SPECIAL COMMITTEE ON THE POTENTIAL SALE OF JEA
AGENDA

Thursday, March 15, 2018
3:30 p.m.
Council Chambers 1st Floor, City Hall

John R. Crescimbeni, Chair
Danny Becton
Anna Lopez Brosche
Garrett Dennis
Joyce Morgan
Al Ferraro
Matt Shellenberg
Lori Boyer
Jim Love
Greg Anderson

Legislative Assistant: Staci Lopez
Legislative Assistant: Mia Richardson
Research Assistant: Jeff Clements
Council Auditor's Office: Kyle Billy
Council Auditor's Office: Phillip Peterson
Office of General Counsel: Margaret Sidman

DATE TAKEN: March 15, 2018
TIME: 3:30 p.m. - 5:56 p.m.
PLACE: City Hall
117 West Duval Street
Council Chambers
Jacksonville, FL 32202

This cause came on to be heard at the time and place aforesaid, when and where the following Proceedings were reported by:

Stephanie Powers Cusimano
Registered Professional Reporter
Florida Professional Reporter
Powers Reporting, Inc.
301 West Bay Street, Suite 1418
Jacksonville, FL 32202
MR. CRESCIMBENI: The Special Committee on the potential sale of JEA come to order. It's Thursday, March 15th, 2018, at 3:30 p.m. in the afternoon. We will start by having everyone introduce themselves for the record. I think I started on this side last time. To be fair, we'll start over here.

MR. CLEMENTS: Jeff Clements, Council Research.

MR. PETERSON: Philip Peterson, Council Auditor's Office.

MR. BILLY: Kyle Billy, Council Auditor.

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

MR. SHELLENBERG: Matt Shellenberg, District 6.

MS. MORGAN: Joyce Morgan, District 1.

MR. BECTON: Danny Becton, District 11.

MR. CRESCIMBENI: John Crescimbeni, I'm Group 2.

MR. DENNIS: Garrett Dennis, District 9.

MS. BROSCHE: Anna Lopez Brosche, Group 1.

MR. LOVE: Jim Love, District 14.

MR. CRESCIMBENI: All right. Thank
you-all for being here. We will have a public comment period towards the end of this meeting, so everybody in the audience that's interested in addressing the committee, there are speaker cards somewhere out there. I didn't see any. If you'll fill those out and bring them back up to the front to the desk or table by the podium, they'll be collected and we'll hear from you a little bit later.

I wanted to start off this meeting on a little bit of a -- kind of on a lighter note before we get into the meat of the subject matter. And staff -- is Mr. Shellenberg set up for queue?

MS. LOPEZ: Yes.

MR. CRESCIMBENI: Okay. So I have a trivia question. I'm not sure what the prize is, but don't yell your answer out. Hit the queue and we'll see who can get this trivia question answered correctly.

The question is, what am I? I made my debut in Chicago in 1898.

MR. LOVE: Wrigley Field.

MR. CRESCIMBENI: Did you get the part about not yelling out the answer? Let's start
What am I? I made my debut in Chicago in 1898. By 1902 there were 81,000 in the United States. In 1905 the first outdoor ones were installed. And by the end of 1925, 25,000 outdoor ones existed in New York City alone. In 1960 the number of outdoor ones or locations in the United States hit a record 1 million. By 1995 that number had grown to 2.2 million. By the end of 2012, however, the Federal Agency that regulates me reported only 243,487 remain.

What am I?

Mr. Becton.

MR. BECTON: My guess, light bulbs?

MR. CRESCIMBENI: A good guess,

Mr. Becton. It's not the right one.

Ms. Morgan?

MS. MORGAN: Telephone.

MR. CRESCIMBENI: What kind of telephone?

MS. MORGAN: The --

MR. CRESCIMBENI: It's the original --

MS. MORGAN: The one -- the telephone booth?

Mr. CRESCIMBENI: Public pay phones.

MS. MORGAN: Pay phones.
MR. CRESCIMBENI: 2.2 million in 1995, 400,000 plus in 2012.

Okay. With that said, our first --

MS. MORGAN: What do I get?

MR. CRESCIMBENI: I'll have to decide. I think you get a free -- I'll going to get you a three plus --

(Laughter.)

MS. MORGAN: Thanks a lot.

MR. CRESCIMBENI: You get the gold star. I'll bring a gold star and we'll put it on your name plate for next week.

Anybody in the audience have that guess, raise your hand.

(Raised hands in the audience.)

MR. CRESCIMBENI: Oh, sure. It's all -- all the hands will go up.

All right. We had some action items from our last meeting. I think we had five or six. We're not going to have all those ready today because of the time constraint of a one-week turnaround, but we will have here several -- several of them crossed off the list.

We're not going to have a ten-year look-back on JEA's revenue and expenses that I
think someone asked for. That wasn't quite
ready today.

JEA does not have their philanthropic
expenditures and volunteerism statistics for
the past five years, and the FEMA reimbursement
schedule is not going to be ready for today.
Everything else, I think, we should cross off.

One of the action items from the last
meeting was getting a current status report on
the RFP that was done in December, and I think
Mr. Becton had asked perhaps whether the
administration might consider not moving
forward with that till the committee finished
its work.

I invited Mr. Mousa to attend today. He's
going to address those two points. He stepped
out of a meeting, so I'm -- I promised to take
him up first so he can get back to his
meetings.

So, Sam, if you want to come up and
address that, I would appreciate it.

MR. MOUSA: Thank you, sir. Sam Mousa,
Mayor's Office.

MR. CRESCIMBENI: Sorry. Mr. Dennis, did
you have a question?
MR. DENNIS: Yes.

MR. CRESCIMBENI: Go ahead.

MR. DENNIS: Through the Chair, I thought that this was going to be under oath, so how is that working?

MR. CRESCIMBENI: Well, we're going to talk about that in a few minutes, so -- actually I put that kind of towards the end of the agenda. You want to talk about it now? I was hoping we could postpone. Because I didn't -- all the speaker cards for use today are just the regular speaker cards, they're not oath speaker cards.

MR. DENNIS: Well, we're going to have a lot of people speaking today, and I just want to make sure that, you know, we set the ground rules at the beginning. I thought that's what we talked about last week.

MR. CRESCIMBENI: We talked about -- we did talk about that, but there was a memo that came out yesterday late, I got copies for you today, that expresses some concern about that. And I just wanted to have that conversation before we actually embarked on that process.

MR. DENNIS: I don't know Mr. Mousa's time
frame for him to be here, but I think that
that's appropriate since that's -- that was the
impression I was under.

MR. CRESCIMBENI: Ms. Sidman -- Mr. Mousa,
how much time can you --

MR. MOUSA: So I'll make whatever time you
decide I'm going to be today.

MR. CRESCIMBENI: All right. Ms. Sidman,
I have this as item 8 on our agenda, but it
looks like we're going to go to item 8 now.

Ms. Sidman, I think in your packet -- it's
probably the last item in your committee
packet. This is a -- maybe not. Let's see if
I can find it. It's a memo dated March 14th
from the Office of General Counsel. It should
be in your packet somewhere. So, Ms. Sidman,
do you want to go ahead and talk to the
committee about the oath process and the
subpoena process?

MS. SIDMAN: Through the Chair, the last
meeting you asked us to come up with -- I did
write a white paper. We did a memo on this
issue, and I'd like you to refer mostly to the
memo, but, in summary, in furtherance of your
legislative action, the Special Committee can
issue subpoenas and issue those. And the
manner in which that would take place is there
would be a majority vote of the committee to
issue the subpoena. The general counsel would
draft it, the Council's secretary would issue
the subpoena, there would be a service of the
subpoena by the JSO, and that would state the
date and time and generally a statement about
which the individual who is testifying, and the
witness would appear and/or testify. If the
witness refused to appear and/or testify, the
chairman of the committee, by majority vote of
the committee, would report to Council. And
the Council by action of a resolution would
have an order of a Council attached to it if
that were to pass through.

That then would be served -- the order of
the Council would be served with a date and
time and a general statement, served by the
sheriff, and the witness would be requested to
or compelled to appear. And if, again, that
witness didn't appear and/or testify, then the
Council would report that failure to comply
with the Council order to the State Attorney's
Office.
And these are steps that are outlined in
Section 134 -- Chapter 134 of the Ordinance
Code, your Council Rules 2.208 and 2.210, and
also the charter, 5.09.

MR. CRESCIMBENI: All right. In part of
the memo -- I don't know if it's your memo.
The memo that I got late yesterday afternoon
talked about some policy perspective that the
committee probably should consider with regard
to oaths and subpoenas. Do you want to address
that or do you want to read from your -- from
the OGC memo?

MS. SIDMAN: You want me to address that
or Mr. Gabriel?

MR. CRESCIMBENI: Whoever. Mr. Gabriel,
you want to address that?

MR. GABRIEL: Sure. Good afternoon,
Mr. Chairman. Jason Gabriel, General Counsel.

As stated in our March 14th memo from last
night, the policy called here is that you
should exercise some judiciousness in this
power, the power of subpoena, the power of
administering an oath.

So let me start with, you, the Council,
the legislative body, have per the charter
investigative power, and in that investigative power is the power to administer oaths or issue subpoenas.

That power, at least the power to administer oaths, is typically and, in fact, always routinely used in quasi-judicial settings. For a lot of you who served on LUZ and even in your capacity on City Council, when you're taking rezonings and things like that, those are typically settings where one would -- would take an oath.

It is seldomly used, and, in fact, I don't know of any example in the last 50 years where an oath was administered for a policy matter, which would be this sort of thing that you're discussing here, with the potential sale of the JEA. That's a policy call.

When we did our research on the nature of oaths and the nature of subpoenas, they're typically reserved for judicial proceedings, and so the reason they're typically used in these quasi-judicial-type settings is because you're preserving the record, you're preserving evidence or obtaining evidence and keeping it, keeping it preserved in case there's subsequent
And that's why you have, you know, typically in an LUZ setting or a planning commission setting, you have a corporate order and things like that.

So you're not prohibited from utilizing the power of the oath and, if necessary, subpoena in a policy discussion, which is what you have before you here, but what we would ask is that you exercise that power with deliberation and with cause.

Subpoenas, when they're issued, pursuant to case law have to be focused and they have to have a relegated scope. So it can't be a free-for-all of a request for information, it has to be relegated to a mission and a purpose, which I would glean the mission and purpose here to be what was in the Council President's memo and directive for this committee, and it would have to be in the realm of the jurisdiction of the legislative body. So, in other words, this body would not be able to delve into the personal affairs of any of the witnesses that will come before you and so forth.

So the concerns are separation of powers.
The executive branch obviously has a prerogative to be able to go to look and investigate assets, operations of the government and things of that sort, and they have the ability to negotiate and bring transactions and proposals and policies before this body. Of course, then this body has the ability, the prerogative to investigate, analyze the information given and decide what it would like to do at that point.

So I'm basically just sort of briefly paraphrasing what we put in our memo, but those are the sorts of considerations that should be taken into account before doing that, because underlying the notion of administering an oath is the notion that perhaps, unless it's a quasi-judicial hearing that in a policy context that that -- the information being given is not trusted or things of that nature. So it puts it in this sort of posture of quasi-litigiousness.

And in that vein, if people are going to come up here and take an oath and that sort of thing, they're going to likely seek legal counsel. They should, I would advise they seek
legal counsel. I would advise that they be circumspect in the information they give you. I would advise that if they are ever in doubt, that they should say, I don't know, or, I don't recollect. It's the same sort of counsel we give if someone were being deposed or things of that nature.

So those are sort of the things that are in the memo. I'm happy to answer any other questions if you have any. I would take the time to read the memo and certainly, you know, I'm available for any questions regarding that.

MR. CRESCIMBENI: Again, I thank you, Mr. Gabriel.

I received this memo late yesterday. This meeting agenda was kind of, like, already out of the gate, but this paragraph on page 2 is the one that kind of drew my attention. It says, "While perhaps intended to elicit the free flow of factual evidence, administering an oath may very well have the opposite effect and in fact stymie witness testimony or information because it will almost certainly encourage witnesses to be extremely cautious, or seek legal counsel as to what they may say, fearing
that any word or utterance might cost their freedom with the potential penalties of imprisonment and fines hanging in the backdrop."

So I scheduled this as an item towards the back because I was -- I wanted to have this discussion before adopting any policy without the committee's input and direction.

So I have a few people on the queue.

Mr. Dennis.

MR. DENNIS: So through the Chair to General Counsel Gabriel, so you're saying that we should proceed in caution because there isn't any precedent for using the oath and subpoena in this type of setting?

MR. GABRIEL: Through the Chair to Council Member Dennis, in so many words, maybe what I would say is -- and actually I'll read this paragraph and this will probably answer your question from the memo, and it's the paragraph right before the one the chairman just read, but, "Since consolidation (for almost 50 years) employees and officers have attended hundreds of Council or Committee meetings on their own prerogative or at the request of Council
Members. Since issuing a subpoena suggests that the only way to compel testimony or provide documents is through force, such power should be reserved as a last resort, used only when requests for information or attendance have been declined or neglected. To do otherwise may create questions in any judicial proceeding instituted to enforce the subpoena."

