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PUBLIC MEETING

DISCUSSIONS BETWEEN

CITY OF JACKSONVILLE

AND

JACKSONVILLE POLICE AND FIRE PENSION FUND

MODERATOR,
RODNEY WARREN SMITH, Esquire
Avera & Smith, LLP
2814 Southwest 13th Street
Gainesville, Florida 32608

DATE TAKEN: May 2, 2014
TIME: 10:03 a.m. - 10:40 a.m.
PLACE: City Hall
St. James Building
Lynwood Roberts Room
117 West Duval Street
Jacksonville, Florida 32202

meeting reported by:
Karen Adair Ruiz
Florida Professional Reporter
Registered Merit Reporter

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MAYOR ALVIN BROWN
City Hall
Office of the Mayor
St. James Building
117 West Duval Street
Jacksonville, Florida 32202

CHRISTOPHER JOHN HAND, Esquire
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JOHN KEANE
Executive Director-Administrator
Police and Fire Pension Fund
One West Adams Street, Suite 100
Jacksonville, Florida 32202

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2 MAYOR BROWN: Good morning, everyone. Thank
3 you all for being here. I want to now call this
4 meeting to order. And I want to acknowledge
5 Police and Fire Pension Fund Executive Director
6 John Keane. John, we're pleased to meet with you
7 and your team in the hopes of achieving retirement
8 reform now. It's appropriate that we are starting
9 these meetings in the Lynwood Roberts Room at City
10 Hall.

11 I want to acknowledge all the council members
12 who are here. Councilman Bill Bishop is here.
13 Councilman Clay Yarborough is here. Councilman
14 Anderson, Greg Anderson, is here. Thank you all
15 for being here.

16 In this room, the 17 dedicated members of
17 Jacksonville Retirement Task Force met over many
18 months to help the City of Jacksonville solve our
19 biggest financial challenge. Chairman Scheu and
20 several of the task force members are here today.
21 I want to thank them again for their hard work and
22 dedication. As a task force they helped to
23 provide the final burst of momentum needed to
24 achieve retirement reform, and I'm very grateful
25 for their efforts.

1 We can all agree on one thing. The stubborn
2 issue of retirement reform has persisted far too
3 long. And I think now is the time to make sure
4 that we achieve retirement reform.

5 Taxpayers need us to achieve reform so we can
6 stabilize our budget and provide quality services
7 to the citizens of our community. Sheriff
8 Rutherford and Chief Senterfitt need us to achieve
9 reform so they can retain and recruit without
10 uncertainty about pensions. Public safety
11 employees need us to achieve reform so that they
12 can focus on their important work. The rating
13 agencies need us to achieve reform so that the
14 City maintains its excellent credit rating.

15 Let us achieve reform now. We must finish
16 this as soon as possible so that taxpayers, City
17 employees, and the rating agencies know that
18 Jacksonville means business. Taxpayers need
19 closure. Our City employees need closure. And if
20 we move quickly, we can send a strong message of
21 resolve from Wall Street to Main Street. Let us
22 achieve retirement reform now.

23 Before I introduce the individual who will
24 moderate these discussions, let me make one thing
25 clear. These discussions will be held in the

1 Sunshine. The meetings between the parties will
2 be noticed to the public in advance. They will be
3 open for the public to attend.

4 In order to ensure all members of the public
5 have access, these discussions will be recorded,
6 and a court reporter will also be a part of this
7 to record it. The meeting videos and written
8 transcript will be placed on the City of
9 Jacksonville Retirement Reform website.

10 Before I turn it over to John Keane for a few
11 introductory comments, I want to introduce the
12 moderator for these discussions, Rod Smith. Rod
13 Smith has a distinguished career practicing
14 employment law, criminal law, and civil justice
15 law. From 1993 to 2000, Mr. Smith served as the
16 state attorney of the Eighth Judicial Circuit
17 Court based in Gainesville. As a state attorney,
18 he prosecuted the Danny Rolling case and was
19 nationally recognized by the Association of
20 Capital Litigators as one of the nation's
21 preeminent prosecutors.

22 Since 2000, he has practiced law in the
23 Gainesville firm of Avera & Smith. Smith served
24 as a member of the Florida Senate from 2000 to
25 2006. He represented nine North Florida counties.

1 Senator Smith served as chair of the
2 Agricultural Committee and as vice chair of the
3 Criminal Justice and Justice Appropriations
4 Committee. During his senate service, he worked
5 closely with the late Senator Jim King of
6 Jacksonville. In fact, Senator King selected Rod
7 to deliver one of two eulogies at his memorial
8 service.

9 In the senate, Rod was known as a
10 bridge-builder, someone who brought people
11 together, helped them overcome their differences
12 and achieve results. We are confident he will
13 help us do the same thing here.

