

**SPECIAL INVESTIGATORY COMMITTEE ON JEA**

**SESSION #1**

DATE: Monday, February 10, 2020  
TIME: 8:12 a.m. - 10:52 a.m.  
PLACE: Council Chambers  
First Floor  
City Hall at St. James Building  
117 West Duval Street  
Jacksonville, Florida 32202

COUNCIL MEMBERS PRESENT:

Scott Wilson, Council President, District 4  
Rory Diamond, Chairman, District 13  
Randy DeFoor, District 14  
Brenda Priestly Jackson, District 10  
Joyce Morgan, District 1  
LeAnna Cumber, District 5  
Michael Boylan, District 6  
Ju'Coby Pittman, District 8  
Garrett Dennis, District 9  
Danny Becton, District 11  
Randy White, District 12  
Terrance Freeman, Group 1  
Ronald Salem, Group 2  
Tommy Hazouri, Group 3

ALSO PRESENT:

Dr. Cheryl Brown, City Council Director  
Jessica Matthews, Chief of Legislative  
Services  
Steve Cassada, IT Administrator  
Jeff Clements, Chief of Research  
Peggy Sidman, Office of General Counsel  
Sean Granat, Office of General Counsel  
Jon Phillips, Office of General Counsel  
Jason Gabriel, Office of General Counsel  
Christopher Garrett, Office of General  
Counsel  
Steve Busey, Smith, Hulsey & Busey

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

2 CHAIRMAN DIAMOND: Special Investigatory  
3 Committee on JEA will come to order. It is  
4 8:12 a.m., on Monday, February 10th. And  
5 we'll go around and introduce ourselves.

6 Where is -- are you going to sit back  
7 there, Ms. Peggy? Wherever you want to be,  
8 I'm good to go.

9 We're going to start with Councilman  
10 Boylan.

11 COUNCIL MEMBER BOYLAN: Michael Boylan,  
12 District 6.

13 COUNCIL MEMBER BECTON: Danny Becton,  
14 District 11.

15 COUNCIL MEMBER MORGAN: Good morning,  
16 everyone. Joyce Morgan, District 1.

17 COUNCIL MEMBER DeFOOR: Good morning,  
18 Randy DeFoor, District 13.

19 CHAIRMAN DIAMOND: Good morning, Rory  
20 Diamond, District 14.

21 COUNCIL MEMBER PRIESTLY JACKSON: Good  
22 morning, Brenda Priestly Jackson, District  
23 10.

24 COUNCIL PRESIDENT WILSON: Scott Wilson,  
25 District 4.

1 COUNCIL MEMBER SALEM: Ron Salem, Group  
2 At-Large.

3 COUNCIL MEMBER WHITE: Randy White,  
4 District 12.

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

7 MR. BUSEY: Steve Busey, of Smith,  
8 Hulsey & Busey, special counsel to the  
9 Jacksonville City Council.

10 CHAIRMAN DIAMOND: Thank you, sir.  
11 Jason, if you want to do that table.

12 MR. GABRIEL: Sure. Jason Gabriel  
13 General Counsel, City of Jacksonville.

14 MR. GRANAT: Sean Granat, Office of  
15 General Counsel.

16 MR. GARRETT: Chris Garrett, Office of  
17 General Counsel.

18 CHAIRMAN DIAMOND: I'm not sure that one  
19 is working.

20 MR. GARRETT: Chris Garret, Office of  
21 General Counsel.

22 CHAIRMAN DIAMOND: There you go, got it.

23 Well, good morning, everyone. Today,  
24 for the first time in the history of  
25 Jacksonville, a Special Investigatory

1           Committee has been created to investigate  
2           part of our own city government. We're here  
3           because something has gone wrong with JEA.  
4           If you go anywhere around the city of  
5           Jacksonville and you ask about JEA, you will  
6           hear that people are upset. You will hear  
7           that people do not trust their city  
8           government right now when it comes to JEA.

9           Our job of this Committee is to  
10          investigate and get to the bottom of this so  
11          that we know exactly what went wrong at JEA.  
12          We need to do this in an impartial, fair,  
13          reasonable, detailed, and thorough manner.  
14          We need to do it without prejudging where  
15          we're going to go. And we need to be  
16          evidence-based, not in a scientific way, but  
17          in a legal way, which is to let the  
18          documents drive our investigation.

19          Most importantly, I think, for something  
20          like this, when there has been a breach of  
21          trust, we have to be transparent and easy to  
22          follow. This Committee is going to have the  
23          highest scrutiny; and therefore, we need to  
24          meet our rules when it comes to public  
25          records, transparency, and Sunshine better

1           than any committee in the history of this  
2           city.

3           I want to thank President Wilson for  
4           having the courage to create this Committee.  
5           I know you had a lot of pressure not to do  
6           it. But I really do believe, and I will  
7           speak for our Committee Members on this one,  
8           that it was the right thing to do. So thank  
9           you, sir, for your leadership and your  
10          willingness to do it.

11          I want to thank my fellow Committee  
12          Members for doing this. On my right is  
13          Council Member Brenda Priestly Jackson, 23  
14          years as a lawyer here in the state of  
15          Florida, a graduate of the University of  
16          Florida Law School. She runs a nonprofit.  
17          She was the Chair of the Duval County School  
18          Board. She's really smart, and very  
19          intimidating to have next to me.

20          I've got Councilwoman Randy DeFoor, 20  
21          years as a lawyer here in Florida, senior  
22          vice president, national agency counsel of  
23          Fidelity National Financial, also scares me  
24          because you're super smart.

25          And so you have, I think, three

1           confident members here and our Council  
2           President making sure we don't get in  
3           trouble. So I appreciate everyone here and  
4           willing to do this.

5           I also want to thank our Ethics  
6           Department, Carla Miller. I want to thank  
7           our OIG. In particular, I want to thank the  
8           Office of General Counsel for all of the  
9           work and everything you guys have already  
10          done. I want to thank our special counsel  
11          at Smith Hulsey for all the great work you  
12          guys have done to get us going.

13          One last thing, two notes, as we guide  
14          this Committee, is I really do think it's  
15          our responsibility to do this in the most  
16          mature, focused, and detailed fashion, that  
17          the tone that we set will be the one that  
18          the people of Jacksonville look to. And I  
19          think we will have been successful and done  
20          the right thing that if -- you know, not any  
21          time soon, but a little bit down the road --  
22          people look back at JEA, and our Council,  
23          and our city government and start to have  
24          faith again. They'll start to believe that  
25          JEA is being run properly and appropriately,

1           and they'll start to believe again that  
2           their local government has their best  
3           interest at heart. That's how we will know  
4           we've done this right.

5           I keep two sets of people in my mind as  
6           we do this. One is the employees of JEA. I  
7           can't imagine what they've gone through the  
8           last two years. It could not have been  
9           pleasant. And so with their hard work in  
10          mind, I think we're going to be doing a lot  
11          of hard work to make sure that they have  
12          faith in their city government.

13          And then the other group -- and this is  
14          just more personal. When I was in law  
15          school, I went away for a summer and forgot  
16          to pay my electric bill. And I came back  
17          and my power was turned off. And I had to  
18          go every month and pay in cash to pay my  
19          electric bill.

20          And during that experience, for those  
21          six months, I saw and met a lot of people  
22          who had to do that also. And it was  
23          sobering and a tough experience for me,  
24          because it was hard to watch people not be  
25          able to pay for the most fundamental

1 services we can provide, electric and water.  
2 You can't be a civilized human without those  
3 two things.

4 And so for the people in Jacksonville  
5 who struggle to do that every day, when  
6 they're seeing that executives could have  
7 made off with tens, if not hundreds of  
8 millions of dollars, those are the people  
9 who would have paid for it.

10 So with that in mind, we can jump into  
11 this. I'll open it to my fellow Committee  
12 Members for any opening comments you may  
13 have.

14 COUNCIL MEMBER PRIESTLY JACKSON: Thank  
15 you, Council President Wilson, for taking  
16 the bold stand to appoint this Committee.  
17 And thank you to my colleagues, Committee  
18 Chair Councilman Diamond and Councilwoman  
19 DeFoor.

20 I want to be really clear. For me, the  
21 primary focus as the legislative body of the  
22 consolidated government of the City of  
23 Jacksonville are going to be charter  
24 changes, in my estimation. And so the who,  
25 what, where, when, and why will lead to us



1 finding out what authority individuals  
2 acted; and based on whatever authority they  
3 acted, whether it was the Charter, whether  
4 it was internal procedures for JEA, whether  
5 it was the Florida Constitution, I think  
6 that's the careful review.

7 I am encouraged that we're having the  
8 meetings. I am going to ask my Committee  
9 Chair as well that -- to establish, not  
10 maintain, since we're meeting today, but to  
11 establish transparency and honesty that we  
12 just can't have the meetings at 8 o'clock in  
13 the morning; we have to have them in the  
14 afternoons and evenings as well.

15 And so as we move forward, to make  
16 certain that we afford our everyday folks an  
17 opportunity to join us if they want to, but  
18 that all actions that are taken by the three  
19 of us as Committee Members are fully  
20 disclosed, the public understands that we  
21 are giving voice to their concerns, and that  
22 we are going to do our due diligence that's  
23 been entrusted with us with the charge from  
24 our Council President. Thank you.

25 COUNCIL MEMBER DeFOOR: Thank you,

1 Mr. Chair.

2 I just want to again thank President  
3 Wilson for his courage to put this Committee  
4 together, because it does come in the face  
5 of some political backlash. And for that, I  
6 also want to thank Chair Diamond for taking  
7 this on, as well as Brenda Priestly Jackson.

8 As I sit here today, what I think about  
9 is I think about not only the financially  
10 at-risk, but I think about our next  
11 generation. That really was the driving  
12 force when I first stood up and talked about  
13 the water. I couldn't think about facing my  
14 own children and having to explain how in  
15 the world we sold our water.

16 So as we go through this process, I  
17 think our charge is to determine absolutely  
18 how, when, and where, and who, and the  
19 charges. And I'm going to rely heavily on  
20 Councilwoman Brenda Priestly Jackson on  
21 this, and how do we change our Charter to  
22 ensure this will never happen again. We  
23 have a huge job before us. It's very  
24 complicated, especially because it is in the  
25 light of day. So we ask that you as a

1 community stand with us and help us through  
2 this process.

3 COUNCIL PRESIDENT WILSON: Thank you,  
4 Mr. Chairman.

5 And I would just like to thank each of  
6 you for your willingness to serve on this  
7 very important Committee. We need to get to  
8 the bottom of the what, where, how, and why.  
9 And so I look forward to your deliberation.

10 I'm here to help and, if you have  
11 questions, to be a small part of this. But  
12 you three are the ones that are going to  
13 drive this conversation.

14 I would also like to thank the other  
15 colleagues for being here as well. I  
16 appreciate your service and being here. And  
17 I hope, when the time is right, you'll  
18 recognize them and have them speak. So  
19 thank you.

20 CHAIRMAN DIAMOND: That was perfectly  
21 timed, Council President, because that's  
22 exactly what I was going to do.

23 Just so my colleagues know, my thought  
24 on how to run these was essentially to defer  
25 to the Committee Members first on any given

1 matter and then to give the exact same chair  
2 and leeway to other Members of our City  
3 Council, because while we may be on the  
4 Committee, I know every single person here  
5 has a huge stake in this.

6 So with that in mind, if we have any  
7 comments from our Council Members, we're all  
8 ears.

9 Councilman Boylan.

10 COUNCIL MEMBER BOYLAN: Thank you,  
11 Mr. Chair.

12 I just want to take a moment to also add  
13 my appreciation as we continue your efforts  
14 and very important efforts in looking back  
15 and making certain we don't find ourselves  
16 in this situation again. I'm encouraged by  
17 the fact we're able to continue the effort  
18 to look forward, as well, to what changes  
19 need to be made, as your Members suggested,  
20 to the Charter itself and other  
21 opportunities for the JEA.

22 It's too important for us not to focus  
23 on the future as well. I noted it at the  
24 last workshop we hosted, and Ms. Jackson  
25 also commented on the fact that, ultimately,

1 at the end of the day, it falls on the City  
2 Council to make some of the strategic  
3 decisions coming out of that authority. So  
4 I do appreciate the opportunity to separate  
5 the two areas. And I want to applaud  
6 Council President for having the wisdom to  
7 do so. Thank you.

8 CHAIRMAN DIAMOND: Councilwoman.

9 COUNCIL MEMBER MORGAN: Thank you so  
10 much, Mr. Chair.

11 And as the Chair of the Rules Committee,  
12 I am especially glad to be here with you  
13 this morning and to support your efforts.  
14 As we move forward, we'll be talking more  
15 about how the Rules Committee will be  
16 involved with your special investigation.

17 Also, as we continue, we do want to  
18 continue to thank our City Council President  
19 for moving forward with such action and, you  
20 know, expediting what we are doing.

21 The other thing that has been brought  
22 out, and it really needs to be brought home,  
23 is community empowerment and community  
24 engagement during this process. And I think  
25 that level of transparency that you are

1 talking about is so important to what we do  
2 and to how our citizens are involved in this  
3 process.

4 So thank you so much for all that you're  
5 going to be doing. And as we're looking  
6 forward to this, how we continue to empower  
7 our community, engage our community, and  
8 just let them know that we are here for  
9 them. Thank you.

10 CHAIRMAN DIAMOND: Thank you. Honored  
11 to be your vice chair on that committee.

12 Anyone else? Councilman Salem.

13 COUNCIL MEMBER SALEM: Thank you,  
14 Mr. Chair.

15 I, like my colleagues, want to thank  
16 Councilman President Wilson for setting this  
17 up. I think, as we all believe, this is the  
18 most important issue as we go around town,  
19 that people care about. And we do need to  
20 get to the bottom of this. And, hopefully,  
21 after some period of time, we will.

22 I also want to thank you, Mr. Chair, for  
23 recognizing the other several of us that are  
24 here and giving us the same ability to speak  
25 at the appropriate time. I think most of us

1 will do the reading, do the research, and  
2 want to participate, as appropriate, to get  
3 to the bottom of this. Thank you.

4 CHAIRMAN DIAMOND: Yes, sir.

5 UNIDENTIFIED SPEAKER: I would like to  
6 yield my time, if this is proper. I see a  
7 couple union members out there. And I know  
8 they usually get to talk at the end of  
9 the -- this is a special committee, and I'd  
10 like to give them -- a couple of them the  
11 opportunity to set the stage and ask them  
12 what they're looking for, and I think that  
13 would be proper. I see Mr. Burris and a  
14 couple more.

15 CHAIRMAN DIAMOND: You beat me to it,  
16 but absolutely.

17 UNIDENTIFIED SPEAKER: If you would  
18 allow that.

19 CHAIRMAN DIAMOND: Of course.

20 Come on forward. State your name and  
21 address for the record.

22 MR. BURRIS: My name is Ronnie Burris,  
23 and I'm the Business Manager of Local 630.  
24 My address is 550 Balmoral Circle North,  
25 Suite 205, Jax, Florida 32218.

1           I want to say thank you to Councilman  
2           Wilson and all of the Committee. And, you  
3           know, this is -- you're right, the JEA  
4           employees have been through pure heck for  
5           the last two and a half years, not knowing  
6           if they were going to have a job in a month,  
7           a week, a day, they didn't have no idea.

8           This reaches out so far, you know. I  
9           think that, once this Committee gets to  
10          digging, I think you're going to find that  
11          it reaches out so much further than what we  
12          even have an inkling about.

13          And I know that you're going to have a  
14          hard job. I know the City Council is going  
15          to have a hard job. This is not going to be  
16          easy, because I do think -- but on behalf of  
17          the JEA employees, I want to tell you that,  
18          as a retiree from JEA -- I was there 25 and  
19          a half years -- they love who they work for.  
20          They love this city. They love what they  
21          do. And they just want to be treated right.  
22          And they have not been treated right through  
23          this process.

24          They will never feel that they can be  
25          respected. As long as the current people



1 are in, they'll never feel they're  
2 respected, they'll never feel that they have  
3 a stand-up group that will support them.  
4 And that's why I say I think that you're  
5 going to have a very hard job.

6 So, again, I just want to thank all of  
7 you. And I want to thank you, Councilman  
8 Diamond, for agreeing to head this up. And  
9 Councilman Jackson and Councilman DeFoor,  
10 thank you very much. On behalf of myself,  
11 my members, thank you very much.

12 CHAIRMAN DIAMOND: Thank you, sir.

13 Tim.

14 MR. WING: Good morning. My name is Tim  
15 Wing. I'm an employee of JEA.

16 Again, I just want to echo what Ronnie  
17 said, thank you very much. As I learned  
18 early on, on working with my grandpa on a  
19 farm, is this is going to be a tough row to  
20 hoe. I'm sure with the amount of digging  
21 you've already done, there is some tracks  
22 being covered.

23 Like Ronnie said, this goes -- it's been  
24 many opinions inside the employees, this  
25 goes so far beyond the Mayor. And when you

1 look back, if anyone -- when Tom Petway  
2 first stood up on our board and said, Hey,  
3 we should look at the value of JEA, the word  
4 sale was not used in that. Hey, let's just  
5 look at the value. How did it go from just  
6 looking at the value, take inventory, to  
7 sell JEA? Why anyone would think it did not  
8 go above and beyond -- above him and spread  
9 out. Someone had an idea, someone had a  
10 motive. Someones would probably be more  
11 appropriate, whether that's individuals or  
12 corporations.

13 We, as employees, let's look at SJRPP.  
14 Why was it destroyed? What was the hurry?  
15 There was no reason for that to come down  
16 like it did. There is some background  
17 there. There is so much the public doesn't  
18 get to see that we inside -- but, you know,  
19 we have restraints as to what we can say.  
20 But poll the inside and ask me, and I'll  
21 give you my opinion.

22 But it's a shame that we've had to come  
23 to this point. And I just want to echo,  
24 there is so many employees that are fearful  
25 to this day to come down here to this City

1 Council and say anything. We live in the  
2 United States of America. People have died  
3 and are dying for our right to come down and  
4 say something. And we have people who are  
5 not even from this town, you have outsiders  
6 coming in to profit on what you referenced  
7 earlier, our city, what our city owns, what  
8 our people own. We own this. And they want  
9 to profit from that? This is -- thank you  
10 very much.

11 CHAIRMAN DIAMOND: Thank you, Mr. Wing.

12 Anyone else from the unions of JEA?

13 Okay. Councilman Freeman, did you want  
14 to speak?

15 All right. A group I forgot -- oh, and  
16 I'll recognize that Councilman Garrett  
17 Dennis is here too. Welcome.

18 I forgot to recognize our Council  
19 Auditors when I was recognizing everybody  
20 else. So maybe it's good that I did,  
21 because now we can say it very specially:  
22 We wouldn't be here without you all. We  
23 would be having very different meetings  
24 right now, for sure. So thank you for your  
25 service to the City and thanks for all what

1           you're going to do for the Committee and  
2           what you've already done, everybody, thank  
3           you.

4           Okay. Our next item for business,  
5           basically, is, because of Sunshine, I can't  
6           meet with my Committee Members in private  
7           and decide how we're going to do this. We  
8           can't do that. Instead we have to do it out  
9           here, as we should, so everyone can follow  
10          along and listen to us to talk about how  
11          we're going to do this.

12          So this may not be as pretty as we  
13          usually have City Council meetings, but no  
14          one has ever done this before. So we're  
15          going to have to figure out how we're going  
16          to do it. And we'll start with the charge.