And I only say that just -- I urge caution, that's all. You know, I think it's a power -- it's certainly a power that you have. I would just recommend and advise, because it gives it this in preemptor of significance. And that's not to say that everyone that gets up here -- everyone that gets up here is assumed to be telling the truth and must be telling the truth whether they've been administered an oath or not.

MR. DENNIS: So through the Chair to Mr. Gabriel --

MR. GABRIEL: Sure.

MR. DENNIS: -- so this committee is to review the potential sale of JEA. Do you feel that that is of significance? JEA, which is our largest and most valued asset, do you think...
that that rises to that level of significance
to know the true -- you know, on the charge of
the -- of the -- of the mission, the charge for
this committee? You know, you're our -- you're
the general counsel for the consolidated
government, and so I'm asking you as my
attorney, or as our attorney, does this rise to
the level of significance to know the
information that we're receiving? because at
the end of the day we're going to have to make
a decision, we need to know the truth, the
whole truth, and nothing but the truth.

MR. GABRIEL: Sure. Through the Chair to
Council Member Dennis, absolutely. This is a
very significant topic that you're discussing,
a very important one. I'd expect a lot of good
productive discussion.

I also would submit that the officers and
employees, the potential witnesses that would
appear before you, if they're hired by the
City, the JEA, that there is automatically
attached to that this understanding that
they're always going to tell the truth and
cooperate with this body and any other body
that they deal with.
So while absolutely it's a significant item that y'all are discussing, considering, and analyzing, at the same time I would also underscore the importance to trust the employees and officials that come before you.

MR. DENNIS: So -- through the Chair, this is my last question, so your office deals with a lot of issues, and I know as finance chair, I know I have to sign off on settlement agreements that your office has reviewed to say, okay, you know, we've reviewed this and, you know, we want to pay the settlement, we want to make the settlement.

In your quest to determine this is a case we need to settle, do you -- does your office take an oath or have witnesses to attest? I mean, how do you find out the truth in order to determine to sign off on the settlement? Because I'm hoping that the information that I'm getting, every settlement that I sign off, that my name is attached to, you know, I'm -- I'm looking towards the general counsel to have vetted thoroughly and made sure that everything that's in those documents, those legal documents that I'm signing is truthful.
So I'm just trying to -- because on one hand, it's okay. On the other hand, you know, we need the truth. We're talking about dollars here. So can you -- can you explain that to me, kind of help me out, because right now I'm a little confused.

MR. GABRIEL: Sure. Through the Chair to Council Member Dennis, those documents that you're discussing, they're reviewed by a host of folks, depending on what the issue is, risk management, Office of General Counsel. And in varying degrees in the litigation process, some of them are pre-suits, some of them are later down the road. And as officers of the Court -- we're attorneys, we're officers of the Court, we have an oath that we take when we get our license and --

MR. DENNIS: Sure. Now the --

MR. GABRIEL: -- it is a perpetual oath that is always involved with anything we do before you're seeing --

MR. DENNIS: But my question is, you know, the other people that -- not your office, but I'm talking about the plaintiff, people that might have saw someone slip and fall, how do
you know they're telling -- are they -- when you're investigating or trying to get to the -- to the answer, do they take an oath, do they attest, or it's, you know, we -- it's -- whatever you tell us, we'll take it because at the end of the day, there's going to be a settlement -- potential settlement of thousands of dollars, maybe millions of dollars? I'm just curious on not the employees, but the people that you go out and seek to come to a conclusion of whether we settle or we take this to Court.

MR. GABRIEL: Sure. Through the Council -- through the Chairman to Council Member Dennis, again, it all depends on at what degree or at what legal or what stage of the litigation, you know, the settlement happens. Sometimes it's a little down the road where we've gone through depositions and things like that, depositions are under oath, and things of that sort. Sometimes it's early on and it's based on police reports and things like that, just depends.

But I think what you're asking, completely underscore is what I had -- you know, what I
was discussing at the outset of this whole thing, which is -- and it's exactly your point, that that is absolutely fair game and absolutely routine practice when we're in a litigious -- a litigious or a judicial proceeding, absolutely. Just like, again, when you put your quasi-judicial hats on, that is a routine -- it becomes a routine-type evidence obtaining, evidence preserving sort of wrap-around the stuff you're dealing with, but the point was that in policy -- in typical legislative policy, making rules, it's not routine and it should be judicially exercised.

MR. DENNIS: I apologize to the Chair, I know I said it's my last question, but this is definitely my last question.

So as our attorney, as the attorney of the, quote, consolidated government, does this rise to the level of significance to where we need to have the truth? When people come before us and speak to us about the potential sale of JEA, billions of dollars, does this rise to that level of significance or should we just -- you know, it's not important, we'll just take everybody's word about it? I need to
know as my attorney, as the Council attorney, as the attorney of the consolidated government.

MR. GABRIEL: Through the Chair to Council Member Dennis, it's of absolutely paramount importance that y'all deliberate, get all the facts you need, and understand it and analyze it, and take your time prior to making a decision. And at the same time, I will -- I will assume for purposes of the folks that come before you that any officers or employees that come before you are telling the truth. And so the measures and the methods of subpoena and oath are certainly reserved for your -- and I would call it a policy decision on your part, whether you want to invoke those or not. They're not necessarily mandated in this context.

MR. DENNIS: So the question asked, as our attorney, does this rise to that level of significance?

MR. GABRIEL: Okay. So through the Chair to Council Member Dennis, the decision to invoke the power of subpoena or administering oaths is your call. What I'm telling you is when they're typically used and when they're
seldomly used.

Now, separate and apart from the fact that which you have before you, this multibillion-dollar potential transaction is of paramount importance is two separate things.

MR. CRESCIMBENI: Thank you, Mr. Gabriel.

Mr. Becton.

MR. BECTON: Thank you. Through the Chair. I was hoping you could answer my question so I wouldn't have to speak, so I'll approach this a little differently.

You know, I heard you loud and clear, and certainly talking about it being a policy decision, but wouldn't you agree that this is probably the largest and complex public decision in the history of this county?

MR. GABRIEL: I probably would agree with that. To the issues of a --

MR. BECTON: Okay.

MR. GABRIEL: -- yeah, I would agree with that.

MR. BECTON: So couldn't you kind of take from that answer that -- would you say that this is a very unique policy matter based on facts that are paramount to making that policy
MR. GABRIEL: Sure. Through the Chair, sure.

MR. BECTON: Okay. So this is quite unique and it's not just your typical run-of-the-mill policy matter, correct?

MR. GABRIEL: Correct.

MR. BECTON: Okay. Thank you.

MR. CRESCIMBENI: Mr. Gabriel --

Mr. Becton.

MR. BECTON: Yeah, one more question I thought of. I was going to ask Mr. Mousa a question if he'd come up.

MR. CRESCIMBENI: Is it on this subject?

MR. BECTON: It is. It is.

MR. CRESCIMBENI: Mr. Mousa, do you care to opine on this subject?

MR. MOUSA: I don't have an opinion, sir, on --

MR. BECTON: No, I want to ask you -- I just want to ask you a question. You were -- through the Chair, you were asked to come up a few minutes ago and kind of were going to opine on a question that I think you were knowledgeable of what might be asked. Would
serving under oath on that question, would it
affect your -- your ability to answer that
question in terms of -- I think if you just go
to the agenda, we were just going to talk about
the RFP process and maybe pausing -- asking the
administration to pause on that. Would that --
would that affect one way or the other your
presentation to us today?

MR. MOUSA: Through the Chair to Council
Member Becton, Councilmen, I have provided
testimony to this committee, to this body on
off-and-on times for the last 30-some-odd
years. At no time have I ever not told the
truth before a committee of the Council or for
the Council as a whole, and I don't intend to
start that practice today.

MR. BECTON: No doubt. I just, I guess,
wanted to find out if there was some, you know,
pre-mandate that if -- if this committee were
to go in that direction, that, you know,
someone might advise you that you'd have to not
opine on anything that we had asked today.

MR. MOUSA: So it's my understanding, I
wasn't going to opine on anything today. I was
going to answer questions today.
MR. BECTON: Okay.

MR. CRESCIMBENI: He was going to answer the action item about the status of the R-- -- I said, Sam, if you will come to the meeting, we'll get you in and out. He was going to come here to talk about the status of the RFP from December.

And, Mr. Becton, do you have any questions, you were at the last meeting, about whether the administration is agreeable to putting that part on hold until this committee finished its work? That's why I asked Mr. Mousa to come here to --

MR. BECTON: And that's exactly what I guess I should have come straight up and stated.

Given what the Chair just said, would it deter you in any way if the committee were to take that -- start that oath process today in just a minute, would it deter you in any way in you helping us in that regard?

MR. MOUSA: Mr. -- through the Chair to Mr. Becton, Mr. Becton, as I previously stated, I have never, will I ever provide anything other than the truth presenting to this
committee or any other body of the Council.

MR. BECTON: Okay. Thank you. Thank you, Mr. Mousa.

MR. CRESCIMBENI: Well, if that's your position, Mr. Mousa, who is your favorite Council member?

MR. MOUSA: Sir, if you might let me answer that, if Sam Newby was here, I would tell him he's the better looking Sam.

MR. CRESCIMBENI: Council President Brosche.

MS. BROSCHE: Thank you, Mr. Chairman.

I -- you know, even based on what we just heard, we talked last time about starting this process with doing this, you know. I think the memo speaks much more on the subpoena power, which I don't think anybody was planning to come out of the gate and start issuing subpoenas, and that that would have been reserved for whatever this body felt necessary, and I believe that would never be the case.

But as it relates to administering an oath, this group discussed last week about the fact that setting the tone from the beginning, that everyone was going to be treated the same
when they came forward, and that we weren't
going to switch gears midway along the way and,
you know, treat anybody differently. And if
indeed everyone is here to deliver the truth,
then doing so under an oath shouldn't be a
challenge.

And so I agree with Councilman Becton that
this is the most significant matter that has
ever come before the Council, and it is of
extreme importance that we're getting to the
truth and getting to the facts. And so I
haven't changed my position from last week,
from this memo, and I appreciate the
follow-through on the request to understand
subpoena power, which is really what we were
trying to dig more into. And so that's my --
that's my decision.

MR. CRESCIMBENI: Thank you, Councilwoman
Brosche.

When I read the memo, what came to mind
was having an attorney standing next to a
speaker and every question that we ask, pausing
until they had an exchange about how -- or what
approach would be the answer. I just felt like
we needed to talk about that because that's
going to be a huge time constraint.

And the other problem I had was, are we going to swear in Ms. Sidman, Mr. Gabriel, our Council auditors? I'm -- I think that -- if we're going to take that approach, we need to decide is it going to affect everybody or are we going to exempt the General Counsel's Office.

I think in the conversation that we had with Mr. Mr. Gabriel about this memo, lawyers typically don't take oaths, is that correct, unless they're a witness in a claim or something?

MR. GABRIEL: To the Chair and to the Committee, that's correct, because we're -- we're your lawyers or your legal counsel, we're not witnesses.

MR. CRESCIMBENI: You've already taken an oath?

MR. GABRIEL: Yes, a perpetual one at the beginning.

MR. CRESCIMBENI: Those were the concerns that I had.

Mr. Shellenberg.

MR. SHELLENBERG: Thank you, Chair. I
just want to make a comment. I've been here seven years, and I've never found that the data that they gave me has been inaccurate in any kind of stretch of the imagination. When you ask them to opine, they might differ on what is said, but if you're asking for specific information regarding the growth or the decline or what's going on with employees, then -- you know, then possibly how many can be fired in a certain period of time, they've always been incredibly helpful and accurate to us.

I agree with you that I don't want a lawyer sitting next to them and -- with all the lawyers. And, of course, the lawyer will tell them to be as broad as possible. And then the next question, if you do it, who's going to pay for the lawyer sitting next to them? Is it going to be a City Council contingency fund, is it going to come out of the general fund?

I just find that we've been here -- I've been here seven -- almost seven years. I've never found it necessary to do it. We thought about giving it, I think, in a previous -- one previous administration that we fulfill that requirement, but I think that we're going to
the extreme. Either you believe what they say
or you don't, and we don't need to hire anybody
to have them -- have a truth meter out there to
tell us if it's truthful or not. We will know,
and I'm pretty sure that the administration or
somebody of the management over at JEA thought
their employees were lying to us, they would be
fired on the spot. So I find this is an
unnecessary discussion regarding oaths and
subpoenas because they are -- if you ask them,
they seem to always come, they come to our
offices whenever we require some additional
information. So I appreciate the discussion,
but I think this is a non-starter and I find
this -- this -- this discussion not
appropriate.

MR. CRESCIMBENI: All right. I have no
one else on the queue, so we probably need to
address this one way or the other. Do you want
to decide on policy right now or do you want to
think about it and proceed with our meeting?
What direction does the committee want to go
in?

Let the record reflect Councilman Ferraro
has joined us as has Councilwoman Boyer, who is
sitting in the quarantine zone out in front.

Mr. Dennis.

MR. DENNIS: Through the Chair to the committee, I offer a motion to swear one in that comes before us. I'm not saying that -- I think that I've got misinformation, you know, this past, you know, three years -- two and a half, three years, three years, it goes by so fast on this Council. I feel I've gotten some information -- some misinformation or something different that's -- that hasn't been quite accurate for one reason or another. And again, it's something that we talked about, and that I think there's an expectation that we're going to -- you know, that is -- this is something that we're going to do.