14 With that, I want to now turn it over to my
15 good friend, John Keane, who believes, like I
16 believe, that now is the time to have pension
17 reform done once and for all. He's someone who's
18 working very hard to make sure that at the end of
19 the day everyone in our City is treated fair, the
20 taxpayers, the City employees, all of us working
21 together to make this a win-win for everyone. And
22 with that, I'd like to turn it over to my good
23 friend, John.

24 MR. KEANE: Thank you, Mayor, the City
25 Council members, Mr. Moderator, Chief. Good

1 morning.

2 For the record, I am John Keane, the
3 executive director and administrator of the
4 Jacksonville Police and Fire Pension Fund. Our
5 office is at One West Adams Street in Downtown
6 Jacksonville. On behalf of the Pension Trustee
7 Board Chair, Walt Bussells, trustees Bobby Deal,
8 Nat Glover, Dr. Adam Herbert, and Richard Tuten,
9 III, I extend their greetings to you.

10 This meeting today is authorized by Article
11 22.07(b) of the City Charter and Paragraph 32 of
12 the restated settlement agreement between the City
13 of Jacksonville and the Police and Fire Pension
14 Fund. The agreement calls for meeting
15 periodically to review the provisions of the
16 agreement, and that our discussions shall be
17 guided by the mutual desire to ensure continued
18 application of the terms and conditions that are
19 fair, equitable, and -- given the current fiscal
20 financial circumstances that have presented
21 themselves that were not addressed or anticipated
22 by the parties upon execution of the restated
23 agreement.

24 By our participation here, the fund is not
25 waiving any of the arguments or rights in any of

1 the pending litigation. The discussions here
2 today and in the future are not collectively
3 bargaining, and neither the Board nor I have been
4 authorized to act as a bargaining agent for any
5 bargaining unit.

6 The settlement agreement is not a collective
7 bargaining agreement. Rather, it is a legal
8 contract between the City and the Pension Board.
9 Today's meetings are held in this public setting
10 solely to comply with the order issued by Judge
11 Wallace, which is currently on appeal to the First
12 District Court of Appeal.

13 As you may be aware, Judge Morales has found
14 that she has jurisdiction in the case of Wyse
15 versus the City, which includes the Board's cross
16 claims. We believe a resolution of those issues,
17 as well as the implementation of comprehensive
18 pension reform, is in the best interests of all.

19 The Board will be conducting a special
20 meeting on Monday, which will include a session
21 with our legal counsel, to receive advice
22 concerning the Wyse litigation and its
23 relationship to the issues which will be discussed
24 at these upcoming meetings.

25 We look forward to fruitful and meaningful

1 discussions and a mutually acceptable resolution
2 on the important issue of comprehensive pension
3 reform.

4 Thank you.

5 MR. HAND: Mr. Moderator, if I might just
6 before we begin, I also want to put on the record
7 on behalf of the City that obviously there is
8 litigation pending in federal court, Wyse v. City
9 of Jacksonville, et. al. We are also not waiving
10 any of our rights or arguments under that
11 litigation, as well. I just wanted to add that on
12 the record.

13 THE MODERATOR: All right. Thank you.

14 Mr. Mayor, thank you.

15 John, thank you.

16 MR. KEANE: Good to see you, Senator.

17 THE MODERATOR: It's good to see all of you
18 again. I had hoped perhaps our last time together
19 was our last time together, but we are back here
20 for the purpose of trying to reach an agreement on
21 pension reform that we think everybody would be
22 pleased with.

23 And I want to echo several things that were
24 brought up by both parties. Number one, I
25 couldn't be more in agreement with you, John, that

1 this is not collective bargaining, in the sense
2 that I was once, you know, in a former life,
3 familiar with collective bargaining. That's not
4 what we're here doing. That's not what we're here
5 to do.

6 But it does have some guidance to us in one
7 way. And that is, unlike mediation, which we
8 earlier engaged in, this, we've all agreed, will
9 be done in the Sunshine, which is nothing new to
10 those who have been engaged in collective
11 bargaining. Collective bargaining in Florida has
12 been carried on that way now since the mid 1970s,
13 and for the police and firefighters, even earlier
14 than that. So I don't see that as an impediment
15 to our being able to reach agreement.

16 I note that we are here where there are
17 issues of pending litigation, both in the federal
18 court and, of course, the appeal and I think some
19 of the cross appeal issues that have been raised
20 as it relates to the Denton case, which we'll talk
21 about in just a moment. But, again, I'm still --
22 while that's on appeal, as a guy who's been
23 practicing law for now approaching 40 years, I'm
24 going to follow the order until the order is no
25 longer the order. And right now that's the order

1 and we're going to abide with it. And it will
2 serve as guidance on some of the proceedings and
3 ways in which we proceed. And I'll talk about
4 those in just a moment.