17          I'll go to Peggy. If you want to read  
18          and kind of explain what our job is, please.

19          MS. SIDMAN: Sure. To the Committee.  
20          So on February 4th, Council President Wilson  
21          established, pursuant to Rule 2.103, a  
22          special committee on -- Investigative  
23          Committee of the JEA matters. The Committee  
24          is a four-person member, Council President,  
25          Council Member Brenda Priestly Jackson,

1 Council Member Rory Diamond, and Council  
2 Member Randy DeFoor. The charge, which is  
3 attached to your agenda, I will read that  
4 directly into the record, and then, if the  
5 Chair wants me to go back and explain, I  
6 can.

7 So the charge, as established by the  
8 memo, says: Investigate JEA matters related  
9 to the recent pursuit of the strategic  
10 option to potentially privatize JEA;  
11 determine matters that, through the powers  
12 investigated in this legislative body, could  
13 be prevented in the future through  
14 legislative action.

15 The review should include JEA's review  
16 of the five scenarios for the future of JEA,  
17 including the invitations to negotiate,  
18 JEA's decisionmaking in the pursuit of  
19 privatization, and the proposed employee  
20 incentive program known as the Performance  
21 Unit Plan.

22 CHAIRMAN DIAMOND: Okay. And do you  
23 want to help us out with specifically what  
24 our charge is to produce at the end and what  
25 our timelines are, please.

1 MS. SIDMAN: Sure. So the deadline --  
2 and you can also find this in the memo. So  
3 the Committee shall prepare an initial  
4 schedule of meetings and shall report its  
5 findings to the Council President on or  
6 before June 1st, 2020, unless a special  
7 committee is otherwise extended or  
8 terminated.

9 CHAIRMAN DIAMOND: Okay. I think maybe  
10 it's a good time to chat with the Committee  
11 Members now about what we might just call  
12 the purview of the Committee. I can give my  
13 opinion first, or if y'all want to weigh in,  
14 like what are we looking for.

15 Perhaps, Council President, it would be  
16 good to start with you, as you wrote the  
17 charge.

18 COUNCIL PRESIDENT WILSON: I'll let  
19 y'all start.

20 CHAIRMAN DIAMOND: Make sure we don't  
21 mess up, appreciate that.

22 Councilwoman.

23 COUNCIL MEMBER DeFOOR: I think it's  
24 written very -- as I read this, the sentence  
25 that strikes me is determine matters that,

1 through the powers investigated in this  
2 legislative body, could be prevented in the  
3 future through legislative action. And then  
4 if you go to the next paragraph, it says,  
5 decisionmaking and pursuit of privatization.

6 So when you look at decisionmaking,  
7 that's very broad and can go back -- I mean,  
8 I really -- as I've looked through the  
9 depositions that have been taken and the  
10 emails and the information that's been  
11 provided, I do think the starting point is  
12 that point when Tom Petway stood up and  
13 said, Let's look at the value of the JEA.

14 If you also look, that month, I think  
15 it's December of 2017, it's the same month  
16 where, if you look at the financials and  
17 where there is any loss of business, it was  
18 really from the out sales. And the out sale  
19 was to -- the loss was the out sale to the  
20 Nassau County. And that was lost to FP&L.  
21 And the question is, How did we lose that  
22 contract to Nassau County in December of  
23 2017? And that kind of starts the whole  
24 process, if you -- in my mind.

25 CHAIRMAN DIAMOND: So December of 2017

1 as a kickoff?

2 Councilwoman Priestly Jackson.

3 COUNCIL MEMBER PRIESTLY JACKSON:

4 Through the Chair. I actually think you  
5 have to go back further than that. I think  
6 that we actually might want to go back to  
7 2014 or '15. I think that that kind of  
8 brings into play when we changed the entire  
9 board governance structure was changed --  
10 board governance of JEA was changed at that  
11 time by new appointees. Why that is  
12 relevant, to me, I think that factors in to  
13 proposed charter changes that we're going to  
14 need to address that. And so I would say  
15 end of '14 to '15 is when we actually need  
16 to start the calendar date.

17 The other scope, for me, there are the  
18 three areas that have been highlighted, in  
19 my opinion, that we need to address as  
20 relates specifically to the Charter and what  
21 authority individuals acted on, whether they  
22 were the executive staff at JEA, whether  
23 they were the JEA Board, whether it was the  
24 City Council, whether it was the Office of  
25 General Counsel, whether it was laypersons.



1           And so, for me, the three broad  
2 categories that we need to look at is not  
3 only Chapter 21 of JEA as an independent  
4 authority, what proposed changes we need to  
5 add and what specifically is the  
6 relationship between the independent -- that  
7 independent authority and the members of the  
8 City Council.

9           I also think we have to look at the  
10 powers and responsibilities of the City  
11 Council in a whole. And so do we get  
12 ourselves in a crisis point once again  
13 before we find inability to intervene? What  
14 is our authority relative to charter  
15 changes, ordinances, and resolutions, with  
16 not only JEA, but a broader look in terms of  
17 could we potentially find ourselves  
18 similarly situated with any other  
19 independent authorities? I think we need  
20 clarification of that relationship.

21           And the other area, for me, I think that  
22 we have to look at the authority of our  
23 Office of General Counsel. And I say this  
24 with the utmost respect for General Counsel  
25 Gabriel and those in his staff, but I think,

1           throughout this process, we have come to  
2           realize that there are some inherent  
3           conflicts embedded in -- my running joke  
4           with Mr. Gabriel has been he is a tribunal  
5           of one.

6           And so I think the Office of General  
7           Counsel is integral to consolidated  
8           government, but I am going to go on and put  
9           it out there now, a proposition that perhaps  
10          we need three general counsels in that  
11          office. And one would be one that's  
12          answerable to the executive branch and the  
13          independent authorities. A second that's  
14          answerable to the City Council. And the  
15          third that represents the constitutional  
16          officers and the School Board. And then  
17          they can actually come together perhaps as a  
18          tribunal for any matters of conflict that  
19          arise between those bodies and then  
20          naturally the language of receipt -- having  
21          outside counsel.

22          So that's what I have looked to. I  
23          think that our Charter was appropriate when  
24          it was drafted five decades ago, but we  
25          didn't have 940,000 neighbors, and we didn't

1           have the size of our government then. So my  
2           view is every action that was done, whether  
3           it was done through a formal action of the  
4           executive team and board together or whether  
5           it was done outside, every action that was  
6           done, seeing how that action came to be and  
7           what changes need to result from that. And  
8           we bring that straight through to the  
9           President.

10           CHAIRMAN DIAMOND: Council President.

11           COUNCIL PRESIDENT WILSON: Not right  
12           now.

13           CHAIRMAN DIAMOND: Okay. Let me see  
14           maybe if I can distill this into something  
15           that might be useful for us. And I'm just  
16           putting this out there to be helpful. What  
17           if we had maybe two buckets of time that  
18           we're looking at: One that starts in  
19           December and has a lot of focus on our  
20           document request and things like that;  
21           another, we will pick items that go back to  
22           2014 and '15? Would -- if we could come up  
23           with, like, let's say, a list of things that  
24           are relevant to us that go back that far?

25           What I'm trying to avoid is if we, for

1           example, send a document request to JEA that  
2           says, Give us all communications related to  
3           10 things or 70 things that goes back to  
4           2014, I think we're going to get to 10 or 15  
5           million documents. So I want to be  
6           judicious in how we do this, but I don't  
7           want to miss anything. What do you think?

8           COUNCIL MEMBER PRIESTLY JACKSON: I  
9           think it's incumbent upon us to say what the  
10          issue is. Unlike you, I have absolutely  
11          zero desire to look at 10 million documents.  
12          I don't intend to look at 10 million  
13          documents. I have shared that with  
14          Mr. Gabriel; I'm not.

15          And so I think that we go back and say,  
16          say, for example, if hypothetically we were  
17          to go back and say, The board configuration  
18          changed at this time, or this is the  
19          particular action that happened at that  
20          time, what do we think is relevant to that?

21          So probably the proper -- the best way  
22          to do that is for the members of the  
23          Committee, alone with our colleagues on the  
24          Council to say, These were the key points  
25          that we think that we need to address before

1           that date.

2           And, actually, that, to me, is the same  
3           lens that we look at in '17. We're not  
4           going to review every act and every document  
5           that happened since '17 or '18. We have had  
6           the pleasure of reading some of the  
7           information now, but I think issue spotting,  
8           on which is our skill, is always in there  
9           looking at what information we need in  
10          relation to that.

11          CHAIRMAN DIAMOND: Okay. So I think  
12          we're pretty close to being on the same page  
13          on this. Maybe, as we go through the  
14          document request in a little bit here, we  
15          can add some flesh to that, but I think we  
16          have enough at least to start to frame this  
17          out.

18          Councilman Salem, please.

19          COUNCIL MEMBER SALEM: Thank you,  
20          Mr. Chair.

21          One of the suggestions I was going to  
22          make, when I met with Mr. Granat a week or  
23          so ago, he went through a timeline with me  
24          that began with the appointment of Aaron  
25          Zahn as a board member, and went through

1           dates and times. And that was -- I tried to  
2           take notes, but that was very helpful to me.  
3           And I think he was going to create such a  
4           document of every significant incident that  
5           occurred from the appointment of Aaron Zahn  
6           as a board member, which I think was January  
7           of '18, if I'm --

8                   CHAIRMAN DIAMOND: February.

9                   COUNCIL MEMBER SALEM: February of '18.  
10           I think that would be very helpful to the  
11           Committee as we go forward.

12                   The second comment I would make as just  
13           one City Councilman, my primary interest is  
14           the PUP. You and I went through a process  
15           with the PUP in December. As a member of  
16           this Committee, my focus will be on the PUP,  
17           who, what, when, and where, in trying to get  
18           to the bottom of who knew more about the PUP  
19           and those kind of things. And I don't know  
20           whether other colleagues have particular  
21           interest or not, but that's my interest.  
22           And I intend -- there are many ways we can  
23           go, but that's where I'm going to go as I  
24           get documents.

25                   CHAIRMAN DIAMOND: Okay. And I've got

1 Council President Wilson in the queue, and  
2 then I'll go to you.

3 COUNCIL PRESIDENT WILSON: No, I --

4 CHAIRMAN DIAMOND: That works.

5 Councilwoman.

6 COUNCIL MEMBER DeFOOR: Thank you,

7 Mr. Chair.

8 I too agree with the PUP. What's  
9 interesting is, I've gone through all this  
10 documentation, is that the PUP was done  
11 right along with the ITN. They are hand in  
12 hand. So as we go through this  
13 privatization, the PUP will be right there  
14 with it.

15 CHAIRMAN DIAMOND: Yes, ma'am.

16 COUNCIL MEMBER PRIESTLY JACKSON: I know  
17 that we are focusing on the PUP, and I think  
18 the PUP kind of leads us to motive and  
19 intent behind some of the other acts. One  
20 of the things that I had talked with our  
21 General Counsel regarding was this whole  
22 notion of an equity interest in our  
23 municipal utility, which, to me, on the face  
24 of it, would be what -- for public policy,  
25 you can't do -- probably needing at the

1           onset some drafting of charter language from  
2           the Office of General Counsel to just say  
3           that can never be.

4           So as we can look at the bad actors who  
5           participated in it, since it was not  
6           mentioned in the Charter, because no one  
7           ever contemplated someone trying to sell  
8           equity shares of a municipal utility, I  
9           would ask that we start with that from  
10          General Counsel at the very beginning, so as  
11          we go through, we know that we have done the  
12          Charter cleanup or inclusion, that that  
13          issue never comes up again in that way.

14          CHAIRMAN DIAMOND: Okay. And I welcome  
15          Councilman LeAnna Cumber. Nice to have you  
16          here.

17          Anything else from the Committee before  
18          I go to other members?

19          Okay. Councilman Dennis.

20          COUNCIL MEMBER DENNIS: Good morning,  
21          everybody. You know, if we're looking at  
22          timeline, I do think that we need to go back  
23          to December of 2017 because, remember, this  
24          is the second attempt in, what, 18 months of  
25          the utility being sold. And so I do think,



1           you know, we need to look at when the  
2           utility was put out, when that first  
3           evaluation, valuation was done in December  
4           of 2017, but pull in, you know, how it all  
5           started in 2015 when the new council, new  
6           administration came in and there was a  
7           complete purging of the board. I think  
8           that's what set it all up and then it was  
9           put into action December of 2017.

10           So I do think we need to go back and  
11           look at not just this attempt and not just  
12           focus on Zahn when he was made interim or  
13           put on the board in February, but, remember,  
14           he was put on the board, he was put in place  
15           because of the first failed attempt that  
16           happened in December of 2017. So those are  
17           my thoughts. Thanks.

18           CHAIRMAN DIAMOND: Thank you.

19           Okay. So I don't think we're that far  
20           off. I think we're pretty close. As we go  
21           in, just for my own two cents, to me, I  
22           agreed with Councilwoman DeFoor that  
23           December 2017 was a good kickoff. But I  
24           understand this idea of let's capture the  
25           important issues going back before then.

1           As far as actual topics, I think there  
2           are several buckets: the PUP, as Councilman  
3           Salem agreed; the ITN process; the abuse of  
4           authority by members of JEA senior  
5           leadership and perhaps the board. And I  
6           have in this other bucket, just kind of  
7           things that just don't pass the smell test  
8           from the last two years.

9           Perhaps one of our interrogatories we'll  
10          discuss is kind of like a give us anything  
11          the last two years from JEA that would have  
12          had a value of like 10 million or 20  
13          million, we can figure out what number, or  
14          more. It will at least give us a neutral  
15          way of figuring out what other big stuff was  
16          happening over there.

17          Councilman Boylan.

18          COUNCIL MEMBER BOYLAN: I'm sorry. I  
19          wanted to -- as we talk about timeline, I  
20          am -- what I'm hearing now sounds like the  
21          scope is going to be a long, long journey.

22          We -- however, to keep JEA moving  
23          forward, we are in the process of  
24          identifying new board members and likely a  
25          new CEO. I'm going to be bringing to the

1 full Council a redlined version of the  
2 Charter that allows us to address specific  
3 issues. We'll be distributing that, and  
4 having the next workshop on the 24th as an  
5 opportunity for us to discuss it, because  
6 some of these changes need to be implemented  
7 right now so that we can get the proper  
8 vetting necessary to review and assess  
9 upcoming board members; as well as the CEO;  
10 and, frankly, the process going forward and  
11 making those changes; and a number of the  
12 other issues that our colleagues have  
13 brought forward at our last workshop.

14 So I'm -- just in terms of the timeline  
15 and moving things forward, I think there is  
16 some immediate corrections that need to be  
17 made to the Charter in order for us to  
18 address and move forward and bring on new  
19 board members. Thank you.

20 CHAIRMAN DIAMOND: Nicely put. I think  
21 that there is no question we can move on  
22 multiple tracks at the same time. No one  
23 wants to hold up the good work you're doing.

24 Okay. So I think now it makes sense to  
25 move on and just discuss some of the powers

1 of the Committee. I think we have to be  
2 realistic about what we can and can't do.

3 And perhaps, Peggy, if you want to talk  
4 about what subpoenas actually mean,  
5 documents, people, swearing people in. Just  
6 so everyone knows there is actually going to  
7 be a court reporter taking everything we say  
8 down. She's not or he's not here yet -- oh,  
9 there you are. Welcome.

10 Read that portion of the transcript,  
11 recognizes me.

12 And Councilwoman Ju'Coby Pittman is  
13 here. Welcome.

14 MS. SIDMAN: Through the Chair to the  
15 Committee. If -- it's also written in the  
16 charge when the Council President put out  
17 the charge and created the Special  
18 Investigatory Committee that should the  
19 Committee need -- require the power to  
20 subpoena witnesses and parties, that the  
21 Committee would vote on that requirement.  
22 And the individual or individuals that you  
23 would like to see come in front of you under  
24 this subpoena, then it would go to the Rules  
25 Committee as identified and the -- in the

1 charge the Council President said he would  
2 convene the Rules Committee if the timing  
3 needed to be quicker than the standard Rules  
4 Committee. And then the Rules Committee  
5 would vote and the subpoena would be voted  
6 upon.

7 We would draft up the subpoena, we being  
8 the Office of General Counsel. It would be  
9 issued -- or signed off on by the Council  
10 Secretary, Cheryl Brown, and then served in  
11 the appropriate manner by law enforcement or  
12 process server.

13 CHAIRMAN DIAMOND: Gotcha. And then  
14 just to make this really clear so everybody  
15 understands how this might go down, let's  
16 first talk about documents. Let's say we  
17 need a certain category of documents from  
18 JEA. There is nothing stopping us just for  
19 asking for them; correct? Just as a City  
20 Council person could have done that anyway,  
21 anybody could have; right? We'll go through  
22 this just so we can get it all out there.

23 MS. SIDMAN: That's correct. You still  
24 have the tool of the public records.

25 CHAIRMAN DIAMOND: Okay. And if we're

1 not getting them or if we just feel like  
2 sending it as a subpoena, we can do that  
3 too, to them?

4 MS. SIDMAN: You do have that power,  
5 yes.

6 CHAIRMAN DIAMOND: Okay. And what  
7 happens if they say no?

8 MS. SIDMAN: So if a subpoena were not  
9 complied with by an individual or  
10 organization, then that would go to the full  
11 Council for a council order to comply.

12 CHAIRMAN DIAMOND: Okay. And then  
13 switching to the -- let's skip documents for  
14 a second and let's talk about someone who is  
15 not an employee of JEA, someone that we  
16 simply want to bring here. We can invite  
17 them; correct? And they can show up on  
18 their own?

19 MS. SIDMAN: That's correct.

20 CHAIRMAN DIAMOND: All right. And let's  
21 say we invite them, they don't show up on  
22 their own, we can issue a subpoena if it's  
23 related to the purview of this Committee;  
24 correct?

25 MS. SIDMAN: That's correct.

1           CHAIRMAN DIAMOND: All right. What if  
2 they say no, what happens then?

3           MS. SIDMAN: So you've invited them to  
4 come, they did not come. You've issued them  
5 a subpoena, as I described, they did not  
6 comply. They've done a council order, they  
7 still have not complied. Then that would  
8 go -- it can go one of two places, either to  
9 the State Attorney's Office or to circuit  
10 court.

11          CHAIRMAN DIAMOND: Okay. And then,  
12 essentially, we would be filing some sort  
13 of -- like, literally, what would we be  
14 doing? We've asked for a writ of some sort?

15          MS. SIDMAN: At this point I'm going to  
16 request that maybe Sean Granat take this.

17          CHAIRMAN DIAMOND: Sure.

18          MR. GRANAT: Sean Granat, Office of  
19 General Counsel.

20                 If you wanted to go the route of circuit  
21 court, we would file a petition to enforce  
22 the subpoena to a circuit judge who could  
23 then take various types of actions, could be  
24 contempt of court, direct order from the  
25 judge to comply.

1           CHAIRMAN DIAMOND: Gotcha. And in your  
2 experience, what kind of timing are we  
3 talking about on something like that?

4           MR. GRANAT: Well, typically, circuit  
5 court matters take some time. But in this  
6 case, I think, given the circumstances, it  
7 may be appropriate to file it as an  
8 emergency action. And I think, hopefully,  
9 within a few weeks we can at least get the  
10 process started and get into court in front  
11 of the judge.

12          CHAIRMAN DIAMOND: Okay. So just with  
13 regards to subpoenas of people, there is  
14 multiple steps, and I just think -- I want  
15 to make it clear to the public that we can't  
16 simply say, Show up here, and someone has to  
17 show up. It may be that we have to make  
18 several requests, go to court, and get a  
19 court order. And that just takes some time.  
20 And I want folks at home watching to  
21 understand that.

22          To the Committee, do you have other  
23 questions just on the subpoena power piece  
24 that we want to talk about now?

