

**OFFICE OF THE CITY COUNCIL**

**RESEARCH DIVISION**

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**CITY COUNCIL SPECIAL INVESTIGATORY COMMITTEE ON JEA**

**MEETING MINUTES - amended**

**Virtual meeting via Zoom – no physical location**

**October 26, 2020**

**8:00 a.m.**

**Location:** Virtual meeting via Zoom – no physical location

**In attendance:** Council Members Brenda Priestly Jackson (Chair), Randy DeFoor and Scott Wilson

**Also**: Council Members Ron Salem and Tommy Hazouri; Jason Gabriel and Peggy Sidman – Office of General Counsel; Phillip Peterson and Heather Reber – Council Auditor’s Office; Steve Cassada, Eric Grantham and Melanie Wilkes – Council Support Services; Jeff Clements and Yvonne Mitchell – Council Research Division; Steve Busey – Smith, Hulsey and Busey law firm; Sandra Homrighouse – Ethics Office; Kurtis Wilson - JEA

**Meeting Convened**: 8:00 a.m.

Chairwoman Priestly Jackson convened the meeting and the attendees were introduced for the record. Council Member DeFoor gave the invocation and led the Pledge of Allegiance.

Outside counsel report

Special counsel Steve Busey reported that the Rules Committee voted last week to issue subpoenas to Tim Baker and his affiliated companies which were served that day. Regarding interviews still to be conducted he reported the following: ~~Hussein~~ Husein Cumber has been interviewed; April Green declined to be interviewed, as did Dino Hicks; Lisa Strange Weatherby has agreed to be interviewed as has City CFO Joey Greive; John Campion is now deceased and thus will not be interviewed; he is still trying to get in touch with Camille Lee Johnson. Mr. Busey said he is reaching out to City Council members for interviews about who they may have had communication with while the JEA ITN “cone of silence” was in effect. He is well underway on drafting the final report and should be ready to wrap up in December.

Office of General Counsel report

General Counsel Jason Gabriel said the served subpoenas to Tim Baker and his companies were accepted. The Office of General Counsel is looking at 1,500 newly pulled documents and JEA is gathering a few additional items upon their request. They are working well with special counsel and feel like the process is on track for timely completion. Mr. Gabriel said he is working on compiling an index of all advice, opinions, memos, etc. the OGC has issued with regard to the JEA and potential sale issues over the past several years. In response to a question from Chairwoman Priestly Jackson, he described the timeline of issuing and serving the Tim Baker subpoenas, the deadline for response (November 16, 5:00 p.m.), and the Special Committee’s options in the event of partial or complete non-response by the deadline. In the event of non-compliance, subsequent action would need to be taken by the Special Committee, the Rules Committee, and ultimately City Council to proceed with next steps.

Chairwoman Priestly Jackson asked for legal memos from OGC and Mr. Busey for the next meeting covering: the cost of further subpoena enforcement steps in the event of non-response; whether there is any other way to get the desired information that subpoena is seeking; and whether the lack of full compliance with the subpoenas would prevent a full and complete report from being prepared. Council Member DeFoor asked that the legal memos include all available enforcement options - State Attorney, circuit court, other options. Mr. Gabriel said the Ordinance Code only mentions referral to the State Attorney as a remedy, but petitioning the circuit court is always a viable option for the City. In response to a question from Council Member Hazouri about when all the testimony will be completed, Mr. Busey said he anticipates completion in November and delivering the draft report to the committee in December.

Mr. Hazouri asked what specifically Mr. Busey is looking to obtain from the subpoenas to Mr. Baker and his companies. Chairwoman Priestly Jackson recommended that Mr. Hazouri read the subpoenas because they cover what is being sought in detail. In response to a question from Mr. Hazouri about when the public will get its opportunity to weigh in, the Chair said the November 16th and 30th Special Committee meetings are that opportunity, and potentially at a future Rules Committee meeting

Council Member Salem said he has heard from constituents that today’s meeting is not currently streaming online or on television. The problem was resolved shortly thereafter.

Council member disclosures

No additional disclosures have been received since the last meeting. 17 have been filed to date.

Council member one-on-one meetings with special counsel

Mr. Busey said he is still available to meet with any council members. He has not talked to anyone since the last Special Committee meeting.

Chairwoman Priestly Jackson said she likes the idea of the index of all OGC guidance and memos, and feels it needs to cover the period back to the previous City Council’s term beginning in 2015 at least.

In response to a question from Mr. Hazouri about whether council members filing or not filing disclosure forms affects who he wants to interview or what he wants to ask, Mr. Busey said it could; the disclosures received to date have been very helpful. Mr. Hazouri encouraged those council members who haven’t filed them yet to do it for the sake of the process. He wants everyone to have confidence in the integrity of the process when it’s all over.

The next meetings of the Special Committee will be November 16th and 30th, both at 5 p.m. especially for taking public comment. The Chair expressed hope that the committee will be back in the Council Chamber for in-person comments by that time. Monday, December 7th at 5 p.m. will be final meeting for the year and hopefully the end of the subcommittee’s work.

**Meeting adjourned:** 8:35 a.m.

Minutes: Jeff Clements, Council Research Division

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