

**OFFICE OF THE CITY COUNCIL**

**RESEARCH DIVISION**

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**CITY COUNCIL FUTURE OF JEA WORKSHOP MEETING MINUTES – amended**

**City Council Chamber, 1st floor, City Hall**

 **November 4, 2019**

**11:30 a.m.**

**Location:** Lynwood Roberts Room, 1st floor, City Hall – St. James Building; 117 West Duval Street

**In attendance:** Council Members Michael Boylan (Chair), Danny Becton, Matt Carlucci, Randy DeFoor, Garrett Dennis, Al Ferraro (arr. 11:48), Tommy Hazouri, Joyce Morgan, (name deleted)Terrance Patterson, (name inserted) Terrance Freeeman, Brenda Priestly Jackson, Ron Salem

**Also**: Peggy Sidman – Office of General Counsel; Kim Taylor, Heather Reber, Jeff Rodda – Council Auditor’s Office; Jeff Clements – Council Research Division; Steve Cassada, Melanie Wilkes and Carol Owens - Council Staff Services; Cheryl Brown – Council Secretary/Director; Sherry Hall – JEA; Carla Miller – City Ethics Officer; Jordan Elsbury – Mayor’s Office

**Meeting Convened**: 11:34 a.m.

Council Member Boylan called the meeting to order and thanked President Wilson for his willingness to have the Council undertake this JEA study process, which he believes is extremely important. He explained that the purpose of the workshop process is to get the City Council up-to-date as quickly as possible on a wide variety of issues related to JEA and to prepare to do the due diligence that the Council will have to perform. The workshops will also serve to help educate the general public about the many facets of the potential privatization of JEA. He invited the council members to pose questions that they want invited speakers to address at future meetings.

Mr. Boylan reviewed the proposed meeting calendar which consists of meetings on the Mondays of City Council meeting weeks at 11:00 a.m. In response to a question from Council Member DeFoor, Mr. Boylan said that speakers with a variety of perspectives can be invited to testify. Carla Miller said that she has been working with Council President Wilson and the Office of General Counsel on the selection of independent experts for the City Council and a recommendation should be forthcoming later this week. Council Member Hazouri suggested that a discussion be held earlier in the process rather than later about whether privatization of JEA is even a potential scenario that the Council might consider. Council Member Salem suggested that a meeting be devoted to the details of the Invitation to Negotiate so the council members know what that included. Chairman Boylan felt that an ITN discussion would detract from the historical perspective that he feels needs to come first. There will be time to study the ITN in detail later in the process. Council Member Priestly Jackson felt that the role of the City Council should be preeminent and not take second place to JEA’s desires. In response to a question from Council Member Morgan, Mr. Boylan said the council would need to be flexible in scheduling meeting topics after outside experts are engaged. Council Member Priestly Jackson advocated for moving the discussion of water needs/supply earlier in the process rather than near the end. Council Member Hazouri urged consideration of the ITN sooner rather than later, lest the City Council spend too much time on historical background while the JEA is pushing forward on a privatization proposal. Mr. Hazouri asked how the City Council could signal its preferences and concerns to JEA throughout the process so they can be aware of the Council’s sentiments.

Council Member DeFoor said there are two points that need answers from the outset: 1) does JEA have the authority to do what it’s doing without Council authorization? (if not, then it’s a voidable process); and 2) procurement as universally understood involves the purchase of goods or services – the sale of an entity is not a procurement process for the selling agency, so the whole premise of JEA’s process may be flawed from the outset.

Council Member Dennis urged that a court reporter take a verbatim transcript of all testimony and that all testimony should be done under oath.

Council Member Carlucci said the JEA is a City asset and shouldn’t be sold at the JEA’s initiative; City Council should be in charge of the process. He questioned why JEA took it upon itself to set out on a process the City may not want to entertain.

Council Member Freeman said he is glad to see that Mr. Boylan is willing to entertain all points of view in a fair process and asked to hear the rest of his proposed agenda.

Council Member Priestly Jackson said she wants to see a list of all questions posed to the Office of General Counsel to date by all council members and the full Council and the answers to those questions as they have been provided thus far.

Chairman Boylan said the deadline for submitting questions is one week before the meeting to which those questions apply. Meetings will be held to approximately 90 minutes. Speakers will be provided with questions in advance to specifically address, then Q&A will follow. There will be public input opportunity via a dedicated web site, but public comment will not be taken at workshop meetings. He will ask the Council President to allow JEA-specific public comment at the City Council meeting the following night to react to what happened in the previous day’s workshop. Council Member Carlucci urged allowing public comment at the workshops on this extremely important issue. Council Member Boylan said there will be ample opportunity for public input later in the process at City Council and its committees when a specific proposal becomes clearer. Council Member Morgan advocated for allowing at least some public comment at workshops to give the public confidence that they are being heard and that the Council cares what they think. Council Member Priestly Jackson recommended notifying everyone who has sent emails to the City Council thus far on the topic of JEA inviting them to the workshops.

Council Member Becton recommended that Topics 5 and 6 on the proposed list be combined into one meeting and that Topic 4 be expanded to multiple meetings because of the breadth of the issue and the number of factors that need to be covered under that topic. He also recommended that Topic 4 be moved up to third on the list as a way to establish the foundation for debate. Mr. Boylan said that he believes the JEA’s audited financial documents for the last fiscal year will become available in December and the calendar can be shuffled after the first couple of historical background meetings, particularly after outside expertise is hired. Deputy General Counsel Peggy Sidman asked the council members to send her any questions they want posed to General Counsel Jason Gabriel so they can be addressed. Council Member Ferraro asked for an explanation of how the JEA can initiate a sale of itself; Ms. Sidman and Mr. Boylan said that would be addressed at the Wednesday workshop. Council Member Priestly Jackson said that her understanding is that the Council can propose Charter amendments to alter the JEA’s charter authority at any time to enforce the City Council’s authority and control over its asset. Peggy Sidman clarified that the legislative body can make permissible Charter changes as it sees fit, but those changes would not retroactively apply to past actions. Ms. Sidman said that she would immediately circulate an email that she had previously sent to Council Member Priestly Jackson on the subject of JEA’s authority to initiate its own sale.

Council Member Hazouri again advocated for having a court reporter present to take verbatim transcripts of the workshops. Mr. Boylan and Council Secretary/Director Cheryl Brown said that they would ensure that a verbatim transcript is produced.

Council Member Ferraro asked for clarity about what Charter provisions are being interpreted to allow the JEA to initiate a sale process and how the Charter can be amended to recapture that authority to the City Council so that none of the other independent authorities can follow the same path in the future.

**Meeting adjourned:** 12:35 p.m.

Minutes: Jeff Clements, Council Research Division

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