actually asked of me and
6 I didn't have a good answer, so now I'm
7 going to ask it of you. So through the
8 Chair to Mr. Gabriel, one of the individuals
9 that was requesting reimbursement was Sam
10 Mousa. And our investigation or our
11 questions of him didn't relate solely as to
12 his time as an employee. How does that
13 work? Why would we reimburse him for the
14 time that didn't involve being an employee?

15 MR. GABRIEL: Sure. And I can -- and
16 perhaps Jon Phillips can fill a little more
17 detail here. But to answer that question,
18 generally speaking, to the extent Sam -- in
19 that particular case, to the extent the
20 questions had to do with his previous and
21 were inspired by his previous public
22 official duties -- and, you know, he was a
23 CAO through, I guess, June of '19 -- then
24 arguably if it meets the principles of
25 public purpose and he's exonerated, he could

1 be reimbursed for that part. That's going
2 to require an exercise in looking at the
3 bills and making sure that we're reimbursing
4 him for our matters with respect to his
5 previous stint as CAO.

6 If you recall, the whole thing that goes
7 into the assessment of whether to even
8 reimburse is, generally speaking, it has --
9 there has to be a public purpose. In other
10 words, the reimbursement is for things,
11 responsibilities, duties affiliated,
12 associated with the person's official public
13 duties, not some personal or other political
14 perhaps side thing or what have you. It has
15 to do with something within the realm of
16 their public duties, number one.

17 Number two, they have to be reasonable
18 fees. So we look at the market rate and
19 going rate and things like that.

20 And lastly, they have to be exonerated.
21 So in other words, there is a definition to
22 that, but that they're not -- not only not
23 indicted and found guilty, but, I mean, as
24 long as they're not found guilty in the
25 process.

1 The SIC Committee, as you know, is an
2 administrative process. I understand there
3 is a parallel potential, you know, federal
4 grand jury investigation that's going on,
5 but -- and perhaps these things are going on
6 at the same time, but this is separate and
7 apart from anything that may be going on
8 there. So to the extent someone asks for
9 reasonable attorneys fees to be reimbursed
10 as a part of going through this process and
11 this interview process, they may be eligible
12 for reimbursement.

13 CHAIRPERSON PRIESTLY JACKSON: Council
14 Member DeFoor.

15 COUNCIL MEMBER DeFOOR: Just following
16 up on that. A lot of the questions related
17 to Mr. Mousa had to do with the trip to
18 Atlanta for the baseball game, which had
19 nothing to do with his time as an employee
20 here. So I just want to make sure we're not
21 reimbursing for all of that time, because
22 that would not be appropriate.

23 MR. GABRIEL: That's a -- through the
24 Chair to Council Member DeFoor, that's a
25 good, like, illustration of that trip would

1 have been a trip that occurred beyond the
2 official duty term of the CAO. So, correct,
3 something like that can't and shouldn't be
4 reimbursed.

5 Jon, I don't know if you have anything
6 further you would like to add to that.

7 And Ms. DeFoor is bringing up one
8 particular person, where this whole sort of
9 analysis and consideration is probably most
10 at hand because you do have some -- in other
11 cases, you have someone who either was a
12 public official and they're being
13 interviewed for that or, for that matter,
14 wasn't at all and they will not be
15 reimbursed. What you have with Mr. Mousa is
16 a sort of time period that traverses a time
17 where the person was a public official and
18 then they weren't.

19 So I get the sensitivity and I get the
20 question. And it's an appropriate question,
21 because we don't want to, you know --
22 obviously, we want to be very careful in
23 making sure we're sensitive to not
24 reimbursing for things that have nothing to
25 do with his previous public duties.

1 But Mr. Phillips may want to add a
2 couple things to that.

3 MR. PHILLIPS: I just wanted to add that
4 we haven't done completely that analysis at
5 this point, but we certainly would before we
6 make a call on that. And that analysis does
7 need to be done and completed.

8 CHAIRPERSON PRIESTLY JACKSON: Council
9 Member DeFoor.

10 COUNCIL MEMBER DeFOOR: Thank you so
11 much, I appreciate that.

12 CHAIRPERSON PRIESTLY JACKSON: I think
13 that was a very good conversation and
14 clarity on those issues. And I would ask
15 further, when you do the analysis, not just
16 relative to Mr. Mousa, I want to know when
17 attorneys were retained. So was it retained
18 when they were contacted by our independent
19 counsel, Mr. Busey, to talk or were they
20 retained when the subpoenas were served on
21 different issues. That matters, that
22 matters. And so we can have these
23 conversations going forward, and I look
24 forward to that and getting some information
25 relative to that.