5 I wouldn't be here as moderator, a title that
6 I find unusual, having been -- I've been called so
7 many things over my career and --

8 MR. KEANE: Myself.

9 THE MODERATOR: And, actually, moderator is
10 in the top two or three percent. But I wouldn't
11 be doing this if I didn't know that both sides
12 have genuinely expressed, over a long period of
13 time, an interest in trying to resolve these
14 issues and a hope that these issues could be
15 resolved. And that's what I'm here to do. I'm
16 here for no purpose -- I do not favor the City,
17 nor do I favor the Pension Board. I favor our
18 being able to get an agreement, if it can be
19 accomplished.

20 I favor that because I believe that we've
21 told the public that's what we're here to do, and
22 that's what we ought to give our very best efforts
23 at. That doesn't mean everybody is going to agree
24 on everything. I think we know from our past
25 experiences and from our common life experiences

1 that's not going to happen.

2 What I'd hope is that everybody will, much as
3 we charge juries to do, keep an open mind, listen
4 to the other side, understand what the other
5 side's trying to accomplish. And if we don't
6 agree with it, be prepared to address your
7 concerns, your concerns, and look for ways to
8 reach accommodation, look for ways and search for
9 ways together to come up with a roadmap that could
10 lead us to success.

11 A couple of ground rules, I want to go ahead
12 by way of disclosure and tell you that, thus
13 far -- as most people know, I brought a very small
14 part of the file. I am familiar with many of the
15 issues that bring you together because we've spent
16 much time together last year in an unsuccessful
17 effort. But, certainly, I come without having
18 forgotten all of that and, certainly, with a file
19 a show dog can't jump over, to remind me of all of
20 it. So that's where we are.

21 I also will tell you that, the executive
22 summary, I have prepared. I've looked at the
23 report of the Jacksonville task force. I not only
24 have read that and intend to read it more closely,
25 but I also followed that while it was being

1 arrived at and once it was arrived at. I also
2 have reviewed the final judgment in the Denton
3 case, Judge Wallace's ruling, which we will
4 address a little bit more.

5 And I've gotten some other issues before me,
6 some guidance. I think one is a letter from --
7 one was a letter that was prepared and sent to the
8 City Council regarding the fire and pension back
9 in March of 2014 on certain proceedings. And,
10 likewise, I've got an opinion letter from the
11 General Counsel's Office bearing date April of
12 2014, which has to do with really just procedural
13 issues.

14 And what I would tell you is, if there's
15 anything else anybody wants me to look at or feels
16 like I need to look at, I'm open to reading,
17 reviewing everything. But that's kind of our
18 guide.

19 Some ground rules, when I agreed to take this
20 assignment, I promised that we were going to have
21 a set period of time to meet, a set period of time
22 towards reaching an agreement, and that I would
23 give it my full attention for a period of time,
24 but that period of time was going to be relatively
25 defined and relatively short because I feel like

1 that we are not here to rewrite the pension.
2 We're not here to rewrite even agreements that you
3 guys have already arrived at. We're here to
4 write, from the beginning, those issues of reform
5 which you or you believe are appropriate to moving
6 this process forward and ending up with pension
7 reform that both sides will see as beneficial to
8 their interests over a long period of time.

9 Having said that, I also wanted to talk a
10 little bit about how I think we're going to
11 proceed. Number one, I believe that part of my
12 responsibilities is to make this thing move
13 orderly. I've determined that the responsibility
14 for advancing proposed changes initially, I
15 believe, lies with the City, not with the Board.
16 Therefore, I think it's the responsibility of the
17 City to come forward with the initial package of
18 reforms that you would see as necessary and that
19 you want to have discussed, each, and be prepared
20 to explain fully each of your positions and the
21 reasons for those positions.

22 And so I hereby tell you that, unless
23 otherwise objected to, that's how we'll proceed.
24 The City will have the responsibility of bringing
25 to the Board its package of proposed reforms.

1 Is that okay with everyone?

2 MR. KEANE: Acceptable.

3 MAYOR BROWN: Acceptable.

4 THE MODERATOR: Secondly, I know that next
5 week we have agreed to meet on Tuesday and
6 Thursday. We haven't agreed to meet yet, but I
7 know that I've asked everybody to clear their
8 calendar. I'm available Tuesday and Thursday.

9 Is that available to the City?

10 MR. HAND: Yes.

11 MAYOR BROWN: Yes.

12 THE MODERATOR: Is that available to you,
13 John?

14 MR. KEANE: It is.

15 THE MODERATOR: Okay. Based on that, we
16 will -- and I do this because I think it's
17 important for public notice purposes, that we at
18 least give people -- we will have meetings next
19 week. And the times of those meetings will be
20 Tuesday -- at Tuesday I have 8:30, but since I
21 know I'm coming over that morning and I just faced
22 traffic -- all due respect, Mayor -- it's going to
23 be nine because at 8:30 I was sitting dead still
24 this morning. So we're going to make it nine.

