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 or 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

FIRST COAST COURT REPORTERS
PROCEDINGS

CHAIRMAN DIAMOND: Special Investigatory Committee on JEA will come to order. It is 8:12 a.m., on Monday, February 10th. And we'll go around and introduce ourselves. Where is -- are you going to sit back there, Ms. Peggy? Wherever you want to be, I'm good to go.

We're going to start with Councilman Boylan.

COUNCIL MEMBER BOYLAN: Michael Boylan, District 6.

COUNCIL MEMBER BECTON: Danny Becton, District 11.

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

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

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

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

COUNCIL PRESIDENT WILSON: Scott Wilson, District 4.
COUNCIL MEMBER SALEM: Ron Salem, Group 2 At-Large.

COUNCIL MEMBER WHITE: Randy White, District 12.

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

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

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

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

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

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

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

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

CHAIRMAN DIAMOND: There you go, got it. Well, good morning, everyone. Today, for the first time in the history of Jacksonville, a Special Investigatory
Committee has been created to investigate part of our own city government. We're here because something has gone wrong with JEA. If you go anywhere around the city of Jacksonville and you ask about JEA, you will hear that people are upset. You will hear that people do not trust their city government right now when it comes to JEA.

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

Most importantly, I think, for something like this, when there has been a breach of trust, we have to be transparent and easy to follow. This Committee is going to have the highest scrutiny; and therefore, we need to meet our rules when it comes to public records, transparency, and Sunshine better.
than any committee in the history of this city.

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

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

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

And so you have, I think, three
confident members here and our Council President making sure we don't get in trouble. So I appreciate everyone here and willing to do this.

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

One last thing, two notes, as we guide this Committee, is I really do think it's our responsibility to do this in the most mature, focused, and detailed fashion, that the tone that we set will be the one that the people of Jacksonville look to. And I think we will have been successful and done the right thing that if -- you know, not any time soon, but a little bit down the road -- people look back at JEA, and our Council, and our city government and start to have faith again. They'll start to believe that JEA is being run properly and appropriately,
and they'll start to believe again that
their local government has their best
interest at heart. That's how we will know
we've done this right.

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

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

And during that experience, for those
six months, I saw and met a lot of people
who had to do that also. And it was
sobering and a tough experience for me,
because it was hard to watch people not be
able to pay for the most fundamental
services we can provide, electric and water. You can't be a civilized human without those two things.

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

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

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

I want to be really clear. For me, the primary focus as the legislative body of the consolidated government of the City of Jacksonville are going to be charter changes, in my estimation. And so the who, what, where, when, and why will lead to us
finding out what authority individuals
acted; and based on whatever authority they
acted, whether it was the Charter, whether
it was internal procedures for JEA, whether
it was the Florida Constitution, I think
that's the careful review.

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

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

COUNCIL MEMBER DeFOOR: Thank you,
Mr. Chair.

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

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

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

COUNCIL PRESIDENT WILSON: Thank you, Mr. Chairman.

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

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

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

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

Just so my colleagues know, my thought on how to run these was essentially to defer to the Committee Members first on any given
matter and then to give the exact same chair
and leeway to other Members of our City
Council, because while we may be on the
Committee, I know every single person here
has a huge stake in this.

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

Councilman Boylan.

COUNCIL MEMBER BOYLAN: Thank you,
Mr. Chair.

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

It's too important for us not to focus
on the future as well. I noted it at the
last workshop we hosted, and Ms. Jackson
also commented on the fact that, ultimately,
at the end of the day, it falls on the City Council to make some of the strategic decisions coming out of that authority. So I do appreciate the opportunity to separate the two areas. And I want to applaud Council President for having the wisdom to do so. Thank you.

CHAIRMAN DIAMOND: Councilwoman.

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

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

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

The other thing that has been brought out, and it really needs to be brought home, is community empowerment and community engagement during this process. And I think that level of transparency that you are
talking about is so important to what we do and to how our citizens are involved in this process.

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

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

Anyone else? Councilman Salem.

COUNCIL MEMBER SALEM: Thank you, Mr. Chair.

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

I also want to thank you, Mr. Chair, for recognizing the other several of us that are here and giving us the same ability to speak at the appropriate time. I think most of us
will do the reading, do the research, and
want to participate, as appropriate, to get
to the bottom of this. Thank you.

CHAIRMAN DIAMOND: Yes, sir.

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

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

UNIDENTIFIED SPEAKER: If you would
allow that.

CHAIRMAN DIAMOND: Of course.

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

MR. BURRIS: My name is Ronnie Burris,
and I'm the Business Manager of Local 630.
My address is 550 Balmoral Circle North,
Suite 205, Jax, Florida 32218.
I want to say thank you to Councilman Wilson and all of the Committee. And, you know, this is -- you're right, the JEA employees have been through pure heck for the last two and a half years, not knowing if they were going to have a job in a month, a week, a day, they didn't have no idea.

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

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

They will never feel that they can be respected. As long as the current people
are in, they'll never feel they're respected, they'll never feel that they have a stand-up group that will support them.
And that's why I say I think that you're going to have a very hard job.

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

CHAIRMAN DIAMOND: Thank you, sir.

Tim.

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

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

Like Ronnie said, this goes -- it's been many opinions inside the employees, this goes so far beyond the Mayor. And when you
look back, if anyone -- when Tom Petway first stood up on our board and said, Hey, we should look at the value of JEA, the word sale was not used in that. Hey, let's just look at the value. How did it go from just looking at the value, take inventory, to sell JEA? Why anyone would think it did not go above and beyond -- above him and spread out. Someone had an idea, someone had a motive. Someones would probably be more appropriate, whether that's individuals or corporations.

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

But it's a shame that we've had to come to this point. And I just want to echo, there is so many employees that are fearful to this day to come down here to this City
Council and say anything. We live in the United States of America. People have died and are dying for our right to come down and say something. And we have people who are not even from this town, you have outsiders coming in to profit on what you referenced earlier, our city, what our city owns, what our people own. We own this. And they want to profit from that? This is -- thank you very much.

CHAIRMAN DIAMOND: Thank you, Mr. Wing. Anyone else from the unions of JEA? Okay. Councilman Freeman, did you want to speak?

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

I forgot to recognize our Council Auditors when I was recognizing everybody else. So maybe it's good that I did, because now we can say it very specially: We wouldn't be here without you all. We would be having very different meetings right now, for sure. So thank you for your service to the City and thanks for all what
you're going to do for the Committee and what you've already done, everybody, thank you.

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

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

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

MS. SIDMAN: Sure. To the Committee.