25          Councilwoman.



1           COUNCIL MEMBER PRIESTLY JACKSON: As it  
2           relates to the subpoena power piece, which  
3           is actually moving further down, as we go  
4           through this process, are we going to align  
5           it with whatever issue we are seeking and  
6           how that relates to our work as legislators  
7           with the Charter when we ask it? I think  
8           that will give a little clarity on who we're  
9           bringing in, making certain we don't also  
10          step into any other entities doing the work  
11          that they're doing.

12          So I would see if we want Joe Blow, Joe  
13          Blow was the whatever at JEA, or his  
14          relationship as a consultant, or an  
15          employee, or some, you know, layperson, and  
16          this is the issue that we see, and the  
17          information that we think, other than that,  
18          I am -- I'm just concerned if we just --  
19          have subpoenas for people to come before us  
20          without there being a nexus to what we think  
21          the information they have, and how that  
22          information ties into our work as proposing  
23          charter changes.

24          CHAIRMAN DIAMOND: I gotcha.

25          So -- go ahead.

1           COUNCIL MEMBER DeFOOR: This is where  
2 being, you know, completely transparent,  
3 completely in the Sunshine is very, very  
4 difficult. So what I'm grappling with, and  
5 maybe we can talk about, is the role of  
6 Mr. Busey. And, you know, what I was hoping  
7 for is that he would provide us with a list,  
8 after his review, along with General  
9 Counsel's review, a list of witnesses, the  
10 key witnesses that we need to have before  
11 us.

12           And then my question would be, Do you --  
13 does he depose them outside of this realm  
14 and determine that -- you know, how do we  
15 get to the key witnesses without deposing  
16 these individuals and having -- and knowing  
17 what their knowledge is, and then bringing  
18 them here after that assessment? Do you  
19 follow what I'm saying?

20           I mean, there has to be a process. We  
21 can't just bring everybody -- everybody in  
22 front of us. We don't have time. They may  
23 not be relevant. So we need to determine  
24 how do we identify these witnesses, what  
25 process, to know who should be subpoenaed.

1                   CHAIRMAN DIAMOND: Can I, if the  
2                   Committee doesn't mind, pause at one  
3                   suggestion in that realm, which would be to  
4                   start with the documents? I know I'm  
5                   starting to sound like a broken record with  
6                   these, but we've prepared a 70-item document  
7                   request, and maybe we should just kind of  
8                   advance to that, because it might be -- it  
9                   might shape our discussion. But once we get  
10                  this out, then we will get a response and  
11                  we'll either have, let's call it, 5,000-odd  
12                  documents that we're looking at, we're going  
13                  to see the same names over and over and over  
14                  again. Perhaps at that point then we can  
15                  figure out how to divvy up how we're looking  
16                  at which witness and when.

17                  Councilwoman.

18                  COUNCIL MEMBER PRIESTLY JACKSON: I  
19                  guess, to me, that's back- -- that's just  
20                  kind of inverse for me, that's why I wanted  
21                  the issues. And then the documents or the  
22                  evidence relates to the issues. And that's  
23                  why I was actually saying that I thought we  
24                  needed the issues, the issues that we are  
25                  going to look at as it relates to how, what,

1           when, where, and why, and the authority from  
2           the Charter or whatever other statutory  
3           constitutional authority, and then the  
4           documents or witnesses relate to that.

5           I am -- what I don't want us to do is  
6           get bogged down with reviewing documents  
7           that may not lead us to charter changes and  
8           reviews that are necessary. And so that's  
9           why I thought, if we could refine it to the  
10          issues that we have. And then I like the  
11          idea of our special counsel, outside  
12          counsel, providing certain witnesses,  
13          because I assume that will come in relation  
14          to whatever issues we're going to address.

15          That, to me, seems more appropriate.  
16          Other than that, it's almost like we're just  
17          casting such a wide net for anything that  
18          goes through. And I don't know that that is  
19          the most efficient use of our time nor is it  
20          going to lead us timely to the proposed  
21          charter changes and other issues that we  
22          think that were there.

23          So there are, for me, actions that  
24          are -- we're authorized under the Charter,  
25          but I think it was what we like to call in

1 the law the slippery slope, right. So it  
2 went all the way off and over, so that needs  
3 to be changed.

4 Then there are actions that I think that  
5 are ethical conflicts that were inherent in  
6 all of that. That's one of my concerns. So  
7 that's something dealt with locally through  
8 the ethics office and something that may end  
9 up in Tallahassee.

10 Then there are those behaviors that  
11 could indicate potential criminal  
12 culpability, but that's beyond the scope of  
13 us, right. And so, to me, that's the  
14 offload group.

15 So I just need to know the issues that  
16 we are going to be addressing. And when we  
17 talk about the who, what, where, when, and  
18 why, it flows to me from this concept that  
19 JEA executive staff and the board presume  
20 they have this authority to do things that  
21 did not conform to notice, schedule meetings  
22 and things like that. Am I making sense?

23 And so I think those issues are the  
24 sideline meetings, the meetings after the  
25 meetings, the meetings before the meetings,

1 the meetings outside the meetings by the  
2 board. Some of those are going to be  
3 inherent ethical conflicts. They are things  
4 that should have never happened, right.

5 But I think we just have to tailor what  
6 we're asking for. That way, if not, it  
7 becomes a series of documents that reinforce  
8 what we already know happened in terms of  
9 PUPs and some other actions, and it doesn't  
10 necessarily lead us as timely to the charter  
11 changes. That's the other thing.

12 The other was we started right off at  
13 the top with subpoenas. And I don't know  
14 that that's where we start. I think that I  
15 would like to see the issues -- and you can  
16 have a request to produce. And if people  
17 don't respond to that, these are the things  
18 that we need, and tell me if I'm -- I'm  
19 looking to General Counsel -- these are the  
20 things we need. If people don't respond, we  
21 kind of move down to the more formal request  
22 of things.

23 But I would think, with the issues and  
24 what we think we may need, then we ask  
25 through a request to produce to get them,

1           folks don't respond to that, then we take  
2           the steps to subpoenas and everything else.

3           CHAIRMAN DIAMOND: All right. Jason,  
4           can you tell us what you think on this?

5           MR. GABRIEL: Yes, sure. Jason Gabriel,  
6           General Counsel.

7           And I think -- I'm hearing -- this is  
8           good, because I'm hearing, I think, some  
9           parallels with what Council Member DeFoor  
10          and the Chairperson Diamond said with what  
11          Ms. Priestly Jackson just said, which is it  
12          sounds like what you just concluded was you  
13          start with a doc request; and that is the  
14          appropriate -- I believe, the appropriate  
15          starting point with this, and we have an  
16          80-point plus doc request that we'll talk  
17          about in a moment. And that can set sort of  
18          the framework.

19          We tried to -- with a lot of things  
20          here, we're trying to balance the big,  
21          larger framework, along with the appropriate  
22          details to stay within that. And so that  
23          would be the appropriate first step, see  
24          what the produce -- or the production from  
25          that is, sort through it, and then kind of

1 from there sort of weed out what it is you  
2 want to focus on. And from there,  
3 hopefully, determine what the next steps are  
4 in terms of if you need more documents. And  
5 I think from that, also, will be framed up  
6 as to what witnesses you think will be  
7 necessary to discuss the documents with and  
8 get to the end point.

9 And let me back up for a second. So I  
10 think, if you start at the end point of what  
11 you're going to do, which you see in the  
12 charge, which is ultimately this Committee  
13 is going to issue a report, and it's going  
14 to issue a report that will ultimately  
15 determine what charter changes, ordinance  
16 code changes are appropriate and prudent.

17 And that comes from and derives from  
18 your Charter-prescribed investigative  
19 powers, which are inherent in your  
20 legislative capacity here.

21 And so I think, with that as an end  
22 point -- which is great, because I'm hearing  
23 all of you talk about this in some sense or  
24 another. So you start with that, the  
25 report, charter changes, ordinance code



1 changes, best practices, better code  
2 management in the future. And then work --  
3 you know, and then start from a beginning  
4 point that gets you there ultimately.

5 So I think that -- I mean, you're on the  
6 right track, I believe, with the way you're  
7 approaching this.

8 CHAIRMAN DIAMOND: I don't think we're  
9 that far apart on this. What I'm worried  
10 about, and the only reason I don't want to  
11 start with only five issues that we look at,  
12 is it's entirely possible, and I'm just  
13 making this up for purposes of this  
14 discussion, is the senior leadership at JEA  
15 might have been doing something else,  
16 something really crazy that we don't know  
17 about. And I don't want to miss the  
18 opportunity to at least look at their  
19 communications, image their laptops, to go  
20 and get everything so we can do some  
21 targeting searches.

22 And, you know, using outside counsel to  
23 kind of sift through some of that to make  
24 sure we don't miss a big red flag, because  
25 it's possible that there is something going

1 on that we will miss if we don't do a good  
2 review. Like I've been saying over and over  
3 again, turn over every rock, read every  
4 email, and then miss an opportunity to  
5 change the law to make sure whatever that  
6 was doesn't happen again.

7 COUNCIL MEMBER PRIESTLY JACKSON: I  
8 don't disagree that that's a possibility. I  
9 don't know that I think it's a stronger  
10 probability. And we can amend and add  
11 additional issues at any point in time.

12 What I -- I don't want us to be -- I  
13 think a starting point for me -- I need to  
14 know what are the broad areas that we think,  
15 that we're looking at. And then I think the  
16 ability to amend that is -- we have the  
17 opportunity to do that; we saw this, so now  
18 we know that.

19 So I just think that it will help us  
20 refine our work to those issues that we  
21 think actually put us in this situation.  
22 So, hypothetically, it could be any actions  
23 taken by the JEA Board outside of a meeting,  
24 not doing notice to the public, whatever  
25 language you need to avoid any actions like

1           that going forward, right, or by members of  
2           the senior leadership team, something like  
3           that.

4           What I am concerned about is that we  
5           know that there are bad actors and bad  
6           agents in this process, right. And so they  
7           are bad actors and bad agents because they  
8           are positions of authority. So I think a  
9           lot of ours is tailoring that relationship  
10          they have under the Charter at JEA with what  
11          we need to do.

12          At the same time, I want the public --  
13          and these are the JEA employees and  
14          others -- to know what we're looking at,  
15          because that's when they give us the tips or  
16          the hints, Well, did you know this was going  
17          on? That, to me, is going to reveal a lot  
18          of that, what you're talking about, we don't  
19          want to miss anything big. I trust them to  
20          let us know.

21          But they need at least a broad outline  
22          of the issues that we're thinking about.  
23          That was my only --

24                 CHAIRMAN DIAMOND: Councilwoman.

25                 COUNCIL MEMBER DeFOOR: You're bringing

1 up a great comment. And I thought about  
2 this. We may need to come up with some sort  
3 of repository where the public can dial in,  
4 or email, or let us know what they know. I  
5 don't know who to look for, but we -- I  
6 don't know. We've got to come up with some  
7 sort of public facing place where the public  
8 can then give us the information in an  
9 anonymous way, if they want, just to help us  
10 with this process.

11 CHAIRMAN DIAMOND: Yeah. I mean, it's  
12 later on in my agenda, but I think, you  
13 know, we can ask Peggy if we can look into  
14 how do we set up a whistleblower email or  
15 something so that people could, if they  
16 want, submit to this Committee tips for us  
17 to review. I'm not sure who would do that.

18 Sir?

19 (Inaudible.)

20 CHAIRMAN DIAMOND: Ms. Carla, come on  
21 up. Tell us what you think since we're on  
22 that point.

23 MS. MILLER: Carla Miller, Ethics  
24 Director.

25 This is a discussion, I think, I've had

1 with some of you about how to crowd-source  
2 information and have not just an email, but  
3 maybe a way that all of that data can be  
4 accumulated. So I think that that would be  
5 a good thing to do with our IT department.

6 CHAIRMAN DIAMOND: Gotcha. And how  
7 could we -- or what would it be that people  
8 would see? Is it an email or is it -- like,  
9 how do they submit a tip just so we can put  
10 it out there?

11 MS. MILLER: All right. I mean, that's  
12 a tech question. But if you have everybody  
13 emailing in, it gets unruly. If you have a  
14 way that there is a timeline and people can  
15 just blog directly to that timeline, Here is  
16 what I know about what happened in December  
17 2017, and then you have a lot of various  
18 viewpoints coming in and putting that data  
19 into a format that is better than the  
20 old-fashioned way of just having everybody  
21 send in hundreds of emails. So I think if  
22 we crowd-sourced it and had a tech person do  
23 that, it would be very useful to your  
24 committee.

25 CHAIRMAN DIAMOND: Okay. I appreciate

1           that. Thank you.

2           All right. So then to Councilwoman  
3           Priestly Jackson's point, let me just pause  
4           at these topics then. We've got the ITN  
5           process. We've got the PUP. We've got  
6           ethical conflicts. We've got what authority  
7           people were operating under. What other  
8           buckets -- because I think most of the --  
9           strategic planning. I mean, let's just make  
10          our list the best we can.

11          COUNCIL MEMBER PRIESTLY JACKSON: I  
12          think board governance and notice for the --  
13          and board governance and management.

14          CHAIRMAN DIAMOND: All right.

15          COUNCIL MEMBER DeFOOR: Again, I want to  
16          know how we lost the contract to Nassau  
17          County -- I think that was the beginning of  
18          loss of income -- and why. I think that  
19          shows -- I think, to the point that's been  
20          set out by the public, I think this goes  
21          back many years. I think this -- I want the  
22          evidence to show, but there is a  
23          possibility, let's put it that way, that  
24          we're going to find that this plan was in  
25          place for a long time.

1           And so I think if we can get to that  
2           critical point of how we lost that contract,  
3           that may show the whole -- maybe the thread,  
4           if you will, that we start pulling on, that  
5           shows us what, in fact, was -- what was the  
6           plan.

7           CHAIRMAN DIAMOND: Gotcha. So I think  
8           it makes sense to look at our document  
9           request, because you'll -- I think, with the  
10          exception of the Nassau County contract,  
11          almost all those are kind of captured in  
12          there.

13          To your point, Councilwoman DeFoor, I  
14          think they're colloquially calling it the  
15          doom and gloom, kind of make JEA look -- its  
16          finances look worse than it is, than they  
17          were.

18          So maybe that's probably a good time,  
19          Sean, just to kind of -- let's talk about  
20          this document request and these 70  
21          categories, because I do think, listening to  
22          the Council Committee Members, we're on the  
23          same track, we're hitting the same points.  
24          And I think this would be the step one to  
25          start to gather evidence related to them.

1           Go ahead.

2           MR. GRANAT:  Sure.  At your request, and  
3           with the collaboration of the counsel --  
4           outside special counsel, we took a stab at  
5           preparing an initial document request that  
6           contains about -- it contains 84 points.  
7           It's very broad.  Some of these document  
8           requests are going to necessarily capture  
9           information that, because of unrelated  
10          reasons, shouldn't become public record.  
11          For example, it might capture things  
12          regarding unrelated pending litigation,  
13          collective bargaining issues, and things  
14          that aren't relevant to your inquiry and we  
15          need to keep confidential and remain  
16          protected.

17          So as drafted, this is very broad and  
18          it's going to take -- we need some high  
19          level review to pull out the confidential  
20          materials that are unrelated.  But there  
21          are, and we can go through this, I think,  
22          some items that we can produce relatively  
23          easy and quickly.  The review would be much  
24          quicker.  And so I don't think it would be  
25          very long before we would be able to start



1 producing documents.

2 CHAIRMAN DIAMOND: Okay. I think it's  
3 actually valuable for us just to kind of  
4 cruise through these topics. And if any  
5 Member of the Committee has an issue with a  
6 topic or think it's incorrect or in some way  
7 ought not to be asked -- because at the end  
8 of this, I would like to actually vote to go  
9 ahead forward with this document request to  
10 JEA, with the notice that this is just kind  
11 of round one, we may have more.

12 Yeah, I've got you. I want to get  
13 through this and I'll get right back to you,  
14 I promise.

15 But I do want us to at least get through  
16 this, because if we do nothing else today, I  
17 would like us to at least start to engage  
18 JEA on how to start producing documents, how  
19 we can start to image laptops and we can get  
20 to their servers and all the rest.

21 So go ahead, Sean.

22 MR. GRANAT: You want me to just read  
23 through the --

24 CHAIRMAN DIAMOND: Let's read through  
25 them, but, I mean, let's do this kind of

1           like consent calendar: If you have a  
2           problem, yell pull. And we can talk about  
3           that request.

4           MR. GRANAT: Right. So at the beginning  
5           we have some definitions. And if we need to  
6           go into those, we can. We set the initial  
7           time frame for these documents at  
8           January 1st, 2018. And hearing what we  
9           heard earlier, we may want to adjust that.

10          CHAIRMAN DIAMOND: I think we'll go to  
11          December 2017 at least. Then maybe some of  
12          these we want to go to the '14, '15 range,  
13          but I think most of them are December '17.

14          MR. GRANAT: So first we have all  
15          documents and communications regarding the  
16          planning, approval, or implementation of the  
17          total market compensation strategy.

18          CHAIRMAN DIAMOND: Do you want to just  
19          briefly explain what that was so people  
20          understand?

21          MR. GRANAT: I believe that was  
22          Mr. Zahn's plan for, I guess, changing or  
23          developing JEA's compensation structure,  
24          ultimately to include a long-term incentive  
25          plan.

1 CHAIRMAN DIAMOND: Gotcha.

2 MR. GRANAT: I believe that started  
3 early on upon his tenure of CEO.

4 CHAIRMAN DIAMOND: Gotcha.

5 MR. GRANAT: Number two, all documents  
6 regarding the drafting of the performance  
7 unit plan or any long-term incentive plans  
8 for JEA.

9 Three, all presentations, reports, and  
10 memoranda provided by Willis Towers Watson  
11 to JEA.

12 CHAIRMAN DIAMOND: And just so everyone  
13 knows, Willis Towers Watson was the  
14 consulting group that looked at the  
15 long-term incentive and did these kind of  
16 market evaluations.

17 Go ahead.

18 CHAIRMAN DIAMOND: Number four, all  
19 calendar entries regarding meetings with  
20 Willis Towers Watson.

21 Number five, all communications with  
22 Willis Towers Watson.

23 Number six, all documents regarding the  
24 inclusion of OGC attorneys and/or other  
25 non-JEA employees as participants in the

1 PUP.

2 Number seven, all documents regarding  
3 the number of performance units that can be  
4 purchased by any employee or class of  
5 employees under the PUP.

6 Number eight, all documents regarding  
7 the cost of PUP units for participants.

8 Number nine, all documents describing,  
9 summarizing, or explaining the terms of the  
10 PUP.

11 Number 10, all documents regarding the  
12 potential or estimated cost to JEA of the  
13 PUP.

14 Number 11, documents and communications  
15 regarding the value of each PUP unit upon  
16 the occurrence of a recapitalization event  
17 or the formula for determining that value.

18 Number 12, all documents regarding  
19 budgeting of or allocation of funds for  
20 payment under the PUP.

21 Number 13, all memoranda or  
22 presentations provided to the JEA  
23 compensation committee or any of its  
24 members.

25 Number 14, all communications between

1 McKinsey and JEA.

2 CHAIRMAN DIAMOND: And for the public's  
3 knowledge, McKinsey is a big consulting firm  
4 that did analysis of JEA's financial  
5 position.

6 MR. GRANAT: Number 15, all  
7 presentations, reports, and memoranda  
8 provided by McKinsey to JEA.

9 Number 16, all agreements with McKinsey.

10 Number 17, all invoices from McKinsey.

11 Number 18, all documents and  
12 communications that JEA sent to or received  
13 from Public Financial Management.

14 Number 19, all communications regarding  
15 the preparation of the board packets for the  
16 May, June, and July 2019 JEA board meetings.