25 At nine o'clock on Tuesday, we will meet back

1 in this room. Unless otherwise told, this will be
2 the meeting. This is for the public's benefit.
3 The meetings will be here unless we're otherwise
4 directed. So we'll be here at nine o'clock, at
5 which time I will expect the City of Jacksonville
6 to advance its package of proposed changes to the
7 Board.

8 I would also say that, please -- it was the
9 responsibility of the advancing party -- make sure
10 there are some additional -- at least one
11 additional copy available in some format for the
12 public because I want to be clear on this. Unlike
13 some ways mediation works, I believe that the
14 sense of the order from the Circuit Court will
15 require that every proposal and counterproposal
16 that is made will be made at this table or its
17 equivalent. That is, we will not -- we will not
18 and I will not carry side messages.

19 We may talk separately, and both sides may
20 talk to me separately, but anything in the form of
21 a proposal or an advancement will be made at the
22 table. And any counterproposals will be made at
23 the table. That way, there will be no sense that
24 the public has in any way been deprived of the
25 same information that we're working on.

1 Again, there will be times -- and I think
2 just commonsense and experience tells you this.
3 There will be times that you two may -- I may want
4 you two to break off and think things over
5 separately. And you may want to talk amongst
6 yourselves and I may talk with you. But I will
7 not carry messages back and forth to one another.
8 I will not take proposals back and forth to one
9 another.

10 I may listen to your concerns, or you may
11 tell me you don't want me to listen to your
12 concern, and I will sit here and wait until you
13 come back in the room. So everybody understand
14 there will be -- proposals will only be advanced
15 that way. And everybody agrees to that?

16 Do you agree to that --

17 MR. KEANE: Agreed.

18 THE MODERATOR: -- John?

19 MR. KEANE: Agreed.

20 THE MODERATOR: City?

21 MAYOR BROWN: Yes, I agree.

22 THE MODERATOR: Okay. All right. We have
23 Monday at nine o'clock -- I mean, Tuesday at nine
24 o'clock. And we have Thursday, and Thursday I
25 didn't have set at a specific time. I would

1 recommend again nine o'clock for Thursday. Does
2 that work for everyone?

3 MR. HAND: Mr. Smith, if we could start a
4 little later on Thursday just because I know the
5 mayor has a conflict first thing in the morning.
6 So if it's possible to start, say, either at 9:30
7 or, even better, ten o'clock, I think that would
8 be preferable to us.

9 THE MODERATOR: Ten o'clock, John?

10 MR. KEANE: I have a conflict at ten o'clock,
11 but I'm going to get out of it.

12 THE MODERATOR: Well --

13 MR. KEANE: This is just very important.

14 THE MODERATOR: Okay.

15 MR. KEANE: Ten o'clock is good.

16 THE MODERATOR: Ten o'clock will work?

17 MR. KEANE: Ten o'clock.

18 THE MODERATOR: Okay. Let's make it, then --
19 to be clear, we're going to be Tuesday at nine and
20 Thursday at ten.

21 Now, I want to move into the next week for
22 scheduling purposes. This would be -- so that
23 we're clear on this, this would be the week that I
24 believe begins the 12th; is that correct? Is that
25 what you have?

1 MR. HAND: Correct.

2 THE MODERATOR: That would be the week
3 beginning the 12th. I'd like to schedule at least
4 two days out of the first three of that week, if
5 possible. How does Monday look for everyone, on
6 the 12th?

7 MR. KEANE: I have a conflicting meeting I
8 cannot change.

9 THE MODERATOR: Okay.

10 MR. KEANE: It lasts between eleven and two.
11 We can start, take the break, take a longer lunch
12 period, and then take up after that.

13 THE MODERATOR: I think what we will do,
14 John, in respect to that, is that -- let me check
15 Tuesday. How is Tuesday for everyone?

16 MR. HAND: We have flexibility on both Monday
17 and Tuesday. What I'd suggest is -- just to sort
18 of, again, keep it moving forward, if -- John,
19 what time is your conflict on Monday? I'm sorry.

20 THE MODERATOR: Eleven to two.

21 MR. KEANE: Eleven to two.

22 MR. HAND: It might be appropriate if we were
23 able to start, say, at nine on Monday, at least
24 work for a couple hours --

25 MR. KEANE: Sure.

1 MR. HAND: -- until Mr. Keane's conflict --

2 THE MODERATOR: Okay.

3 MR. HAND: -- and then if we have to
4 return -- now, just to be clear, there is -- the
5 Jacksonville Port Task Force is meeting, I
6 believe, in this room on Monday afternoon, so we
7 might need to make some alternative arrangements
8 for the afternoon, but we can start here at nine.