So I offer a motion that we swear everyone in that -- that speaks down there. You know, I don't think that anyone sitting up on the dais should be sworn in, but if they come to the podium and they're giving us information, I do have an expectation for them to be under oath and tell the truth. And if they're telling the truth, you know, what's the big deal? You know, what's the big deal with, you know,
holding your hand up and taking an oath if
they're telling the truth? So I offer a motion
that we start off by putting everyone that
comes before the podium to speak before this --
this committee under oath.

MR. CRESCIMBENI: Thank you, Mr. Dennis.

Is there a second to that motion?

MS. BROSCH: I second it.

MR. CRESCIMBENI: Thank you. That was by

Council President Brosche. Discussion?

Mr. Becton?

MR. BECTON: Thank you. Through the
Chair, you know, certainly this is a very
somewhat cuff decision because we're going to
have a lot of colleagues come up in the
administration like Mr. Mousa, yes, this is not
for him. We've never, you know, certainly
questioned his integrity or what he has come up
to say.

But as Chair, you -- in our charge, we
also talked about having -- and we spent time
this week looking over the RFP to have, as you
put it, a truth meter up here. And if we're
not worried about truth, then we don't need a
truth meter, we don't need a consultant up here
because there will be nothing up here that
doesn't come to us that's truthful.

But there's a part of this that this is by
far, I don't think it's even close to
whatever's in second place, the biggest policy
decision based on questions that we'll ask --
that it's understandable somebody comes up and
says -- you know, let it be known that, you
know, I'm not 100 percent sure about this or I
don't have exactly the facts, but there'll be
questions for which we really need the accurate
answers to in order to get to the -- you know,
our vote at some point in the future. And I
don't -- you know, and so I'm kind of like my
colleagues, I don't want to pick and choose
who -- who I -- you know, Mr. Mousa, you know,
comes up and here gives me absolute truth and I
wouldn't require to swear him on any given day,
but someone else that might come up here and
I'm like, you know, I'm not sure, I don't want
to pick and choose.

So it's a question as are we going to be
consistent, do we need a consultant to come up
here and be as we refer a truth meter and have
the -- the integrity of every constituent out
there watching this of whether we're getting
the right answers and so forth? I'm sure we
will get 99 percent of the right answers, but
this is so paramount of a decision on behalf of
the Council that I think I'm leaning to
supporting the motion and just starting from
scratch and -- and having the consultant up
here to give us the answers or the evaluation
of what we're hearing to the point where the
Planning Commission every Thursday -- or every
other Thursday swears everybody in. And, you
know -- and, you know, it doesn't seem like
it's a farfetched requirement. So thank you
for letting me opine on that.

MR. CRESCIMBENI: Thank you, Mr. Becton.

There's no one else -- oh, Ms. Morgan.

MS. MORGAN: Yes. Thank you so much.

Through the Chair, I pretty much feel the same
way. I believe that we just have to set the
standard, we have to be consistent, and we have
to start the process from the very beginning
and start out the gate. It is what we are
charged to do. It is not personal in any
stretch of the imagination and we don't want it
to be personal. And this is the way that we
keep it from becoming personal. This is our way that -- that we absolutely remain fair to the process from beginning to the end. And so I definitely support that we just take the oath and be done with it and take it for everyone. Thank you.

MR. CRESCIMBENI: Thank you, Ms. Morgan.

Mr. Shellenberg.

MR. SHELLENBERG: Just a comment. So if someone comes up and doesn't want to take the oath and he's waiting for a lawyer to be hired, and, of course, you need to determine if he's going to pay for that lawyer, if he declines -- if he or she declines, then you have to go through the subpoena process, which listening to the process could take a month or six weeks to actually get them to respond because he can deny the first one, possibly deny the second one, until it gets to most -- over to the State Attorney. So you go through a month, five weeks without getting some answers because the person declines the -- to taking the oath and maybe have -- want to have a lawyer next to him or her. Thank you.

MR. CRESCIMBENI: Thank you. There is no
one else in the queue. All those in favor of
the Dennis motion, which would require, if I
understand it, speakers at the podium to be
sworn in prior to their comments or
presentations or answering questions, all in
favor say yes.

THE COMMITTEE: Yes.

MR. CRESCIMBENI: Those opposed say no.

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: All right. That motion passes.

All right. So, Ms. Sidman, how do we administer the oath? On a case-by-case basis?

MS. SIDMAN: Through the Chair, there's a provision in Section 134.102 that describes the oath, and it basically reads, "Do you solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth under penalty of perjury?" So I would imagine that you would --

MR. CRESCIMBENI: Do you have everybody -- do we administer that on a -- not a case-by-case, but a speaker-by-speaker basis? I think the Planning Commission, they do it at the beginning of the meeting, don't they? It's
like a -- you just have everybody stand up,
agree who is going to speak at the outset? How
do we want to handle that?

MS. SIDMAN: My advice would be since it's
under penalty of perjury, you need to have each
person separately affirm that they're going to
tell the truth. So each and every person that
you have --

MR. CRESCIMBENI: Is that something you
can administer if they come up to the podium
since you've got the verbiage there in front of
you?

MS. SIDMAN: I'll be happy to give it to
the court reporter to administer.

MR. CRESCIMBENI: To the court reporter to
administer?

MS. SIDMAN: Usually that's how it happens
during a deposition.

MR. CRESCIMBENI: This isn't a deposition.
So is that something you can do?

Mr. Gabriel, can you provide some --

MR. GABRIEL: Sure. To the Chair, I mean,
the Planning Commission is -- typically the
court reporter that administers it on a case
by -- as each person --
MR. CRESCIMBENI: Speaker-by-speaker basis?

MR. GABRIEL: Speaker-by-speaker basis, that's usually --

MR. CRESCIMBENI: We're able --

MR. GABRIEL: The Chairman can administer it to them.

MR. CRESCIMBENI: Does the court reporter have that verbiage?

THE COURT REPORTER: (Nods head.)

MR. CRESCIMBENI: All right. Probably committed to memory; is that correct?

THE COURT REPORTER: (Nods head.)

MR. CRESCIMBENI: Back to item 3, Mr. Mousa, will you still address the committee on the RFP status -- the current status of the RFP? And Mr. Becton may have questions for you.

So, Court Reporter, please.

THE COURT REPORTER: Would you raise your right hand, please. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth so help you God?

MR. MOUSA: No, ma'am. I refuse to take
this oath.

MR. CRESCIMBENI: Okay. So where does that put us, Mr. Gabriel?

MR. GABRIEL: To the Chair and to the Committee, that's not a part of my memo.

People that come here are free to exercise their rights. They can decline to take the oath. At this point it's your prerogative to continue to ask questions without the oath being administered or he can -- you can dismiss the gentleman at the podium and stop asking him questions, and that's the end of it.

The only way to compel anything else other than communicating and requesting would be through subpoena.

MR. CRESCIMBENI: Okay. Do we want to hear from Mr. Mousa today?

MS. BROSCHE: (Shakes head.)

MR. CRESCIMBENI: No? All right. Thank you, Mr. Mousa. I'm sorry we tied up your meeting schedule.

MR. MOUSA: No problem, sir. You're more than welcome.

MR. CRESCIMBENI: Thank you.

All right. Mr. Dennis.
MR. DENNIS: Through the Chair, so since we had a question of Mr. Mousa and he won't take the oath, so do we need to proceed with subpoena and the -- how does that work? Do we want to proceed with the -- with the agenda and then at the end we address on --

MR. CRESCIMBENI: Well, let's -- my recommendation would be let's proceed with the agenda, see if we have any others that refuse to take the oath, and we can collectively deal with them all at one time. Is that agreeable?

All right. Oh, I'm sorry, you're up next anyway. So you're here to talk to us about the -- item 4, you're here to talk to us about the -- your March 12th memorandum on the financial-related services, the RFP that we just talked about. I think you had responded to questions that I had sent to you, that Councilwoman Boyer had sent you, Mr. Becton. And also address the February 13th memorandum on the process for evaluation. I think there's copies of both of those in your -- in the meeting packet that was given.

So we'll take the -- we'll take the -- the financial-related services memo first, that was
going to come on the heels of Mr. Mousa's remarks, and then we'll go to the process for the evaluation.

MR. GABRIEL: Okay. To the Chair and to the Committee, I know the process memo I had distributed, I believe, to all the Council members -- I apologize, I don't recall if -- I think the financial services memo I may have only sent to the two Council members that had asked questions about it. So I'm not sure if everyone -- does every- -- I'm sorry, does everyone have that memo --

MR. CRESCIMBENI: Everybody has a copy of it in their packet.

MR. GABRIEL: All right.

MR. CRESCIMBENI: So if you want to run through that quickly.

MR. GABRIEL: Sure. And I broke it out in nine questions. I think seven of them were posed by Councilman Crescimbeni and the last two, eight and nine, were posed by Councilwoman Boyer.

But, you know, in a nutshell, the question was asked in the pursuit -- in the City's pursuit of the PFM financial-related services
third-party procurement of potential investment
advisors for the review of City estates, the
question was asked whether that was properly
done.

And essentially the answer to that is yes,
pursuant to Section 126.313 of the Procurement
Code, this is what's considered one of those
professional sort of niche services. And in
that provision, it provides for the authority
of the Director of Finance, the City treasurer,
and the procurement chief to put together a
policy. It's referred to in there as the, I
think, treasury and pension procedures and
policies, which, in fact -- so it authorizes
those three folks to put together sort of these
universal standards for the procurement of
financial-related services through this as
policy.

And so my next inquiry was was that
followed, and the answer was yes, because there
was a policy that was approved and signed by
all three of those parties I mentioned as of
October 17th, 2016, and that policy and
procedures is attached to this memo.

And in line with that, this particular RFP
through this third-party PFM was procured. And
there were some -- I guess an assortment of
when he did, if that was brought. I'm not
sure. You know, that's -- I guess those are
some of the questions you had, what the status
of those are, but that's -- you know, that was
the process that was followed.

This is all authorized in that procurement
 provision. This is a process that we -- you
know, I'm just trying to look and see if this
was the process that was followed. My
understanding from the Finance Department, it's
a process that's -- this particular type of
process is one that was followed several times
in the past.

One of note was, I think, in 2015 or '16,
I mention this in the memo, this was a process
was followed by the City in the PFM for a team
of underwriters for the potential issuance of
City bonds recent to the previous RFP. And
what was important here was the privity of the
contract between the City and PFM. And, in
fact, PFM has been a known advisor and procured
vendor for the city since at least 1995, as far
as we could tell, and certainly we saw that
there was a relationship since 2005.

So that is the gist of that memo and that order.

MR. CRESCIMBENI: So, Mr. Gabriel, typically RFPs that come through the procurement office internally, all internal RFPs, are made available for public viewing on the city's website. Is there any requirement that that occur for purchasing or the seeking of RFPs or RFPs that they're publicly placed somewhere for the citizens' inspection?

MR. GABRIEL: To the Chair, that is a policy followed for the procurement office, and in this case, I would say coordination with the Finance -- with the Finance Department. And it's not -- I mean, it's something to do with --

MR. CRESCIMBENI: So there's nothing in the Ordinance Code that requires RFPs or any solicitation by the city for services, products, et cetera, to be publicly posted somewhere or made available to the public?

MR. GABRIEL: That is correct. And certainly in this case, in a financially related services case, that is correct.
MR. CRESCIMBENI: Questions for Mr. Gabriel?

Council President Brosche?

MS. BROSCHE: Thank you. Through the Chair to Mr. Gabriel, so you mentioned that we used this in 2016 to procure the -- what services was it?

MR. GABRIEL: It was to assemble a team of underwriters for the potential issuance of City bonds.

MS. BROSCHIE: Okay. And -- and this particular code section that allows this has existed since?

MR. GABRIEL: I'd have to -- to look at it. I know it's been for a while, certainly the past few years. I don't know exactly when. We can find that out.

MS. BROSCHIE: And prior to the 2016 use of this particular code section, are you aware of how many times we've used it since it's been put in place or can you look that up and provide that information to me?

MR. GABRIEL: Sure. Through the Chair to Council President Brosche, I actually asked that question when we were kind of reviewing,
and I was told several times, but we can find
out exactly what that number is. I would --

MS. BROSCH: That would be great, and

what they were for would be great.

MR. GABRIEL: Sure.

MS. BROSCH: Thank you so much.

MR. CRESCIMBENI: I have no further
questions on that topic.

So do you want to go to the process you've
done of the February 13th memo?

MR. GABRIEL: Sure. After the November
7 -- 2017, JEA board meeting where there were
talks about exploring the potential
privatization of the JEA, my office began to
receive inquiries, and naturally so, as to
process from some of the Council members. And
so in response to that, my office began to
immediately embark on gathering data with
respect to the JEA, including researching, for
example, what agreements affect JEA, so just
their local agreements with neighboring
jurisdictions, what legal liabilities are out
there, what real estate interests are involved,
and what approvals and regulatory hurdles would
be necessary.
So to answer those questions -- you know, the answer to those questions would be dependent on what a potential sale would look like. It could be a sale of the whole utility, it could be the sale of part of it. So where this exploration that y'all are undertaking here goes will dictate the legal counsel that we provide.

So in that vein, our office put together a summary of the process as depicted in the memo that's before you, this February 13th memo, which generally illustrates the items involved in the process.