17 Number 20, all calendar entries  
18 regarding meetings between Aaron Zahn and  
19 any other senior leadership team members and  
20 JEA board members between April 1st, 2019,  
21 and July 23rd, 2019.

22 Twenty-one, all documents regarding the  
23 use of historic metrics for JEA included in  
24 the May, June, and July 2019 presentations  
25 to the JEA Board, including the number of

1 employees and the comparison of rates over  
2 time.

3 Twenty-two, all documents regarding the  
4 forecasting of JEA revenues, expenses,  
5 sales, or customer demand.

6 Twenty-three, all documents regarding  
7 the forecasting of grid parity and solar  
8 adoption in JEA's territory.

9 Twenty-four, all documents regarding the  
10 rate of adoption of solar power by JEA  
11 customers from January 1st, 2018, through  
12 the present.

13 Twenty-five, all documents regarding  
14 industry forecasts, trends, or expert  
15 opinions regarding the same.

16 Twenty-six, all documents regarding the  
17 delegation of authority to negotiate the  
18 employment contracts with Aaron Zahn or  
19 other members of the senior leadership team  
20 which were approved by the board on  
21 July 23rd, 2019.

22 Twenty-seven, all documents regarding  
23 the drafting or terms of the employment  
24 contracts with Aaron Zahn or other members  
25 of the senior leadership team, which were

1 approved by the board on July 23rd, 2019.

2 Twenty-eight, all correspondence between  
3 Aaron Zahn and other members of the senior  
4 leadership team and Camille Lee-Johnson  
5 regarding the PUP or the ITN.

6 All communication between Aaron Zahn and  
7 Alan Howard.

8 Thirty, all communications between Aaron  
9 Zahn and April Green.

10 Thirty-one, all communication between  
11 Aaron Zahn and Camille Lee-Johnson.

12 COUNCIL MEMBER SALEM: Pull.

13 CHAIRMAN DIAMOND: Okay.

14 MR. GRANAT: Thirty-two, all  
15 communications between Aaron Zahn and  
16 Pillsbury Winthrop Shaw Pitman, LLP, or  
17 Foley & Lardner, LLP, regarding Alan Howard,  
18 Alan Howard's law firm or success-based  
19 fees.

20 Thirty-three, all documents, including  
21 drafts of the PUP or PUP agreement, that JEA  
22 sent to or received from Pillsbury or  
23 Foley & Lardner regarding any of the inquiry  
24 matters. And we earlier defined inquiry  
25 matters meaning really any of the topics

1 that are discussed in this request.

2 Thirty-four, all documents and  
3 communications that JEA sent to or received  
4 from MassMutual regarding any of the inquiry  
5 matters.

6 CHAIRMAN DIAMOND: And for the --  
7 everyone's benefit, MassMutual was the  
8 third-party administrator JEA was going to  
9 hire to essentially run the PUP plan.

10 MR. GRANAT: Thirty-five, all calendar  
11 entries regarding minutes between any JEA  
12 employee and Alan Howard from January 1st,  
13 2018, through the present.

14 Thirty-six, all calendar entries  
15 regarding minutes between any JEA employee  
16 and any member or employee of Pillsbury or  
17 Foley & Lardner from January 1st, 2018,  
18 through the present.

19 Thirty-seven, all calendar entries  
20 regarding meetings between any JEA employee  
21 and any member or employee of Foley &  
22 Lardner from January 1st, 2018, through the  
23 present.

24 Thirty-eight, all documents and  
25 communication regarding JEA's scenario-based



1 strategic planning, including all documents  
2 and communications, efforts to assess the  
3 viability of each scenario and the dates of  
4 those efforts. We need to reword that one a  
5 little bit.

6 Thirty-nine, all documents and  
7 communications regarding the ITN, including  
8 documents identifying when any senior  
9 leadership members began discussing the ITN.

10 Number 40, all documents regarding the  
11 use of data rooms or other storage of  
12 information in conjunction with ITN and  
13 responses.

14 Forty-one, all documents regarding the  
15 estimated or potential costs associated with  
16 the drafting of the ITN, its publication,  
17 due diligence related to the ITN,  
18 negotiation and drafting of the proposed  
19 agreement, and any other actions necessary  
20 to bring an offer to the board for review  
21 and approval.

22 Forty-two, all documents regarding  
23 inclusion of funds in the JEA budget for the  
24 cost of the ITN and PUP.

25 Forty-three, all agreements,

1           communications, or other documents sent to  
2           or received from ADP.

3           CHAIRMAN DIAMOND: For everyone's  
4           knowledge, ADP, if you don't know, is a  
5           payroll processor that also could have been  
6           reimbursing members of senior leadership  
7           team for expenses.

8           MR. GRANAT: Forty-four, all documents  
9           regarding any payments made to ADP.

10          Forty-five all communications regarding  
11          the use or potential use of ADP for payroll  
12          services.

13          Forty-six, all documents regarding the  
14          selection or procurement of any contract  
15          with ADP.

16          Forty-seven, all documents regarding  
17          approval and payment of reimbursements to  
18          any member of the senior leadership team for  
19          travel from February 1st, 2018, through the  
20          present.

21          COUNCIL MEMBER SALEM: Pull.

22          MR. GRANAT: Forty-eight, all documents  
23          regarding the approval for travel for any  
24          members of the senior leadership team from  
25          February 1st, 2018, through the present.

1           Forty-nine, all policies regarding  
2 approval for or reimbursement of travel and  
3 travel expenses in effect from February 1st,  
4 2018, through the present.

5           Number 50, all documents regarding  
6 payment made by JEA relating to the October  
7 2018 innovation summit.

8           Fifty-one, all agreements to which JEA  
9 was a party regarding the October 28th  
10 innovation summit.

11           Fifty-two, all presentations, reports,  
12 and memoranda prepared in relation to the  
13 October 2018 innovation summit.

14           Fifty-three, all documents discussing  
15 the potential privatization of JEA from  
16 January 1st, 2015, through July 23rd, 2019.

17           Fifty-four, all documents showing  
18 estimates of the value of JEA in the event  
19 of privatization from January 1st, 2015,  
20 through July 23rd, 2019.

21           Number 55, all invoices from Pillsbury,  
22 Milam Howard, and Foley & Lardner.

23           Fifty-six, all communications with  
24 Pillsbury, Milam Howard, or Foley.

25           Number 57, all agreements with Morgan

1 Stanley.

2 Fifty-eight, all documents sent to or  
3 received from Morgan Stanley regarding any  
4 of the inquiry matters.

5 Fifty-nine, all agreements with JP  
6 Morgan.

7 Number 60, all documents sent to or  
8 received from JP Morgan regarding any of the  
9 inquiry matters.

10 Sixty-one, all communications between  
11 JEA and Morgan Stanley or JP Morgan.

12 Sixty-two, calendar entries regarding  
13 all meetings of the senior leadership team  
14 or the executive team from February 27th,  
15 2018, through the present.

16 Number 63, all documents regarding  
17 approval for and payment of expenses  
18 relating to the senior leadership team's  
19 meeting on May 31st, 2018, at the White Oak  
20 Plantation.

21 Number 64, all documents regarding  
22 approval for and payment of expenses  
23 relating to the senior leadership team  
24 meetings on April 4th, 2019; June 11th,  
25 2019; August 19th, 2019; and August 20th,

1           2019, at the Ponte Vedra Inn & Club.

2           Number 65, all documents regarding  
3 approval for and payments of expenses  
4 relating to the senior leadership team on  
5 July 10th and 11th, 2019, at Club  
6 Continental.

7           Number 66, all communications regarding  
8 the meetings at White Oak Plantation, Ponte  
9 Vedra Inn & Club, and Club Continental.

10          Sixty-seven, all documents provided to  
11 attendees or presented at the meeting on  
12 July 10th and 11th, 2019, at Club  
13 Continental.

14          Sixty-eight, all communications between  
15 JEA and the Dalton Agency.

16          Sixty-nine, all documents provided to  
17 attendees or presented at the meetings  
18 described in paragraphs 63 through 65 above,  
19 which all contain the meetings.

20          Number 70, all documents identifying the  
21 attendees at the meetings described in the  
22 paragraphs 63 through 65.

23          Seventy-one, all communications to or  
24 from Mayor Lenny Curry, Brian Hughes, and  
25 Tim Baker.

1           Seventy-two, all communications with  
2           Herschel Vinyard prior to his employment by  
3           JEA in April 2019.

4           Seventy-three, all documents or  
5           communications regarding Deno Hicks,  
6           Southern Group, or Southern Strategy Group,  
7           including correspondence, contracts,  
8           invoices, calendar appointments, or other  
9           electronically stored information.

10          Seventy-four, all documents regarding  
11          the procurement or attempted procurement of  
12          any contract between JEA and Deno Hicks,  
13          Southern Group, or Southern Strategy Group.

14          Seventy-five, all memoranda and  
15          communications regarding the drafting of the  
16          ten-year site plan filed with PSE in March  
17          2019.

18          Seventy-six, all agreements regarding  
19          the preparation of the ten-year site plan  
20          filed with PSE in 2019.

21          Seventy-seven, all communications with  
22          or presentations to rating agencies from  
23          January 1st, 2018, through the present.

24          Seventy-eight, all drafts of the  
25          integrated resource plan for JEA, which was

1 being drafted beginning in 2018.

2 Seventy-nine, all communications  
3 regarding the decision not to implement the  
4 integrated resource plan in 2019.

5 Number 80, all communications between  
6 JEA and the Jax Chamber.

7 Eighty-one, images of all electronic  
8 devices issued by JEA to any senior  
9 leadership team member.

10 CHAIRMAN DIAMOND: Just real fast, Sean,  
11 can you explain what that means, images?

12 MR. GRANAT: What we would be asking for  
13 are copies of the hard drives, of any  
14 laptops that were issued, or copies of any  
15 of the data on other JEA-issued items like  
16 iPads, tablets, or cell phones.

17 CHAIRMAN DIAMOND: Thank you.

18 MR. GRANAT: Number 82, all text  
19 messages or other electronic communications  
20 regarding the ITN or the PUP from Aaron  
21 Zahn, Ryan Wannemacher, Melissa Dykes,  
22 Herschel Vinyard, and Jon Kendrick.

23 Eighty-three, all text messages or other  
24 electronic communication s from the senior  
25 leadership team regarding any of the inquiry

1 matters.

2 And number 84, all documents relating to  
3 the selection of the new JEA headquarters.

4 CHAIRMAN DIAMOND: Okay. I'll start  
5 with Committee Members first, and I'll get  
6 to you Councilman Salem.

7 Councilwoman DeFoor.

8 COUNCIL MEMBER DeFOOR: Yes. Thank you.

9 I think we -- the only thing that I see  
10 missing is the addition of the bids, the  
11 responses. We need copies of all responses  
12 to the ITN process. Is that 17? Oh, all  
13 17.

14 CHAIRMAN DIAMOND: Recognizing that  
15 maybe there is little bits of information  
16 we're still debating.

17 COUNCIL MEMBER DeFOOR: I realize that.  
18 I don't think they have a basis, but, yes.

19 CHAIRMAN DIAMOND: I agree with you.

20 COUNCIL MEMBER DeFOOR: Yes. We'd like  
21 to see all 17.

22 CHAIRMAN DIAMOND: It's a plus.

23 Councilwoman Priestly Jackson.

24 COUNCIL MEMBER PRIESTLY JACKSON:

25 Looking at number 20, it says all calendar



1 entries regarding meetings between Aaron  
2 Zahn or the SLT and JEA board members  
3 between April 1st, 2019, and July 23rd. I  
4 think that has to go back. We need a wider  
5 window of time, definitely --

6 CHAIRMAN DIAMOND: How far back?

7 COUNCIL MEMBER PRIESTLY JACKSON: If  
8 we're going to say December '17, then I  
9 would take it back then. Because, remember,  
10 we're dealing with positions more than we're  
11 often dealing with people, right, so  
12 positionally.

13 The other --

14 CHAIRMAN DIAMOND: Let me just make  
15 sure.

16 Sean, do you have that? Basically,  
17 we're going to go for the entire time period  
18 for that.

19 COUNCIL MEMBER PRIESTLY JACKSON: Back  
20 to '17 for 20.

21 MR. GRANAT: Back to December of '17?

22 COUNCIL MEMBER PRIESTLY JACKSON: Yes.

23 MR. GRANAT: Sure.

24 COUNCIL MEMBER PRIESTLY JACKSON:  
25 Because we're looking at it positionally as

1           it relates to charter changes; we're not  
2           really looking at individuals as much.

3           The other -- two other things that I  
4           have concerns. I just want to make  
5           certain -- and I don't know. It might be  
6           our Council Auditors who are best advisors.  
7           I don't want anything on this list to in any  
8           way negatively impact JEA's financial  
9           position or cause harm to their credit  
10          rating or standing.

11          So just, if we can have something that  
12          comes to us to say that none of this  
13          information will in any way conflict any of  
14          that, I just -- I don't know, I'm not in  
15          financial markets.

16          But I know we've asked for a lot of  
17          information. I just don't want to add  
18          through anything that disadvantages our  
19          utility or puts them in a more precarious  
20          position than they're in right now. That  
21          was just a general overview, for me, the  
22          layman as it relates to that.

23          And then the other, I believe it is  
24          incumbent upon us as Members of the  
25          Committee for any of the documents that we

1           are requesting -- our colleagues in the City  
2           Council as well, that we have an obligation  
3           to disclose if we've had any meetings  
4           related to any of these topics with anyone.

5           And so I am going to say all of the  
6           information that we're requesting, all of  
7           the time periods, every Council Member  
8           should disclose if they have had any  
9           meetings or communications relative to the  
10          topics that are listed in this starting  
11          from -- and it would go back for some of the  
12          prior Council. I think we have to do that.  
13          I think that's the only way the public has  
14          an assurance that we have shared information  
15          and that we are not selectively choosing  
16          time periods to get information. So I would  
17          encourage that to go back probably to that  
18          December 2017 as well.

19                 CHAIRMAN DIAMOND: Okay. I'll figure  
20                 out how to capture that one, but I  
21                 understood, yeah, yeah.

22                 And then Councilman Salem, and then I  
23                 know Councilman Dennis also is on the queue.

24                 So go to you, Salem. On 31 and 47?

25                 COUNCIL MEMBER SALEM: Yeah. First,

1           thank you, Mr. Chair.

2           Thirty-one, Camille Lee-Johnson, as I  
3           understand, was the compensation person from  
4           the board. And I know she was scheduled for  
5           an interview. And to my understanding,  
6           through the Chair to Mr. Granat, that never  
7           occurred; is that correct?

8           MR. GRANAT: That's right. We were not  
9           able to interview Ms. Johnson.

10          COUNCIL MEMBER SALEM: So my question is  
11          were -- is she there because she was the  
12          compensation chair; and if that's the case,  
13          why not have communication between Aaron  
14          Zahn and other board members, unless it was  
15          specifically because she was the  
16          compensation specialist?

17          MR. GRANAT: So my understanding is that  
18          was included because Board Member Johnson  
19          would have been the plan administrator for  
20          JEA and was on the compensation -- Chair of  
21          the Compensation Committee.

22          COUNCIL MEMBER SALEM: Okay. I just  
23          wanted clarification on that.

24          The other one, if I may, is 47. And I  
25          would just -- my concern is were there other

1 reimbursements of expenses other than  
2 travel, I would like to know that. So I  
3 would put after "travel" "or other  
4 expenses."

5 CHAIRMAN DIAMOND: Okay. Do you have  
6 that, Sean?

7 MR. GRANAT: Yes. We will add that.

8 COUNCIL MEMBER SALEM: Thank you,  
9 Mr. Chair.

10 CHAIRMAN DIAMOND: Councilman Dennis.

11 COUNCIL MEMBER DENNIS: Through the  
12 Chair to the Committee. And I want to say  
13 this early, but I guess this is the best  
14 time to say this, I'm not -- and I guess  
15 more so for clarification, because we have  
16 two committees going on, this is the  
17 investigative committee and then we have the  
18 committee for Mr. Boylan.

19 So I was under the impression that this  
20 Committee is to get everything out in the  
21 open and not really focus in on, like,  
22 making charter changes, more so Mr. Boylan's  
23 committee. So with all of this information,  
24 true enough charter changes will come along  
25 the way, but not focus in on trying to make

1 changes and doing it, you know, through Mr.  
2 Boylan's.

3 And just give me clarification on that,  
4 because the public wants to know what  
5 happened, you know, when it happened, who is  
6 all involved. And so if we start thinking  
7 and going towards, you know, trying to make  
8 changes from this Committee, it may kind of  
9 sideline us instead of trying to get as much  
10 information out as quickly as we can to the  
11 public. And maybe towards the end, change  
12 that, but not so much on the focus.

13 And then the other thing, back to 71, I  
14 think there is other people in the  
15 administration we need to add, such as the  
16 negotiating team, the communications between  
17 the negotiating team and who they talked to,  
18 and everything like that, as well as the  
19 various liaisons.

20 And then the last thing that I do want  
21 to kind of share -- kind of echo with  
22 Councilman Priestly Jackson, you know, I'm  
23 in favor of, before we get started, every  
24 Council Member standing up here and going  
25 under oath to say, you know, what

1           involvement they had. So, again, you know,  
2           we above reproach.

3           And, you know, Council President, you  
4           know, he came out and said, Listen, this is  
5           what happened. And it's all out in the  
6           open. I think we should follow our leader's  
7           lead to say, Hey, listen, this is what role  
8           I played in it, before we start to try to  
9           nit-pick other people over at JEA.

10          So -- and I'll be second behind Council  
11          President, he's already, you know, done  
12          something admirable and he already, you  
13          know, set the table for us to come clean on  
14          what we know, what we did, and our  
15          involvement. Thank you.

16          CHAIRMAN DIAMOND: Councilman.

17          COUNCIL MEMBER PRIESTLY JACKSON:

18          Through the Chair to Mr. Dennis. The  
19          charter change have to result because we're  
20          a legislative body. I mean, that's inherent  
21          in our charge. And so I think that's -- I  
22          don't think it really limits the questions  
23          of inquiry but, ultimately, at the end of  
24          the day, our report has to be, These are the  
25          recommended charter changes. That's our

1           role. We are the legislative branch.

2           And so I think that, when we said we're  
3 going to look at charter changes under  
4 Mr. Boylan's committee, that's because --  
5 before we realized that we were in a hot  
6 mess, right, the magnitude of it. And so  
7 that necessitated the creation of this  
8 investigative committee. I think we thought  
9 initially we would get most of the work done  
10 over there.

11           So I don't know that it's proper -- and  
12 General Counsel can weigh in on this -- for  
13 us to have any scope outside of issuing a  
14 report that has charter changes and other  
15 recommended legislative changes.

16           The last thing I want to add is, you  
17 know, I am going to presume my colleagues  
18 are going to be honest and open. And so I  
19 don't want to have colleagues on the Council  
20 swearing under oath that they're telling us  
21 the truth. If I can't believe the other 18  
22 of you guys going forward, I don't know how  
23 we'll get anything done as a collegial body.

24           But I do think that it's easier for each  
25 of us to respond to the 84 items you've



1           asked -- and you can tell me, Mr. Gabriel,  
2           if that's appropriate -- and we can simply  
3           say, Have no information. That's how you  
4           respond, No response, it doesn't apply to  
5           me. And then that would be the framework  
6           for our saying, This is who I've met with,  
7           this is who I've talked about, you go  
8           through this list, whatever it is, and you  
9           just answer a response to that. And then  
10          that can be, if there is additional  
11          information that the Committee thinks it  
12          needs after we get this response from all 19  
13          of us, that would be best.