9 THE MODERATOR: I will leave that up to the
10 parties as to location, but as soon as you arrive
11 at a location, please put out a press release on
12 that so the public will know that there's been a
13 change of location.

14 We will then -- we are going to meet at nine
15 on Monday. We know we're going to have a break in
16 the Monday proceedings for some -- few hours. We
17 will plan to reconvene at two o'clock that
18 afternoon, or 2:15, whatever you need to get back
19 over here.

20 Then on Tuesday, we will again start at nine
21 o'clock, and we will try to go through Tuesday.
22 That will be the --

23 MR. KEANE: 13th.

24 THE MODERATOR: That would be the 13th.

25 And I'm going to pick one more day because I

1 plan on that week, hopefully, being our last. Is
2 Wednesday better or is Thursday better for your
3 one more day that week?

4 MR. KEANE: Thursday is better for us, but --

5 THE MODERATOR: Okay.

6 MR. KEANE: -- we can do Wednesday too, if
7 that's better with the chief.

8 MR. HAND: We can do either -- I think
9 Wednesday would be slightly preferable. We'd have
10 to start a little bit later. It might be that
11 whatever we do, Wednesday or Thursday, our
12 preference would be to start in the early
13 afternoon.

14 THE MODERATOR: On Wednesday?

15 MR. HAND: We could do early afternoon
16 Wednesday or Thursday.

17 THE MODERATOR: Okay. Let's do the afternoon
18 Wednesday and then Thursday. And that's what
19 we're going to calendar. And on Thursday, we'll
20 start at nine o'clock, unless otherwise provided.

21 MR. HAND: Again, both of those days,
22 Mr. Smith, if we could start in the afternoon --

23 THE MODERATOR: Okay.

24 MR. HAND: -- both Wednesday and Thursday.

25 THE MODERATOR: We'll start -- I'm going to

1 show Wednesday at one o'clock, and I'm going to
2 show Thursday at one o'clock. Now --

3 MR. HAND: We will confirm. Obviously, we
4 need to go back. We will confirm these because
5 our plan would be to notice -- once we nail down
6 the exact date and location, we can notice all
7 these today.

8 THE MODERATOR: Unless we otherwise provide,
9 we know now that we have a Tuesday and Thursday of
10 next week, and we have a Monday, Tuesday,
11 Wednesday, and Thursday of the following weeks,
12 that some portion of those days will be dedicated
13 to this process. That's as far out as I'm willing
14 to go because my goal was, as I told you in the
15 beginning, that I wanted to be available by the
16 middle of the month. I think that kind of gets --
17 that kind of gets me where I want to go.

18 I want to make one suggestion -- I'll just
19 make sure of something on my calendar.

20 That's okay. Yep. All right.

21 Okay. Now, with that housekeeping, I want to
22 talk about a couple of rules that I suggest that
23 we use for operating because I think they are
24 important for our orderly accomplishment of our
25 work. Number one, John, I don't know what your

1 plans are to have anybody else with you at various
2 times, but anybody that you bring on your side of
3 the table, you just designate who that is. I
4 don't know if it'll be Bob or somebody else, but
5 whoever you have, bring with you, just introduce
6 them as part of it, and they will be recognized as
7 your side.

8 The reason I say that is because I believe
9 that -- while this is a public meeting, I believe
10 that the time for public discussion of the matters
11 that we raise in this meeting as part of this
12 process is not going to occur. By that I mean,
13 we're not going to take public input on proposals
14 or counterproposals, and we're not going to hear
15 people talk about what they think we should and
16 shouldn't do.

17 Ultimately, if you-all are able to reach
18 agreement, there will be a time by which the
19 public will have dramatic ability to impact that,
20 the final product. And that final product will be
21 when it will go before your City Council. And
22 your City Council, of course, is governed by its
23 comments and its allowing for public input.

24 I think that to allow outside comment in this
25 process when we're talking about trying to forge

1 an agreement is counterproductive to our purposes,
2 and so it is my intention to -- and I have -- I am
3 familiar with this area of the law somewhat,
4 although I don't hold myself out as an expert, and
5 I believe there are times when things are open to
6 the public without requiring public comment beyond
7 that of the participants at the table.

8 That does not mean that you can't bring
9 somebody else in an area of expertise if you want
10 to on your side of the table. You absolutely can.
11 Just at the beginning of each meeting, we'll
12 declare who's going to be speaking.