So on February 4th, Council President Wilson established, pursuant to Rule 2.103, a special committee on -- Investigative Committee of the JEA matters. The Committee is a four-person member, Council President, Council Member Brenda Priestly Jackson,
Council Member Rory Diamond, and Council Member Randy DeFoor. The charge, which is attached to your agenda, I will read that directly into the record, and then, if the Chair wants me to go back and explain, I can.

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

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

CHAIRMAN DIAMOND: Okay. And do you want to help us out with specifically what our charge is to produce at the end and what our timelines are, please.
MS. SIDMAN: Sure. So the deadline -- and you can also find this in the memo. So the Committee shall prepare an initial schedule of meetings and shall report its findings to the Council President on or before June 1st, 2020, unless a special committee is otherwise extended or terminated.

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

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

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

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

Councilwoman.

COUNCIL MEMBER DeFOOR: I think it's written very -- as I read this, the sentence that strikes me is determine matters that,
through the powers investigated in this legislative body, could be prevented in the future through legislative action. And then if you go to the next paragraph, it says, decisionmaking and pursuit of privatization.

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

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

CHAIRMAN DIAMOND: So December of 2017
as a kickoff?

Councilwoman Priestly Jackson.

COUNCIL MEMBER PRIESTLY JACKSON:

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

The other scope, for me, there are the three areas that have been highlighted, in my opinion, that we need to address as relates specifically to the Charter and what authority individuals acted on, whether they were the executive staff at JEA, whether they were the JEA Board, whether it was the City Council, whether it was the Office of General Counsel, whether it was laypersons.
And so, for me, the three broad
categories that we need to look at is not
only Chapter 21 of JEA as an independent
authority, what proposed changes we need to
add and what specifically is the
relationship between the independent -- that
independent authority and the members of the
City Council.

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

And the other area, for me, I think that
we have to look at the authority of our
Office of General Counsel. And I say this
with the utmost respect for General Counsel
Gabriel and those in his staff, but I think,
throughout this process, we have come to realize that there are some inherent conflicts embedded in -- my running joke with Mr. Gabriel has been he is a tribunal of one.

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

So that's what I have looked to. I think that our Charter was appropriate when it was drafted five decades ago, but we didn't have 940,000 neighbors, and we didn't
have the size of our government then. So my view is every action that was done, whether it was done through a formal action of the executive team and board together or whether it was done outside, every action that was done, seeing how that action came to be and what changes need to result from that. And we bring that straight through to the President.

CHAIRMAN DIAMOND: Council President.

COUNCIL PRESIDENT WILSON: Not right now.

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

What I'm trying to avoid is if we, for
example, send a document request to JEA that says, Give us all communications related to 10 things or 70 things that goes back to 2014, I think we're going to get to 10 or 15 million documents. So I want to be judicious in how we do this, but I don't want to miss anything. What do you think?

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

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

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

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

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

Councilman Salem, please.

COUNCIL MEMBER SALEM: Thank you, Mr. Chair.

One of the suggestions I was going to make, when I met with Mr. Granat a week or so ago, he went through a timeline with me that began with the appointment of Aaron Zahn as a board member, and went through
dates and times. And that was -- I tried to
take notes, but that was very helpful to me.
And I think he was going to create such a
document of every significant incident that
occurred from the appointment of Aaron Zahn
as a board member, which I think was January
of '18, if I'm --

CHAIRMAN DIAMOND: February.

COUNCIL MEMBER SALEM: February of '18.

I think that would be very helpful to the
Committee as we go forward.

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

CHAIRMAN DIAMOND: Okay. And I've got
Council President Wilson in the queue, and then I'll go to you.

COUNCIL PRESIDENT WILSON: No, I --

CHAIRMAN DIAMOND: That works.

Councilwoman.

COUNCIL MEMBER DeFOOR: Thank you, Mr. Chair.

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

CHAIRMAN DIAMOND: Yes, ma'am.

COUNCIL MEMBER PRIESTLY JACKSON: I know that we are focusing on the PUP, and I think the PUP kind of leads us to motive and intent behind some of the other acts. One of the things that I had talked with our General Counsel regarding was this whole notion of an equity interest in our municipal utility, which, to me, on the face of it, would be what -- for public policy, you can't do -- probably needing at the
onset some drafting of charter language from the Office of General Counsel to just say that can never be.

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

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

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

Okay. Councilman Dennis.

COUNCIL MEMBER DENNIS: Good morning, everybody. You know, if we're looking at timeline, I do think that we need to go back to December of 2017 because, remember, this is the second attempt in, what, 18 months of the utility being sold. And so I do think,
you know, we need to look at when the utility was put out, when that first evaluation, valuation was done in December of 2017, but pull in, you know, how it all started in 2015 when the new council, new administration came in and there was a complete purging of the board. I think that's what set it all up and then it was put into action December of 2017.

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

CHAIRMAN DIAMOND: Thank you.

Okay. So I don't think we're that far off. I think we're pretty close. As we go in, just for my own two cents, to me, I agreed with Councilwoman DeFoor that December 2017 was a good kickoff. But I understand this idea of let's capture the important issues going back before then.
As far as actual topics, I think there are several buckets: the PUP, as Councilman Salem agreed; the ITN process; the abuse of authority by members of JEA senior leadership and perhaps the board. And I have in this other bucket, just kind of things that just don't pass the smell test from the last two years.

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

Councilman Boylan.

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

We -- however, to keep JEA moving forward, we are in the process of identifying new board members and likely a new CEO. I'm going to be bringing to the
full Council a redlined version of the Charter that allows us to address specific issues. We'll be distributing that, and having the next workshop on the 24th as an opportunity for us to discuss it, because some of these changes need to be implemented right now so that we can get the proper vetting necessary to review and assess upcoming board members; as well as the CEO; and, frankly, the process going forward and making those changes; and a number of the other issues that our colleagues have brought forward at our last workshop.

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

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

Okay. So I think now it makes sense to move on and just discuss some of the powers
of the Committee. I think we have to be realistic about what we can and can't do.

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

Read that portion of the transcript, recognizes me.

And Councilwoman Ju'Coby Pittman is here. Welcome.

MS. SIDMAN: Through the Chair to the Committee. If -- it's also written in the charge when the Council President put out the charge and created the Special Investigatory Committee that should the Committee need -- require the power to subpoena witnesses and parties, that the Committee would vote on that requirement. And the individual or individuals that you would like to see come in front of you under this subpoena, then it would go to the Rules Committee as identified and the -- in the
charge the Council President said he would convene the Rules Committee if the timing needed to be quicker than the standard Rules Committee. And then the Rules Committee would vote and the subpoena would be voted upon.

