



**OFFICE OF THE CITY COUNCIL  
RESEARCH DIVISION**

117 WEST DUVAL STREET, SUITE 425  
4<sup>TH</sup> FLOOR, CITY HALL  
JACKSONVILLE, FLORIDA 32202  
904-255-5137

**CITY COUNCIL SPECIAL INVESTIGATORY COMMITTEE ON JEA  
MEETING MINUTES**

**March 9, 2023  
8:30 a.m.**

**Location:** Lynwood Roberts Room, 1<sup>st</sup> floor, City Hall

**In attendance:** Council Members Nick Howland (Vice Chair), Sam Newby, Michael Boylan

**Excused:** Council Member Rory Diamond (Chair)

**Also:** Council Member Ron Salem; Mary Staffopoulos and Chris Garrett – Office of General Counsel; Merriane Lahmeur and Sharonda Davis – Legislative Services Division; Jeff Clements – Council Research Division; Teresa Eichner – Public Information Division; Kim Taylor – Council Auditor

**Meeting Convened:** 8:30 a.m.

Vice Chair Howland convened the meeting and the attendees introduced themselves for the record. The Vice Chair reviewed the charge of the committee and outlined the three tasks the special committee directed to be taken at its last meeting. Mr. Howland reviewed the results of those three tasks.

Inquiries to third parties

- 1) Mike Weinstein was requested to verify if a series of 10 emails sent by attorney Charles Jimerson to the Special Committee on which he was copied as a recipient were authentic. Mr. Weinstein responded that he had no way to compare them to emails received years ago but has no reason to believe that they are not authentic redacted versions.
- 2) Attorney Steve Busey, special counsel to the Special Investigatory Committee on JEA, was asked if he or the members of the SIC were aware of Hussein Cumber's involvement with the JEA-PPP effort at the time of that committee's deliberation. Mr. Busey responded that neither he, his law firm, nor, to his knowledge, any of the member of the Special Investigatory Committee, were aware of participation by Mr. Cumber in the JEA ITN bidding process.
- 3) Mr. Howland asked the local office of the FBI if the agency had requested Council Member Cumber to conceal her husband's involvement with JEA-PPP. The FBI responded that it declined to confirm or deny the existence or status of any investigations.

### Special Investigatory Committee final report

At the previous meeting the committee asked the Office of General Counsel to prepare a final report with options the committee could take for next steps. Chris Garrett of the OGC presented a memorandum with a summary of items received in response to the committee's inquiries and various options the committee could choose to exercise going forward. Those options include:

- 1) Conclude investigation and take no further action;
- 2) Continue the investigation with the issuance of subpoenas to obtain further information and hire outside counsel to assist the committee due to the conflict posed by the General Counsel's Office representing multiple clients involved in the inquiry;
- 3) Refer the committee's finding to an independent investigatory agency such as the City Ethics Commission, the State Ethics Commission, the City Inspector General, or the State Attorney's Office for further action.

Mr. Garrett noted that Rule 5(f) of the City Ethics Commission prohibits that agency from accepting complaints made about candidates for office within the 30 immediately preceding an election. Any complaints received about a candidate within this 30 day period are rejected, but may be resubmitted after the election is completed. Since there is an election coming on March 21<sup>st</sup> in which Council Member Cumber is a candidate, a referral of this matter to the City Ethics Commission would be rejected if could not be made within 30 days prior to that election before March 22<sup>nd</sup>. In response to a question about whether the Special Committee should be temporarily suspended until after the results of the referral to an investigatory agency are received, Mr. Garrett said the committee could remain active but not schedule any meetings until the need arises.