13 And the same for you, John.

14 Is that satisfactory with everybody?

15 MR. KEANE: Satisfactory to us.

16 MAYOR BROWN: Satisfactory.

17 THE MODERATOR: Mr. Mayor? Okay.

18 All right. By way of background, I would
19 suggest the following: I have before me a reform
20 task force report bearing date March 19th, 2014.
21 I know you guys are well aware of this report.
22 What I would like the City and the Board to do is
23 I want you to take the agreements that we have in
24 place -- I think that would be an agreement that
25 you referenced earlier in your presentation, John.

1 Without conceding whether or not that's your legal
2 position or not -- for purposes of our discussion
3 that would be the agreement that you referred to
4 and sometimes called the 30-year agreement. We
5 have agreements that we've previously reached,
6 which have been not passed and accepted by the
7 Council. And then we have this reform task force.

8 I would like to see your proposals be based
9 on the task force reports or responses. I mean,
10 we could use any one of those things as our
11 starting point, but it seems to me that there's
12 been a great deal of effort expended by people who
13 spent a lot of time, took a lot -- had a lot of
14 public input, gave a broad base to their ideas.

15 So what I'd like you to do next week is we
16 will work off of the report of the task force.
17 That doesn't mean that anybody is bound to accept
18 the task force conclusions in total. But that's
19 the way we will proceed, is kind of working from
20 that point.

21 We could go back to what we had agreed to
22 earlier that has some issues, or we could go back
23 to -- that does not mean that what's been earlier
24 agreed to may not very -- I've reviewed this, and
25 sometimes they are exactly the same thing, and

1 sometimes the agreements that have previously been
2 reached are already encompassed in this. We just
3 have to have a starting point. And I'm going to
4 use this as a starting point, unless somebody
5 sorely objects, the task force report.

6 Your proposals should be based on what the
7 task force reported. Your responses should be
8 based on that. That does not suggest for a moment
9 that we can't go back to any of these other,
10 including status quo, as your position or your
11 response or your counterposition or
12 counterresponse.

13 Everybody okay with that?

14 MR. KEANE: I would note that the task force
15 was careful not to make any recommendations on
16 benefit changes. And if that's what we're going
17 to be talking about, we're going to have to take a
18 second path at that. The main recommendations in
19 the task force had to do with governance. And I
20 think we're going to be more inclined to be
21 talking about long-term benefit changes. Is that
22 not correct --

23 THE MODERATOR: Well, let me respond --

24 MR. KEANE: -- both of them?

25 THE MODERATOR: Let me respond to that. I'm

1 not going to restrict anybody from bringing up
2 anything. I'm not sure that I read the report
3 exactly that way, but I will certainly say there
4 was an emphasis on governance in the report.
5 There's no question about that.

6 MR. KEANE: Correct.

7 THE MODERATOR: But there were other issues
8 that were covered in this report. And once again,
9 when I start saying things like benefits, it's
10 such a broad-ranging term. I'm not going to
11 really get into that debate, but what I am going
12 to say is that we have to have a starting point.
13 We're going to use it as a starting point, the
14 recommendations of the task force.

15 That does not bind, limit, constrain -- what
16 other terms there will be -- anybody from talking
17 about things that we previously have tried to
18 agree to in past sessions or from talking about
19 things that have been agreed to with past
20 administrations. All of those things are on the
21 table. You're never going to get there if you
22 turn a blind eye to what got us here.

23 But for purposes of our starting point, we're
24 going to start and discuss proposals either that
25 were specifically included in the task force or

1 were inculcated in the task force findings because
2 they reference previous agreements; okay?

3 Everybody okay with that?

4 MR. KEANE: Okay.

5 THE MODERATOR: All right. So that will be
6 your responsibility. And you understand your
7 responsibility Monday would be you'll put a
8 package on the table. And, Mr. Mayor, when I say
9 you-all, I'm talking to you-all --

10 MAYOR BROWN: Sure.

11 THE MODERATOR: -- collectively.

12 MAYOR BROWN: Sure. The City, I get it.

13 MR. HAND: Did you mean Tuesday, Mr. Smith?

14 THE MODERATOR: I mean Tuesday. Did I say
15 Monday? Tuesday, our first session.

16 The other thing I wanted to kind of touch
17 base on, because I thought it was important, is
18 that either side can, at any time, ask to caucus.
19 And let me give you an example. You shall, I
20 hope, bring in your proposals, and you're going to
21 be explaining those proposals -- and, John, either
22 you alone or you in conjunction with some people
23 who may not be ready to immediately respond. You
24 may be; you may not be. All you have to do is
25 request a period of time to caucus and we'll do

1 that.

2 The same with the City. When John comes
3 back -- or if John comes back with
4 counterproposals or responses to your stuff, same
5 thing. I don't expect people -- you can ask
6 questions across the table. I would ask you to --
7 because of orderliness, let's try to address me
8 first so we don't get into yelling across the
9 table at one another, which sometimes happens. We
10 don't want that to occur. But my point is to
11 moderate and facilitate, so we're going to do it
12 that way.