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

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

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

CHAIRMAN DIAMOND: Okay. And if we're
not getting them or if we just feel like sending it as a subpoena, we can do that too, to them?

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

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

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

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

MS. SIDMAN: That's correct.

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

MS. SIDMAN: That's correct.
CHAIRMAN DIAMOND: All right. What if they say no, what happens then?

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

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

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

CHAIRMAN DIAMOND: Sure.

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

If you wanted to go the route of circuit court, we would file a petition to enforce the subpoena to a circuit judge who could then take various types of actions, could be contempt of court, direct order from the judge to comply.
CHAIRMAN DIAMOND: Gotcha. And in your experience, what kind of timing are we talking about on something like that?

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

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

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

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

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

CHAIRMAN DIAMOND: I gotcha.

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

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

I mean, there has to be a process. We can't just bring everybody -- everybody in front of us. We don't have time. They may not be relevant. So we need to determine how do we identify these witnesses, what process, to know who should be subpoenaed.
CHAIRMAN DIAMOND: Can I, if the Committee doesn't mind, pause at one suggestion in that realm, which would be to start with the documents? I know I'm starting to sound like a broken record with these, but we've prepared a 70-item document request, and maybe we should just kind of advance to that, because it might be -- it might shape our discussion. But once we get this out, then we will get a response and we'll either have, let's call it, 5,000-odd documents that we're looking at, we're going to see the same names over and over and over again. Perhaps at that point then we can figure out how to divvy up how we're looking at which witness and when.

Councilwoman.

COUNCIL MEMBER PRIESTLY JACKSON: I guess, to me, that's back- -- that's just kind of inverse for me, that's why I wanted the issues. And then the documents or the evidence relates to the issues. And that's why I was actually saying that I thought we needed the issues, the issues that we are going to look at as it relates to how, what,
when, where, and why, and the authority from
the Charter or whatever other statutory
constitutional authority, and then the
documents or witnesses relate to that.

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

That, to me, seems more appropriate.

Other than that, it's almost like we're just
casting such a wide net for anything that
goes through. And I don't know that that is
the most efficient use of our time nor is it
going to lead us timely to the proposed
charter changes and other issues that we
think that were there.

So there are, for me, actions that
are -- we're authorized under the Charter,
but I think it was what we like to call in
the law the slippery slope, right. So it went all the way off and over, so that needs to be changed.

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

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

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

And so I think those issues are the sideline meetings, the meetings after the meetings, the meetings before the meetings,
the meetings outside the meetings by the board. Some of those are going to be inherent ethical conflicts. They are things that should have never happened, right.

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

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

But I would think, with the issues and what we think we may need, then we ask through a request to produce to get them,
folks don't respond to that, then we take the steps to subpoenas and everything else.

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

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

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

We tried to -- with a lot of things here, we're trying to balance the big, larger framework, along with the appropriate details to stay within that. And so that would be the appropriate first step, see what the produce -- or the production from that is, sort through it, and then kind of
from there sort of weed out what it is you want to focus on. And from there, hopefully, determine what the next steps are in terms of if you need more documents. And I think from that, also, will be framed up as to what witnesses you think will be necessary to discuss the documents with and get to the end point.

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

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

And so I think, with that as an end point -- which is great, because I'm hearing all of you talk about this in some sense or another. So you start with that, the report, charter changes, ordinance code
changes, best practices, better code
management in the future. And then work --
you know, and then start from a beginning
point that gets you there ultimately.

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

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

And, you know, using outside counsel to
kind of sift through some of that to make
sure we don't miss a big red flag, because
it's possible that there is something going
on that we will miss if we don't do a good review. Like I've been saying over and over again, turn over every rock, read every email, and then miss an opportunity to change the law to make sure whatever that was doesn't happen again.

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

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

So I just think that it will help us refine our work to those issues that we think actually put us in this situation. So, hypothetically, it could be any actions taken by the JEA Board outside of a meeting, not doing notice to the public, whatever language you need to avoid any actions like
that going forward, right, or by members of
the senior leadership team, something like
that.

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

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

But they need at least a broad outline
of the issues that we're thinking about.

That was my only --

CHAIRMAN DIAMOND: Councilwoman.

COUNCIL MEMBER DeFOOR: You're bringing
up a great comment. And I thought about this. We may need to come up with some sort of repository where the public can dial in, or email, or let us know what they know. I don't know who to look for, but we -- I don't know. We've got to come up with some sort of public facing place where the public can then give us the information in an anonymous way, if they want, just to help us with this process.

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

(Inaudible.)

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

MS. MILLER: Carla Miller, Ethics Director.

This is a discussion, I think, I've had
with some of you about how to crowd-source information and have not just an email, but maybe a way that all of that data can be accumulated. So I think that that would be a good thing to do with our IT department.

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

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

CHAIRMAN DIAMOND: Okay. I appreciate
that. Thank you.

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

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

CHAIRMAN DIAMOND: All right.

COUNCIL MEMBER DeFOOR: Again, I want to know how we lost the contract to Nassau County -- I think that was the beginning of loss of income -- and why. I think that shows -- I think, to the point that's been set out by the public, I think this goes back many years. I think this -- I want the evidence to show, but there is a possibility, let's put it that way, that we're going to find that this plan was in place for a long time.
And so I think if we can get to that critical point of how we lost that contract, that may show the whole -- maybe the thread, if you will, that we start pulling on, that shows us what, in fact, was -- what was the plan.

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

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

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

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

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

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

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

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

So go ahead, Sean.

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

CHAIRMAN DIAMOND: Let's read through them, but, I mean, let's do this kind of
like consent calendar: If you have a problem, yell pull. And we can talk about that request.

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

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

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

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

MR. GRANAT: I believe that was Mr. Zahn's plan for, I guess, changing or developing JEA's compensation structure, ultimately to include a long-term incentive plan.
CHAIRMAN DIAMOND: Gotcha.

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

CHAIRMAN DIAMOND: Gotcha.

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

Three, all presentations, reports, and memorandums provided by Willis Towers Watson to JEA.

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

Go ahead.

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

Number five, all communications with Willis Towers Watson.

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

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

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

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

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

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

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

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

Number 14, all communications between
McKinsey and JEA.

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

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

Number 16, all agreements with McKinsey.

Number 17, all invoices from McKinsey.

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

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

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

Twenty-one, all documents regarding the use of historic metrics for JEA included in the May, June, and July 2019 presentations to the JEA Board, including the number of
employees and the comparison of rates over time.

