

**OFFICE OF GENERAL COUNSEL  
CITY OF JACKSONVILLE**



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**MEMORANDUM  
JULY 22, 2019**

**TO:** FILE

**FROM:** LAWSIKIA J. HODGES, DEPUTY GOVERNMENT OPERATIONS  
LYNNE C. RHODE, JEA CHIEF LEGAL OFFICER  
JASON R. GABRIEL, GENERAL COUNSEL

**RE:** STRATEGIC PLANNING ACTIONS TAKEN BY THE JEA BOARD BASED ON SCENARIO-BASED PLANNING  
OPTIONS PRESENTED BY THE JEA SENIOR LEADERSHIP TEAM

The JEA Senior Leadership Team<sup>1</sup> (“SLT”) has presented, and intends to present scenario-based planning options to the JEA Board (“Board”) to assist the Board in making strategic planning decisions regarding JEA’s future. In scenario-based strategic planning, SLT presents various scenarios regarding JEA’s future to the Board, and depending on the scenario chosen by the Board, the Board makes strategic planning decisions based on the scenario selected.

SLT presented scenario-based planning option 1 (Scenario 1 - Status Quo) to the Board on May 28, 2019. SLT intends to present three additional scenario-based planning options to the Board at its regular meeting on July 23, 2019: Scenario 2A - Traditional Utility Response, Scenario 2B - Traditional Utility Response (with traditional legislative approach) and Scenario 3 - Non-Traditional Utility Response (collectively “Options” or individually “Option”).

Any decision by the Board to proceed with implementing one of the Options presented by SLT will require formal actions by the Board in the form of various Board resolutions and/or motions. The Office of General Counsel, in consultation with outside counsel,<sup>2</sup> has reviewed the proposed resolutions associated with each Option (Resolutions 2019-06 through 2019-10), and we believe that the Board is authorized under its charter provisions, subject to applicable laws, to proceed with implementing through formal action one of the Options, as presented.

The decision to proceed with implementing one of the Options, as presented, is a business decision for the Board to make and within its authority under the City Charter.

<sup>1</sup> The Senior Leadership Team consists primarily of the Managing Director and Chief Executive Officer, the Chief Operating Officer, the Chief Administrative Officer and the Chief Financial Officer.

<sup>2</sup> Office of General Counsel engaged and relied on various outside specialized counsel to assist JEA in the preparation of the resolutions and underlying documents required for each Option presented by SLT. Accordingly, the scope of this memorandum does not address the legality of the underlying documents drafted to implement such resolutions, as such legality has been confirmed, and will continue to be developed and approved by special counsel to JEA appointed and supervised by the Office of General Counsel pursuant to the course of action approved by the JEA Board.