Mr. Garrett said the State Ethics Commission has the same rule prohibiting the filing of a complaint against a candidate for office in the 30 days immediately preceding an election, but goes further to prohibit even declaring an intent to file such referral within 30 days before an election. He quoted from the rule, violation of which could incur civil penalties. The committee members ruled out a referral to the State Ethics Commission. Mr. Garrett said the OGC makes no recommendation about the options for future action – that's a policy decision for the committee to make. Council Member Boylan asked about justification for the Inspector General's Office to be involved – what is their purview in this matter? Mr. Garrett said the IG investigates allegations of waste, misfeasance or malfeasance, so whether that is an appropriate body for a referral would depend on what finding the committee makes and how they are determined to be relevant. Council Members Boylan and Newby said that doesn't seem appropriate for this issue. In response to a question from Vice Chair Howland about a referral to the State Attorney, Mr. Garrett said that would be for potential criminal issues. Council Members Boylan and Newby said they don't see any reason for State Attorney involvement – this involves an internal council request of its fellow members. Mr. Newby recommended referral to the City Ethics Commission. In response to a question from Vice Chair Howland about whether the City Ethics Commission could make a criminal matter referral to the State Attorney, Mr. Garrett said it could.

Vice Chair Howland said the four potential referral options seem to have been narrowed down to one – the City Ethics Commission - with a timing issue involved due to the upcoming election. He recommended the committee give him authority as Vice Chair to file the necessary paperwork to refer the matter to the City Ethics Commission for investigation into items #1 and #2 in of the special committee's charge from the Council President (investigate whether the original Special Investigatory Committee was deceived or misled by Council Member Cumber in her disclosure statement; ascertain whether Council Member Cumber attempted to use her official position to influence the JEA ITN process for personal gain). Council Member Boylan suggested referring committee charge #3 (propose legislation to ensure the such deceptions, if any, do not impede the work of an future investigatory committee) as well so the Ethics Commission could potentially make recommendations about needed legislative changes. Council

Member Newby disagreed, saying the Ethics Commission could handle committee charges #1 and #2 and the special committee could handle #3 itself.

Vice Chair Howland recommended that the special committee refer its charges #1 and #2 to the City Ethics Commission on March 22 when the post-election window opens. He said that the OGC has suggested that one option for a legislative amendment could be to amend Ordinance Code Section 602.1205 – Cooperation in official investigations - to include the City Council in the list of agencies with which City officials and employees are required to cooperate in the course of official investigations (such as the Ethics Commission and State Attorney’s office ). Council Member Boylan recommended expanding the scope of the referral to Ethics Commission to include a discussion of whether the voluntary disclosure process established by the Council that led to this committee’s work was appropriate to begin with and whether not responding to that disclosure request was an ethics issue. Vice Chair Howland said that the OGC also said the Ordinance Code Section 602.401 (misuse of position, information, resources, etc.) might apply and could perhaps be amended to clarify how that section applies to City Council.

**Motion** (Boylan): the Special Investigatory Committee on JEA authorizes Vice Chair Howland to file the necessary paperwork to refer the matter to the City Ethics Commission for investigation into items #1 and #2 in the Council President’s charge to the committee on March 22 – **approved unanimously**.

Council Member Boylan asked what happens if the special committee files its referral on March 22 and Council Member Cumber remains a candidate for the May election. Mary Staffopoulos of the General Counsel’s Office said the rule states a complaint filed within 30 days immediately preceding an election would be rejected. However, by referring this matter on March 22<sup>nd</sup> this would be more than 30 days prior to the May election and thus the matter would not be rejected under the rule.

Council Members Boylan and Newby said they would like to hear from Ethics Commissioners about their opinion on committee charge #3 (legislative changes) before they hold a formal discussion on that topic. In response to a statement regarding “suspending” the committee until they receive the results of the Ethics Commission investigation, Ms. Staffopoulos said there is no need to do so. Any future meetings can be called when there is business to discuss. There may be a need to hold another meeting to respond to any question or additional input the Ethics Commission may request in the course of its work.

#### Public Comment

None

The special committee will meet next at the call of the Vice Chair as necessary.

**Meeting adjourned:** 8:59 a.m.

Minutes: Jeff Clements, Council Research Division

[jeffc@coj.net](mailto:jeffc@coj.net) 904-255-5137

3.14.23 Posted 10:00 a.m.