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

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

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

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

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

Twenty-seven, all documents regarding the drafting or terms of the employment contracts with Aaron Zahn or other members of the senior leadership team, which were
approved by the board on July 23rd, 2019.

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

All communication between Aaron Zahn and Alan Howard.

Thirty, all communications between Aaron Zahn and April Green.

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

COUNCIL MEMBER SALEM: Pull.

CHAIRMAN DIAMOND: Okay.

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

Thirty-three, all documents, including drafts of the PUP or PUP agreement, that JEA sent to or received from Pillsbury or Foley & Lardner regarding any of the inquiry matters. And we earlier defined inquiry matters meaning really any of the topics
that are discussed in this request.

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

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

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

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

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

Thirty-eight, all documents and communication regarding JEA's scenario-based
strategic planning, including all documents and communications, efforts to assess the viability of each scenario and the dates of those efforts. We need to reword that one a little bit.

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

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

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

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

Forty-three, all agreements,
communications, or other documents sent to or received from ADP.

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

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

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

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

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

COUNCIL MEMBER SALEM: Pull.

MR. GRANAT: Forty-eight, all documents regarding the approval for travel for any members of the senior leadership team from February 1st, 2018, through the present.
Forty-nine, all policies regarding approval for or reimbursement of travel and travel expenses in effect from February 1st, 2018, through the present.

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

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

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

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

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

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

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

Number 57, all agreements with Morgan
Stanley.

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

Fifty-nine, all agreements with JP Morgan.

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

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

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

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

Number 64, all documents regarding approval for and payment of expenses relating to the senior leadership team meetings on April 4th, 2019; June 11th, 2019; August 19th, 2019; and August 20th,
2019, at the Ponte Vedra Inn & Club.

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

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

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

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

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

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

Seventy-one, all communications to or from Mayor Lenny Curry, Brian Hughes, and Tim Baker.
Seventy-two, all communications with Herschel Vinyard prior to his employment by JEA in April 2019.

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

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

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

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

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

Seventy-eight, all drafts of the integrated resource plan for JEA, which was
being drafted beginning in 2018.

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

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

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

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

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

CHAIRMAN DIAMOND: Thank you.

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

Eighty-three, all text messages or other electronic communications from the senior leadership team regarding any of the inquiry
And number 84, all documents relating to the selection of the new JEA headquarters.

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

Councilwoman DeFoor.

COUNCIL MEMBER DeFOOR: Yes. Thank you.

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

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

COUNCIL MEMBER DeFOOR: I realize that.

I don't think they have a basis, but, yes.

CHAIRMAN DIAMOND: I agree with you.

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

CHAIRMAN DIAMOND: It's a plus.

Councilwoman Priestly Jackson.

COUNCIL MEMBER PRIESTLY JACKSON: Looking at number 20, it says all calendar
entries regarding meetings between Aaron
Zahn or the SLT and JEA board members
between April 1st, 2019, and July 23rd. I
think that has to go back. We need a wider
window of time, definitely --

CHAIRMAN DIAMOND: How far back?

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

The other --

CHAIRMAN DIAMOND: Let me just make
sure.

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

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

MR. GRANAT: Back to December of '17?

COUNCIL MEMBER PRIESTLY JACKSON: Yes.

MR. GRANAT: Sure.

COUNCIL MEMBER PRIESTLY JACKSON:
Because we're looking at it positionally as
it relates to charter changes; we're not
really looking at individuals as much.

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

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

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

And then the other, I believe it is
incumbent upon us as Members of the
Committee for any of the documents that we
are requesting -- our colleagues in the City Council as well, that we have an obligation to disclose if we've had any meetings related to any of these topics with anyone. And so I am going to say all of the information that we're requesting, all of the time periods, every Council Member should disclose if they have had any meetings or communications relative to the topics that are listed in this starting from -- and it would go back for some of the prior Council. I think we have to do that. I think that's the only way the public has an assurance that we have shared information and that we are not selectively choosing time periods to get information. So I would encourage that to go back probably to that December 2017 as well.

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

And then Councilman Salem, and then I know Councilman Dennis also is on the queue. So go to you, Salem. On 31 and 47?

COUNCIL MEMBER SALEM: Yeah. First,
thank you, Mr. Chair.

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

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

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

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

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

The other one, if I may, is 47. And I would just -- my concern is were there other
reimbursements of expenses other than
travel, I would like to know that. So I
would put after "travel" "or other
expenses."

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

MR. GRANAT: Yes. We will add that.

COUNCIL MEMBER SALEM: Thank you,
Mr. Chair.

CHAIRMAN DIAMOND: Councilman Dennis.

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

So I was under the impression that this
Committee is to get everything out in the
open and not really focus in on, like,
making charter changes, more so Mr. Boylan's
committee. So with all of this information,
true enough charter changes will come along
the way, but not focus in on trying to make
changes and doing it, you know, through Mr. Boylan's.

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

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

And then the last thing that I do want to kind of share -- kind of echo with Councilman Priestly Jackson, you know, I'm in favor of, before we get started, every Council Member standing up here and going under oath to say, you know, what
involvement they had. So, again, you know, we above reproach.

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

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

CHAIRMAN DIAMOND: Councilman.

COUNCIL MEMBER PRIESTLY JACKSON:

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

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

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

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

But I do think that it's easier for each of us to respond to the 84 items you've
asked -- and you can tell me, Mr. Gabriel, if that's appropriate -- and we can simply say, Have no information. That's how you respond, No response, it doesn't apply to me. And then that would be the framework for our saying, This is who I've met with, this is who I've talked about, you go through this list, whatever it is, and you just answer a response to that. And then that can be, if there is additional information that the Committee thinks it needs after we get this response from all 19 of us, that would be best.

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

MR. GRANAT: Sure.

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

Mr. Gabriel.

MR. GABRIEL: Just real quick, to Council Member Priestly Jackson, as to -- it's the desire of the Council as to how you
want to go through your collegial body in
terms of any disclosures. Certainly, go --
you know, orally stating it, or like I think
what you just mentioned, a questionnaire
with some specified questions and every
Council Member can answer it. That's for
your decision, you know, how you want to
handle that.

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

It may be -- and we'll leave this up to
your ultimate discretion. It may be that
this Committee potentially dovetails with
the Council Member Boylan committee with
this ultimate aggregation of conclusions and
policy changes and code and charter changes.
That may be an ultimate outcome. Certainly not mutually exclusive from each other, but ultimately that's where this Committee will end up is ordinance code, charter change.

