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Via Email Only

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Re: Jacksonville City Council Special Investigatory Committee

Committee Members:

We continue to review documents JEA is producing in response to the Special Investigatory Committee's requests. We recently made documents received to date available to the Committee via Dropbox.com. Our March 30 memorandum to the Committee summarizes some of our notable findings to date. After a lot of discussion, we provided Hill Ward Henderson with revised search terms last week to help JEA comply with the Committee's document requests. We continue to work with Hill Ward and OGC to obtain the documents.

Nevertheless, we are at a point that we recommend the Committee issue subpoenas, if necessary, for witness testimony. We have identified areas of inquiry relating to JEA's Invitation to Negotiate 127-19 ("ITN") that are not adequately addressed by JEA's document productions to date. They include:

- communications by JEA's consultants and senior leadership team in May, June and July 2019 that caused or contributed to JEA's Board authorizing the ITN;
- the relationship between the ITN and the Long-Term Performance Unit Plan;
- the criteria by which JEA evaluated the proposals of ITN respondents;
- the process by which JEA negotiated with ITN respondents;
- the execution of consulting and retention agreements by JEA's senior leadership team relating to the proposed sale of JEA;

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- the participation of JEA's senior leadership team in ITN negotiations;
- the implementation of the alleged cone of silence, use of code names, and lack of transparency about the ITN and related initiatives; and
- JEA consultants' involvement in and compensation related to the ITN.

We are concerned about the potential for loss of evidence and the lack of witness availability or cooperation. For these reasons, we recommend that, pursuant to Section 5.09 of the City Charter, the Committee request the following witnesses give voluntary testimony within the next ten days. If the witnesses decline to comply, we suggest the Committee request the Council's Rules Committee issue subpoenas compelling their testimony:

- (i) Stephanie Burch, Deputy Chief Administrative Officer for the City of Jacksonville;
- (ii) Randall Barnes, Treasurer for the City of Jacksonville;
- (iii) Robin Smith, Chief of Engineering and Construction Management for the City of Jacksonville;
- (iv) Melissa Dykes, Interim Chief Executive Officer of JEA;
- (v) Joseph Orfano, Interim Chief Financial Officer of JEA; and
- (vi) Lynne Rhode, former Chief Legal Officer of JEA.

We are mindful of the current risk COVID-19 poses. We nevertheless are able to arrange for testimony to be obtained by videoconference. We believe these witnesses' testimony is an important step in the Committee's investigation.



cc: Jason Gabriel
Margaret Sidman

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