14                 Other than that, I think that it would  
15          be so broad, you know, it might not be  
16          narrowly tailored enough for the issues  
17          we're looking at. And I just would like for  
18          General Counsel to share some of that.

19                 MR. GRANAT: Sure.

20                 CHAIRMAN DIAMOND: Hold on. Let's do  
21          these in order.

22                 Mr. Gabriel.

23                 MR. GABRIEL: Just real quick, to  
24          Council Member Priestly Jackson, as to --  
25          it's the desire of the Council as to how you

1 want to go through your collegial body in  
2 terms of any disclosures. Certainly, go --  
3 you know, orally stating it, or like I think  
4 what you just mentioned, a questionnaire  
5 with some specified questions and every  
6 Council Member can answer it. That's for  
7 your decision, you know, how you want to  
8 handle that.

9 And as to the question that Council  
10 Member Dennis brought up and you were just  
11 touching on, Council Member Priestly  
12 Jackson, in terms of the ultimate product,  
13 there does need to be a -- I think the end  
14 product of this will be a report. And what  
15 is that report? It's what can this Council  
16 do within its legislative sphere and its  
17 investigatory powers under that legislative  
18 sphere. And, ultimately, that's charter,  
19 ordinance code changes.

20 It may be -- and we'll leave this up to  
21 your ultimate discretion. It may be that  
22 this Committee potentially dovetails with  
23 the Council Member Boylan committee with  
24 this ultimate aggregation of conclusions and  
25 policy changes and code and charter changes.

1           That may be an ultimate outcome.  Certainly  
2           not mutually exclusive from each other, but  
3           ultimately that's where this Committee will  
4           end up is ordinance code, charter change.

5           CHAIRMAN DIAMOND:  And I'll get to you  
6           in one moment.

7           But, yes, sir.  I'll just say this to  
8           you, Council Member Dennis, I am 100 percent  
9           committed to getting all the information out  
10          there.  That, to me, like, I think these  
11          changes are essential.  And I kind of think  
12          that's going to be, you know, at the tail  
13          end of us by what Councilman Boylan's  
14          committee is going to be doing.

15          I see our first and foremost stop is to  
16          look under every rock, ask every witness, do  
17          all that work.  That's what I would like to  
18          see all out there.  My personal belief is,  
19          unless and until we do that, we can't  
20          rebuild trust.

21          Councilman Boylan.

22          COUNCIL MEMBER BOYLAN:  Thank you,  
23          Chair.

24          I just want -- thank you, Councilman  
25          Dennis, for your observation and your

1 recommendation.

2 I wanted to reaffirm again I think it is  
3 appropriate for both opportunities to  
4 happen; that we immediately need to address  
5 some charter changes to effect change so  
6 that, as we put into place new board members  
7 and we look to hire a new CEO, they know  
8 what the rules are going to be at this point  
9 in time. Recognizing that, once this  
10 Committee finishes its work, there may be  
11 additional charter changes or items.

12 But I do believe that we are in a  
13 position or close to being in a position to  
14 offer some substantive changes already to  
15 the Charter, which I'll be presenting to the  
16 full Council in the next couple of days.

17 I'm working with Ms. Sidman in reviewing  
18 all of Article 21 and specifically the  
19 applicable sections. And as I said, have  
20 redlined much of that to reflect the  
21 concerns I've heard from all of you during  
22 the course of the past two months. So that  
23 can happen as soon as possible. And then  
24 subsequent to that and the work that you all  
25 will be doing, there may be additional

1 changes to be made.

2 I'd also suggest, too, we take a look at  
3 that part of the process, is the JEA Board  
4 policy manual. There is lot of detail there  
5 that -- as well as the JEA bylaws. I admit  
6 suggesting to Ms. Sidman that perhaps, while  
7 not our purview necessarily, I think there  
8 is some changes in the JEA bylaws that grant  
9 us greater authority in terms of oversight  
10 there as well. Thank you.

11 CHAIRMAN DIAMOND: Thank you, sir.  
12 Councilman DeFoor.

13 COUNCIL MEMBER DeFOOR: I just have two  
14 more changes to this request. On number 53  
15 and 54, I believe we need all the documents  
16 relating to potential privatization through  
17 December 24th, 2019, for both 53 and 54.

18 CHAIRMAN DIAMOND: Okay. Councilwoman.

19 COUNCIL MEMBER PRIESTLY JACKSON: I  
20 actually think we need it to date, because  
21 we heard conversations early January before  
22 it was taken off the table of 2020. Yes, I  
23 just think to date is always good, because  
24 whatever that looks like, even if it was  
25 we're done, close out. Okay.

1                   CHAIRMAN DIAMOND: Gotcha, okay.  
2                   Councilman Dennis.

3                   COUNCIL MEMBER DENNIS: Back to 71,  
4                   former CAO, Sam Mousa, isn't on there. I  
5                   think he needs -- all the communications to  
6                   him as well need to be added.

7                   CHAIRMAN DIAMOND: Do we have to have a  
8                   vote on this to agree to this or can we  
9                   just -- all right. So unless we have other  
10                  comments on this -- and, Sean, do you have  
11                  all these potential edits, you know, close  
12                  enough?

13                  MR. GRANAT: I do, with the exception of  
14                  71. I have the negotiation team and Sam  
15                  Mousa. I didn't know if there were other  
16                  names that Councilman Dennis wanted added  
17                  specifically.

18                  COUNCIL MEMBER DENNIS: Through the  
19                  Chair. You know, the liaisons too, as well.  
20                  But, again, I don't know if that's -- if the  
21                  Committee thinks -- think that we need to go  
22                  to the administrative liaisons or just stay  
23                  with the CAO and the negotiating team,  
24                  assistant CAO.

25                  CHAIRMAN DIAMOND: Here is my quick

1 thought: There is enough in the documents,  
2 and text, and in transcripts to include  
3 these folks, I think it's fair, if we can  
4 stop here, but if the evidence leads  
5 further, we can go get anything else we need  
6 to get.

7 COUNCIL MEMBER DENNIS: So I won't --  
8 through the Chair, not include the liaisons,  
9 but definitely Mousa, former CAO, and the  
10 negotiating team, if that's okay with the  
11 Committee.

12 CHAIRMAN DIAMOND: Okay. And then --  
13 all right. With that, can we take a vote, a  
14 motion -- I'm sorry, Councilwoman.

15 COUNCIL MEMBER MORGAN: Thank you so  
16 much, Mr. Chair. Going back to 71, what is  
17 the timeline that we will be getting the  
18 communications from these individuals?

19 CHAIRMAN DIAMOND: Based on this  
20 request, and correct me if I'm wrong, it  
21 goes back now to December 2017.

22 COUNCIL MEMBER MORGAN: Okay. So if it  
23 goes back to 2017, I guess that would  
24 include all communications that also  
25 transpired between the Mayor and possibly, I

1           guess, since we've already done Aaron Zahn.  
2           Would we also need to take into  
3           consideration the former CEO, which would be  
4           Mr. McElroy.

5                   CHAIRMAN DIAMOND: We can do that.

6                   COUNCIL MEMBER MORGAN: So is that  
7           included already?

8                   CHAIRMAN DIAMOND: I think it would be  
9           included in this, but we can add him to be  
10          more specific. I'll just say this, and I  
11          was going to save this comment for later:  
12          As we get further and further away from JEA,  
13          we have less and less likelihood of getting  
14          any documents. So my personal thought was  
15          to go and get everything we can from JEA,  
16          because they have to give it to us, right.  
17          We're the same entity, we're the City.

18                   As soon as we start asking for documents  
19          from somebody who is not an employee or  
20          outside of our purview, then we're going to  
21          have to get subpoenas if they don't turn it  
22          over. So I wanted to do the easy thing  
23          first and go to the rest later, because we  
24          will have some fights down the road, there  
25          is just no question.



1 COUNCIL MEMBER MORGAN: Thank you.

2 CHAIRMAN DIAMOND: Okay.

3 COUNCIL MEMBER PRIESTLY JACKSON:

4 Through the chair. I think Council Member  
5 Dennis be requesting we add the negotiating  
6 team, number two, so I would assume you mean  
7 both?

8 CHAIRMAN DIAMOND: Both sets.

9 COUNCIL MEMBER DENNIS: Yeah.

10 COUNCIL MEMBER PRIESTLY JACKSON: The  
11 other thing I have, when we forward this  
12 information to who we're seeking, are we  
13 going to give them the charge so they know  
14 it relates to that? Because I was looking  
15 on this, we have definitions, we have the  
16 requests, but, you know, it's a pretty  
17 generic request on some of them, it's just  
18 was there any communication. Or is it going  
19 be tied into the charge to this Committee  
20 and link -- I just need to know what the  
21 linkage is between the documents, the  
22 individuals and the requests.

23 CHAIRMAN DIAMOND: Yeah. So my  
24 understanding of the way we could go about  
25 doing this practically -- and please, OGC,

1 let me know if I'm getting this wrong -- but  
2 we'll go ahead and vote on this, and take  
3 official action, and get it out the door,  
4 and then deliver it to them.

5 Once it's delivered, then we're going to  
6 have to have a meeting between OGC, our  
7 outside counsel, and JEA to get a sense of  
8 the number of documents we're talking about  
9 and where they are and have kind of a  
10 logistical discussion about how to do some  
11 sort of production such that we can comply  
12 with this, but we're not getting stuff we  
13 don't need or it's not nonresponsive.

14 For example, we sent a spoliation  
15 letter, a memo, to JEA when we found out  
16 Aaron Zahn was deleting his texts, you know,  
17 or had it on automatic delete, so they don't  
18 delete anything else. Now JEA is retaining  
19 massive amounts of meter data and other  
20 stuff, and they don't need to be doing that.

21 So there is a practical side to this,  
22 and then there is a  
23 we-need-to-make-sure-we-get-it-all side to  
24 this. And I think we'll have to go talk to  
25 him to get that done.

1           COUNCIL MEMBER PRIESTLY JACKSON: Okay.  
2           But my question is, when you ask them,  
3           you're going to say related to what? Just  
4           give us anything? I mean, I would think  
5           that it has to be related to the charge of  
6           the investigative committee. And so that's  
7           what I'm just saying before -- and I didn't  
8           see it on the front of this, which is why I  
9           asked, what -- when making the request, are  
10          we going to attach the charge of the  
11          Committee or what additional information  
12          will they be provided.

13          MR. GRANAT: Through the Chair. We  
14          certainly could attach the charge. And the  
15          definitions on page 2 of this, it defines  
16          inquiry matters as the total market  
17          compensation strategy, privatization, or  
18          recapitalization of JEA, ITN, and PUPs.

19          So when there is a broad request with no  
20          specific reference, we're relating back to  
21          these inquiry matters.

22          COUNCIL MEMBER PRIESTLY JACKSON: But  
23          we'll put in the charge as well, so if there  
24          is something --

25          MR. GRANAT: Sure.

1 COUNCIL MEMBER PRIESTLY JACKSON: If  
2 there is something else -- okay. Thank you.

3 CHAIRMAN DIAMOND: With that, I would  
4 entertain a motion to approve this document  
5 request, as Sean will amend it with these  
6 technical changes and these adds, be sent.  
7 Do we have a motion?

8 We can second, we can discuss. Go  
9 ahead.

10 COUNCIL MEMBER PRIESTLY JACKSON: Can we  
11 get a list of what additional information,  
12 what the amendments were that you noted for  
13 the additional things that were going to be  
14 included before we vote?

15 MR. GRANAT: Yes.

16 CHAIRMAN DIAMOND: Sean, it might be  
17 helpful if OGC just circulates the final  
18 version as a public record so everyone has  
19 it, the sooner the better.

20 MR. GRANAT: Okay. We can do that. If  
21 you want me to just go through the changes  
22 as I recorded them --

23 CHAIRMAN DIAMOND: Sure.

24 MR. GRANAT: -- we're going to change on  
25 page 2 the time frame. So it's going to

1 start December 1st, 2017, through the  
2 present, unless otherwise specified.

3 Number 20, we're changing the date to  
4 the date of December 1st, 2017, through  
5 July 23rd, 2019.

6 Number 47, after the word "travel,"  
7 we're adding "or other expenses."

8 Number 15 -- I'm sorry, number 53 and  
9 54, we're removing the final date,  
10 July 23rd, and making it just to present.

11 Number 71, after "Tim Baker" we're  
12 adding "all negotiation teams and Sam  
13 Mousa."

14 And we're going to -- wherever it's  
15 appropriate, we'll figure it out, also  
16 request the responses to the ITN.

17 COUNCIL MEMBER PRIESTLY JACKSON: Good.  
18 I just want -- I think it has to be on this  
19 document somewhere that we are requesting  
20 the information from the members of the City  
21 Council. Any communications -- we were  
22 going to say any communications -- or each  
23 Council Member to include a notice or  
24 information of any meetings with members of  
25 the JEA senior leadership team, JEA Board,

1 consultants, or anyone else regarding any of  
2 these matters. I think that needs to be on  
3 the document.

4 CHAIRMAN DIAMOND: Just so I understand,  
5 we're going to ask JEA to produce any  
6 documents they have about meetings with City  
7 Council in this time frame.

8 COUNCIL MEMBER PRIESTLY JACKSON: I  
9 understand that. But, remember, we said  
10 that we -- because we're not just asking  
11 JEA, we've now extended it to the Mayor and  
12 to some other folks. I'm saying that I  
13 think we need to have an item on here that  
14 says that we as Council Members are going to  
15 respond that, if we have any information on  
16 any of the items we're requesting, if we had  
17 a meeting, we got an email about it or  
18 something else, we disclose it. It needs to  
19 be on this document that we're going to  
20 disclose it. That's, to me, the most  
21 appropriate way to deal with it.

22 CHAIRMAN DIAMOND: Can I suggest  
23 something? And I understand what you're  
24 saying. I think, if it's going to JEA, they  
25 can only give us JEA's stuff. I would like

1 to defer to the Council President for  
2 requiring City Council people to do  
3 anything. I don't know what -- I don't  
4 think we have the authority to, you know,  
5 require another Council person to do  
6 anything. So I would just defer to the  
7 Council President for that piece of it.

8 I'm personally happy to comply. I'll  
9 give it all over, no problem. I don't have  
10 much.

11 COUNCIL PRESIDENT WILSON: So I probably  
12 need some assistance from Peggy, or  
13 Mr. Busey, or Mr. Gabriel, or somebody. I  
14 believe that we can ask for any documents  
15 that we have, any conversations. I just --  
16 without a subpoena I'm not sure what we  
17 could require Council Members to provide.

18 I will certainly share anything I have.  
19 I know Mr. Zahn came to my office once or  
20 twice during the -- during that process.  
21 And I don't know that I have any documents,  
22 but I'll try to think back to what our  
23 conversation was. I know the one meeting on  
24 the 18th or 17th of July. But he had sent  
25 me a couple emails, and I'll provide those.

1           But I would have to defer to OGC to tell  
2           us what we could require City Council  
3           Members to do.

4           MR. GABRIEL: Sure. Jason Gabriel,  
5           General Counsel.

6           I think, as the Chairman has pointed  
7           out, this particular document is a doc  
8           request going to JEA. And, certainly,  
9           what's captured on the JEA database with  
10          respect to communications or calendar  
11          entries with Council Members will be caught  
12          within this.

13          As for this City Council sort of  
14          spectrum of information, that might be -- I  
15          mean, I'm talking out loud here, but that  
16          could possibly be a separate maybe voluntary  
17          disclosure that Council does upon itself to  
18          get all calendar entries, emails, and  
19          communications for a date certain from  
20          Council Members.

21          I mean, perhaps the suggestion is that  
22          that can be a separate sort of set of items  
23          of disclosure that you could -- we could do.  
24          And we can work on and help you with that.

25          But to the Chairman's point, this is a



1 doc request going to JEA.

2 COUNCIL MEMBER PRIESTLY JACKSON: And I  
3 understood that. I think that there was  
4 inherent in that a presumption that whatever  
5 JEA gave us back would be fully inclusive,  
6 that's why I said the only other entity that  
7 I was actually concerned with not disclosing  
8 or not being aware would be us.

9 So we don't want any, you know, new  
10 information coming out to impugn the  
11 credibility and the transparency of the City  
12 Council and the Committee. That's why I  
13 asked for that.

14 So even if it's a letter from our  
15 Council President that just says he is  
16 making the request, which I would think he  
17 can do, that we all share any information we  
18 may have relative to the documents that are  
19 being -- or the information being requested  
20 from JEA, I just think we need to have it  
21 out there. I don't think we need to have  
22 individuals subpoenaed in front of us  
23 talking about it unless there is something  
24 that comes out in their disclosure to say  
25 that's a necessity.

1           But I think the public needs to know  
2           that. And they need to understand that we  
3           are being open, honest, transparent, and  
4           objective. And so, you know, it may not be  
5           anything, it may not be anything for the  
6           vast majority of those. But it may be. And  
7           just some mechanism of saying, before we  
8           start asking everybody else what they got,  
9           that we've told the public this is what our  
10          involvement has been or not been to date.

11           CHAIRMAN DIAMOND: Councilman Salem.

12           COUNCIL MEMBER SALEM: Thank you,  
13          Mr. Chair.

14           I just want to bring up something in  
15          light of Councilwoman Priestly Jackson's  
16          comment. I had, for example, a dozen or so  
17          meetings with Sherry Hall when she was their  
18          VP of government relations related to  
19          answering questions about the ITN. I don't  
20          think -- maybe that is what you're looking  
21          for, because she was a member of the senior  
22          leadership team.

23           It may be easier if we limited that --  
24          those meetings to three or four specific  
25          people, Aaron Zahn, et cetera, or I think

1           you're going to accumulate a lot of  
2           information that is really not what you're  
3           looking for. So that's just my comment.

4           COUNCIL MEMBER PRIESTLY JACKSON: I  
5           don't want the minutes from your meetings.  
6           So if you said, I met with Sherry Hall at  
7           JEA, and we discussed the ITN, that's  
8           general enough. I met four times, I met  
9           five times.

10          If Aaron Zahn at our new Council Member  
11          orientation flipped the challenge coins,  
12          I'll put that down, that would be my limited  
13          engagement. You follow me?

14          I just think that we need to -- and it's  
15          up to each Council Member to decide. I am  
16          not asking for an exhaustive list or  
17          information. What we don't want to have is  
18          that someone make an allegation that any of  
19          our colleagues have been using another  
20          capacity or another role, and it undercuts  
21          our work and the trust we're trying to  
22          rebuild with the public.

23          So I'm not saying the form it has to  
24          take. And I don't want details like that.  
25          If you had a standing meeting with

1 so-and-so, that's fine. Council Member  
2 Becton, he's a liaison, so he would go to  
3 the meetings, you know, not outside the  
4 meetings or whatever.

5 I just think that we owe it to the  
6 public to, if we're making these requests of  
7 everyone else, we have to have the same onus  
8 on ourselves. And, again, the level of  
9 specificity, I am not articulating what that  
10 looks like. I trust each Council Member's  
11 judgment.

12 But the duty to disclose any meetings  
13 with the senior leadership team, members of  
14 the JEA Board, any of the consultants that  
15 were doing the work related to this, right,  
16 I think it's incumbent upon us to share  
17 that. We have an obligation to do that, and  
18 that needs to happen.