So as noted in the memo, we're still undergoing a vast comprehensive review of all the agreements and matters that affect the utility. This will be an ongoing project. And whether the potential sale goes forward down the road or not, this legal undertaking at least is a valuable, I think, and prudent exercise which will centralize information and help us at least quantify the asset from a legal standpoint.

(Mr. Anderson enters the room.)

MR. GABRIEL: So what we anticipate is
that where and how far you go with this exploration will inform the level of detail and the scope of the counsel that we provide along the way.

So with that in mind, I'd like to just briefly go over the contents of the memo, and, then, of course, remain available for any questions you have.

So I'll start with just a sequencing of the memo, essentially the charter, we'll start with the charter, which pertains to the JEA. In this case it's Article 21. And that provides that any transaction that involves the transfer or sale of more than 10 percent of the total utility system requires the approval of Council. The JEA charter article also has a provision in there that is completely unique to the Council with respect to your amendatory powers that at the surface, first-glance level may appear to be a high threshold, but is, in fact, a very pact power that this Council, this legislative body holds in relation to any authority, and that is -- it basically says, notwithstanding contrary provisions to the charter, the Council may, in fact, repeal or
amend any portion of the JEA charter article by a two-thirds vote of the membership of the Council. And this is, of course, subject to a prescribed timeline, holding a hearing at least 60 days prior to action as well as the veto power of the mayor, which could be overridden by this Council by a four-fifths vote of the entire Council.

So in the realm of authority, for purposes of authority, it's an executive branch prerogative, that I mentioned earlier, to be able to explore the operations and assets of the city and propose ideas, philosophies, or negotiated transactions would seek to promote a certain community vision in line with public interests. In this context that can be exercised by the mayor's office, the JEA leadership, both, with input from this body. And in your legislative capacity, of course, you're in a position where you will at some point, right now actually, analyze this whole notion and, in fact, at some point review proposals, analyze them, and inquire, approve, or disapprove those proposals. So it ends with this body.
So in that context, the items at play, while undertaking this exploration, this potential exploration of privatization, it would include the following, and I'll just -- for purposes of brevity and just sort of organization, I'll lump it into sort of four sidenotes. One would be Interlocal and Franchise Agreements that affect the utility. So this would include a review of applicable agreements, which include Franchise and Interlocal Agreements. For example, the JEA has electric-related agreements with the town of Orange Park, the town of Baldwin, and Atlantic Beach. It also has water and waste water agreements with Nassau County and St. Johns County. Those agreements need to be reviewed to determine what approvals or negotiations are needed to effectuate any transfer.

The second tranche is a review of real estate assets. We'll need to review all governmentally owned, leased, managed, operated, or controlled properties that are associated with JEA utilities. Some of those properties may contain water, waste water
rights and obligations, some may contain
electric rights or obligations, and some may
contain all three.

And most -- many, not all of you, will
remember in 1997, I believe, the City had
transferred all water and waste water
responsibilities to the JEA, and in doing so,
conveyed a host of land interests. All those
governing instruments will have to be reviewed
to determine the rights, obligations, benefits,
and burdens contained within them which affect
the utility.

A third tranche of review will have to do
with regulatory approvals. At a later part of
any potential transaction, most likely on the
back end of a potential sale, certain approvals
will need to be achieved, including approval
from the Federal Energy Regulatory Commission,
which shorthand is FERG -- I'm sorry, FERC is
the -- I apologize, with respect to the entire
transaction of the electric system, and from
the Florida Public Service Commission, which is
known as the PSC, and that would be with
respect to the approval of utility rates and
related matters. We -- of course, we need to
understand those processes and those details as well.

And then the fourth, sort of last silo of information we'll review, at some point if water or waste water -- if the water/waste water systems are contemplated for privatization here, Florida statutes actually require that any potential sale, the review by the governing body, which is the City Council, to make what is called a public interest determination, and there's factors that are set forth in the statute, which we can get to you.

So as set forth in the last page of the memo, page 6, the process, while long and comprehensive and at a high level would be simply described as a cost.

There's this sort of exploration engagement phase at the outset. This would include a discussion of all the factors that affect the asset, including the statement of the market, the trend of technology and its effect on the trend of utilities over time, the philosophy of government functions versus private enterprise and so forth. Adequate expiration is informed by the engagement of
specialized professionals and experts in the requisite fields.

So that would kind of take you to this -- sort of the second phase of -- I'll just call it for shorthand market testing. So one of those hired experts would be a recognized financial advisor, who would at the direction of the City and JEA, tap into the national market to provide Jacksonville with prospective investors. The scope would be based on a minimum set of transaction parameters that are agreed to beforehand. The potential investors would be assisted, whether it be diligence of the parties, would negotiate the terms and conditions of the potential transaction, along with the associated documents. And this would include -- the documents would include any necessary revisions as to future rates, employee matters and the like, and eventual narrowing of the potential investors. The ones with big returns would then ensue. And that would kind of take you into this sort of final transactional proposal period, which would be when final proposals are obtained from investors, reviewed, evaluated, and then
packaged, and then brought in its entirety with all the details to the City Council for its consideration. And then you get into this Council approval phrase, that -- where the Council would consider all the matters affecting the transaction before it and make any formal acts that it wished to name. And sort of at the back end of all this would be this regulatory approval pursuit where all, you know, necessary rates are achieved.

So these phases are overlapping, and certainly along the way anticipation of an upcoming event or phase may be considered earlier so as to remain vigilant throughout the whole process. So in a nutshell, that's the process. And, of course, we will tailor any, you know, advice as we go forward to the level of exploration that y'all receive.

I'm available for any questions.

MR. CRESCIMBENI: Thank you, Mr. Gabriel. Questions, Mr. Dennis?

MR. DENNIS: Through the Chair to Mr. Gabriel, if it goes to the final stages of selling, the seller, JEA, does your office have the capacity to look -- to handle the legal
services of the transaction or will you seek
outside counsel to support your office?
Because I know you-all are busy doing other
things, and if -- well, you can answer that.

MR. GABRIEL: Sure. Through Council
Member Dennis, very good question. As I put in
the memo, we would certainly -- we -- the
Office of General Counsel, obviously we handle
all potential services to the entire -- so all
legal services flow through us, whether it's an
employee that we hire or legal services that we
sign off and engage.

Having said that, in this case we would
hire -- we most likely hire specialized counsel
in the areas of mergers and acquisitions and in
the areas -- probably on this real estate
review side to assist us. We would manage it,
of course, as a forum by, you know, the client,
but we would -- to answer your question, we
would very well hire such --

MR. DENNIS: So through the Chair, before
you do that, would you come before this body
and ask for an appropriation? How -- how does
that work? How is that --

MR. GABRIEL: Through the Chair to
Councilman Dennis, it depends. You know, in this case you've got the JEA and they have a budgetary capacity. So to the extent they're exploring and they -- you know, they have legal services and we engage legal counsel on their behalf at times, it could be done there.

If it's going to be on the City side, we'll have to look at our budget. It may very well be something -- it depends. I guess the answer is it depends. But at the end of the day, it's subject to appropriations that's, you know, ultimately approved by this body.

MR. DENNIS: Okay. Through the Chair, have you-all started to evaluate firms, law firms that -- that would assist in this process?

MR. GABRIEL: Through the Chair to Councilman Dennis, yes, absolutely. I'm looking -- I haven't engaged anybody, but I do look. I have to -- our role is to be anticipatory as to where y'all are going. We have to be a little bit ahead of the game, so absolutely, but --

MR. DENNIS: Through the Chair --

MR. GABRIEL: -- I have not engaged anyone
or anyone --

MR. DENNIS: So through the Chair, when
did you start looking?

MR. GABRIEL: Through the Chair to
Councilman -- Member Dennis, probably in the
last few weeks, on or around, you know, the
past few weeks or so.

MR. DENNIS: Not at the time we started
evaluating -- was it this -- you know, when you
first heard that -- here back in November 2017
when Chairman Petway? Because I thought you
said when Chairman Petway made that statement,
y'all started to analyze and look at it. So
did you-all -- did you start -- the word you
used, anticipatory?

MR. GABRIEL: Right.

MR. DENNIS: Was it anticipatory back in
November or --

MR. GABRIEL: No, no. Through the Chair
to Council Member Dennis, I used that reference
point as a point of, well, this might be
something we might be looking at potentially,
and then the conversation took place -- have
taken place. You know, over the past few
weeks, not in November.
I have not engaged any firm or any services as of today, and I didn't even think about that in November. The memo we produced, by the way, was produced by our office and with no outside input whatsoever.

MR. DENNIS: Thank you.

MR. CRESCIMBENI: Thank you, Mr. Dennis.

Councilwoman Brosche, you're next, followed by Councilman Ferraro.

MS. BROSCHE: Thank you, Mr. Chairman.

Through the Chair to Mr. Gabriel, thank you for that overview of the memo. And I know you were saying that you might have more detail as things progress, that this is a fluid process, and you would have more information for us as needed.

On -- I did want to point out that I noticed you interchangeably use the words "evaluation" and "evaluation" as well, and so it seems like there's a lot of confusion about what those things are, and I understand that to be the case, but wanted to make sure that I put that on the record.

But also specifically related to the process on page 6, could you -- could you talk
about the basis of A being the first step and what how you arrived at A being the first step.

MR. GABRIEL: Sure. So A, this is where the City Council and JEA valuate the report, decide whether to support it further, exploratory consideration and action.

It didn't make any sense for this exploration or -- or a look-see, let's call it, to take place unless there was some preliminary buy-in. I mean, I suppose you know, at some point leadership of JEA, anybody else, even a Council member -- I mean, we go back to 2007, there was a Council member at that time that was interested in 2012. It was a current Council member that was interested. But -- you know, so there's certainly a certain level of exploration that could happen on one's own cognition or a leadership's.

However, to go further -- really further down the road where you start acquiring, you know, experts and start spending money and things like that, you know, more and more of that happens the further you go down on the process, it made sense, and the process, in fact, dictates that the whole -- all the
aspects of the consolidated government, that
would be involved -- be involved and
communicate with each other.

So the idea there was -- I mean, this body
ultimately is the approving authority for this
transaction, if it were to even occur, let
alone, if you decide to explore it. So
inasmuch as that sort of is the chicken and the
egg, as much of that's as sort of the -- let's
call it the back half of a transaction, where
it comes to the bosom of Council and y'all look
at it, analyze it, it would make all the sense
in the world for anyone who is looking at it at
the front end to -- prior to going too far with
it, get buy-in from the Council, you know, to
even test the waters of the viability of
pursuing something like that.

So really inasmuch as, you know, that A
that I put in the memo can certainly be
sequenced later in the process, it was put
there because at the end of the day, and even
the -- sort of the latter half of that A that I
put in there, that a cohesive, collaborative,
cooperative approach by the entire Consolidated
Government would be highly recommended as test
the market because, in fact, that would assist with -- to the extent you're going to test the market, it would better the value when the market looks at it to have cohesion. If -- if that's not what's going to be had, nip it in the bud and don't even do it because it, you know, you're just shooting the asset in its foot as the market is looking at it if there's no one in their right mind to want to invest in something like this, if you have, you know, various factions of the government not, you know, happy about it.

MS. BROSCHÉ: Thank you. I think we had this memo -- I think we got it the evening before the February 14th meeting and had the chance to review it, and I had at that time reviewed the draft PFM report as well and noticed a lot of similarities in some of the language, and so it seems as if this memo was informed by the PFM report. Could you talk a little bit about that.

MR. GABRIEL: Sure. To the Council through the Chair, the PFM draft report, we looked at it and it only -- the parts that I was interested in and the only -- the only
parts of the PFM memo that informed or assisted in what we developed, this general memo, were like the last three pages, not 90 pages -- or four pages, 23 through 26 or 27, of the PFM memo. So those are the parts of the PFM memo that deal with process.

And as me -- as my team looked at, you know, the process, we developed our independent verification, we'll look at what the process would be. Of course, we did look at the PFM memo for purposes of process only to see if it matched, and we did find-tune it to match, because they were not -- I mean, they were not really different by any significance.

So you're right, on page 5 of my memo, we do essentially re-outline the six-phase approach that the PFM memo had outlined, and we would submit that it's pretty accurate. Again, it's very general and fluid, but for purposes of our memo, that's -- that's the extent of the PFM memo that --

MS. BROSCHE: Okay. And my last question, through the Chair, is, at what -- what would trigger you to get more detail? I mean --

MR. GABRIEL: That's a good philosophical
question, Council President. You know, we'll -- we'll continue to watch these proceedings, we'll -- you know, we'll take the lead of y'all and the administration and JEA leadership and see how far we're going to go in this process.

I wouldn't want to -- I want to get out ahead to be able to answer your questions in a timely and responsive manner and not say, oh, hold on. Let me go check and come back, but at the same time, I don't want to get too far ahead of it where if this is shelved, so to speak, for the time being that I don't want to go too far where I've gone, you know -- you know, spending a lot of money on unnecessary research.

I do think, and I mentioned this before, just the exercise of, for example, looking at the real estate inventory in and of itself is a good exercise, I mean, you know, so -- and, in fact, looking at liabilities and things like that. If anything else, it helps us to understand even better, you know, the asset that we have, but --

MS. BROSCHIE: Great. Thank you,
Mr. Gabriel, through the Chair.