1 So that ends the Witnesses, Subpoenas,
2 Documents and Related Issues. That
3 concludes that.

4 We now have moved to Agenda Item F,
5 Outside Counsel's Budget Extension. We
6 will, I believe, need to entertain a motion.
7 We're going to raise that budget up to the
8 1.8 allowed as appropriated by the City
9 Council.

10 COUNCIL MEMBER DeFOOR: Move for the
11 increase to 1.8 million.

12 CHAIRPERSON PRIESTLY JACKSON: Properly
13 moved and seconded. Moved by Council Member
14 DeFoor, seconded by Council President
15 Hazouri. Any discussion?

16 Council President Hazouri.

17 COUNCIL PRESIDENT HAZOURI: If we move
18 to the cap, is that what you're saying?

19 CHAIRPERSON PRIESTLY JACKSON: Yes.

20 COUNCIL PRESIDENT HAZOURI: Okay. Where
21 are we within that cap now? And what would
22 indicate that we will not go over it since
23 we have another month as Steve is preparing
24 for the final document? Just are we going
25 to stay under the cap, do you think? I

1 think you've said that before.

2 CHAIRPERSON PRIESTLY JACKSON:

3 Mr. Busey.

4 MR. BUSEY: Our statement for the month
5 -- Ms. Sidman is here and can verify this,
6 because she's keeping track of the dollars.
7 Our statement for the month of October took
8 us up to the 1.450 previously authorized.
9 And we anticipate that our statements for
10 the month of November and December will take
11 us up pretty close to the cap of 1.850, and
12 that's the reason for this amendment.

13 COUNCIL PRESIDENT HAZOURI: That will
14 cover the rest of the --

15 MR. BUSEY: Right. As I said in the
16 beginning, we intend to come in under
17 budget.

18 COUNCIL PRESIDENT HAZOURI: Okay. Thank
19 you. That's good.

20 CHAIRPERSON PRIESTLY JACKSON: Recognize
21 Ms. Sidman, Office of General Counsel.

22 MS. SIDMAN: Thank you, through the
23 Chair.

24 I just want to get an understanding of
25 what the motion was, because your ordinance

1 2019-694E appropriated 1.850. The motion I
2 heard was 1.8.

3 And then I want to just share with you
4 also that the City Council has also expended
5 funds from this 1.85, which includes court
6 reporters and other expenses. It's not a
7 lot; it's probably right around 5,000 to
8 date. But I just want to make sure we have
9 a contingency so that it would afford those
10 bills that are being taken out of there
11 presently.

12 CHAIRPERSON PRIESTLY JACKSON: Okay. I
13 appreciate you sharing that. I think you
14 brought that to my attention prior to this
15 meeting. So that makes the motion very
16 prevalent. If she says 1.8, that gives us a
17 cushion.

18 And I think that, if you are okay with
19 that, Mr. Busey, then we can determine by
20 next Monday if it needs to be extended past
21 that, but that would allow for any
22 incidental costs or anything else to come
23 out. Does that work for you, Mr. Busey, if
24 we do the 1.8 at this time since it's 1.85
25 that was appropriated?

1 MR. BUSEY: My understanding, I thought
2 the motion was going to be 1.850, that's --

3 CHAIRPERSON PRIESTLY JACKSON: We said
4 1.8, but if we want to amend it, you want to
5 do the --

6 MR. BUSEY: Ms. Sidman's comment, I
7 think, was pertinent.

8 CHAIRPERSON PRIESTLY JACKSON: The
9 motion was actually 1.8, because I thought
10 1.8. So I said then we could leave the .5
11 and have a review of these costs. If we
12 need to extend it at our meeting next
13 Monday, additional .5, then we can.
14 Whatever is most efficient to do.

15 COUNCIL MEMBER DeFOOR: Through the
16 Chair to Mr. Busey, I was taking you at your
17 word it was going to be under. I'm just
18 teasing. Is 1.8 sufficient? If not,
19 we'll --

20 MR. BUSEY: We were comfortable with
21 1.850. We have some miscellaneous costs
22 that are associated with this. For example,
23 printing costs are going to be in the
24 neighborhood of about \$8,000. The website
25 cost is going to be in the neighborhood of

1 about \$5,000. All of that, I'm thinking, is
2 going to be -- we intend it to be less than
3 1.850, that's what our target is.