19 CHAIRMAN DIAMOND: Council President.

20 COUNCIL PRESIDENT WILSON: Mr. Chairman,  
21 I think, for me, I would just ask ITD to  
22 pull my calendar and my emails with those  
23 individuals, and all that information would  
24 be provided. When I look at emails I  
25 received from Aaron Zahn, I received a

1           handful of them. One was, I remember,  
2           October 7th, the Monday after I, obviously,  
3           went on the trip. And it was a follow-up:  
4           As we discussed, I am working with both  
5           specialty procurement counsel and the Office  
6           of General Counsel to determine how to best  
7           provide information to the public.

8           And I think that's kind of in line with  
9           our conversation that they were trying to  
10          figure out whether or not the bidders should  
11          be made public. And so I think that's a  
12          relevant email and a relevant public record,  
13          and I'll share that with the Body.

14          When I read the email, I really don't  
15          understand what he was trying to say. It's  
16          very -- somewhat confusing to me, but I'll  
17          certainly share that.

18          Anything else I have is probably emails  
19          that were sent to everybody. But I think  
20          ITD could pull those easier than anybody.

21          CHAIRMAN DIAMOND: Okay. So I'll leave  
22          that portion to you, Mr. President. It  
23          would take me about ten minutes, and I'll  
24          fully comply. I get the spirit, it makes  
25          perfect sense to me.

1           We do have a motion and a second on the  
2 floor for this document request.

3           Yep, one more.

4           COUNCIL MEMBER DeFOOR: One more change.  
5 Number 20, if we could go back to that one,  
6 and if we could have it to date as well so  
7 it's between April 1st, 2000- -- is that  
8 where we ended up, April -- December 1st,  
9 2015, to date.

10          CHAIRMAN DIAMOND: You want to make your  
11 motion one more time that way it encompasses  
12 all these changes we've talked about?

13          COUNCIL MEMBER DeFOOR: So I will make a  
14 motion as -- with that amendment. Do I have  
15 a second?

16          CHAIRMAN DIAMOND: We got a motion and a  
17 second. I think it makes sense to put this  
18 in the queue. Does that make sense? Do we  
19 need to put this in the queue?

20          All right. We do.

21          All those in favor of issuing this  
22 document request as motioned by Councilwoman  
23 DeFoor, please say aye.

24          COLLECTIVELY: Aye.

25          CHAIRMAN DIAMOND: All those opposed?

1 Motion carries.

2 All right. So let's move on to the  
3 interrogatories. And perhaps, Mr. Sean, if  
4 you could explain what an interrogatory is  
5 first, and then we can kind of go over  
6 those.

7 MR. GRANAT: Sure. An interrogatory is  
8 just a written question asking for a  
9 detailed and complete response in writing  
10 from JEA.

11 We would leave it up to JEA. We work  
12 with them to decide who would have the best  
13 knowledge to answer the question. So each  
14 question might be answered by someone  
15 different.

16 CHAIRMAN DIAMOND: Okay. And if you  
17 want to just kind of roll through these  
18 interrogatories, kind of, and we'll do the  
19 same thing with these. There's not that  
20 many.

21 MR. GRANAT: Yeah. There's eight of  
22 them.

23 The first, identify all purchases,  
24 contracts, or payments for any goods or  
25 services of \$10 million or more.

1           Number two, identify all outside  
2 attorneys and law firms engaged on behalf of  
3 JEA with respect to any of the inquiry  
4 matters.

5           Number three, identify all vendors,  
6 consultants, or public relations firms hired  
7 by such attorneys and law firms on behalf of  
8 JEA.

9           Number four, identify all vendors,  
10 consultants, or public relations firms  
11 working with or on behalf of JEA with  
12 respect to any of the inquiry matters.

13          Number five, provide a list of all  
14 JEA-owned electronic devices issued to Aaron  
15 Zahn or any other senior leadership team  
16 member.

17          Number six, provide a list of all  
18 receipts of JEA-purchased cellular  
19 telephones, together with each cellular  
20 telephone's manufacturer and model --  
21 example, Apple iPhone 7 -- the phone number,  
22 and network provider -- example, AT&T.

23          Number seven, provide a list of all  
24 electronic devices, regardless of whether  
25 owned by JEA, used by any senior leadership



1 team member to send or receive JEA emails,  
2 access JEA documents, or otherwise  
3 communicate with anyone regarding JEA  
4 matters.

5 Number eight, identify all code names,  
6 nicknames, project names, or other shorthand  
7 abbreviations for any of the inquiry  
8 matters -- for example, project Scampi.

9 CHAIRMAN DIAMOND: Okay. First, Members  
10 of the Committee, any questions or  
11 additions? Any of the Committee Council  
12 Members, any on these?

13 And welcome, Council Vice President.

14 COUNCIL MEMBER HAZOURI: Sorry. I just  
15 left the doctor, and I'm done.

16 I just want to ask one question, in all  
17 these interrogatories, yeah, will y'all have  
18 details, not just your communication? Maybe  
19 I missed something earlier. Details, for  
20 example, if you hire out a lawyer, I was  
21 looking at an email the other day where one  
22 of the attorneys had reviewed Councilman  
23 Garrett's -- or investigated them, or  
24 reviewed them, or whatever for an \$1,100  
25 bill. And I didn't see any details of what

1           that was about and anything attached to that  
2           invoice. Are those things available?

3           I cannot believe that y'all would just  
4           get a bill without the details, whether you  
5           found something or didn't find anything or  
6           whatever you were looking for, I don't know  
7           what it was. But do y'all have that  
8           information? Or will that be provided.

9           MR. GRANAT: Well, these interrogatories  
10          are asking for answers to these specific  
11          questions. And most of them are framed to  
12          give us a list of vendors or other people  
13          that JEA has dealt with. From there, the  
14          Committee can certainly request those  
15          records. Most of them might have already  
16          been encompassed by the records request we  
17          just reviewed; but if they're not, we would  
18          know and we would be able to request those  
19          records.

20          COUNCIL MEMBER HAZOURI: I understood --  
21          Mr. Chairman, I understand that y'all are  
22          requesting -- I mean, that we're requesting  
23          these things, but I didn't know if details  
24          follows. I mean, yes, we met with  
25          so-and-so, or, yes, we have a text. But it

1           seems natural, Mr. Chairman, that you would  
2           get details to come along with that.

3           Under what category or what requests are  
4           you asking this information, or where will  
5           you get it? I know what he just said.

6           CHAIRMAN DIAMOND: Yeah, yeah. And  
7           correct me if I'm wrong, just check me, but  
8           we just went through an 80-plus document  
9           request.

10          COUNCIL MEMBER HAZOURI: I saw that.

11          CHAIRMAN DIAMOND: So that would have --  
12          if it exists, you know, with your example,  
13          if there is some report about what they came  
14          up with about Councilman Dennis, if  
15          anything, then that should be turned over.  
16          If it doesn't exist or they don't have  
17          control of it, then it wouldn't be. But  
18          we're asking for everything.

19          COUNCIL MEMBER HAZOURI: What?

20          CHAIRMAN DIAMOND: We're asking for  
21          everything.

22          COUNCIL MEMBER HAZOURI: Yeah, because  
23          that's important. I mean, it's not enough  
24          to see a bill for \$1,100 or whatever. You  
25          have to have done some -- they have to have

1           tried to get information, whatever they got,  
2           yes, we did; no, we didn't. That's just one  
3           example. I wasn't trying to -- but I think  
4           that's incumbent on y'all to give us  
5           everything that we need, other than what we  
6           read in the paper and what we read through  
7           our own emails. Thank you, Mr. Chairman.

8           CHAIRMAN DIAMOND: Yes, sir.

9           Okay. Any other comments on  
10          interrogatories?

11          All right. Sean, go ahead.

12          MR. GRANAT: I wanted to address the  
13          time frame with you, where originally we had  
14          January 1st, 2018, for these  
15          interrogatories, I know you adjusted --

16          CHAIRMAN DIAMOND: Yeah. We should go  
17          to December for this one too, December 2017.  
18          So with that, I would entertain a motion to  
19          approve these interrogatories.

20          We have a motion and second. All those  
21          in favor of approving these interrogatories  
22          with that one amendment, please say aye.

23          COLLECTIVELY: Aye.

24          CHAIRMAN DIAMOND: All those opposed?

25          All right. It carries.

1           So just a few other things we need to  
2           get done today. I did want to talk just  
3           briefly about the importance of this kind of  
4           like whistleblower kind of notion or public  
5           tips crowdsourcing.

6           I will go work with Carla, if the  
7           Committee is comfortable with it, to make  
8           sure we have a mechanism that's widely  
9           publicized to do this. But I actually think  
10          it's really, really important that we send  
11          this message out, that we do want to hear,  
12          that we know they know better than we do, or  
13          ever will figure out by looking at emails  
14          and documents what was happening over there.

15          And, also, provide a lot of comfort  
16          that, if you come forward and you're saying  
17          something that you saw or participated in or  
18          whatever, that the retribution of coming  
19          forward should not be what keeps you away  
20          from doing it. How do we provide some sort  
21          of safe harbor that people feel comfortable  
22          telling the truth? I think that's mission  
23          critical of the Committee to create that  
24          level of safety.

25          And if you all are comfortable, I'll

1 work with Carla, or IG's office, and OGC to  
2 figure out how we can best do that and  
3 publicize it over at JEA so they know they  
4 can do this and step up and say something.  
5 It may be a huge amount of information and  
6 we bit off more than we can chew, but I'd  
7 rather that than people be silent.

8 COUNCIL MEMBER DeFOOR: Just along those  
9 lines, it needs to be bigger than the JEA  
10 employees, because I'm getting calls outside  
11 of the JEA, they were married to someone. A  
12 lot of times the spouse is more willing to  
13 speak than the employee. And so we  
14 really -- we really need to make sure that  
15 it's publicly outward facing, whatever it  
16 is.

17 And IG is a great example of -- I don't  
18 know how long it would take to develop what  
19 she has, but if we could mirror what she  
20 has -- and I also reached -- I'll just --  
21 I've reached out to Our Jax and see if they  
22 would be willing to host this project, just  
23 because government is not particularly well  
24 known for moving quickly.

25 And if we can find someone who would be

1 willing to host this information, you know,  
2 pay for the website, host the information.  
3 I don't know, it's just a thought, but it  
4 depends. If we can come up with it quickly,  
5 a website, then that's great. If not, we  
6 might want to look outside of government.

7 CHAIRMAN DIAMOND: You will never find  
8 anyone more frustrated with the pace of  
9 government than me. So I guarantee you  
10 that's something we do need to do quickly.  
11 So we'll be jumping on that.

12 The other -- yes, ma'am.

13 COUNCIL MEMBER PRIESTLY JACKSON: I  
14 think to that end, and getting information  
15 from the public, I also think that's when  
16 it's a wonderful opportunity to have a  
17 partnership with unions and other groups,  
18 for them to know they don't have to respond  
19 to the website, but that we are available  
20 and open, and whatever the best mechanism  
21 for them, they are a virtual repository of  
22 information and knowledge through all of  
23 this.

24 So I would say, in addition to  
25 responding to the website, going through any

1 of those employee organizations or others,  
2 over at JEA, might be a good resource as  
3 well.

4 CHAIRMAN DIAMOND: That makes sense,  
5 absolutely. Another issue, I want to just  
6 talk about this publicly, is that all of our  
7 documents really need to be very accessible.  
8 I don't think anyone is going to disagree  
9 with this, but that we would be posting them  
10 under this special committee website. But  
11 critical that they're Bates'ed so that  
12 people can actually track what number we  
13 were talking about. And then, as McKinsey  
14 is doing today, post it, so that if someone  
15 is watching from home or looking at this ten  
16 years from now, they can say, Oh, this was  
17 the document they were talking about, and be  
18 able to read it for themselves. So just as  
19 a matter of procedure, it may be a little  
20 cumbersome sometimes, but we have to make  
21 the documents match up with what we're  
22 doing.

23 Other issue is our calendar of meetings.  
24 We have right now reserved this time in the  
25 morning. I understand maybe 8:00 a.m. is



1           too early or isn't fair to the people who  
2           need to get kids to school and all the rest.  
3           But, certainly, I don't want to lose this  
4           block, but maybe we can add other blocks or  
5           something else. I'm all ears.

6           COUNCIL MEMBER PRIESTLY JACKSON: So I  
7           think that the need to have the public  
8           engaged in this process is -- 8 o'clock  
9           meetings or 9 o'clock meetings on Monday  
10          mornings are not very inviting. We're in  
11          the Chambers for a reason, not that we don't  
12          like who we see out here today, but we want  
13          to be accessible to the public, for folks  
14          sometimes just to come down. And I probably  
15          have more folks that stop me from coming  
16          down to a meeting than email me or call me,  
17          they stop me someplace else to share  
18          information.

19          So if we're going to have morning ones,  
20          I'm just going to ask for a companion  
21          meeting to be in the evening. So if the  
22          next one was going to be 8:30 or 9:00, we  
23          need to say the next one is going to be on  
24          another day, whether it's Monday afternoons  
25          or whatever day, it needs to be an

1           afternoon, evening so working folks can make  
2           it down.

3           And so since 5 o'clock is our start time  
4           for our Council meetings, it has to start at  
5           that time. And I think that is the only way  
6           that we are -- we bring the public along  
7           with what we're doing and they actually  
8           understand that we want them involved.  
9           Eight o'clock this morning, I don't know  
10          that I wanted to be involved, right.

11          But so I just think we need to make a  
12          part of that, Mr. Chairman. So the next one  
13          I understand you probably have it scheduled,  
14          but I think every other one needs to be an  
15          evening meeting, it has to be.

16          CHAIRMAN DIAMOND: Councilwoman DeFoor.

17          COUNCIL MEMBER DeFOOR: I agree with  
18          that thought process. I'd only say that we  
19          need to be consistent, because people are  
20          going to go, Well, I got off on that week.  
21          So whatever we choose, let's be consistent  
22          about it.

23          COUNCIL MEMBER PRIESTLY JACKSON: And my  
24          response was that, we're going to notice  
25          them all. So if we set now and say, This is

1 the calendar of meetings, like we do, then  
2 you know, if it's 8:30 or 8 o'clock,  
3 whatever the next date is, then the next  
4 meeting is whatever it is. We notice them  
5 all in advance.

6 I mean, we have a charge until, what,  
7 June 1st, similar to what we did with the  
8 JEA committee, Mr. Boylan's committee. All  
9 the meetings were noticed. And so we  
10 presume we have the time until we get a  
11 notice cancelling them. I think if we do it  
12 that way and we stagger the times, the  
13 public, they will respond to that. And then  
14 we will put it all over social media and  
15 everything else so folks will know, as long  
16 as we provide the notice of it.

17 CHAIRMAN DIAMOND: Okay. Is that going  
18 to work?

19 So we'll do this. We'll go out and, if  
20 the Committee is comfortable, I'll work with  
21 our team and come up with a calendar, have  
22 your ECAs kind of weigh in on it. And then  
23 we'll circulate a final version and adopt  
24 it. And then have it set for the next  
25 several months. Does that work?

1           Okay. Any other business for us to  
2 attend to today?

3           Yes, please.

4           COUNCIL MEMBER DeFOOR: Thank you,  
5 Mr. Chair, and through the Chair.

6           I'm just curious, and I understand the  
7 documents will lead us to who we need to  
8 interview, but I do think that the executive  
9 branch -- I mean, there was a complete  
10 turnover of the executive branch of the JEA.  
11 I think we should be interviewing them now.  
12 I think the Paul McElroys, the Jody Brooks,  
13 the Mike Brosts, the Angie Hiers, Aaron  
14 Zahn's former ECA, I think we should be  
15 moving along those lines now.

16           CHAIRMAN DIAMOND: Let me ask you this:  
17 Would this make sense for -- since we have a  
18 meeting noticed for two weeks from now -- a  
19 long one at 8:00 a.m., sorry. I actually  
20 picked that time because I recognize  
21 everybody here has a full-time job.

22           Perhaps if we could work with OGC and  
23 outside counsel to come up with some  
24 low-hanging fruit on some initial ones that  
25 maybe are not super document-heavy in

1 particular, ones that can tell us day to day  
2 how things were working, maybe we can talk  
3 with Carla Miller, our Ethics Director,  
4 about her experience, we could get some  
5 stuff, we could start to get some of these  
6 done.

7 COUNCIL MEMBER DeFOOR: Okay. So you're  
8 asking OGC to identify the witnesses that we  
9 have not interviewed that we could be doing  
10 today? I just want to make sure I  
11 understand what you're saying.

12 CHAIRMAN DIAMOND: Well, in order to  
13 make sure that there is some agreement as to  
14 what we do at the next meeting, that maybe  
15 we can all go to OGC and say, Here are five  
16 people I think we ought to do upfront. And  
17 we'll see where there is overlap, and we'll  
18 get them done. Unless the three of us want  
19 to have an organizational meeting in a  
20 couple of days or something to say, here is  
21 the --

22 COUNCIL MEMBER DeFOOR: We're in a very  
23 short time frame.

24 CHAIRMAN DIAMOND: I agree. So I want  
25 to get going as much as you do. So if we

1 want to talk about it now, if there is some  
2 that we can get done.

3 COUNCIL MEMBER DeFOOR: I think this  
4 group of executives that left, they left for  
5 a reason.

6 CHAIRMAN DIAMOND: Which ones in  
7 particular?

8 COUNCIL MEMBER DeFOOR: Paul McElroy,  
9 Jody Brooks -- is it Angie Hiers, the --  
10 Hiers (pronouncing), Mike Brost, I had a  
11 whole list, but those -- the people -- there  
12 is some low-hanging fruit that -- we're not  
13 going to have to wade through a bunch of  
14 documents; they're going to be able to tell  
15 us right off their head exactly what  
16 happened.

17 CHAIRMAN DIAMOND: Okay. I'm good with  
18 that.

19 MR. BURRIS: Mike Hightower.

20 COUNCIL MEMBER DeFOOR: Mike Hightower.

21 MR. BURRIS: Brian Roche.

22 COUNCIL MEMBER DeFOOR: Brian Roche.

23 CHAIRMAN DIAMOND: As much as I  
24 appreciate the audience participation, if  
25 you could hang in there.

1           COUNCIL MEMBER DeFOOR: I like that,  
2 Brian Roche.

3           CHAIRMAN DIAMOND: Okay. So that's a  
4 chunk, for sure.

5           Councilman Boylan -- oh, Councilwoman.

6           COUNCIL MEMBER MORGAN: Yes. Thank you  
7 so much.

8           This is one person that we haven't  
9 mentioned, but I will tell you that when --  
10 when the first incident happened, Council  
11 President at that time was Anna Brosche.  
12 And what seemed to have happened during then  
13 was an effort right then to try to shut out  
14 the City Council. So she may be another  
15 person that we want to call on and just get  
16 her perspective.

17          CHAIRMAN DIAMOND: Gotcha. All right.  
18 So -- yes, sir.

19          COUNCIL MEMBER HAZOURI: Quick question,  
20 and maybe y'all discussed it with  
21 Mr. Boylan, Boylan (pronouncing), Michael,  
22 again. We are going to have a little  
23 lesson, Michael.

24          How are we coordinating with the -- to  
25 the other chair people? How are we

1 coordinating his meetings with this meeting?

2 CHAIRMAN DIAMOND: So -- not very well  
3 yet, but we're going to work on it. The  
4 goal, essentially, of this group is to do  
5 the investigatory piece and hopefully  
6 towards the end, if -- to the extent it  
7 hasn't been done already, propose some  
8 changes.