MR. CRESCIMBENI: Thank you, Council President Brosche. We have a long agenda. I don't want to discourage questions, but I do want to hear from the subcommittee, Mr. McElroy, and the audience. I think we can skip over maybe some of the other things that Council auditors prepared today, but just keep that in mind.

MR. CRESCIMBENI: Let the record reflect that Councilman Anderson joined us.

Councilman Ferraro?

MR. FERRARO: Thank you. Through the Chair to Mr. Gabriel, did I hear you say that the -- even if the sale were to go through, the Federal Government would have to put their seal of approval on this to go through?

MR. GABRIEL: Through the Chair to Council Member Ferraro, so the FERC, it's a Federal agency with five members in Washington, D.C., they would have to review and approve at least the electric side of a merger or acquisition. So that would be one regulatory approval that we would need from the Federal government.

MR. FERRARO: Okay. And I wanted to ask,
the regulatory approval, is that the same
tility or is that two different ones?

    MR. GABRIEL: Oh, the regulatory approval
was just sort of a heading, you know, sort of
an umbrella, and under that, we put that you
would need to seek FERC approval and also the
PSC, the Florida Public Service Commission.

    MR. FERRARO: And if that were to go
through and it went through the Federal
Government, do they get a part of the money
too?

    MR. GABRIEL: Oh, no.

    MR. FERRARO: Okay. Thank you.

    MR. CRESCIMBENI: Thank you.

    Mr. Anderson.

    MR. ANDERSON: Through the Chair, and I'll
be very quick. I was interested in following
up on the Council President's questions, and
that -- when we start with A on page 6, I
wondered what role the JEA board plays here.
And if -- and you used the word "City Council"
and JEA evaluate," do you mean the JEA board
and then -- they're two separate valuations
really is what you're looking for, so we would
want to know what the JEA board says, right,
and they would want to know what we would say, 
but they don't -- they're not -- can you 
explain that, what your -- 

MR. GABRIEL: Yes, through the Chair to 
Council Member Anderson, this is more of an art 
form. It can be cut up, I think, a bunch of 
different ways. In this case you have the 
outgoing JEA chair through -- it mentioned and 
sort of set in motion the events as we know 
them in November. This could have come from 
any Council member here, it come have come from 
the mayor, it could have come from a host of 
avenues, but that set forth some events for 
JEA. And then on the heels of that, of course, 
the incoming Chairman Howard, I think, has 
requested that there was a review and, hence, 
the report, et cetera.

It could be taken down the -- the ball 
could be taken down the road even further than 
this by the JEA and then a package brought to 
the Council, or the Council could, you know, 
take it up to this point. I mean, it all 
depends on the level of interest, 
communication, and collaboration you wish to 
employ in this whole endeavor. You could --
you may as a board -- or as a City Council, you may say, you know what, JEA, you go do this, go
test the market, go do, you know, bases 1 through 4 and then come back to us. Come back
to us when you have a good investor. That's a conceivable -- as much as that sounds
outlandish right now as I say it, that is a conceivable way to go about it, or you may say,
we want to look at it, we want to evaluate it, and you know what, who knows what will come
about -- you know, out of it. I think some people have said it. Maybe y'all love the idea
in June and you say, go for it, JEA, and bring it back, or maybe you said, you know what, this
is a terrible idea, and you nip it in the bud at that point, you decide that it's not of
interest, and then -- you know, I think all of us will be taking your lead to see if we go
with that.

So, you know, I might -- I would be remiss if I just said the JEA evaluate. I have to bring the City into it because there's no other way with a big, as some people underscored today, the paramount, you know, decision has to be made with this sort of policy call, so --
MR. ANDERSON: So just to reiterate that, do you believe that the JEA will work, has a role to play here?

MR. GABRIEL: Through the Chair to Councilman Anderson, as much of a role as you'd like them to have, because you could -- the JEA board could be against this idea and you and the Council could be for it and pursue it without their input, but I would -- I would submit that it makes perfect sense that everyone be on board if you're thinking of something like this or not.

MR. ANDERSON: Okay. Thank you.

MR. CRESCIMBENI: Thank you, Mr. Anderson.

Mr. Gabriel, if the Council were to take the position we weren't interested, can the JEA board pursue it anyway?

MR. GABRIEL: To the Chair, the quick answer is technically, academically, yes, they could, but the fact is they have to end up here if they're going to sell more than 10 percent of the assets, though, it wouldn't make any sense.

MR. CRESCIMBENI: Do you have any knowledge of any effort to proceed with the --
with a formal valuation?

MR. GABRIEL: I'm sorry, Mr. Chairman.

MR. CRESCIMBENI: Do you have any knowledge of whether or not there's any attempt by the City or JEA to pursue a more formal evaluation?

MR. GABRIEL: I don't have any knowledge of that.

MR. CRESCIMBENI: Thank you.

Any further questions from the committee?

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: Mr. Billy, in light of the fact that we did not have any comments about the current status of the RFP, can you enlighten us on the questions that you asked and the answers that you got back related to the same?

MR. BILLY: Yes. We'll -- I had asked some questions, and Mr. Peterson is handing out a copy of the questions that -- and the answers that I received.

MR. CRESCIMBENI: So your questions are in blue and I assume the responses are in red?

MR. BILLY: Yes.

MR. CRESCIMBENI: Who are the responses
from?

MR. BILLY: And those responses came from the Treasury Division, I believe Treasurer Greive. And Mr. Peterson is -- this actually came from Randall Barnes, who works with Mr. Greive.

MR. CRESCIMBENI: You want to walk us through this very quickly?

MR. BILLY: So question number 1, "Has the City selected a financial advisor from the pool of respondents as indicated in the RFP?" and their answer was that, "The City selected" -- this is number 1, "The City selected a pool of qualified firms," and they listed selected firms of JP Morgan, Goldman Sachs, Morgan Stanley, KPMG.

Under 2, "Please provide any questions and the associated responses that would have been provided." Those all came in an e-mail or multiple attachments. I did not make copies of all of that today, but I'd be happy to forward that e-mail committee.

3, "What institutions were provided the RFP for possible consideration," and the response is, "The RFP was provided 37 firms,"
and they listed -- and they listed a lot of the
firms here.

Number 4, was the response date extended?
We noticed that the due date on the proposal
said January 15th, but most of the responses
came in on the 16th. And the answer is, yes,
that after the RFP was sent out, a potential
respondent pointed out that the 15th was a
holiday, and so it was communicated to the
respondents that they would accept responses on
the 16th.

Number 5, "Are funds budgeted to pay for
any work that a potential winner of the RFP
would perform?" The response was no, that the
intention of the RFP was to create a pool of
qualified firms that could serve in an advisory
capacity at some point in the future, that the
RFP creates no contractual obligation of the
City, and so there's no need for budgeted funds.

Question 6 is, "If a winner has been
selected, please provide a copy of the
contract." And the answer is that there is no
contract, that the intention of the RFP was to
create a pool of qualified firms.
Number 7 asks for scoring sheets, and those were attached to the e-mail.

Number 8, we indicated that it appears two of the respondents did not provide specific fees. How were they evaluated against the other respondents? And the response from the treasury was that -- that, like, the ones contemplated in the RFP, they referenced that they wanted firms to discuss their fee approach as opposed to a specific fee. The goal was to get a feel for how each firm would look to structure their fee and indications of generally what fees would or should their services -- or what fees would each of their services be utilized.

Question number 9, "Why were responses directed to be sent to PFM? Why would our City relationship with PFM have anything to do with PFM receiving the responses on this initiative?" And the responses that, "The City chose PFM as the City's long-time municipal advisor, to coordinate the RFP process and summarize the results. PFM, due to their familiarity with the types of advisory services contemplated by the RFP, it's well-suited to
research and develop a list of potential respondents to the RFP and coordinate the RFP process." And then we went out -- the City Finance staff was responsible for scoring the RFP responses and selecting the firms who would be part of the pool.

Question number 10, "Is the language" -- it asks about some language in Section VI, paragraph 3, is that standard in every RFP? And they said that that same language was included in a June 2016 RFP, which they attached to the e-mail.

Then question 11 he asked, why would Goldman Sachs and RBC Capital Markets address their responses to the RFP to Mr. -- to Mr. Greive and Mr. Barns -- or actually that was to Mr. Weinstein and Mr. Greive, "If PFM was conducting this RFP on behalf of the City? And their answer is it's quite clear that it is for the City of Jacksonville. Because of the nature of their business, representatives at many of the firms already have a relationship with City Finance Staff. And it's possible that those particular firms were trying to show familiarity by addressing the responses as they
did. However, since the responses were
delivered to PFM, how the firms addressed the
RFP responses is inconsequential.

And then there are three attachments to
the e-mail, and I will forward that on to the
committee members and all the Council members
here.

MR. CRESCIMBENI: Thank you, Mr. Billy.
Going back to question 8, two firms that did
not provide specific fees, did either one of
those make the short list of four in your
response to question -- for -- in the response
to your question 1?

MR. BILLY: I'm not -- I'm not sure about
that. We'll look at that and e-mail -- e-mail
-- I can put that response in an e-mail.

MR. CRESCIMBENI: That will be fine.

Council President Brosche?

MS. BROSCHIE: Thank you, Mr. Chairman. I
have a couple of comments on here, and I know
we don't have anybody to ask questions of at
this point. So -- so I think this RFP was, I
guess, initiated at some point, I think I
remember either seeing or reading a year ago,
in order to move forward with evaluating a
number of City assets.

And in response to number 6, saying there's no contract, and that the clear intention was to create a pool so that they could serve in an advisory capacity at some point in the future when/if the City decides to analyze a relevant opportunity, so I'm trying to reconcile those couple of things.

And then I wanted to point out with the question number 10, I had done a little homework of my own, that the question that the Council auditor's asking, is the language contained in Section VI, paragraph 3, which is under the terms and conditions section of -- as of the date of this RFP through the completion of the selection process, the proposer or their agents, and there are 60, are prohibited from contacting or soliciting any City official or employee or any City Council Member on matters covered by this RFP, and failure to comply with this condition may result in a disqualification of the proposer.

And I am glad that the Council auditor asked that question to learn that it had been used before on an RFP issued by the Finance
Department, because I requested of our Chief of Procurement, our typical RFP language, which, indeed, it is the rule, that, you know, proposers aren't speaking with, there is an ex parte and a black-out period where you're not supposed to be speaking with folks, and it does have a lengthy paragraph that makes reference to all.

So I was interested to find in this RFP a specific reference to City Council members, which is not in our standard RFP language. So just wanted to point that out.

MR. CRESCIMBENI: Thank you, Council President Brosche.

Councilman Dennis.

MR. DENNIS: Through the Chair to the auditors, number 11, it says, "RFP response to yourself and Joey Greive." Who is yourself? Who is that person?

MR. BILLY: Through the Chair to Councilman Davis, that would be Mr. Weinstein.

MR. DENNIS: Weinstein, okay. Thank you.

MR. CRESCIMBENI: Thank you, Mr. Dennis.

Mr. Becton.

MR. BECTON: Thank you. Through the
Chair, so would the Auditor's Office have any knowledge of any expenditures, I mean, what this, I guess, RFP process cost the City through PFM handling this?

MR. BILLY: Through the Chair to Councilman Becton, you know, we would have to -- we would have to get with Treasury to find that out.

MR. BECTON: It might be a good question as well. Thank you.

MR. CRESCIMBENI: Thank you, Mr. Becton. I have no other comments on that.

I think we're going to skip item 6 today for lack of time.

And, Mr. McElroy, who is going to do a presentation, would you come forward, please.

You heard the conversation earlier today about administering the oath. Before we administer that, are you going to accept the oath or not?

MR. MCELROY: Mr. Chairman, Council President, and Council Members, I have the most -- utmost respect for this body, and, therefore, deeply saddened, disappointed, and disillusioned, that on the advice of counsel,
which you heard Mr. Gabriel here today, and
other counsel, I will not take the oath at this
time.

We have submitted documents as requested
as well as other information which we feel is
responsive to the discussions and questions
raised at your last meeting.

MR. CRESCIMBENI: All right. Thank you,
Mr. McElroy. I guess you're dismissed.

All right. The report from Subcommittee
on the selection of independent advisor, scope
of services and qualifications. And Council
President Brosche had a look at that, and
Council Member Mr. Becton, thank you-all for
having that meeting earlier -- was it earlier
this week? I think it was earlier this week.
Time is flying. So if you'd like to refer to
your report.

MS. BROSCHE: Thank you, Mr. Chairman.
You-all should have in front of you one sheet
of paper that lists the scope of services and
qualifications that Councilman Becton and I had
the opportunity to meet on Tuesday, joined by
the chair of our Special Committee, Councilman
Crescimbeni, and the version that you have in
front of you is the revised version as a result of the conversation that we had to add a couple of more points and to clarify a couple of items.

And so I would review that we drafted a scope of services for the purpose of communicating with the Jessie Ball duPont Fund, who has offered to underwrite -- financially underwrite us having an independent consultant that we could turn to with expertise and ask questions. And so the scope of services is really probably pretty broad in nature and it could cover what we have going on here, advising us during meetings regarding the testimony being offered, if we get any, and reviewing relevant documents and information received by us and providing expert opinions on that information, advising the Special Committee as to the process of the sale, identifying parties involved, and including information or factors that the City Council should consider and process.