13 Also, it is not my role to take sides, but I
14 can tell you in advance I will try to formulate
15 questions that I think are questions that ought to
16 be asked about every one of the proposals or
17 counterproposals because I think that goes back to
18 things that -- we certainly want to make sure we
19 don't leave anything undone. If I ask a question
20 or if I refrain from asking a question, that
21 should not be read by either side as somehow my
22 trying to take the other side's position.

23 I think, like anybody who's trying to
24 moderate something, I want to make sure that we
25 get a full fleshing of discussions so that later,

1 when we reach an agreement, if that happens, and
2 I'm hopeful that it will, that everybody had a
3 chance to fully consider what they were agreeing
4 to.

5 And finally, as I understand it, between
6 these two parties it is agreed -- and this was a
7 condition of my accepting to do this -- is that
8 between these two parties and recognizing these
9 two parties -- don't limit anybody else -- but as
10 between these two parties, in playing my role as
11 moderator, I will not later, by either of these
12 parties, be considered as a witness as to any
13 discussions that I've had with either side or
14 as -- for purposes of my giving an interpretation
15 of what the intention was of any of the provisions
16 that are agreed upon.

17 The intention will be as stated from the
18 parties. The intention will be as stated in the
19 plain language that is used. And the intention --
20 and my role here is not to make a judgment about
21 whether or not it's a wise decision or who it
22 favors. My role here is simply to try to
23 facilitate agreement.

24 The City agrees with that?

25 MAYOR BROWN: Yes.

1 MR. KEANE: Sure.

2 THE MODERATOR: The Board agrees with that?

3 MR. KEANE: Certainly.

4 THE MODERATOR: All right. With that,
5 questions from you guys for today, anything else
6 that organizationally you think that I should
7 address today that I've not addressed today in
8 guiding how we're going to proceed?

9 MR. HAND: One other thing I wanted to put on
10 the record, just expanding what I said previously,
11 I mentioned that, obviously -- and Mr. Keane's
12 made this clear, and we have -- in terms of not
13 waiving our rights or arguments under the Wyse
14 litigation, it's in federal court. As you
15 referred to, there's a separate piece of
16 legislation, the Denton case --

17 THE MODERATOR: Uh-huh.

18 MR. KEANE: -- in state court. Again, I just
19 want to put on the record the City is not waiving
20 any arguments or rights it has as pertains to that
21 litigation, which is currently on appeal before
22 the First District Court of Appeal.

23 THE MODERATOR: Yeah. So that we're clear on
24 this, when I decided to do this -- I consider this
25 to be a public effort to reach an agreement.

1 Nobody who's participating in this -- I'm not
2 reading that as -- and I don't read that as a
3 waiver, and I think both parties have said their
4 participation is to preserve any rights they
5 otherwise have, that they are here solely for the
6 purposes of what would be called settlement
7 discussions.

8 Is that correct from the City's perspective?
9 Yes?

10 MR. HAND: Yes.

11 THE MODERATOR: And from yours, the Board's,
12 perspective?

13 MR. KEANE: That's our position.

14 THE MODERATOR: Okay. So with that, I think
15 we're clear that we're trying to facilitate
16 agreement. And nobody's abandoning any arguments.
17 Nobody's endorsing any arguments that might
18 otherwise be advanced. This is settlement
19 discussions to see whether or not between these
20 parties we might effectuate pension reform.

21 Anything else procedurally that you think we
22 need to cover today?

23 MR. HAND: There's one scheduling matter I
24 wanted to raise, Mr. Smith.

25 THE MODERATOR: Please.

1 MR. HAND: We had sort of talked about
2 starting at 9:00 a.m. on Tuesday. I note the
3 mayor's got a conflict. I wondered if it works
4 for Mr. Keane to start at ten on Tuesday, as
5 opposed to nine? That's Tuesday May the 6th.

6 MR. KEANE: Much better time.

7 MR. HAND: Okay. Great. So if we could plan
8 to start at ten on the 6th, as opposed to nine,
9 that would be very helpful. And then we also
10 start at ten on Thursday, the 8th.

11 THE MODERATOR: Got them both. And the
12 others are at one, on --

13 MR. HAND: 9:00 a.m. --

14 THE MODERATOR: Two -- 9:00 a.m. is --

15 MR. HAND: -- is on May the 12th --

16 THE MODERATOR: -- on Monday, and then the
17 other two are at one.

18 MR. HAND: Yeah, Wednesday and -- Wednesday,
19 the 14th, Thursday --

20 THE MODERATOR: Do you think we've scheduled
21 enough sessions here, Gentlemen?

22 MR. KEANE: Yes, sir.

23 MAYOR BROWN: Yes.

24 THE MODERATOR: Okay. John, is there
25 anything -- Mr. Mayor, either one, is there

1 anything that we haven't addressed today
2 organizationally that you think will be important
3 to our success?