9 COUNCIL MEMBER HAZOURI: Through the  
10 Chair to Mr. Wilson, President Wilson.  
11 President Wilson, did you give a date -- I  
12 can't recall whether you gave a date to  
13 Michael's committee -- that you would like  
14 to have a report. I know we've done, I  
15 think, this Committee. So by the end of  
16 what, June? I just want to make sure I got  
17 my bearings right on -- I mean, I know that  
18 we're not going to rush judgment on this, we  
19 need to get answers, but I just want to see  
20 what kind of dates you set. What were they,  
21 through the Chair?

22 COUNCIL PRESIDENT WILSON: I think the  
23 date was June 30th for Mr. Boylan's  
24 committee.

25 COUNCIL MEMBER HAZOURI: And this one?



1           COUNCIL PRESIDENT WILSON: I think it  
2 was June 1st.

3           COUNCIL MEMBER HAZOURI: Thank you.  
4 Thank y'all.

5           COUNCIL MEMBER BOYLAN: Through the  
6 Chair. And first of all, I am very  
7 comfortable in how this is progressing. I  
8 think we both understand our charges. Yours  
9 is really focusing in looking back and  
10 identifying what misfeasance or malfeasance  
11 took place during the course of the past  
12 time frame, and that there may be subsequent  
13 changes to the Charter or other processes  
14 that will follow thereafter.

15           Our focus right now is -- it continues  
16 to be subject matter experts, bringing them  
17 to the table to inform and educate we as  
18 Members of the Council. And that will be  
19 reflected correctly in the next three or  
20 four meetings that we'll be hosting.

21           We will also be focusing on what charter  
22 changes we can implement now based upon the  
23 communications we had at our last workshop.  
24 As we mentioned to the group prior, I've  
25 been working with Ms. Sidman helping me to

1 redline Article 21 of the Charter right now,  
2 specific sections that require some changes  
3 that allow us to put into place some of  
4 those changes now. So as we bring on new  
5 board members and a new CEO, they will know  
6 the rules they have to play by in that  
7 process. There may be additional  
8 thereafter, that's all well and good.

9 As to the timeline itself, I suspect we  
10 will not go as far as the rest. We will  
11 only go so far at this point in time until  
12 it is useful, until a management team is put  
13 back into place, there is a board in place  
14 that then begins to explore in earnest the  
15 future of JEA. We then will probably  
16 reconvene our group.

17 So I don't anticipate we're going to go  
18 too much further than maybe the next month,  
19 month and a half, because our original  
20 charge was to explore the options being  
21 brought forward. Right now nothing is being  
22 brought forward, quite honestly, because  
23 there is no one to bring it forward.

24 So we will suspend our work until such  
25 time that we can be educated, either in

1 coordination with the JEA Board of what  
2 they're looking to explore. But for the  
3 time being, we're going to focus on getting  
4 ourselves educated on the industry as a  
5 whole; and secondly, what changes to the  
6 Charter need to be made right now in order  
7 for us to move forward as an authority.

8 CHAIRMAN DIAMOND: I have Councilman  
9 Dennis in the queue.

10 COUNCIL MEMBER DENNIS: Through the  
11 Chair to the Committee, and to the Council.  
12 So I'm sitting here just thinking -- and I  
13 guess it's a question for Mr. Gabriel -- who  
14 can also help connect these dots is the  
15 Office of General Counsel. But I do know  
16 that there is privilege, right.

17 And so my question is at what point can  
18 we compel your office to let us -- to help  
19 fill in the dots and, you know, waive that  
20 privilege? I remember a noticed meeting  
21 that I had a couple of weeks ago, and  
22 Attorney Peggy said that, Oh, that's  
23 privileged between another former Council  
24 Member.

25 And so is privilege in perpetuity? I

1 mean, because we're trying to get to the  
2 bottom. And, you know, your office, various  
3 individuals may have had conversations, may  
4 have prepared documents, may have been at  
5 meetings, you know. And so instead of this  
6 Body, this investigative body, chasing its  
7 tail, you know, you may have information to  
8 say, Hey, listen, I was there or my staff  
9 was there. We can kind of help you all  
10 or -- you know, we were privy to what  
11 happened December 2017, and let me tell you  
12 that this is what we shared, but they ran  
13 off and did their own thing, or, you know --  
14 or, you know, we were their attorney and we  
15 guided them and we knew what was going on at  
16 that particular time.

17 So I don't know if it's a legal opinion  
18 of telling us that, you know, that there is  
19 no more privilege because there could have  
20 been some criminality there, but just help  
21 me out, because I'm -- you all can help us  
22 because you're the General Counsel. So I'm  
23 not trying to throw anybody under the bus,  
24 but I think we're all trying to get down to  
25 the bottom of it. And I know before I --

1 before I, you know, try to introduce any  
2 legislation, I sit down with legal, say,  
3 Hey, this is where I want to go, or this is  
4 what I was thinking.

5 And so, you know, I just can't see how  
6 that JEA progressed if they did not have  
7 some legal counsel, or whether it's, you  
8 know, going out to the Pillsbury law firm.

9 So just to wrap it up, my question is  
10 that whole privileged piece and, you know,  
11 how can we compel or how can -- you know,  
12 can we ask questions to help us fill in the  
13 gap. Thank you.

14 CHAIRMAN DIAMOND: Jason.

15 MR. GABRIEL: Through the Chair to  
16 Council Member Dennis, yes. And that's a  
17 good point and a good question. The  
18 privilege, generally speaking, attaches to  
19 the agency. And so what that means is we  
20 will be -- I mean, there's not much in the  
21 way of privilege to stop us assisting you  
22 with the stuff that we're privy to in terms  
23 of what happened, questions and things that  
24 have happened along the way.

25 There is a series of memos, for example,

1           that were issued both by outside counsel and  
2           our own office, you know, through this  
3           timeline that will certainly be open for  
4           discussion and we'll -- to answer your  
5           question, we will be very well equipped to  
6           help you fill in the gaps to the extent that  
7           we were privy to anything that occurred  
8           along the way.

9           Of course, you've got me, you've got  
10          several attorneys in my office that were at  
11          one time or another, you know, assisting.  
12          We have outside counsel. We had a former --  
13          actually two former JEA advisors. We had  
14          Jody Brooks for a time certain and then  
15          Lynne Rhode for a time certain.

16          And so to answer your question, yes, we  
17          will absolutely be available to answer your  
18          questions, fill in gaps, help this group  
19          understand what the memos were, what the  
20          research done was, when that occurred, when  
21          our knowledge base accrued versus what other  
22          people knew, you know, along the timeline  
23          that that varies.

24          So long story short, we will be very  
25          well able to give you all the information

1           you need.

2           COUNCIL MEMBER DENNIS: Okay. Can I  
3           just follow back up, and kind of help me  
4           out. So back to the privilege. So the  
5           privilege is to the agency. So if JEA was  
6           your client, and so -- and so there is  
7           privilege between what they share would stay  
8           between General Counsel and the agency, but  
9           then if we're asking you a direct question  
10          about that privilege, can you share or can't  
11          share? I mean, how does that work? That's  
12          what I'm trying to get to.

13          And if there was another agency that was  
14          participating with JEA, do you have  
15          privilege to -- I'll just -- so if you had  
16          conversation with the executive branch about  
17          what JEA was doing, where is that privilege  
18          and where can -- at what parameters or  
19          jurisdiction do we have to ask you, did you  
20          have conversations here, what were those  
21          conversations, and related to the whole  
22          recapitalization, so --

23          CHAIRMAN DIAMOND: I gotcha.

24          Jason, do you understand the question  
25          about this assertion of privilege when it

1 comes to, you know -- if you can.

2 MR. GABRIEL: Sure. And I'll have Jon  
3 Phillips sort of chime in here.

4 MR. PHILLIPS: I mean, privilege is sort  
5 of a case-by-case,  
6 transaction-by-transaction issue. I don't  
7 know -- I couldn't possibly answer the  
8 question the way it's framed. But the --  
9 for example, the attorneys who are at JEA  
10 and housed over there might have more  
11 privileges between -- for individuals than  
12 the rest of us would. But on the other  
13 hand, for instance, I don't think I have any  
14 privilege concern about anything I did. So  
15 it would vary with the individual and what  
16 you're talking about.

17 CHAIRMAN DIAMOND: Maybe this might  
18 help, and tell me if it's helpful: I don't  
19 think that JEA can keep secret anything  
20 regarding the ITN process they talked about  
21 with Foley & Lardner or Pillsbury Winthrop,  
22 for example. Would you agree with that?

23 MR. PHILLIPS: Yeah. I would agree that  
24 there isn't really a lot here that -- where  
25 privilege is going to be a problem.



1           CHAIRMAN DIAMOND:  And I'll say this, I  
2           don't have a lot of stomach for assertions  
3           of privilege inside the government.  And to  
4           the extent, if anybody is -- if that comes  
5           up, if there is a meeting with Aaron Zahn  
6           and Jason Gabriel or something else, where  
7           someone is asserting a privilege, we're  
8           going to scrutinize it right here out in the  
9           public.  It won't be, Oh, well, we can't get  
10          to that.  It will have to be an honest  
11          discussion out in the Sunshine as to why  
12          privilege was asserted.

13          MR. GABRIEL:  May I add something?

14          CHAIRMAN DIAMOND:  Yeah.  Go ahead,  
15          Jason.

16          MR. GABRIEL:  I was just going to add,  
17          too, to that, you know -- and, certainly, at  
18          this point in time, you have several under  
19          oath transcripts that have been conducted,  
20          interviews conducted by our office with  
21          several people.  I think there were 30-plus  
22          interviews or so.  And there's certainly  
23          statements in those -- and I'm speaking  
24          generally here -- where the Office of  
25          General Counsel has our own view of what

1           occurred. And so that certainly will be  
2           information that we would provide when that  
3           time comes.

4           CHAIRMAN DIAMOND: Okay. Councilman  
5           DeFoor.

6           COUNCIL MEMBER DeFOOR: Thank you,  
7           Mr. Chair.

8           I just want to say I think that I  
9           probably have been the biggest critic of the  
10          OGC as a lawyer. And after reviewing all  
11          the documentation, I want to thank the OGC,  
12          because truly they saved us -- with the  
13          addition of the auditor, the PUP, as a  
14          basically General Counsel myself, we -- you  
15          have to rely heavily on outside counsel, you  
16          have to. You just can't do all this  
17          yourself, right.

18          And he had two very prestigious law  
19          firms guiding him and telling him that the  
20          PUP was legal. And he stood up against both  
21          those law firms and said, No, it's not.

22          So I feel very comfortable working with  
23          the OGC in this regard. And I believe we're  
24          all on the same team.

25          CHAIRMAN DIAMOND: Councilwoman.

1           COUNCIL MEMBER PRIESTLY JACKSON: I  
2           think I just want to reaffirm what  
3           Councilman DeFoor said. I have not had a  
4           question asked for a document requested that  
5           I've not received from OGC. And so my  
6           comments earlier about General Counsel had  
7           nothing to do with the integrity of the  
8           office; it just has to do with the span of  
9           control as consolidated government has  
10          grown. And so I just wanted to really clear  
11          that this proposal, whether we have a three  
12          tribunal or still a tribunal of one, only  
13          relates to the span of control. But you all  
14          have been extremely responsive and walked me  
15          through information and answered any  
16          information that I had.

17                 And my meetings with Jason started  
18                 probably, what, September maybe. And I have  
19                 a running tablet of what he would tell me.  
20                 I'd be like, Okay, where is that one; okay,  
21                 where is this one?

22                 So I just want to thank you all for  
23                 that. It was an untenable position for the  
24                 public in -- I think, yeah.

25                 CHAIRMAN DIAMOND: Okay. Council Vice

1           President.

2           COUNCIL MEMBER HAZOURI:  Nothing to do  
3           with this.  Y'all have done a great job just  
4           the time I've been here and reading all this  
5           material.  Probably through our President, I  
6           just, I'm trying to get the overall picture  
7           of the end game.  After -- hopefully, we put  
8           Humpty together again.

9           So as we look at changes, charter  
10          changes, I know I'm hoping that what we're  
11          doing -- and since you have that late date,  
12          the 30th, and you have the early date, that  
13          along the lines that, as we start and  
14          continue to discuss as we come up with  
15          recommendations, notwithstanding what you're  
16          findings are, but as far as charter changes  
17          and other changes that we need to make, I'm  
18          hoping, again, Mr. President, through the  
19          Chair, that what our end game is that all of  
20          these changes or recommendations at least  
21          will end up in Mr. Boylan's committee.  Is  
22          that your anticipation?

23          We're not going to do willy-nilly a  
24          charter change here and a -- unless there is  
25          an emergency for a referendum, for example,

1           that Mr. Garrett had, are we just going to  
2           kind of compile them and send them to this  
3           Committee after it's done? Because if  
4           you're finished by the 1st, then he should  
5           have, and Committee should have almost every  
6           recommendation other than what they may come  
7           up with. Is that your anticipation?

8           COUNCIL PRESIDENT WILSON: Thank you.  
9           So the way I see this happening is we have  
10          several charter changes that we're going to  
11          talk about in the very near future that may  
12          affect the JEA business immediately or very  
13          quickly.

14          Whatever comes out of this Committee  
15          will come out on June 1st or whenever  
16          they're done. It may be extended until  
17          June 30th if need be. It may be extended  
18          into the next council presidency, whatever  
19          comes out of that committee, if we want to  
20          bring it and reestablish the workshop we  
21          can. We can also have a committee as a  
22          whole meeting, the whole entire Council can  
23          discuss those charter changes before they're  
24          introduced. There's a lot of ways we can  
25          have that conversation.

1           Mr. Boylan's committee is going to look  
2           at things that we've already identified that  
3           need to be changed, and we're going to do  
4           that sooner than later. So does that answer  
5           your question?

6           COUNCIL MEMBER HAZOURI: Yeah. I just  
7           want to make sure everything is coordinated.  
8           Thank you, sir.

9           CHAIRMAN DIAMOND: Okay. Any other  
10          comments before we are done? And I've got a  
11          couple --

12          COUNCIL PRESIDENT WILSON: I'd like to  
13          share one thing.

14          CHAIRMAN DIAMOND: Of course, sir.

15          PRESIDENT WILSON: I appreciate that.  
16          And I think we should give OGC a big thumbs  
17          up, the Rory Diamond thumbs up.

18          CHAIRMAN DIAMOND: Absolutely, thumbs  
19          up, nice work.

20          COUNCIL PRESIDENT WILSON: I just had a  
21          question, and it might be a little bit late  
22          to bring this up, but did we ask for any  
23          documents between other counties, like  
24          Nassau County and St. Johns County, to  
25          ensure we captured all that stuff?

1           CHAIRMAN DIAMOND: We didn't. And I  
2 would ask that we can just hold on to that  
3 one for a minute. And the reason why is  
4 we're going to be in litigation, I assume,  
5 with both those counties. And I talked  
6 about it with OGC, we can do maybe a  
7 fine-tuned request a little later, but I  
8 don't want us to suddenly make public  
9 documents that helps the other counties sue  
10 us.

11           COUNCIL PRESIDENT WILSON: Thank you,  
12 sir.

13           CHAIRMAN DIAMOND: Understood. We're  
14 doing our best not to create problems.

15           Before I get to public comment, I'll --  
16 Sean, go ahead.

17           MR. GRANAT: Thank you, Mr. Chairman.

18           I just wanted to get some clarification  
19 from you. You had mentioned earlier, maybe  
20 a future meeting to discuss the scope of the  
21 JEA information that's going to be retained.  
22 Right now they're amassing an enormous  
23 amount of data. I think a lot of it is  
24 going to have nothing to do with the  
25 Committee's inquiry.

1           CHAIRMAN DIAMOND: Let me interrupt you  
2           and just explain this real fast for the  
3           Committee if it didn't make sense. When we  
4           send our memo, it says, Hey, stop destroying  
5           documents. They stopped destroying  
6           documents, including ones that they would,  
7           like, destroy every single day. So now  
8           they're amassing huge amounts of data that I  
9           don't think is relevant to us.

10           Perhaps if Sean could give us some  
11           buckets right now, like what are the biggest  
12           problem buckets that we could all agree we  
13           don't need it, then JEA is not going to have  
14           to then go buy extra storage to keep a bunch  
15           of documents that they don't need. I don't  
16           want to waste taxpayer money retaining  
17           documents that have nothing to do with our  
18           inquiry. Thanks for reminding me.

19           MR. GRANAT: One of the things would be  
20           the images of computers that aren't senior  
21           leadership team members'. I mean, they're  
22           maintaining all of that as it is. I think  
23           there's 2,000 employees, a lot of them have  
24           computers.

25           CHAIRMAN DIAMOND: So on that point, so



1           senior leadership, but just to be clear so  
2           everyone is not confused, that would not  
3           delete any emails; correct?

4           MR. GRANAT: They save emails. Emails  
5           are not a problem, but there is just lots of  
6           other just normal transactional data, such  
7           as metering, just information about how  
8           their business runs day to day.

9           CHAIRMAN DIAMOND: So just so the  
10          Committee knows, Sean, and I, and the team  
11          had a long conversation about what data  
12          they're retaining. I feel comfortable that  
13          we could let that go, but not for the senior  
14          leadership team. Either the last one or  
15          anybody coming in, I don't want to mess with  
16          that, but for below them, I'm fine. Someone  
17          is going to lose their emails. I'm all ears  
18          to talk about this with the Committee, but I  
19          get that it's creating a huge document  
20          problem for them, a retention problem, data  
21          problem.

22          COUNCIL MEMBER DeFOOR: I don't have a  
23          problem with that at all, as long as the  
24          emails are retained.

25          MR. GRANAT: Right. Another big bucket,

1           they started preserving voicemails because  
2           that was part of the request. And with  
3           2,000 employees, that's going to really add  
4           up and start costing them a lot of storage  
5           money.

6           CHAIRMAN DIAMOND: So unless the  
7           Committee disagrees, I want to retain  
8           voicemails of the senior leadership team,  
9           but nobody else. I'm comfortable letting  
10          the rest go.

11          COUNCIL MEMBER DeFOOR: Yes.

12          CHAIRMAN DIAMOND: Okay. We're good  
13          there.

14          MR. GRANAT: Okay. Another bucket I  
15          know they have, I'm not a computer guy, but  
16          they run a lot of tests for different types  
17          of programs to try to improve their  
18          processes. And so there is just a lot of  
19          data regarding trials of different ways to  
20          run different systems, things that have  
21          nothing to do with the ITN.

22          CHAIRMAN DIAMOND: Let me ask an unfair  
23          question: Does it have anything to do with  
24          the ITN, the PUP, conflicts of interest, the  
25          board, the big buckets of stuff that we're

1 looking at?

2 MR. GRANAT: No, those really don't.

3 It's day-to-day operations.

4 CHAIRMAN DIAMOND: I'm comfortable

5 letting it go.

6 Are you good? Okay.

7 And just so the public knows, literally,  
8 in a week or so, JEA was going to have to go  
9 spend a lot of money on extra data storage  
10 space. And we do not want to force them to  
11 do that.

12 MR. GRANAT: Another question: We've  
13 identified the target that you're looking  
14 for as December of '17 through the present,  
15 but going forward from, let's say, today or  
16 January 1st of today, there -- if they have  
17 to retain everything going forward still,  
18 that's going to be an additional --

19 CHAIRMAN DIAMOND: Yeah. So with those  
20 buckets we just discussed, I think we don't  
21 need them, unless the Committee disagrees.  
22 When it comes to emails, I assume you're not  
23 deleting any emails, JEA doesn't delete  
24 emails. I assume that we're retaining  
25 information that the senior leadership team

1 has, so that I understand we don't have like  
2 a running backup, but I don't want to lose  
3 key documents that the senior leadership  
4 team might be creating. For example, I  
5 don't want to lose their voicemails if  
6 they're coming in, I don't want to lose  
7 their emails, I don't want to lose documents  
8 they're working on. That's me.