4 CHAIRPERSON PRIESTLY JACKSON: Right now
5 there is a motion that's been seconded for
6 1.8.

7 COUNCIL MEMBER DeFOOR: I'll modify my
8 motion to 1.850.

9 CHAIRPERSON PRIESTLY JACKSON: It's been
10 properly moved and seconded to modify the
11 motion to 1.850.

12 Question? Council president Hazouri.

13 COUNCIL PRESIDENT HAZOURI: For Peggy,
14 what did we appropriate last year? Was it
15 1.8 or 1.85?

16 MS. SIDMAN: Through the Chair to
17 Council President Hazouri, ordinance
18 2019-694E appropriated 1.850 million, so
19 \$1,850,000.

20 COUNCIL PRESIDENT HAZOURI: You're
21 telling me that means, the 1.85?

22 MS. SIDMAN: Yeah. I just want it to be
23 clear.

24 But I also wanted to share with you that
25 there are funds coming out of that already.

1 There has already been funds extended by
2 City Council. So if you put all of that
3 money towards the Smith, Hulsey & Busey
4 firm, you'll be short approximately, at this
5 time, \$5,000. I don't know what additional
6 leeway or funds that the City Council is
7 spending on that. So I just want to share
8 that with you.

9 CHAIRPERSON PRIESTLY JACKSON: And,
10 Ms. Sidman, you shared with me about five
11 minutes before this meeting those additional
12 costs. And I'm going to take you at your
13 word that you will give us that information.
14 And I want to take Mr. Busey at his word
15 that he is not going to exceed those costs
16 and we'll be able to afford that. If
17 anything changes, then anybody brings that
18 information back 5 o'clock on next Monday
19 for our final meeting. Does that work
20 with --

21 COUNCIL PRESIDENT HAZOURI: Madam Chair,
22 I was still on my response.

23 CHAIRPERSON PRIESTLY JACKSON: Can you
24 hold just a moment?

25 Does that work with dealing with the

1 1.85?

2 COUNCIL PRESIDENT HAZOURI: But my
3 response was, I thought when we voted to --
4 that the 1.8 was the cap. That's why I
5 wanted to make sure that we can go up to
6 1.85 without having to do a Texas two-step
7 with the Council.

8 CHAIRPERSON PRIESTLY JACKSON: According
9 to Ms. Sidman, it's 1.85.

10 COUNCIL PRESIDENT HAZOURI: Okay. Thank
11 you.

12 CHAIRPERSON PRIESTLY JACKSON: And
13 that's 2019-694E.

14 Any further discussion by Committee
15 Members?

16 All those in favor of outside counsel's
17 budget extension to 1.850, signify by
18 raising your hands.

19 The budget extension has been approved
20 to 1.85 million, which is the amount
21 allocated.

22 Other business before the Members of the
23 SIC? Any other business?

24 Ms. DeFoor first and -- just a minute.
25 Ms. DeFoor and then I'll be rolling this

1 way.

2 COUNCIL PRESIDENT HAZOURI: Ladies first
3 -- okay.

4 I just wanted to -- Steve, would you
5 just give us a timeline one more time from
6 the day on, the next meeting on the 7th and
7 then what's the status of each step that
8 you're going to take? We're going to meet
9 on the 7th and tell us what happens there.
10 And then after that, who gets to see what
11 before -- I assume it's a public document
12 once you send something out. I don't know
13 what you're going to send out first. If
14 it's just a draft, that's another story.
15 Just kind of give us a step-by-step of where
16 we are between now and December 30th.

17 MR. BUSEY: Our contemplation, subject
18 to the Committee's wishes, are we're going
19 to have the individual -- we're going to
20 consult with the individual Members of the
21 Committee this week regarding the contents
22 of the report and secure your comments and
23 suggestions regarding the report. Subject
24 to that and the final interviews that we're
25 going to conduct within the next week, we

1 expect to finalize the report by
2 mid-December. And by the second or third
3 week in December, deliver it to a printer
4 and to the website designer so it can be
5 printed and put on a website. That's going
6 to take approximately two weeks, we're told.
7 So our intention is to have that process
8 completed by the end of December. And that
9 the result of the product, of the print of
10 both the report, the chronology and the
11 website will be available for the public
12 within the first week or two of January
13 before your first Council meeting in the
14 month of January. That's the timeline we're
15 contemplating.