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

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

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

Councilman Boylan.

COUNCIL MEMBER BOYLAN: Thank you, Chair.

I just want -- thank you, Councilman Dennis, for your observation and your
recommendation.

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

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

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

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

CHAIRMAN DIAMOND: Thank you, sir.

Councilman DeFoor.

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

CHAIRMAN DIAMOND: Okay. Councilwoman.

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

Councilman Dennis.

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

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

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

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

CHAIRMAN DIAMOND: Here is my quick
thought: There is enough in the documents, and text, and in transcripts to include these folks, I think it's fair, if we can stop here, but if the evidence leads further, we can go get anything else we need to get.

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

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

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

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

COUNCIL MEMBER MORGAN: Okay. So if it goes back to 2017, I guess that would include all communications that also transpired between the Mayor and possibly, I
guess, since we've already done Aaron Zahn. Would we also need to take into consideration the former CEO, which would be Mr. McElroy.

CHAIRMAN DIAMOND: We can do that.

COUNCIL MEMBER MORGAN: So is that included already?

CHAIRMAN DIAMOND: I think it would be included in this, but we can add him to be more specific. I'll just say this, and I was going to save this comment for later:

As we get further and further away from JEA, we have less and less likelihood of getting any documents. So my personal thought was to go and get everything we can from JEA, because they have to give it to us, right. We're the same entity, we're the City.

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

CHAIRMAN DIAMOND: Okay.

COUNCIL MEMBER PRIESTLY JACKSON:
Through the chair. I think Council Member Dennis be requesting we add the negotiating team, number two, so I would assume you mean both?

CHAIRMAN DIAMOND: Both sets.

COUNCIL MEMBER DENNIS: Yeah.

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

CHAIRMAN DIAMOND: Yeah. So my understanding of the way we could go about doing this practically -- and please, OGC,
let me know if I'm getting this wrong -- but
we'll go ahead and vote on this, and take
official action, and get it out the door,
and then deliver it to them.

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

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

So there is a practical side to this,
and then there is a
we-need-to-make-sure-we-get-it-all side to
this. And I think we'll have to go talk to
him to get that done.
COUNCIL MEMBER PRIESTLY JACKSON: Okay.
But my question is, when you ask them,
you're going to say related to what? Just
give us anything? I mean, I would think
that it has to be related to the charge of
the investigative committee. And so that's
what I'm just saying before -- and I didn't
see it on the front of this, which is why I
asked, what -- when making the request, are
we going to attach the charge of the
Committee or what additional information
will they be provided.

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

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

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

MR. GRANAT: Sure.
COUNCIL MEMBER PRIESTLY JACKSON: If there is something else -- okay. Thank you.

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

We can second, we can discuss. Go ahead.

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

MR. GRANAT: Yes.

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

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

CHAIRMAN DIAMOND: Sure.

MR. GRANAT: -- we're going to change on page 2 the time frame. So it's going to
start December 1st, 2017, through the present, unless otherwise specified.

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

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

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

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

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

COUNCIL MEMBER PRIESTLY JACKSON: Good. I just want -- I think it has to be on this document somewhere that we are requesting the information from the members of the City Council. Any communications -- we were going to say any communications -- or each Council Member to include a notice or information of any meetings with members of the JEA senior leadership team, JEA Board,
consultants, or anyone else regarding any of these matters. I think that needs to be on the document.

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

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

CHAIRMAN DIAMOND: Can I suggest something? And I understand what you're saying. I think, if it's going to JEA, they can only give us JEA's stuff. I would like
to defer to the Council President for requiring City Council people to do anything. I don't know what -- I don't think we have the authority to, you know, require another Council person to do anything. So I would just defer to the Council President for that piece of it.

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

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

I will certainly share anything I have. I know Mr. Zahn came to my office once or twice during the -- during that process. And I don't know that I have any documents, but I'll try to think back to what our conversation was. I know the one meeting on the 18th or 17th of July. But he had sent me a couple emails, and I'll provide those.
But I would have to defer to OGC to tell us what we could require City Council Members to do.


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

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

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

But to the Chairman's point, this is a
COUNCIL MEMBER PRIESTLY JACKSON: And I understood that. I think that there was inherent in that a presumption that whatever JEA gave us back would be fully inclusive, that's why I said the only other entity that I was actually concerned with not disclosing or not being aware would be us.

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

So even if it's a letter from our Council President that just says he is making the request, which I would think he can do, that we all share any information we may have relative to the documents that are being -- or the information being requested from JEA, I just think we need to have it out there. I don't think we need to have individuals subpoenaed in front of us talking about it unless there is something that comes out in their disclosure to say that's a necessity.
But I think the public needs to know that. And they need to understand that we are being open, honest, transparent, and objective. And so, you know, it may not be anything, it may not be anything for the vast majority of those. But it may be. And just some mechanism of saying, before we start asking everybody else what they got, that we've told the public this is what our involvement has been or not been to date.

CHAIRMAN DIAMOND: Councilman Salem.

COUNCIL MEMBER SALEM: Thank you, Mr. Chair.

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

It may be easier if we limited that -- those meetings to three or four specific people, Aaron Zahn, et cetera, or I think
you're going to accumulate a lot of
information that is really not what you're
looking for. So that's just my comment.

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

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

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

So I'm not saying the form it has to
take. And I don't want details like that.
If you had a standing meeting with
so-and-so, that's fine. Council Member Becton, he's a liaison, so he would go to the meetings, you know, not outside the meetings or whatever.

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

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

CHAIRMAN DIAMOND: Council President.

COUNCIL PRESIDENT WILSON: Mr. Chairman, I think, for me, I would just ask ITD to pull my calendar and my emails with those individuals, and all that information would be provided. When I look at emails I received from Aaron Zahn, I received a
handful of them. One was, I remember, October 7th, the Monday after I, obviously, went on the trip. And it was a follow-up: As we discussed, I am working with both specialty procurement counsel and the Office of General Counsel to determine how to best provide information to the public. And I think that's kind of in line with our conversation that they were trying to figure out whether or not the bidders should be made public. And so I think that's a relevant email and a relevant public record, and I'll share that with the Body. When I read the email, I really don't understand what he was trying to say. It's very -- somewhat confusing to me, but I'll certainly share that. Anything else I have is probably emails that were sent to everybody. But I think ITD could pull those easier than anybody.

CHAIRMAN DIAMOND: Okay. So I'll leave that portion to you, Mr. President. It would take me about ten minutes, and I'll fully comply. I get the spirit, it makes perfect sense to me.
We do have a motion and a second on the floor for this document request.