And then number 4, provide expert analysis of matters related to the potential sale of JEA, the direction of our Special Committee,
which covers a host of things listed A through G.

And, Councilman Anderson, I added a couple of points at the bottom that you pointed out.

Number 5 is any other services the Special Committee may deem appropriate and relevant at the suggestion of Councilman Crescimbeni. And then the person who would provide these services would hopefully have the qualifications listed in 1 through 4 below, proven experience in utility evaluation, experience with utility financing, budgets, changes of ownership.

Understanding of the human resource, legal, pension liability, contract liability, environmental, and economic development implications of privatization.

And then free of conflicts with any party connected to the potential sale of JEA. This is the language that I believe we intended to add, which is -- which includes current or recent association with an investor-own utility.

I didn't put a time frame. We really didn't decide that when we met the other day,
but -- about what recent association might
mean, but this is the draft for the
subcommittee to consider.

I also had some conversations with
Mr. Peace regarding, you know, how we move
forward, and he was able to send to us today
via e-mail, I don't have a copy of that printed
out, but the different ways of which we could
move forward and the time frames associated
with each of them. Could be as -- he's got the
different procurement methods that we have
available to us, but a formal procurement
process for contracts greater than 65,000, that
would involve about a 60- to 90-day process.
Informal, for contracts less than 65-, which
would shave some time, potentially about half
the time, would be we 30 to 45 days.

Single source is an option, but we would
have -- still have to post an RFP for seven
days, and this total process would take about
15 to 20 days. And then we could waive the
Procurement Code through legislation to
direct-contract someone, but we would need to
know who that individual or entity is that we
would be contracting, and that would travel
through the legislative process.

And so that's what we accomplished since Tuesday and since our last week, and I'm happy to hear from anyone or answer any questions.

MR. CRESCIMBENI: Ms. Brosche, what would be the most expeditious way to your recommendation or -- what would be the most expeditious way to proceed on this matter?

MS. BROSCHE: So I would have to also get the assistance of Ms. Sidman, I believe it's through legislation and waiving the code, but that -- but I don't know what time frame that would involve because we still have to identify the person, and this group would need to figure out how are we selecting that person and who is that, because I know we have a number of names and resumés, but legislation and probably through the legislation process would be the most expeditious and we would also need to have legislation to appropriate the money -- oh, just one. It would be one bill, one bill, per Ms. Sidman.

So that would be the way, of the procurement through direct legislation.

MR. CRESCIMBENI: So the -- our -- the
fund would have to actually make a contribution to the City, would that require legislation?

MS. SIDMAN: Through the Chair, the provision that -- if Council President is making reference to, the waiver of the Procurement Code, it's actually codified in the Procurement Code. It's called an exception to the Procurement Code and it's codified under 126.107(g), and in that language it contemplates that the Council or that a contract would be done and appropriated through the same piece of legislation. So those would travel -- you identify your contractor and fund the contractor in the same piece of legislation.

MR. CRESCIMBENI: Okay. So we would need to proceed by what, a document qualification and scope of services and then running that by the -- the foundation for approval and then take up the legislation, assuming they signed off on that, or would we -- we'd have to go through the procurement -- how do we go through the procurement before we go through legislation? How do we select --

MS. SIDMAN: So the next step, as I see
it, is for the qualifications to be issued. If you're going to go through procurement, through the procurement process, as identified here, to do RFP for -- for the services that you're looking for, an advertisement, once you get that, you can do the legislation with whoever is selected and appropriate the money through legislation, but you have to have that in any event to do the legislation.

MR. CRESCIMBENI: Any comments or motions on the report from the Subcommittee?

Mr. Dennis?

MR. DENNIS: Through the Chair to Council President Brosche, so I know there's quite a few moving parts, but I guess what's your thoughts for bringing all the -- all the parts together? I mean, are we selecting the person/firm or is this foundation selecting and make recommendation? Do we need to interview? I'm just curious on -- on the path forward.

MS. BROSCHE: I would need to confirm but believe that we are selecting the person, the consultant that we would like to rely upon. And I'm not sure if Councilman Crescimbeni had any conversations that would cause my statement
not to be correct.

Are you aware of anything different than that?

MR. CRESCIMBENI: I am not.

MS. BROSCHE: And the reason I say that is because I had the opportunity to go to a conference in my first year on Council at the gracious funding of the Jessie Ball duPont Fund, and they were aware that we have a lot of these hoops to jump through. And my direction back then for the conference was go figure it out and just tell me what to do.

And so this is a little different than sending you to a conference, and I think that they requested the -- the scope of services and the qualifications most likely to make sure that there's an understanding of the money associated with what's happening, but I think that there would be -- at least either we would be able to do it ourselves or some shared involvement of making sure that we're hiring somebody that is going to serve us well.

So it's my understanding that we would be involved in that process of selecting who it is that we're going to rely upon, and we need the
legislation, which we have until Tuesday the
27th to figure out what that is. But I'm
uncertain as to how we're going to proceed with
some of the resumés we've received and
potentially other inquiries that we've received
since then of people who are expressing an
interest in being in assistance.

MR. CRESCIMBENI: Okay. I think our first
step should be to reach out to the donor to
find out if the scope of services and the
qualifications as they requested of me matched
what they're willing to get involved with. So
let's -- is there -- is there a motion to
accept this?

MR. BECTON: I'll move -- I'll move.

MR. CRESCIMBENI: Mr. Becton.

MR. BECTON: Through the Chair -- through
the Chair, I'll move to accept the scope of
services as provided.

MR. DENNIS: Second.

MR. CRESCIMBENI: The question was posed
by Mr. Becton. Second by Mr. Dennis.

If we adopt this motion, Ms. Sidman, how
do we convey this to the foundation, by just
putting it in a letter to them or is this
something you can do for us? How do they get this?

MS. SIDMAN: I don't have any relationship with the foundation, but if you want me to send them a letter, I guess I certainly can --

MR. CRESCIMBENI: Okay.

MS. SIDMAN: -- and then they would respond to me.

MS. BROSCHÉ: Mr. Chairman, I'm happy to take on that responsibility.

MR. CRESCIMBENI: That's fine. That will work.

All right. Any discussion on the motion?

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: All those in favor say yes.

THE COMMITTEE: Yes.

MR. CRESCIMBENI: Opposed say no.

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: We adopt the motion to accept the scope and services and qualifications as presented by the subcommittee. Thank you to the subcommittee again for their efforts on doing that.

All right. So, Ms. Brosche, if you will
send this information expeditiously to the
foundation, to Ms. Magill, and just copy the
members of the -- I guess the Council and
inform them that's a one-way communication, not
to reply to the letter.

So can we go ahead and draft legislation,
Ms. Sidman, to prepare for a positive response
from the foundation that we could perhaps
review at our meeting next Thursday?

MS. SIDMAN: Sure. I will just prepare
legislation appropriating $100,000 and
attaching a contract with these scope of
services and insert person or corporation or --

MR. CRESCIMBENI: Why don't you leave the
amount blank and maybe you can ascertain that
from -- in between your letter as well to the
foundation, just to plug that in.

MS. SIDMAN: I will, Council President.
Thank you.

MR. CRESCIMBENI: All right. Anything
else on that subject?

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: It's -- how many speaker
cards do we have? Just one? Who all -- folks,
if you want to speak, as I instructed you at
the beginning, put your card up on the front
table so we have an idea for how much time for
me to allocate for public speaking. Thank you
very much for cooperating.

    Well, Mr. Billy, maybe you do have time.
Since we're not having the JEA presentation,
let's go back to item 6. These are both action
items from our last meeting. There was some
desire to learn more about the franchise fee
and utility service tax components, and I think
there was a -- hang on. Mr. Billy, let's hang
onto that.

    Mr. Dennis, let's go ahead and talk about
how we deal with items 3 and item 5 not
presenting today.

    MR. DENNIS: Through the Chair, I guess
through Legal, how do we proceed with getting
these two individuals back here and to answer
our questions, so lead us forward.

    MS. SIDMAN: Through the Chair to the
Committee, the memo outlines this in more
detail, but where you are is if the majority of
the Committee chooses to issue a subpoena to
individuals, then they would take a vote on
that. And then on an affirmative vote, that
would go to the Council secretary, OGC would
draft the subpoena, and then the subpoena would
be served by the sheriff's office on the
individual.

Specific in the subpoena, it should be
noted pursuant to Council rules that there's a
general statement in there for what you're
asking for, and also the date and the time and
location of where the individual is to come.

There is a provision also in 134 of the
Ordinance Code that provides for service of
process within seven days, so I would encourage
you to think about the date and time and allow
for a sufficient service of process on the
individual, and then that individual would be
under subpoena to appear at that particular
date and time. Does that suffice to answer
your question?

MR. DENNIS: (Nods head.)

MR. CRESCIMBENI: What's the timetable,
what date would we set in the future to
accomplish all those steps?

MS. SIDMAN: Through the Chair, I don't
think it can be done by next week, that would
be the seven days, so you might consider the
following week -- the following week, yeah, 14 days.

MR. CRESCIMBENI: And how long will it take the General Counsel's Office to work with Council secretary to prepare what -- the instrument that we need to move forward?

MS. SIDMAN: Not very long. As soon as you give us the directive, we'll start working on it.

MR. CRESCIMBENI: Okay. Councilwoman Brosche.

MS. BROSCHÉ: Since we're going this route, I think we ought to consider as well potentially starting our meeting earlier than we had noticed and intended, because if -- I'd like to get as much as I can in terms of hearing presentation as well as the opportunity to ask questions.

I don't really have a lot of questions for Mr. Mousa at this point, so I couldn't -- I think easily be handled in one of the windows that you've already defined, but I certainly have a lot of questions for Mr. McElroy.

And so in terms of scheduling when, if there is an opportunity for us to back up our
start date on a future Thursday meeting so that we have more than two hours of meeting time.

MR. CRESCIMBENI: Okay. What's the date two weeks from today? Is that right, the 29th? So does the committee -- can the committee meet earlier on the 29th?

Mr. Becton.

MR. BECTON: Well, go ahead.

MR. CRESCIMBENI: Okay. Do we have the ability to meet earlier on the 29th, not at 3:30 but sooner? Can we check your calendars and then everybody be here by 2? We can notice it from 2 to 6. Is that adequate? All right. That gives us an option.

Mr. Becton, did you want to opine on the process for where we're going?

MR. BECTON: Thank you. Through the Chair, yeah, I would. If we're considering the action of the subpoena for any of these two individuals, I would like to just opine in the fact that for Mr. Mousa, I do not think his testimony rises to the level of fact finding that we're looking for. It's more -- my question was only more of a policy, would they not pursue an RFP, that I don't think that
rises to the level of the information he would provide, the separation of powers that that -- the subpoena -- I wouldn't subpoena to him.

But for Mr. McElroy, who is the CEO of this utility for which we do manage the budget and so forth, and we are looking for the facts of a very critical piece of this fact-finding mission that we have before us, I think it is totally appropriate for -- for -- the purpose for which we need. So I just wanted to share those thoughts before a motion got on the floor.

MR. CRESCIMBENI: Ms. Sidman, if we -- if the committee chooses to issue a subpoena, we have to spell out what we are expecting to be addressed at their subsequent appearance when they respond to a subpoena?

MS. SIDMAN: Through the Chair, it's in your Council rules 2.210, it says, "Any person served with a subpoena to attend a committee meeting shall also be served with a general statement informing him or her of the subject matter of the committee's investigation or inquiry and a notice that he or she may be accompanied at the meeting by counsel of his or
her choosing."

MR. CRESCIMBENI: That notice could be as broad as facts relating to the potential sale of JEA?

MS. SIDMAN: It could be.

MR. CRESCIMBENI: All right. And if the committee was unable to ask and/or get all of the answers to their questions at the date and time that the individual was subpoenaed to appear on, is there any way to extend that or that requires a -- because I'm -- like we noticed our meetings start and stop, so if we get boxed in, we have to restart the process to get that person to come back before us in a future meeting, or is there a way to compel them to reappear in a subsequent meeting if we run out of time?

MS. SIDMAN: I think that if your motion includes the date and time of each meeting that you would like them to appear until they have answered your questions, that that may suffice.

MR. CRESCIMBENI: So --

MS. SIDMAN: So you could -- you could notice it for the 29th, and then I don't know if you're having one on the 5th and the 12th.
MR. CRESCIMBENI: We can notice it for the
29th and all subsequent meetings?

MS. SIDMAN: Well, you'd have to be
specific of what date and time that they have
to appear. So if you know you're going to have
one on the 5th, I would notice it for the 29th,
April 5th, and so on.

MR. CRESCIMBENI: Okay.

MS. SIDMAN: And then also this -- like we
mentioned earlier in the motion, if you include
the general statement, that we can issue a
subpoena in accordance with that.

MR. CRESCIMBENI: But you said the
statement would be as board as to answer
questions or provide testimony with regard to
the potential sale of the JEA?

MS. SIDMAN: Yes, but just include all of
that in your motion.

MR. CRESCIMBENI: All right. Council
President Brosche.

MS. BROSCHIE: Thank you, Mr. Chairman. I
was just going to pick up on what Councilman
Becton said, I think we had our questions
related to RFP at this point answered through
Kyle Billy's work and sharing the questions.
And I prefer not to go through the subpoena process with Mr. Mousa. There may become some other time in the future based on testimony from Mr. McElroy that we have questions that we need to ask Mr. Mousa, and I prefer to wait.