16 COUNCIL PRESIDENT HAZOURI: Just --

17 MR. BUSEY: And our work will be
18 completed by the end of December.

19 COUNCIL PRESIDENT HAZOURI: When you
20 meet with us individually or however you
21 meet with us, will you have already met --
22 or you probably wouldn't have -- with the
23 other three that you're going to be meeting
24 with for interviews?

25 MR. BUSEY: Yes, that should happen this

1 week.

2 COUNCIL PRESIDENT HAZOURI: Excuse me?

3 MR. BUSEY: That should happen this week
4 before I meet with y'all individually.

5 COUNCIL PRESIDENT HAZOURI: Just in case
6 there is something said or whatever that you
7 may want to add to the report or what have
8 you.

9 MR. BUSEY: And those interviews, we've
10 already talked to those people multiple
11 times. This is really just fact-checking at
12 this point.

13 COUNCIL PRESIDENT HAZOURI: Okay. Thank
14 you.

15 CHAIRPERSON PRIESTLY JACKSON: Council
16 Member DeFoor.

17 COUNCIL MEMBER DeFOOR: Thank you, Madam
18 Chair. I have nothing further.

19 CHAIRPERSON PRIESTLY JACKSON: Thank
20 you, Mr. Busey. And you are going to give
21 us a wrap-up next week on letting us know
22 everything at that time, so we look forward
23 to you sharing that when we come on December
24 the 7th.

25 Any other business?

1 We are now at 5:43, and we are ready to
2 address any public comments. I have not
3 received any public comments in person and
4 there are no hands raised to indicate --

5 MS. MITCHELL: There are no hands in the
6 queue.

7 CHAIRPERSON PRIESTLY JACKSON: No one in
8 the queue and no one in person. Anything
9 additional?

10 Just a moment. We have some people
11 coming in. Because I told individuals we
12 would accept the cards until 6:00, I would
13 assume they were going to wait.

14 Any -- Council Member DeFoor?

15 COUNCIL MEMBER DeFOOR: I would just --
16 for those online, if you have any questions,
17 there is -- you know, we're willing to --
18 the whole purpose of this process is to be
19 completely transparent. So if there are any
20 questions that you have, this is -- we look
21 forward to answering them the best that we
22 can. A lot of times, you know, you may know
23 something that you think is not important
24 and it turns out to be exceptionally
25 important. So just know there are no

1 questions or comments that are not important
2 to us and don't hesitate to ask questions.
3 Thanks.

4 COUNCIL PRESIDENT HAZOURI: I know we
5 have one more meeting, but I just, as
6 Council President now, changing hats, I
7 would like to thank you for the great job
8 you've done. Y'all have not politicized
9 this, and I think that's important. I wish
10 I could say that at the front end. But
11 where we are today, I think y'all have done
12 an excellent job. It's been a year ago,
13 December what, that the PUP happened and
14 this began? Do you remember?

15 MR. GABRIEL: I know OGC killed the PUP
16 on November 5th, but as far as the
17 legislative consideration for outside
18 counsel, I think it was exactly a year ago.

19 COUNCIL PRESIDENT HAZOURI: That's what
20 I was figuring is about a year, but not the
21 beginning of the PUP.

22 I want to thank you all again. I think
23 you have done a marvelous job. As Martha
24 Barrett would say, marvelous. Thank you.

25 CHAIRPERSON PRIESTLY JACKSON: Thank

1 you, Mr. Council President.

2 And I will share with the public we
3 originally had a meeting scheduled on
4 November 16th that we were going to take
5 public comments at that time. And those
6 meetings were canceled because of some of us
7 who were in quarantine and various other
8 issues.

9 So if, by all means, you still have a
10 desire to share information with the SIC, we
11 will be able to accommodate that at our
12 meeting next Monday should that be the need.
13 And we will plan for and budget the time for
14 that accordingly as well at 5:00 p.m. next
15 Monday here in person.

16 Any further comment? Anything from
17 anyone?

18 This meeting is adjourned.

19 (Meeting concluded at 5:46 p.m.)

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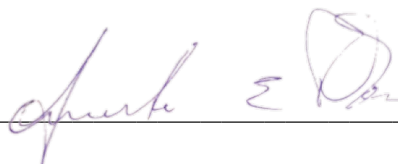
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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF DUVAL

I, Amanda E. Robinson, Registered Professional Reporter, Certified Realtime Captioner, do hereby certify that I was authorized to and did report the foregoing proceedings; and that the transcript, pages 1 through 41, is a true record of my stenographic notes.

DATED this 14th day of December, 2020.



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