9 COUNCIL MEMBER DeFOOR: I agree. Until  
10 we have a brand-new executive group in  
11 place, I think we need to keep these  
12 safeguards.

13 MR. GRANAT: Relating to the senior  
14 leadership team?

15 COUNCIL MEMBER DeFOOR: Yes.

16 CHAIRMAN DIAMOND: Are you comfortable  
17 with that? Okay.

18 Is that enough guidance? Because I  
19 understand this is -- look, I'm a dog guy,  
20 I'm not a computer dude, so I don't know how  
21 this works. But if we can maintain those  
22 things with regard to the senior leadership  
23 team, I think the Committee would be  
24 comfortable. Everybody else we can let it  
25 go.

1           MR. GRANAT: I think that's a good  
2 start. And then if we, at the next meeting,  
3 have other questions, we can address it  
4 then. We want to let you know, JEA --

5           CHAIRMAN DIAMOND: Let me interrupt you.  
6 One caveat to that is I don't want to lose  
7 anything related to ADP or reimbursements.  
8 I think IRS requires you to keep it for  
9 three years anyway, but I don't want to lose  
10 that information either.

11          MR. GRANAT: Okay. So we'll include  
12 that.

13          JEA has been incredibly receptive and  
14 helpful for retaining these documents. But  
15 they are concerned that there is a -- very  
16 soon they're going to need additional  
17 storage space if things continue as they  
18 are.

19          I also just wanted to mention,  
20 obviously, 84 records request points, that's  
21 an enormous request. The documents that OGC  
22 obtained in the investigation of Mr. Zahn  
23 was about 1.5 million pages of documents and  
24 over 100,000 emails.

25          The document request we discussed today

1 is much larger than that. And so it's going  
2 to take some time to just compile the  
3 information, and then it needs to have that  
4 high level review. But we will do our best  
5 to get the stuff we -- the information we  
6 can get to you fastest first so you can  
7 start reviewing.

8 CHAIRMAN DIAMOND: Yeah. I mean, let me  
9 just say this, and then I'll listen to the  
10 Committee Members: Whenever I've done an  
11 investigation, yeah, you've got multiple  
12 tracks. One is to let's get everything so  
13 that we at least have access to it, so it  
14 hasn't been destroyed and it's somewhere we  
15 have ability to search and find. We might  
16 discover something new and suddenly have a  
17 new search string, and we want to plug it in  
18 and run it through the 5 million documents  
19 and pull out 10 key emails, for example. So  
20 I want to make sure we do that track.

21 Second track is the stuff that's already  
22 produced. You all have already done a lot  
23 of work. I think many of us have already  
24 reviewed some of that. When we get to these  
25 early witnesses, I think we'll be going

1 through stuff we already have.

2 And then the third track is what we're  
3 coming up with that's new. I would -- and  
4 this is me speaking, put on the front end  
5 stuff related to ITN and PUP. And then  
6 these other documents, as they come in, we  
7 can start to do searches on them. There is  
8 no way anyone is going through 5 million  
9 documents page by page. It would cost us  
10 millions of dollars and take -- last time I  
11 did an investigation that long, it took us a  
12 year and a half to go through that kind of  
13 documents. So we don't want to do that, but  
14 we do want to be able to do searches.

15 And I want us to do the search. And I  
16 mean no disrespect to JEA, but I want to  
17 make sure that we know the people who are  
18 doing the searches so that we have  
19 confidence that we're getting all the  
20 responsive documents. I think the public  
21 expects a direct line from this Committee to  
22 the information, even if we're using vendors  
23 or outside counsel. Does that make sense?

24 COUNCIL MEMBER DeFOOR: This kind of  
25 follows up why I think it's so important

1           that we serve those witnesses as well,  
2           because they're going to be able, I think,  
3           to help us target times and dates. And we  
4           just are -- you know, we are going to have a  
5           short time frame here.

6           And then I would ask if you need -- do  
7           we need to hire somebody? I mean, I know  
8           that your staff is -- I'm asking you, Jason.  
9           Do we need to hire someone to assist?

10          CHAIRMAN DIAMOND: If you don't mind,  
11          I've already been chatting -- this is the  
12          tricky part, we couldn't talk about this  
13          yet, but we have Smith Hulsey, we've already  
14          appropriated \$1.8 million to Smith Hulsey.  
15          There is also JEA has retained counsel for  
16          litigation related to this to defend against  
17          the Aaron Zahn issue that's going on over  
18          there. So I think the answer is it has to  
19          be a vendor to do it.

20          COUNCIL MEMBER DeFOOR: Right. I'm  
21          talking more low level, student that -- law  
22          student maybe that would be willing to come  
23          in and help, but I'll leave it to you.

24          MR. GABRIEL: We appreciate that. Yeah,  
25          we'll take back the assignments as they're



1 given, and we'll assess it. And we'll,  
2 obviously, come to you if we need any other  
3 supplemental help, but I think we have a  
4 good team at this point.

5 CHAIRMAN DIAMOND: Sure.

6 COUNCIL MEMBER PRIESTLY JACKSON: My  
7 question relates to the next meeting that we  
8 have scheduled and the agenda for the  
9 meeting. What is your plans in terms of  
10 sharing with the public what that means it's  
11 going to cover? That's going to help me  
12 narrow my focus and scope on what issues  
13 we're going to address next and what I want  
14 to look at and have questions relative to.  
15 So what is your proposal going forward in  
16 terms of agendas and specific issues to  
17 address each?

18 CHAIRMAN DIAMOND: Sure. So I wanted to  
19 see how we did today, to get our ducks in a  
20 row to make sure we were okay with the  
21 document request, and the interrogatories,  
22 and also just kind of the processes and  
23 procedures in how we're operating as a  
24 committee.

25 What my next thought was to meet with

1 OGC and with outside counsel, and talk about  
2 what is the most important thing to do at  
3 our next, and then to circulate a draft  
4 agenda, which the public could have access  
5 to also. And then the Committee Members  
6 could add to that draft agenda or even say,  
7 you know, I need other things, if that makes  
8 sense.

9 The tricky part is we don't want to have  
10 a bunch of meetings about meetings. So the  
11 best thing I can think to do is to circulate  
12 something that's available to the public,  
13 draft agendas on subject matters.

14 COUNCIL MEMBER PRIESTLY JACKSON: I  
15 would think that your meeting with General  
16 Counsel, I think the three of us, they need  
17 to meet with each of us before each one as  
18 we prepare. So starting maybe with you, it  
19 doesn't matter to me, but I think that way  
20 then, that's the way we can get the input in  
21 terms of what we think needs to be addressed  
22 and what the issues are there. I think it's  
23 very important that all three Committee  
24 Members have ongoing conversations with the  
25 Office of General Counsel, outside counsel

1 throughout this process. Then the agenda  
2 kind of organically grows from that would be  
3 the only --

4 CHAIRMAN DIAMOND: I'm fine with doing  
5 it that way too. I've been 100 percent  
6 clear with OGC that I don't want any  
7 information that you all don't have, that  
8 everything is, essentially, a committee of  
9 equals.

10 COUNCIL MEMBER DeFOOR: Going back to  
11 the witnesses. You know, what occurred to  
12 me is maybe if we had one Committee Member  
13 at the depositions of some of these  
14 witnesses, and then that person would be the  
15 lead to question them in public. Does that  
16 make sense?

17 I'm just trying to figure out how we're  
18 going to carve this deal out. I mean, I  
19 can't imagine -- Jason, maybe you can help  
20 me, or Steve. I mean, we're not going to  
21 bring these -- like Paul McElroy up here.  
22 We're going to depose him first; correct?

23 MR. GABRIEL: It's what the will of this  
24 Committee is. That is a way to do it.  
25 Ms. DeFoor, what I heard from you was

1 perhaps we do a full breadth interview --

2 COUNCIL MEMBER DeFOOR: Correct.

3 MR. GABRIEL: -- you know, our office,  
4 and I think you're mentioning perhaps maybe  
5 one of the members being with us. And then,  
6 based on that longer form interview, what  
7 I'm hearing you propose is that that person  
8 be here and available for, I guess, the  
9 appropriate parts of that longer breadth  
10 interview. I mean, that is one way to do  
11 it. The other way was to just do it here.  
12 But I'll leave that to y'all's discretion as  
13 to how you want to handle that.

14 CHAIRMAN DIAMOND: Can I suggest  
15 something? That if we have, call it, a  
16 friendly witness, that we can do it this  
17 way. I think other witnesses down the road  
18 are not going to be friendly and simply  
19 won't sit down with Jason.

20 COUNCIL MEMBER DeFOOR: No, no, right.  
21 Well, I would prefer bring the friendlies,  
22 have a sit-down interview, if you will, and  
23 then -- and if they're not friendly, that  
24 will tell us a lot, right. I mean, so let's  
25 go from there.

1           CHAIRMAN DIAMOND: I'm fine with that  
2 process. So we'll go about doing it that  
3 way. We'll figure out how best to do that  
4 logistically.

5           Okay. Any other items before we kind of  
6 roll to public comment?

7           I'll just say this, and I'm really not  
8 happy about having to say it, but I have to  
9 be honest. There has certainly been some  
10 effort to make sure that this Committee  
11 never got formed. Also, there was an effort  
12 to somehow distract this Committee and  
13 discredit its members.

14           I find it totally and wholly  
15 inappropriate for anyone to try and  
16 undermine the important work that this  
17 Committee is doing. Restoring trust with  
18 the people of Jacksonville is the purpose of  
19 the Committee. Trying to undermine the  
20 Committee destroys that purpose or it's an  
21 attempt to do that.

22           So this is about clean government. And  
23 I'm not going to use names. I'm certainly  
24 not going to answer or peg anybody today,  
25 but if it continues to happen, I'm not going

1 to be shy about using this pulpit to call it  
2 out. Because I think the people of  
3 Jacksonville need to know that this is a  
4 legitimate, clean, and honest process. And  
5 I'll just leave it at that.

6 All right. So we have public comment.  
7 We've already heard from Mr. Burris and  
8 Mr. Wing. Did y'all want to comment again?  
9 Come on up. And then I've got Mr. Nooney.

10 We're going to do our best with public  
11 comment on these, depending on time, but  
12 we've got plenty of time today.

13 MR. BURRIS: Hello again. My name is  
14 Ronnie Burris, and I'm the Business Manager.  
15 First I want to apologize, Councilman  
16 Diamond, for speaking out loud, but that was  
17 a very important name that needed to be  
18 brought up.

19 Also, I just want to share that some of  
20 you may not know I've got 28 and working on  
21 29 different contracts throughout the state  
22 of Florida. I represent a lot of different  
23 groups and a lot of different places. And  
24 so I want to say that the union is always --  
25 and I'll speak for my brothers and sisters

1           that are also the other union leaders --  
2           that we are more than happy to help this  
3           Committee, the Council, or anybody else in  
4           any way that we can, because we want our  
5           members, the taxpayers, the ratepayers to  
6           get a breath of fresh air and get some  
7           relief from all of this.

8           So, again, I just want to thank you, but  
9           there was a reason that I wanted to mention  
10          that I represent a lot of different groups  
11          and a lot of different places. And if  
12          anybody wants to ask at a later time, I'm  
13          always happy to answer those questions.  
14          Thank you.

15                 CHAIRMAN DIAMOND: Thank you, sir.

16                 Mr. Wing.

17                 MR. WING: I made some notes; my wife  
18          would be so proud. Just right off the bat,  
19          appreciate those comments, your last  
20          comments about getting to the bottom of  
21          this, because I can only imagine what kind  
22          of fight is going on behind the scenes.

23                 You hit on a lot of things that I hadn't  
24          thought of before. One of the things about  
25          the whistleblower type thing, and I brought

1           it up in the meeting the other Monday, about  
2           our SLT, you know, we as employees are  
3           encouraged to call -- we have an ethics  
4           hotline, we're encouraged to call that  
5           hotline when we see something going on.

6           And my question, just then -- I'll  
7           present it to other Members of the Council  
8           and out here in public is why -- if that  
9           phone wasn't ringing, why not? If those  
10          members of the SLT were not willing to go  
11          along with this, why weren't they calling  
12          that ethics hotline and pouring this out?  
13          Because that should have started some kind  
14          of investigation in itself. So that's what  
15          many of us have wondered.

16          Our social media accounts, when you talk  
17          about whistleblowers, I don't know if y'all  
18          know, we are monitored. I've had people  
19          come up and tell me, one individual say he  
20          was told he's lucky he still has a job  
21          because he commented on this process. Now,  
22          when you talk about why aren't members  
23          willing to say this, that, and the other,  
24          when they have a whole section down there  
25          that looks at our social media accounts. So



1           that may open up another can, I don't know  
2           if you guys already knew that.

3           One of the things I thought you were  
4           talking about breaking laws, if there were  
5           any laws broken. And some of us are  
6           wondering how could it have even gotten to  
7           this process, to this end, to this point  
8           without some kind of laws being broken.  
9           Look at what you're having to dig to find  
10          out. If we're supposed -- just the Florida  
11          Sunshine law. You know, so this has been  
12          better to by -- I promise you many times in  
13          the hallways down there is, Why isn't  
14          someone doing something?

15          When we talk about the public, we  
16          want -- we're out there on those streets,  
17          we're on the side of the road working. We  
18          have been in front of people's homes and  
19          they come out and question us and people  
20          stop their cars. And what are we supposed  
21          to tell them? We're out there just trying  
22          to do a job.

23          And for our leadership to put us in that  
24          kind of position, it's terrible. And just  
25          as a working guy who just wants to come up

1 here and do a job just like our leadership  
2 says from our unions, we're here to serve  
3 you guys. When you have a problem, that's  
4 what we signed up to do, just like a  
5 policeman, or a fireman, or a doctor, we  
6 want to help you guys. And our leadership  
7 has let us down. Thank you.

8 CHAIRMAN DIAMOND: Thank you, sir.

9 Mr. Nooney, great T-shirt.

10 MR. NOONEY: Hello. My name is John  
11 Nooney, address is on file.

12 And let's see, you know, here is the  
13 agenda. And I'm just going to take this  
14 opportunity, I've done it at other meetings,  
15 but the Pledge of Allegiance is not on the  
16 agenda.

17 I pledge allegiance to the flag of the  
18 United States of America, and to the  
19 republic, for which it stands, one nation,  
20 under God, indivisible, with liberty and  
21 justice for all.

22 And I am so happy that we have the court  
23 reporter. And I swear the testimony that I  
24 am about to give is the whole truth and  
25 nothing but the truth, and not this

1 committee's -- not a -- well, not a Charter  
2 Revision Commission fib.

3 You know, we've got the Charter Revision  
4 Commission going on right now. I'm only  
5 down to two minutes. But, you know, the  
6 last Charter Revision Commission --

7 CHAIRMAN DIAMOND: Mr. Nooney, can you  
8 please speak into the microphone?

9 MR. NOONEY: Yes.

10 Ethics was put back into the Charter.  
11 And you are the legislative body. And the  
12 19 members, you know, make up the  
13 legislation by which we all have to live by.  
14 And let me just say, you know -- and you can  
15 go back with this investigation that you're  
16 doing and tie it all in to legislation. And  
17 you can look up these numbers, 2007-733;  
18 then we had ethics, you know, 2014-769;  
19 2015-765.

20 And let me just say something else too,  
21 you know, I'm only down to a minute. But,  
22 you know, I've been threatened. You know,  
23 my family has been threatened. And believe  
24 me, it's not for wearing this T-shirt. But  
25 I'll tell you right now, I've got some real

1 concerns.

2 And you talk about this whistleblower  
3 stuff, I would like -- I hope we have a  
4 contact person with DOJ or somebody with the  
5 FBI, I mean, just, you know, to have a kiosk  
6 set up somewhere, you know. I mean, you  
7 got, Hey, I'm telling can, you know, just  
8 meet somewhere. I mean, maybe there is  
9 something like that that's related to this,  
10 you know, seriously.

11 You know how many people -- we have 67  
12 counties in the state of Florida. You know,  
13 that reference to Nassau, we lost Nassau,  
14 you know how many people say to me, When are  
15 you getting out of Duval County? I mean,  
16 this is really terrible.

17 So, you know, and again, I want to be a  
18 big cheerleader, but let's restore the  
19 public trust. And thank you for listening.

20 CHAIRMAN DIAMOND: Thank you, sir. And  
21 with that, the pledge of allegiance to our  
22 agenda, we have one more, James Cleare.

23 MR. CLEARE: Good morning to the  
24 Committee. First of all, I want to commend  
25 you --

1           CHAIRMAN DIAMOND: Can you please state  
2 your name and address for the record?

3           MR. CLEARE: First, my is James Cleare.  
4 I'm the Pastor of Mount Olive AME Church  
5 here in the city of Jacksonville. It was  
6 designed and built by R.L. Brown with A.L.  
7 Lewis as the building chairman.

8           But I want to commend you for the work  
9 that you're doing. I'm a native Floridian,  
10 originally from Palm Beach County, so I know  
11 a little bit about behemoths. Jacksonville  
12 has always been number one, even though I'm  
13 from Palm Beach County. We were number six.  
14 That's when they used to put the numbers on  
15 the tags, so I might be going back a little  
16 bit too far for some of you.

17           But this behemoth can be handled. I  
18 think you're doing a great job. I didn't  
19 find out until this morning about the  
20 meeting. So public notice is very  
21 important.

22           As a pastor, I'm key on transparency.  
23 The public is watching, but I believe faith  
24 can be restored. And this is a good, good  
25 effort towards restoring faith. So keep

1 moving. You'll have your detractors and  
2 dissuaders, but you have set a track, you  
3 have a plan. I can, as you talked about it,  
4 see it.

5 A little history, sometimes things get  
6 complicated. The same man who sent my  
7 father to jail hired me to work for him as a  
8 paralegal investigator. I was part of the  
9 original 13 programs that put together the  
10 victim witness assistance program back in  
11 1975. So I know a little bit about  
12 investigations and complications.

13 But you're doing a good job. Just want  
14 to commend you. Let you know as a member of  
15 the public that we are watching, but so far  
16 what I've seen this morning, I am pleased.  
17 God bless you all.

18 CHAIRMAN DIAMOND: Thank you, sir.

19 And just so the public knows, I got from  
20 our staff that perhaps council weeks  
21 8:00 a.m. to 11:00 a.m. on Mondays and  
22 committee weeks 5:00 to 8:00 p.m. on Mondays  
23 would makes sense. And we'll set up a  
24 consistent calendar. I need to actually  
25 double check to make sure this works in my

1 calendar, but we'll have this published very  
2 soon so that these are all noticed and  
3 everyone can plan accordingly.

4 With that, meeting is adjourned.

5 (Meeting adjourned at 10:52 a.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

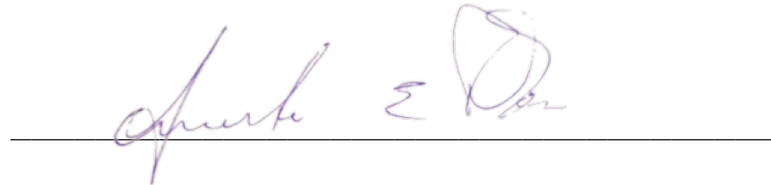
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## CERTIFICATE OF REPORTER

STATE OF FLORIDA  
COUNTY OF DUVAL

I, Amanda E. Robinson, Registered Professional Reporter, Florida Professional Reporter, do hereby certify that I was authorized to and did report the foregoing proceedings by video; and that the transcript, pages 1 through 159, is a true record of my stenographic notes.

DATED this 21st day of February, 2020.



Amanda E. Robinson,  
Registered Professional Reporter