MR. CRESCIMBENI: Ms. Morgan.

MS. MORGAN: I was just going to -- thank you, Mr. Chair. I'm pretty much going to say something along the same lines, because if -- if we are going to subpoena one, then do we not have to subpoena everyone on testimony or can we pick and choose?

MR. CRESCIMBENI: I'll defer to the legal, but I'm thinking we can pick and choose, but it might set an awkward -- an awkward, I don't want to say precedent, appearance.

MS. SIDMAN: Yes, it's a motion of the committee to make a determination that you would like to subpoena individuals.

MR. CRESCIMBENI: I think the committee would have to think seriously about that, because if we invite any future people to the podium, they're going to evaluate past
practice, probably perceive they have a 50/50 shot of not having to come back. So perception.

Council President Brosche?

MS. BROSCHE: I was going to say the same thing, Mr. Chairman, that, you know, for each person that comes forward, they can either take that oath or not, and then we can decide how to proceed at that point as a -- as a Special Committee based on where we are and what we're trying to gather as it relates to information.

But I think to Councilwoman Morgan's point, from the beginning, deciding to move forward with the taking oath, that I'd like consistent, and -- and they either take the oath or not and then we subpoena them.

MR. CRESCIMBENI: Councilman Dennis.

MR. DENNIS: Through the Chair to the Committee, I'm in support, if someone doesn't take the oath, to issue a subpoena, have them back because if you're telling the truth, if you're going to be factual and truthful, you're going to do it.

Well, let me say this, I hear the hesitation of issuing subpoenas to Mr. Mousa.
We could still issue a subpoena. I think we'll set a bad precedent if we didn't, but we can do it at a later date, because, like Council President Brosche said, that there may be some questions that may come up that we want to ask after we have an opportunity to question Mr. McElroy. So we could subpoena Mr. Mousa, go ahead and issue that -- issue that subpoena, but put his at a later date.

And does this body -- and then the question to Legal, do we have the authority to -- to then pull back a subpoena once issued?

MR. CRESCIMBENI: Can a committee in some point in the future cancel a subpoena that's been initiated? So if the committee -- I think the question, as I understand, is, if the committee were taking the position today that authorized the OGC to issue the subpoena and that process began, and our next meeting -- it was to compel a witness to appear, and it would be the March 29th meeting, and then our next meeting on the -- would that be the 22nd? we decided to cancel that, would we have the ability to cancel that?

MS. SIDMAN: Through the chair, this is
really a case of first impression that if you're voting on an action to compel someone to appear and you're doing it by a -- by subpoena, then I think there could be an argument made that you could vote again to cancel that subpoena by a majority vote of the committee, just so that there is a record of the cancellation.

MR. CRESCIMBENI: All right. Does that answer your question?

MR. DENNIS: (Nods head.)

MR. CRESCIMBENI: Ms. Sidman, did you have something else?

MS. SIDMAN: Yes, through the Chair, in regard to the general statement that you're asking for, I would just suggest that if you know you're going to ask about a particular matter that you might say, you know, this matter and other matters as -- for the potential sale of JEA, only because when an individual is going to come up and they're under oath and then you ask them about a matter that they haven't prepared documents on, they may not bring those documents. So the more specific you can be on your general statement,
the better prepared the individual is going to be.

MR. CRESCIMBENI: Are subpoenas only for questioning the respondents or -- because Mr. McElroy was invited today to do -- to brief the committee, put on a presentation, if you will, to a specific action item where I asked -- that was in light of the historical sales trends going down, customer counts going up, which was represented at the last meeting by a JEA representative. The action item was to invite JEA back and talk to us about how their strategic plan dealt with that trend and what they were going to do to offset that and how were they going to increase revenues, and that was the presentation that was going to be made today.

Do we -- can he by subpoena compel someone to make a presentation or is it strictly to have them come and answer questions?

MS. SIDMAN: So the rule of Council is requiring the attendance to an individual to appear at the committee to ask questions of the individual. Let me see this. If you --

MR. DURDEN: If -- you can have -- I
believe Peggy, she's got the book in front of her and can check. I believe you're also empowered to do a subpoena duces tecum, which you did with the Police and Fire Pension Fund when you identified the documents you want. So you can't ask for documents, you can't necessarily ask someone to prepare a document, but if you know that they have the document, you can ask them to bring it. And I believe the duces tecum is allowed as well.

MR. CRESCIMBENI: And you are? Go to the podium.

MR. DURDEN: Steven Durden, General Counsel.

MR. CRESCIMBENI: Thank you.

MR. DURDEN: I apologize.

MR. CRESCIMBENI: So we could ask them to bring -- assuming this was the presentation that they were going to give today, I don't know that for a fact, but we could say bring this document, which I already have, and present it or --

MR. DURDEN: Through the Chair, yes, you can certainly say, bring this document, identify it as best you can. And I think
probably today you would say what you delivered
to the Chair or some other way that the JEA
knowing what document you're referring to.

MR. CRESCIMBENI: So they can make a
presentation, I won't have to say, can you
please read page 4 to us, read page 5 to us,
please read page 6.

MR. DURDEN: Through the Chair, you can
ask them to bring that book, you can certainly
ask them to do slides, but I don't know that
that -- that's a little different perhaps, but
you can certainly ask them to bring the
document and discuss the document. You would
have it in front of you to discuss.

MR. CRESCIMBENI: Okay. Thank you.

MR. DURDEN: Yes, sir.

MR. CRESCIMBENI: Ms. Sidman, did you want
to add anything else to that? Happy that
Mr. Durden came up?

MS. SIDMAN: I'm always happy for someone
to take over.

Yeah, I agree with what Mr. Durden said,
that there is a provision for duces tecum,
which is the production of documents, papers,
books, and then the material, and then you
could always inquire of those documents. You
may not have had the production of those
documents in advance and you may be reviewing
those at that particular meeting to digest and
ask the questions that you have.

MR. CRESCIMBENI: Thank you.

Councilman Dennis.

MR. DENNIS: Through the Chair, I would
like to offer first a motion to issue a
subpoena for Mr. Paul McElroy for all facts,
deal with the potential sale of JEA as well as
the presentation in which he was supposed to
present today, so I hope I'm getting all that
right, and appear before this committee the
29th.

MR. CRESCIMBENI: 2 p.m.

MR. DENNIS: At 2 p.m.

MR. CRESCIMBENI: Is there a second to
that motion?

MS. BROSCHÉ: Second.

MR. CRESCIMBENI: All right. The motion
and a second.

Discussion, Ms. -- Councilwoman Brosche is
on the queue.

MS. BROSCHÉ: I'm not sure if it could be
a friendly amendment, but could we add to that
to answer questions related to the PFM report?

MR. DENNIS: I will attend as a friendly
amendment.

MR. CRESCIMBENI: Thank you, Mr. Dennis.

All right. Any discussion on that
amendment or that motion as amended via
friendly amendment?

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: Being none, all in favor
say yes.

THE COMMITTEE: Yes.

MR. CRESCIMBENI: Opposed say no.

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: Our action adopted the
question --

MS. SIDMAN: Yes.

MR. CRESCIMBENI: -- at each stage.

MS. SIDMAN: At each stage?

MR. CRESCIMBENI: Yes, once you prepare
the subpoena, I'm assuming you'll let us know
and hand off to whoever is serving it and then
when you get -- receive that it's been served,
let us know that as well?

    MS. SIDMAN: Yes.

    MR. CRESCIMBENI: All right. Thank you very much.

Councilman Dennis.

    MR. DENNIS: Through the Chair to the Committee, I would like to offer a motion to issue a subpoena to Mr. Sam Mousa on May the 10th related to -- any facts related to the sale -- potential sale of JEA as well as the report that he was supposed to give today, and at 2 p.m. on May 10th.

    MR. CRESCIMBENI: Second to that motion?

    MS. MORGAN: Yes.

    MR. CRESCIMBENI: Second by Ms. Morgan.

Any discussion on that? Council President Brosche.

    MS. BROSCH: Oh, no.

    MR. CRESCIMBENI: No? I'm sorry, I took you off the queue.

Councilman Becton.

    MR. BECTON: Thank you. Through the Chair, as I said before, I'm not going to support this particular motion because the only reason Mr. Mousa was coming up was because I
offered to ask a policy question, for which --
to ask if they would just voluntarily agree to
not issue any -- anything regarding approval
to these RFPs, and that was in response to
Council Member Dennis' suggestion that he might
issue -- you know, create an ordinance or a
bill that -- that mandates that. And so I
don't think this rises to the level of the
fact-finding for which this committee is
charged. I do think it's that kind of house-
-- it's definitely outside of the scope, and so
I don't think it's appropriate at this time, so
I will not be supporting it.

MR. CRESCIMBENI: Mr. Dennis.

MR. DENNIS: Through the Chair to
Councilman Becton, so how do you -- how do we
move forward with getting your question
answered and making sure -- or an ordinance or
a resolution to make sure that the
administration do not go into contract in
executing the results of the RFP?

MR. CRESCIMBENI: Mr. Becton, would you
care to answer?

MR. BECTON: I'll just say I don't find it
relevant to our mission here. And per your
initial thought of finding a bill to do this,
all I can say is if that's what you feel, you
know, you need to do and want to do type of
thing, that I tried -- I just tried to -- you
know, try to find an answer there from a policy
decision. I just still don't think it's
relevant. I -- whether he answered that or
not, it's not relevant for me for coming to the
conclusion for which we're here charged and
them issuing a -- you know, a contract or
agreement based on that RFP is inconsequential
to what we're doing here. So I just think it's
mutually exclusive things.

MR. CRESCIMBENI: Mr. Dennis.

MR. DENNIS: Through the Chair to
Councilman Becton, does it bother you or
disturb you that Mr. Mousa would not take an
oath just to answer that one particular
question or does it -- does it strike you as
odd as maybe there's -- you know, there's
something that -- there's something that's
trying to be hidden or something like that? I
do not want to make any accusations or any
allegations, but if there's nothing to hide,
I'll get under oath and I'll just answer your
question, and the question was related to just
if he had -- PFM and not going to contract and
that's it.

I mean, I would be more than happy to --
to restate my motion just to answer that one
question as relates to not going to contract
with any of the respondents until after the
committee work is done.

MR. CRESCIMBENI: Mr. Becton.

MR. BECTON: Through the Chair, in all due
respect, Mr. Dennis, I certainly understand
that you're -- you know, none of the committee
members are happy that certainly the question
wasn't answered, but the only thing I will just
state again is the fact that I think it's
irrelevant to the charge of this committee. I
don't believe it was a question that really was
to the point of hiding something or not hiding
something. I just think -- I just think it was
more of a diso-- -- you know, didn't want to
succumb to taking an oath to answer that --
answer a question from this committee that was
going to be asked.

And then -- and knowing that it was a
policy question, not one where I want to know,
you know, what the balance sheet looks like of JEA and the valuation, you know, from the CEO's perspective, I mean, that's -- you know, that's something of a totally different context that, you know, I just don't think the subpoena is appropriate in this -- in this manner. So thank you.

MR. CRESCIMBENI: Council President Brosche.

MS. BROSCHÉ: Thank you, Mr. Chairman. And I -- I think that Mr. Mousa's not taking the oath makes a statement that people can reach their own conclusions about. Of course, I would think that coming up here and telling the truth, you know, I could just tell the truth and do that under oath.

My questions on the RFP might be for another party, if we even do that. And so I don't know that we necessarily will, but my questions on the RFP are probably for other folks who were involved in the RFP. And so I think I'm just going to let the statement of not taking the oath stand for itself.

MR. CRESCIMBENI: Mr. Dennis.

MR. DENNIS: Again, seeing where this
committee is going and -- I will withdraw my
motion to subpoena Mr. Mousa.

MR. CRESCIMBENI: Thank you, Mr. Dennis.

All right. We'll skip 5 and 6 and reserve
that for our next meeting.

It is 5:38 or so. I don't know how many
speaker cards we have at this point. I think
we'll move into public comment.

Let me go to a -- some announcements,
though, before that. My ECA will pass out two
documents. One is a -- I don't know if you saw
this e-mail or not, but the JEA board is having
a workshop on this subject next Tuesday, I
believe, at 1 p.m. She has that notice to give
you. And also there was a letter to the
chairman of the board, Alan Howard, by the
mayor, which is an interesting reading as well.

All right. Public comments, speaker
cards.

Council President Brosche.

MS. BROSCHE: I apologize that I do need
to leave for a conflicting event that starts at
six. I will be plugging into my phone to
listen to this meeting as it progresses so that
I can hear what's going on and what people have
MR. CRESCIMBENI: Thank you, Council President.

(Ms. Brosche leaves the room.)

MR. CRESCIMBENI: I have six speaker cards. I'm going to limit your comments to two minutes so in case we have some questions and that way we can get out of here by our noticed conclusion time.

Were there sign-in sheets for the general public today?

MS. LOPEZ: Uh-huh.

MR. CRESCIMBENI: Okay. I hoped everybody signed in. If you didn't, please sign in on your way out. We'll add your name to our distribution list for future meetings. We're going to e-mail the next meeting notice and the date and time that would be held.