Yep, one more.

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

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

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

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

All right. We do.

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

COLLECTIVELY: Aye.

CHAIRMAN DIAMOND: All those opposed?
Motion carries.

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

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

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

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

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

The first, identify all purchases, contracts, or payments for any goods or services of $10 million or more.
Number two, identify all outside attorneys and law firms engaged on behalf of JEA with respect to any of the inquiry matters.

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

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

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

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

Number seven, provide a list of all electronic devices, regardless of whether owned by JEA, used by any senior leadership
team member to send or receive JEA emails, access JEA documents, or otherwise communicate with anyone regarding JEA matters.

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

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

And welcome, Council Vice President.

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

I just want to ask one question, in all these interrogatories, yeah, will y'all have details, not just your communication? Maybe I missed something earlier. Details, for example, if you hire out a lawyer, I was looking at an email the other day where one of the attorneys had reviewed Councilman Garrett's -- or investigated them, or reviewed them, or whatever for an $1,100 bill. And I didn't see any details of what
that was about and anything attached to that invoice. Are those things available?

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

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

COUNCIL MEMBER HAZOURI: I understood -- Mr. Chairman, I understand that y'all are requesting -- I mean, that we're requesting these things, but I didn't know if details follows. I mean, yes, we met with so-and-so, or, yes, we have a text. But it
seems natural, Mr. Chairman, that you would
get details to come along with that.

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

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

COUNCIL MEMBER HAZOURI: I saw that.

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

COUNCIL MEMBER HAZOURI: What?

CHAIRMAN DIAMOND: We're asking for
everything.

COUNCIL MEMBER HAZOURI: Yeah, because
that's important. I mean, it's not enough
to see a bill for $1,100 or whatever. You
have to have done some -- they have to have
tried to get information, whatever they got, yes, we did; no, we didn't. That's just one example. I wasn't trying to -- but I think that's incumbent on y'all to give us everything that we need, other than what we read in the paper and what we read through our own emails. Thank you, Mr. Chairman.

CHAIRMAN DIAMOND: Yes, sir.

Okay. Any other comments on interrogatories?

All right. Sean, go ahead.

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

CHAIRMAN DIAMOND: Yeah. We should go to December for this one too, December 2017.

So with that, I would entertain a motion to approve these interrogatories.

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

COLLECTIVELY: Aye.

CHAIRMAN DIAMOND: All those opposed?

All right. It carries.
So just a few other things we need to get done today. I did want to talk briefly about the importance of this kind of like whistleblower kind of notion or public tips crowdsourcing.

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

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

And if you all are comfortable, I'll
work with Carla, or IG's office, and OGC to figure out how we can best do that and publicize it over at JEA so they know they can do this and step up and say something. It may be a huge amount of information and we bit off more than we can chew, but I'd rather that than people be silent.

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

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

And if we can find someone who would be
willing to host this information, you know, pay for the website, host the information. I don't know, it's just a thought, but it depends. If we can come up with it quickly, a website, then that's great. If not, we might want to look outside of government.

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

The other -- yes, ma'am.

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

So I would say, in addition to responding to the website, going through any
of those employee organizations or others, over at JEA, might be a good resource as well.

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

Other issue is our calendar of meetings. We have right now reserved this time in the morning. I understand maybe 8:00 a.m. is
too early or isn't fair to the people who need to get kids to school and all the rest. But, certainly, I don't want to lose this block, but maybe we can add other blocks or something else. I'm all ears.

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

So if we're going to have morning ones, I'm just going to ask for a companion meeting to be in the evening. So if the next one was going to be 8:30 or 9:00, we need to say the next one is going to be on another day, whether it's Monday afternoons or whatever day, it needs to be an
afternoon, evening so working folks can make it down.

And so since 5 o'clock is our start time for our Council meetings, it has to start at that time. And I think that is the only way that we are -- we bring the public along with what we're doing and they actually understand that we want them involved.

Eight o'clock this morning, I don't know that I wanted to be involved, right.

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

CHAIRMAN DIAMOND: Councilwoman DeFoor.

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

COUNCIL MEMBER PRIESTLY JACKSON: And my response was that, we're going to notice them all. So if we set now and say, This is
the calendar of meetings, like we do, then
you know, if it's 8:30 or 8 o'clock,
whatever the next date is, then the next
meeting is whatever it is. We notice them
all in advance.

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

CHAIRMAN DIAMOND: Okay. Is that going
to work?

So we'll do this. We'll go out and, if
the Committee is comfortable, I'll work with
our team and come up with a calendar, have
your ECAs kind of weigh in on it. And then
we'll circulate a final version and adopt
it. And then have it set for the next
several months. Does that work?
Okay. Any other business for us to attend to today?

Yes, please.

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

I'm just curious, and I understand the documents will lead us to who we need to interview, but I do think that the executive branch -- I mean, there was a complete turnover of the executive branch of the JEA. I think we should be interviewing them now.

I think the Paul McElroys, the Jody Brooks, the Mike Brosts, the Angie Hiers, Aaron Zahn's former ECA, I think we should be moving along those lines now.

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

Perhaps if we could work with OGC and outside counsel to come up with some low-hanging fruit on some initial ones that maybe are not super document-heavy in
particular, ones that can tell us day to day
how things were working, maybe we can talk
with Carla Miller, our Ethics Director,
about her experience, we could get some
stuff, we could start to get some of these
done.

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

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

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

CHAIRMAN DIAMOND: I agree. So I want
to get going as much as you do. So if we
want to talk about it now, if there is some
that we can get done.

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

CHAIRMAN DIAMOND: Which ones in
particular?

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

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

MR. BURRIS: Mike Hightower.

COUNCIL MEMBER DeFOOR: Mike Hightower.

MR. BURRIS: Brian Roche.

COUNCIL MEMBER DeFOOR: Brian Roche.

CHAIRMAN DIAMOND: As much as I
appreciate the audience participation, if
you could hang in there.
COUNCIL MEMBER DeFOOR: I like that, Brian Roche.

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

Councilman Boylan -- oh, Councilwoman.

COUNCIL MEMBER MORGAN: Yes. Thank you so much.

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

CHAIRMAN DIAMOND: Gotcha. All right.

So -- yes, sir.

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

How are we coordinating with the -- to the other chair people? How are we
coordinating his meetings with this meeting?

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

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

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

    COUNCIL MEMBER HAZOURI: And this one?
COUNCIL PRESIDENT WILSON: I think it was June 1st.

