

**From:** [Sidman, Margaret](#)  
**To:** [Jackson, Brenda](#); [Mervin, Kendra](#)  
**Cc:** [Gabriel, Jason](#); [Hodges, Lawsikia](#); [Lahmeur, Merriane](#)  
**Subject:** Inquiry about JEA authority and Council Authority  
**Date:** Thursday, October 24, 2019 9:58:17 AM  
**Attachments:** [ARTICLE 5. THE COUNCIL.DOC](#)  
[ARTICLE 21. JEA.DOC](#)

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Council Member Priestly Jackson,

In response to your inquiry, broadly noted below and our follow up discussion, we are forwarding copies of the Charter, Article 21 (JEA) and Article 5 (City Council). Upon further discussion to better understand the request, you want the authority for JEA to enter into the discussions of selling JEA, and as a follow up to that, want to know what the Council could do to change the charter of JEA to modify the JEA powers. We believe that the Charter sections attached in their entirety above will provide you the answers that you are requesting. Specifically as to the sale of JEA, Section 21.04(p) addresses that issue, while Section 21.11 Legislative Authority of Council addresses the issue of the City Council's ability to amend the JEA article in the charter.

We trust that this answers your immediate questions.

Regards,

Peggy

*Margaret M. "Peggy" Sidman*

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**From:** Jackson, Brenda  
**Sent:** Tuesday, September 24, 2019 2:14 PM  
**To:** Rondinelli, Mellissa; Gabriel, Jason  
**Cc:** CM; SS; CAUDIT; Brown, Cheryl; Gabriel, Jason; Sidman Martin, Margaret; Johnston, Paige; Durden, Stephen; Hodges, Lawsikia; Mervin, Kendra; Jackson, Brenda  
**Subject:** Re: Memo re Ex Parte (a/k/a Cone of Silence) Guidelines; JEA Invitation to Negotiate

Fellow City Council Members, please do not reply to this E-mail.

Dear Mr. Gabriel...I read this memo that you forwarded after our conversation earlier today and I am uncertain what the definition of the "merits of the ITN" references. Specifically, I asked you if the Jacksonville City Council could by resolution require the JEA board to amend the ITN to include language that requires the assumption of the JEA pension liability by "the successful participant in this process" (see ITN #127-19 p. 51, Frequently Asked Questions bullet 26)? I further asked you to explain the role and/or interplay between the Jacksonville City Council and the JEA Board.

I shared that since the JEA is an independent authority and not a separate body politic, who is appointed by

the mayor and confirmed by the Jacksonville City Council, what precludes the Jacksonville City Council from acting on a resolution to amend the ITN.

I further shared that if the Jacksonville City Council could require or request the Duval County School Board to amend the proposed 1/2 cent sales tax to include additional considerations for nonprofit public charter schools, what prohibited a resolution requesting an amendment to the ITN.

I specifically asked this because of the current legislation pending before the Jacksonville City Council that requires the unfunded and potential pension liabilities to be assumed and funded by the City of Jacksonville. This legislation, Ordinance 2019-566, amends the Jacksonville Charter.

I shared with you my concerns regarding the quality of life and fiscal impact now and in the future for our Jacksonville residents. Specifically, I shared that we would price folks out of Jacksonville, similar to San Francisco, or diminish the quality of life, similarly to Detroit, with hundreds of millions of dollars in future pension liabilities.

We discussed my confusion with this legislation not being referred to the Rules Committee and how to get it so referred.

Most of our conversation addressed my concerns with the potential recapitalization event and the exclusion of language in the ITN that adequately addressed my concerns. To that end, to receive this memo prohibiting city council members from discussing "merits of the ITN" is troubling to say the least. It may appear that there's an attempt to marginalize and silence elected city council members further.

Please cite case law or other legal precedent that prohibits city council members from discussing the merits of the ITN. I must share that the opinion in the memo is novel to me.

Peace,  
Brenda A. Priestly Jackson  
District 10 Member  
Jacksonville City Council  
Sent from my iPhone

On Sep 24, 2019, at 12:55 PM, Rondinelli, Mellissa <[MRondinelli@coj.net](mailto:MRondinelli@coj.net)> wrote:

**Dear Honorable Council Members:**

Attached is a memo from the General Counsel regarding Ex Parte (a/k/a Cone of Silence) Guidelines related to the JEA ITN process as requested at the Special Meeting held on September 16, 2019. Please do not hesitate to contact Jason individually with any questions you may have.

Thank you,

***Mellissa A. Rondinelli***

Office Administrator  
Executive Assistant to Jason R. Gabriel, General Counsel  
Office of General Counsel - City of Jacksonville

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