The first speaker is -- now, Ms. Sidman, are we swearing in the public comments people or how does -- what --

MS. SIDMAN: Through the Chair, that's up to the committee.

MR. CRESCIMBENI: Okay. I'm seeing heads shaking in the negative.
So Mr. Al Saffer followed by Raymond -- is it Olar or Olan?

MR. OLAN: Olan.

MR. CRESCIMBENI: Go ahead and take a seat up at the front. Is Mr. Saffer here?

MR. SAFFER: Yeah.

MR. CRESCIMBENI: All right. Come on down here. Mr. Ol- -- I'm sorry.

MR. OLAN: Olan.

MR. CRESCIMBENI: Olan will be followed by Jason Favor. Thank you.

MR. SAFFER: My name is Al Saffer from Jacksonville, Florida, 32218, on Armsdale Road, and I'm here to address JEA problems.

I want to say thank you to Ms. Brosche for setting up this committee. I'm a longtime employee of Jacksonville Electric Company. I started there in 1952 and I served 60 years. Yes, I said 60 years on JEA, did everything they had to do, that I -- they needed doing, and I'm opposed to anything that addresses selling JEA.

What I would -- JEA -- can I ask through the -- through the -- Mr. Crescimbeni? Why would JEA have any question standing before the
consultants, City Council? Can anybody tell
the -- answer that question, please, through
the Chair?

MR. CRESCIMBENI:  Mr. Saffer, we're here
to hear your comments.

MR. SAFFER:  Okay.

MR. CRESCIMBENI:  We may ask you some
questions --

MR. SAFFER:  All right.

MR. CRESCIMBENI:  -- but we don't afford
that privilege to speakers.

MR. SAFFER:  Okay.

MR. CRESCIMBENI:  If you want to wait
until after the meeting, I'll try to answer --

MR. SAFFER:  I understand. I understand.

Time -- two minutes is hardly any kind of time
to discuss this situation. You guys have been
here for 30 hours or 40 hours, and I know
you're ready to go home, and I'm not prepared
right now to discuss the situation in 38, 37
seconds.

So I think it's a -- a very bad situation
that you can't hear what we have to say. We're
constituents here in this town. And there
haven't even been a question asked to anybody.
All my constituents, all the people in my neighborhood don't even know what's going on. And I suggest that y'all curtail this discussion from -- until about 2050 so people can find out what's going on. And I think it ought to be tabled really until everybody has -- everybody in the city has a chance to know what's going on.

MR. CRESCIMBENI: All right.

MR. SAFFER: I don't --

MR. CRESCIMBENI: Thank you, Mr. -- is it Saffer or Safer? All right. If you want to hang around, Mr. Saffer, I'll talk to you afterwards if you have any questions.

MR. SAFFER: Yeah, I'll be here.

MR. CRESCIMBENI: Raymond Olan followed by John Lindemood.

MR. OLAN: My name is Raymond Olan. My address is on file. I represent the IBEW and the citizens of Jacksonville. I know that the last time we started bring- -- you said you didn't want to bring the past in the present, but how can it be? Today was a show about the transparency that they got. Both sides took an oath, they didn't. They didn't want to talk...
about it. What -- what are they hiding? It started shady and it still looks shady.

I appreciate everything that you guys are doing, but you guys think about the future of this city. If you think it's $7 billion today, and I guarantee you that's not going to last more than five years, where's the revenue going to come from? I don't want my grandkids paying 300 percent in taxes or electric. We need to think about this. This company came to function for the city and it's been doing that for all these years. You got the greatest assets right in your hand. And I know you guys are trying to do the right thing, but don't let political greed or money greed confuse you about what value this company got for this city.

And this two identities not taking the oath, really? If you don't got nothing to hide, why not. You give me the oath, I talk to you. I don't got nothing to hide. I want my grandkids to have a good life in this city. Thank you.

MR. CRESCIMBENI: Thank you, Mr. Olan.

Any questions for Mr. Olan?
THE COMMITTEE: (No response.)

MR. CRESCIMBENI: All right.

Mr. Lindemood followed by Valerie Gutierrez.

MR. LINDEMOOD: My name is John Lindemood. I live at 8652 April Street, Jacksonville, Florida 32244. I've been in the utility business. I'm retired now. I was in it for 38 years.

And I'm ashamed to admit that there's no information getting to us, as he -- as everybody is saying. And these deals are somehow going down without any -- any discussion to the people. What gives here, and about people not wanting to take the oath? Again, I say that is really -- to me it shows that somebody actually is hiding something. There's something strange going on, yeah. This utility has grown. It has put literally billions of dollars into the infrastructure from private utilities that we bought back years ago, Canal, United water and so on. Florida bought all these other utilities on the water and waste water side. I was a power plant operator for ten years before I went into water and waste water, and got a retirement and
cashed it in.

And we also provide chill water that is a climate control issue, and chiller plants. We do that for -- well, now it's UF Health, it was Shands. We do their -- basically all of their climate control with our chilled water. That's the heart of that plant. I know, I operated those chiller plants there. When was 20 years old, I was an assistant operator there and a power plant operator. And then going into the water and waste water side, I learned a whole lot.

But this whole thing going on on here, this is a utility that's -- okay, we're flat line on our sales of electricity, well, efficiency -- energy efficiency is the thing.

So before -- as Al said and everybody else is saying, don't let this go away, because if you do get that massive shock of money and you clean up the shipyards, you build all these things, and all this other stuff you're going to do, it's what we need as a -- as a -- basically the company needs to be with Jacksonville and not go away.

MR. CRESCIMBENI: All right.
MR. LINDEMOOD: Thank you.

MR. CRESCIMBENI: Anyone have any questions, the committee?

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: Valerie Gutierrez.

MS. GUTIERREZ: Good afternoon. Valerie Gutierrez, IBEW 2358, business manager representing over 500 union members.

I appreciate the committee's commitment on finding the truth on this matter in order to make an actual determination whether or not JEA should be sold.

But it's sad that Sam Mousa and/or CEO Paul McElroy are refusing to take the oath because it speaks volumes not just to the community but to the employees, just, you know, what -- what kind of -- what is the -- what kind of message is he sending to the employees, where we have to abide by certain ethics. I know taking an oath may not be similar, but, you know, we have to be truthful in everything that we do or -- or we could be disciplined or even discharged if you're not. So it comes to, you know, what are they hiding or what's -- you know, what's the truth behind this whole sale.
We feel that the -- some of the texts that I've been getting, that JEA employees feel like the senior leadership is being held by a different standard than the employees.

So, like I said, I appreciate you guys taking on this big issue, whether or not JEA should be sold. And I think having individuals take the oath to determine whether or not we get down to the truth is the way this committee needs -- committee needs to continue to go, and we will be there to support you in every way. And we thank you for your time.

MR. CRESCIMBENI: Thank you, Ms. Gutierrez.

Any questions?

Ms. Gutierrez, I have a question for you.

MS. GUTIERREZ: Yes, sir.

MR. CRESCIMBENI: Is your -- is -- are you the largest union?

MS. GUTIERREZ: As far as members, yes, sir.

MR. CRESCIMBENI: And was your union -- was yours the union that the administration reached out to to have a meeting with?

MS. GUTIERREZ: Yes, sir.
MR. CRESCIMBENI: Has that taken place yet?

MS. GUTIERREZ: Yes, sir.

MR. CRESCIMBENI: All right.

MS. GUTIERREZ: And he's also requested a follow-up meeting.

MR. CRESCIMBENI: Okay. Thank you.

MS. GUTIERREZ: Thank you.

MR. CRESCIMBENI: The last speaker is Jack Caulkins.

MR. CAULKINS: How are y'all doing? My name is Jack Caulkins at 11450 Elaine Drive, 32218.

I commend y'all on taking this stand about the oath. All I hear from the mayor's office, JEA, and even our liberal newspaper is transparency, and there seems to be, from what I've gotten in the last hour or so, there isn't transparency. And the only votes that the taxpayers have in this town is the elected City Council members. Y'all have to look out for us. I can't go down to JEA and ask them, well, if you sell out to a private company that's not going to care about the taxpayers of Jacksonville, you're going to raise my rate,
oh, that's a tax increase that -- our mayor
doesn't want to have tax increases, but that
private company -- I lived here in 1950 when
the public utilities were run by private
companies. The sulfur water in the ground
tasted better than some of those companies.
And the State and the Government basically -- I
don't know whether ordered or what, but they
said, JEA -- the city needs to take over those
services because all those companies were
interested in was profit. Profit, profit, profit.

I mean, you look over here off of the
northwest part of Jacksonville, there were
houses over here that had outhouses. We've got
septic tanks all over this town that are still
there. We've got sewer lines running into the
St. Johns River that haven't been done that JEA
at one time promised they would take care of
it. If they sell out, do you think the private
company's going to absorb all that? If they
do, where is that cost going to go? It's going
to go to the citizens of Jacksonville.

Y'all are elected. Y'all are our voice.
Thank you very much.
MR. CRESCIMBENI: Any questions from the committee?

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: All right. Ms. Sidman, do you want to provide a procedural point on a previous motion, do you want to reiterate that for the benefit of the committee, please?

MS. SIDMAN: Through the Chair, earlier the Chair had asked whether or not the committee could decide whether or not to take an oath, and I indicated yes, the committee can decide. The Chair was looking at the committee and several committee members were shaking their head no, that they didn't think that an oath was appropriate for the public.

I interpreted that as what's under Robert's Rules as acquiescence and within the provision of the Chair to do that. However, in an abundance of caution, you may just want to put on the record a motion for the public to take an oath and then vote on that so it's very clear.

MR. CRESCIMBENI: Mr. Dennis.

MR. DENNIS: I would like to offer a motion that the public -- during public comment
do not have to take an oath.

MS. MORGAN: Second.

MR. CRESCIMBENI: Motion by Mr. Dennis, second by Ms. Morgan. Any discussion on that motion?

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: All in favor say yes.

THE COMMITTEE: Yes.

MR. CRESCIMBENI: Opposed say no.

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: By action we adopted that motion.

All right. Is there anything else to come before the committee?

I have action items to happen between now and our next meeting. Counsel auditors are going to send us an e-mail, all the captions on that questionnaire -- or that came with that, the responses to our questionnaire to all committees. She's going to -- he's also going to differentiate or provide us information on which two respondents failed to provide information about their fee structures and tell us whether those two companies made the final pool.
Then somebody's going to find out what the
cost of the RFP was. How do we -- how do we --
Mr. Philip, you're going to -- Mr. Peterson,
you're going to do that?
Peggy, you're going to prepare legislation
for the Committee's consideration at the next
meeting about hiring and appropriating the
funds for an independent advisor. And Council
President Brosche is going to send a letter to
the Jessie Ball duPont Fund with -- seeking
approval of the conditions and qualifications
and also ascertaining a funding amount.
And then I think the last one was the OGC
was going to prepare a subpoena and advise the
committee at each step of that process.
Did I miss anything?

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: All right. Seeing
nothing else to come before the committee, our
next meeting is scheduled for 2 p.m. next --
I'm sorry, we want -- we have a meeting
scheduled for next week. We can hear from the
Council Auditor. I don't know if we're going
to have the JEA information back by then. They
may not want to present, but you can present
their ten-year look-back, correct? So whether
we'll get the FEMA information or the other
action items that they were supposed to go
over, the philanthropic expenditures and
volunteerism, which is very important
components that was referenced in the PFM
report, I'll add to our subpoena to have that
information out there.

Ms. Sidman.

MS. SIDMAN: I'm sorry, I was distracted.
Can you repeat the question.

MR. CRESCIMBENI: Well, one of the action
items from the last meeting for JEA was that
they come back with a report from the past five
years on all philanthropic expenditures and
volunteerism hours. That was something in the
PFM report, we asked them to take a look at the
value of that. So we made that request. I'm
not sure what that -- at this point I have
concerns about whether that's going to be
provided. Can we add that to the subpoena?

MS. SIDMAN: Yes, by motion and majority
action of Council -- I mean, of the committee,
sorry.

MR. CRESCIMBENI: And I think the Council
Auditor already has the information from JEA on the ten-year look-back. You just need to verify it to make sure there's no issues with that, correct?

MR. BILLY: Yes.

MR. CRESCIMBENI: Is there a motion to add the philanthropic and volunteerism to the subpoena? Motion by Mr. Becton. Is there a second?

MR. DENNIS: Second.

MR. CRESCIMBENI: Second by Mr. Dennis. Is there any discussion on that?

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: All right. Seeing no one, all in favor say yes.

THE COMMITTEE: Yes.

MR. CRESCIMBENI: Opposed say no.

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: All right. Our action adopted that, which amends the original parameters of the subpoena.

All right. Anything else to come before the committee?

THE COMMITTEE: (No response.)

MR. CRESCIMBENI: All right. This meeting
is adjourned. Thank you-all. Thank you, audience.

(Proceedings concluded at 5:56 p.m.)

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REPORTER'S CERTIFICATE

STATE OF FLORIDA  

COUNTY OF DUVAL  

I, Stephanie Powers Cusimano, Registered Professional Reporter and Notary Public in and for the State of Florida at Large, hereby certify that I was authorized to and did stenographically report the proceedings and that the foregoing transcript, pages 1 through 128, is a true record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 23rd day of March 2018.

____________________________________
Stephanie Powers Cusimano
RPR, FPR