COUNCIL MEMBER HAZOURI: Thank you.

Thank y'all.

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

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

We will also be focusing on what charter changes we can implement now based upon the communications we had at our last workshop. As we mentioned to the group prior, I've been working with Ms. Sidman helping me to
redline Article 21 of the Charter right now, specific sections that require some changes that allow us to put into place some of those changes now. So as we bring on new board members and a new CEO, they will know the rules they have to play by in that process. There may be additional thereafter, that's all well and good.

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

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

So we will suspend our work until such time that we can be educated, either in
coordination with the JEA Board of what they're looking to explore. But for the time being, we're going to focus on getting ourselves educated on the industry as a whole; and secondly, what changes to the Charter need to be made right now in order for us to move forward as an authority.

CHAIRMAN DIAMOND: I have Councilman Dennis in the queue.

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

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

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

So I don't know if it's a legal opinion
of telling us that, you know, that there is
no more privilege because there could have
been some criminality there, but just help
me out, because I'm -- you all can help us
because you're the General Counsel. So I'm
not trying to throw anybody under the bus,
but I think we're all trying to get down to
the bottom of it. And I know before I --
before I, you know, try to introduce any legislation, I sit down with legal, say, Hey, this is where I want to go, or this is what I was thinking.

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

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

CHAIRMAN DIAMOND: Jason.

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

There is a series of memos, for example,
that were issued both by outside counsel and our own office, you know, through this timeline that will certainly be open for discussion and we'll -- to answer your question, we will be very well equipped to help you fill in the gaps to the extent that we were privy to anything that occurred along the way.

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

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

So long story short, we will be very well able to give you all the information
COUNCIL MEMBER DENNIS: Okay. Can I just follow back up, and kind of help me out. So back to the privilege. So the privilege is to the agency. So if JEA was your client, and so -- and so there is privilege between what they share would stay between General Counsel and the agency, but then if we're asking you a direct question about that privilege, can you share or can't share? I mean, how does that work? That's what I'm trying to get to.

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

CHAIRMAN DIAMOND: I gotcha.

Jason, do you understand the question about this assertion of privilege when it
comes to, you know -- if you can.

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

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

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

MR. PHILLIPS: Yeah. I would agree that there isn't really a lot here that -- where privilege is going to be a problem.
CHAIRMAN DIAMOND: And I'll say this, I don't have a lot of stomach for assertions of privilege inside the government. And to the extent, if anybody is -- if that comes up, if there is a meeting with Aaron Zahn and Jason Gabriel or something else, where someone is asserting a privilege, we're going to scrutinize it right here out in the public. It won't be, Oh, well, we can't get to that. It will have to be an honest discussion out in the Sunshine as to why privilege was asserted.

MR. GABRIEL: May I add something?

CHAIRMAN DIAMOND: Yeah. Go ahead, Jason.

MR. GABRIEL: I was just going to add, too, to that, you know -- and, certainly, at this point in time, you have several under oath transcripts that have been conducted, interviews conducted by our office with several people. I think there were 30-plus interviews or so. And there's certainly statements in those -- and I'm speaking generally here -- where the Office of General Counsel has our own view of what
occurred. And so that certainly will be information that we would provide when that time comes.

CHAIRMAN DIAMOND: Okay. Councilman DeFoor.

COUNCIL MEMBER DeFOOR: Thank you, Mr. Chair.

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

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

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

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

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

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

CHAIRMAN DIAMOND: Okay. Council Vice
President.

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

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

We're not going to do willy-nilly a charter change here and a -- unless there is an emergency for a referendum, for example,
that Mr. Garrett had, are we just going to kind of compile them and send them to this Committee after it's done? Because if you're finished by the 1st, then he should have, and Committee should have almost every recommendation other than what they may come up with. Is that your anticipation?

COUNCIL PRESIDENT WILSON: Thank you.

So the way I see this happening is we have several charter changes that we're going to talk about in the very near future that may affect the JEA business immediately or very quickly.

Whatever comes out of this Committee will come out on June 1st or whenever they're done. It may be extended until June 30th if need be. It may be extended into the next council presidency, whatever comes out of that committee, if we want to bring it and reestablish the workshop we can. We can also have a committee as a whole meeting, the whole entire Council can discuss those charter changes before they're introduced. There's a lot of ways we can have that conversation.
Mr. Boylan's committee is going to look at things that we've already identified that need to be changed, and we're going to do that sooner than later. So does that answer your question?

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

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

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

CHAIRMAN DIAMOND: Of course, sir.

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

CHAIRMAN DIAMOND: Absolutely, thumbs up, nice work.

COUNCIL PRESIDENT WILSON: I just had a question, and it might be a little bit late to bring this up, but did we ask for any documents between other counties, like Nassau County and St. Johns County, to ensure we captured all that stuff?
CHAIRMAN DIAMOND: We didn't. And I would ask that we can just hold on to that one for a minute. And the reason why is we're going to be in litigation, I assume, with both those counties. And I talked about it with OGC, we can do maybe a fine-tuned request a little later, but I don't want us to suddenly make public documents that helps the other counties sue us.

COUNCIL PRESIDENT WILSON: Thank you, sir.

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

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

MR. GRANAT: Thank you, Mr. Chairman.

I just wanted to get some clarification from you. You had mentioned earlier, maybe a future meeting to discuss the scope of the JEA information that's going to be retained. Right now they're amassing an enormous amount of data. I think a lot of it is going to have nothing to do with the Committee's inquiry.
CHAIRMAN DIAMOND: Let me interrupt you and just explain this real fast for the Committee if it didn't make sense. When we send our memo, it says, Hey, stop destroying documents. They stopped destroying documents, including ones that they would, like, destroy every single day. So now they're amassing huge amounts of data that I don't think is relevant to us.

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

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

CHAIRMAN DIAMOND: So on that point, so
senior leadership, but just to be clear so everyone is not confused, that would not delete any emails; correct?

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

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

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

MR. GRANAT: Right. Another big bucket,
they started preserving voicemails because that was part of the request. And with 2,000 employees, that's going to really add up and start costing them a lot of storage money.

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

COUNCIL MEMBER DeFOOR: Yes.

CHAIRMAN DIAMOND: Okay. We're good there.

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

CHAIRMAN DIAMOND: Let me ask an unfair question: Does it have anything to do with the ITN, the PUP, conflicts of interest, the board, the big buckets of stuff that we're
MR. GRANAT: No, those really don't. It's day-to-day operations.

CHAIRMAN DIAMOND: I'm comfortable letting it go.

Are you good? Okay.

