



**Terrance Freeman**  
City Council President  
At-Large, Group 1  
E-Mail: TFreeman@coj.net

117 West Duval Street  
City Hall, Suite 425  
Jacksonville, Florida 32202  
Office (904) 255-5215

## **OFFICE OF THE CITY COUNCIL**

February 2, 2023

2:15 P.M.

### **MEMORANDUM**

**TO:** Honorable City Council Members

**FROM:** The Honorable Council President Terrance Freeman

**SUBJECT:** Council Members Named for Special Investigatory Committee on JEA Matters

---

In response to multiple Council members' requests, the Council will reopen the Special Investigatory Committee on JEA Matters. The potential sale of the JEA through the invitation to Negotiate (ITN) process and the alleged attempt to profit off that sale by a certain JEA executive has embroiled our community in scandal for the last five years. In an effort to ascertain the truth about the ITN process and to restore the public's confidence in our city government, then Council-President Scott Wilson announced the Special Investigatory Committee on JEA Matters (SIC). On February 4, 2019, then-President Wilson created the SIC and charged the members with restoring the public trust in JEA.

The SIC began work immediately and interviewed dozens of witnesses under oath and reviewed millions of documents. Notably, for the first time in the history of consolidated Jacksonville, the SIC issued a series of subpoenas that were affirmed by the Council Rules Committee. Those subpoenas were issued to private individuals and to all the ITN bidders. One of those bidders, JEA Public Power Partners responded to the SIC subpoena and stated that it considered hiring the husband of Jacksonville City Council Member Leanna Cumber but did not due to an actual or perceived conflict of interest. Correspondingly, the SIC requested all sitting Council Members declare the contacts they had with JEA officials and any actual or perceived conflicts they might have related to the aborted sale of JEA. City Council Members made their disclosures in September 2020.

The SIC completed its work in December 2020 and issued a 138-page report providing the Council's fullest and best understanding as to what occurred during the ITN. The SIC and related committees proposed legislative fixes such that nothing akin to the scandal surrounding the ITN could ever happen in our community again. Following the release of the SIC's official report, two

JEA executives were indicted by a federal grand jury on fraud and conspiracy charges related to the failed sale of JEA.

On March 2, 2021, Council Member Leanna Cumber made her disclosures regarding the ITN stating: "I have no conflicts regarding JEA and ITN."

Documents have come to light, including emails and text messages, that contradict responses given by JEA Public Power Partners and the disclosure provided by Council Member Cumber.

In order to ensure to the people of Jacksonville that their City government was not deceived by any bidders or elected officials during the investigation into the attempted sale of JEA, I hereby renew and recharge the Special Investigatory Committee on JEA Matters. The Committee is charged solely with the following:

1. Investigate whether the Committee was deceived or misled by Council Member Cumber of JEA Public Power Partners responding to subpoenas or making disclosures.
2. Ascertain whether Council Member Cumber attempted to use her official position to influence the ITN process for personal gain; and
3. Propose legislation to ensure that such deceptions, if any, do not impede the work of any future investigatory committee.

Members:

Council Member Rory Diamond, Chair  
Council Member Nick Howland, Vice Chair  
Council Member Sam Newby  
Council Member Michael Boylan

Deadline:

**The Special Investigatory Committee (SIC) will hold its first meeting on:  
Wednesday, February 8, 2023, at 8:30 a.m., City Council Chambers.**

Thank you to each of the Council Members and the staff who made the commitment to serve on this important committee.

cc: Council Members/Staff  
Margaret M. Sidman, Director/Council Secretary  
Merriane G. Lahmeur, Chief, Legislative Services Division  
Kim Taylor, Council Auditor  
Jeff Clements, Chief, Research Division  
[CITYC@COJ.NET](mailto:CITYC@COJ.NET)  
Media Box  
File Copy



**OFFICE OF THE CITY COUNCIL**

**SCOTT A. WILSON**  
PRESIDENT  
COUNCIL MEMBER, DISTRICT 4  
OFFICE: (904) 255-5204  
FAX: (904) 255-5230  
E-MAIL: SWILSON@COJ.NET

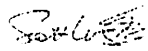
117 WEST DUVAL STREET, SUITE 425  
4TH FLOOR, CITY HALL  
JACKSONVILLE, FLORIDA 32202

February 4, 2020

5:00 P.M.

**MEMORANDUM**

**TO:** Honorable Members of the City Council

**FROM:** Council President Scott Wilson 

**RE:** Creation of Special Investigatory Committee on JEA Matters

---

On January 20, 2020, I announced that I would be convening a Special Investigatory Committee on JEA matters related to the recent pursuit of the strategic option to potentially privatize JEA. This Committee is intended to continue the work commenced at the noticed public meeting held on December 16, 2019 where Council Members inquired into matters related to the creation and implementation of JEA's proposed employee incentive program referred to as a "Performance Unit Plan" or "PUP" which the JEA Board approved at its July 23, 2019 board meeting. At the conclusion of the noticed meeting, it was requested that I create a special investigatory committee of the Council to further review these matters.

In recent weeks, as additional information has become available, the issues and matters related to the strategic option of potentially privatizing JEA have become paramount on the minds of Council Members. I believe that a special committee of the Council should be convened to investigate these issues and matters and that a transparent and public vetting of same is in the best interests of the community.

Accordingly, I am creating a Special Investigatory Committee on JEA ("Committee"). Pursuant to the Council Rules and the Ordinance Code, should the Committee require the power to subpoena witnesses and parties, I will ask the Rules Committee to convene to issue subpoenas for both testimony and documents. Use of subpoena power and administering oaths must be for legitimate legislative purposes within Council's policy-related sphere of inquiry as set forth in this memorandum. All City and JEA employees will fully cooperate with the Investigatory Committee.

The Committee shall work in coordination and conjunction with the Office of General Counsel and specialized private legal counsel, as well as the Council Auditor's office. The Committee shall be staffed by members of those respective offices.

The Committee should organize its review as follows:

- (1) Discussion of procedures and protocols.
- (2) Historic timeline of events.
- (3) Review of existing records, resources and materials (from OGC, IG, JEA and other sources).
- (4) If necessary, conduct further investigation into matters related to the charge of this memorandum.
- (5) Analyze matters that, through the powers invested in this legislative body, could be prevented in the future through legislative action. Issue a report reflecting same.

**CHARGE:** Investigate JEA matters related to the recent pursuit of the strategic option to potentially privatize JEA. Determine matters that, through the powers invested in this legislative body, could be prevented in the future through legislative action.

This review should include JEA's review of the five scenarios for the future of JEA, including the Invitations to Negotiate; JEA's decision-making in pursuit of privatization; and the proposed employee incentive program known as the Performance Unit Plan.

**CHAIR:** Rory Diamond, Chair

**MEMBERS:** Randy DeFoor, Brenda Priestly Jackson, Scott Wilson

**DEADLINE:**

The Committee shall prepare an initial schedule of meetings and shall report its findings to the Council President on or before June 1, 2020, unless the special committee is otherwise extended or terminated.

I would like to thank Council Member Diamond for agreeing to chair this special committee and commend him for the work that he has already done on this important matter which affects the citizens of Jacksonville. I would also like to thank Councilmembers DeFoor and Priestly Jackson in advance for their participation in this endeavor. I look forward to their report.

cc: Council Members/Staff  
Cheryl Brown, Director/Council Secretary  
Jeff Clements, Chief, Research Division  
Jessica Matthews, Chief, Legislative Services  
Melanie Wilkes, Information Systems Administrator  
Kyle Billy, Council Auditor  
Jason Gabriel, General Counsel  
Media Box