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

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

CHAIRMAN DIAMOND: Yeah. So with those buckets we just discussed, I think we don't need them, unless the Committee disagrees. When it comes to emails, I assume you're not deleting any emails, JEA doesn't delete emails. I assume that we're retaining information that the senior leadership team
has, so that I understand we don't have like a running backup, but I don't want to lose key documents that the senior leadership team might be creating. For example, I don't want to lose their voicemails if they're coming in, I don't want to lose their emails, I don't want to lose documents they're working on. That's me.

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

MR. GRANAT: Relating to the senior leadership team?

COUNCIL MEMBER DeFOOR: Yes.

CHAIRMAN DIAMOND: Are you comfortable with that? Okay.

Is that enough guidance? Because I understand this is -- look, I'm a dog guy, I'm not a computer dude, so I don't know how this works. But if we can maintain those things with regard to the senior leadership team, I think the Committee would be comfortable. Everybody else we can let it go.
MR. GRANAT: I think that's a good start. And then if we, at the next meeting, have other questions, we can address it then. We want to let you know, JEA --

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

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

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

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

The document request we discussed today
is much larger than that. And so it's going
to take some time to just compile the
information, and then it needs to have that
high level review. But we will do our best
to get the stuff we -- the information we
can get to you fastest first so you can
start reviewing.

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

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

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

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

COUNCIL MEMBER DeFOOR: This kind of follows up why I think it's so important
that we serve those witnesses as well, because they're going to be able, I think, to help us target times and dates. And we just are -- you know, we are going to have a short time frame here.

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

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

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

MR. GABRIEL: We appreciate that. Yeah, we'll take back the assignments as they're
given, and we'll assess it. And we'll, obviously, come to you if we need any other supplemental help, but I think we have a good team at this point.

CHAIRMAN DIAMOND: Sure.

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

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

What my next thought was to meet with
OGC and with outside counsel, and talk about what is the most important thing to do at our next, and then to circulate a draft agenda, which the public could have access to also. And then the Committee Members could add to that draft agenda or even say, you know, I need other things, if that makes sense.

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

COUNCIL MEMBER PRIESTLY JACKSON: I would think that your meeting with General Counsel, I think the three of us, they need to meet with each of us before each one as we prepare. So starting maybe with you, it doesn't matter to me, but I think that way then, that's the way we can get the input in terms of what we think needs to be addressed and what the issues are there. I think it's very important that all three Committee Members have ongoing conversations with the Office of General Counsel, outside counsel
throughout this process. Then the agenda kind of organically grows from that would be the only --

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

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

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

MR. GABRIEL: It's what the will of this Committee is. That is a way to do it. Ms. DeFoor, what I heard from you was
perhaps we do a full breadth interview --

COUNCIL MEMBER DeFOOR: Correct.

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

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

COUNCIL MEMBER DeFOOR: No, no, right. Well, I would prefer bring the friendlies, have a sit-down interview, if you will, and then -- and if they're not friendly, that will tell us a lot, right. I mean, so let's go from there.
CHAIRMAN DIAMOND: I'm fine with that process. So we'll go about doing it that way. We'll figure out how best to do that logistically.

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

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

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

So this is about clean government. And I'm not going to use names. I'm certainly not going to answer or peg anybody today, but if it continues to happen, I'm not going
to be shy about using this pulpit to call it out. Because I think the people of Jacksonville need to know that this is a legitimate, clean, and honest process. And I'll just leave it at that.

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

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

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

Also, I just want to share that some of you may not know I've got 28 and working on 29 different contracts throughout the state of Florida. I represent a lot of different groups and a lot of different places. And so I want to say that the union is always -- and I'll speak for my brothers and sisters
that are also the other union leaders --
that we are more than happy to help this
Committee, the Council, or anybody else in
any way that we can, because we want our
members, the taxpayers, the ratepayers to
get a breath of fresh air and get some
relief from all of this.

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

CHAIRMAN DIAMOND: Thank you, sir.

Mr. Wing.

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

You hit on a lot of things that I hadn't
thought of before. One of the things about
the whistleblower type thing, and I brought
it up in the meeting the other Monday, about
our SLT, you know, we as employees are
couraged to call -- we have an ethics
hotline, we're encouraged to call that
hotline when we see something going on.

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

Our social media accounts, when you talk
about whistleblowers, I don't know if y'all
know, we are monitored. I've had people
come up and tell me, one individual say he
was told he's lucky he still has a job
because he commented on this process. Now,
when you talk about why aren't members
willing to say this, that, and the other,
when they have a whole section down there
that looks at our social media accounts. So
that may open up another can, I don't know if you guys already knew that.

One of the things I thought you were talking about breaking laws, if there were any laws broken. And some of us are wondering how could it have even gotten to this process, to this end, to this point without some kind of laws being broken.

Look at what you're having to dig to find out. If we're supposed -- just the Florida Sunshine law. You know, so this has been better to by -- I promise you many times in the hallways down there is, Why isn't someone doing something?

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

And for our leadership to put us in that kind of position, it's terrible. And just as a working guy who just wants to come up
here and do a job just like our leadership says from our unions, we're here to serve you guys. When you have a problem, that's what we signed up to do, just like a policeman, or a fireman, or a doctor, we want to help you guys. And our leadership has let us down. Thank you.

CHAIRMAN DIAMOND: Thank you, sir.

Mr. Nooney, great T-shirt.

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

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

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

And I am so happy that we have the court reporter. And I swear the testimony that I am about to give is the whole truth and nothing but the truth, and not this
committee's -- not a -- well, not a Charter Revision Commission fib.

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

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

MR. NOONEY: Yes.

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

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

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

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

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

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

MR. CLEARE: Good morning to the Committee. First of all, I want to commend you --
CHAIRMAN DIAMOND: Can you please state your name and address for the record?

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

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

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

As a pastor, I'm key on transparency. The public is watching, but I believe faith can be restored. And this is a good, good effort towards restoring faith. So keep
moving. You'll have your detractors and
dissuaders, but you have set a track, you
have a plan. I can, as you talked about it,
see it.

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

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

CHAIRMAN DIAMOND: Thank you, sir.

And just so the public knows, I got from
our staff that perhaps council weeks
8:00 a.m. to 11:00 a.m. on Mondays and
committee weeks 5:00 to 8:00 p.m. on Mondays
would makes sense. And we'll set up a
consistent calendar. I need to actually
double check to make sure this works in my
calendar, but we'll have this published very
soon so that these are all noticed and
everyone can plan accordingly.

    With that, meeting is adjourned.

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