4 MR. KEANE: No, sir. I think that the
5 outline that you prepared is a good one. The
6 Police and Fire Pension Board has long been
7 committed to comprehensive pension reform. And
8 now is the time and this is the place to start the
9 journey to wrap it up.

10 THE MODERATOR: I was raised Baptist, so I'd
11 normally say "amen" at that point, so --

12 MR. KEANE: All right. You may.

13 MAYOR BROWN: Well, first of all, I agree
14 with John, you know. As mayor, I made a
15 commitment that I would try to get the issue of
16 retirement reform settled once and for all. I'm
17 committed to seeing it through. And I think the
18 timelines and the scheduled meetings, I think, are
19 enough. I think the goal is to get it done.

20 And as you said and you noted, a lot of work
21 has been done. And as I said before, this is more
22 than about numbers. It really is about the
23 quality of life in our City. It's about all the
24 hopes, dreams, and aspirations of every kid in the
25 City. It's really about making sure that at the

1 end of the day we have a City where people want to
2 live, work, and play and raise a family.

3 And there are a lot of public safety
4 officers, first responders, who work hard every
5 day on our behalf so that we can enjoy our
6 freedom, we can live in peace. And I think, as
7 mayor, I want to make sure that maybe we -- we
8 have five meetings scheduled. Maybe we'll get it
9 done in four.

10 But I think we've got -- I think this should
11 be it. I think we can do this. I am very
12 optimistic about it because we, both parties, love
13 this City, believe in this City, care about this
14 City. And I think we have an opportunity to get
15 it done.

16 MR. KEANE: And also before we adjourn --

17 THE MODERATOR: Go ahead.

18 MR. KEANE: -- you referenced the
19 Jacksonville Retirement Reform Task Force report.
20 The chairman of that group is here. He led 16 of
21 our citizens for a seven-month period on the long
22 journey. And on behalf of the Board and our
23 members, we appreciate the time and talent that
24 they gave to that effort.

25 Thank you, Mr. Chairman.

1 THE MODERATOR: Thank you.

2 Madam Court Reporter, please -- do this,
3 gentlemen -- or ladies the next time if we have
4 ladies with us -- please make sure that each of
5 you identifies yourself to the court reporter
6 before the beginning of each session, or, John,
7 anybody new that you bring, make sure they
8 introduce themselves so that she can go ahead and
9 get down correctly the names of the people because
10 I don't really like to play that thing where we
11 announce our name every time before we speak. In
12 this small group she'll know who you are once she
13 gets it down. She's absolutely effective at doing
14 this.

15 And also, if you could, when you see me use
16 grammar that's not going to look good, please fix
17 that.

18 With that, if there's no further matters for
19 today, we will start on Tuesday. And our first
20 order of business on Tuesday will be the City
21 advancing its proposed reform changes.

22 Gentlemen, thank you.

23 (The meeting was concluded at 10:40 a.m.)

24 - - -

25

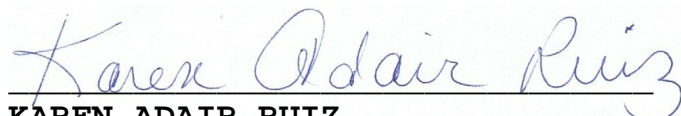
CERTIFICATE

STATE OF FLORIDA)
COUNTY OF ST JOHNS)

I, Karen Adair Ruiz, Registered Merit Reporter, Florida Professional Reporter, certify that I was authorized to and did stenographically report the foregoing meeting and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 7th day of May, 2014.



KAREN ADAIR RUIZ
Registered Merit Reporter
Florida Professional Reporter

1	A	advance 5:2 16:6 29:14	approaching 36:6 10:23
10:40 36:23	a.m. 33:2,13,14 36:23	advanced 17:14 32:18	Appropriations 6:3
12th 18:24 19:3,6 33:15	abandoning 32:16	advancement 16:21	April 13:11
13th 20:23,24	abide 11:1	advancing 14:14 16:9 36:21	area 24:3,9
14th 33:19	ability 23:19	advice 8:21	arguments 7:25 9:10 31:13,20 32:16,17
16 35:20	absolutely 24:10 36:13	afternoon 20:6,8, 18 21:13,15,17,22	arrangements 20:7
17 3:16	accept 25:17	agencies 4:13,17	arrive 20:10
1970s 10:12	acceptable 9:1 15:2,3	agent 8:4	arrived 13:1 14:3
1993 5:15	accepted 25:6	agree 4:1 11:23 12:6 17:16,21 27:18 34:13	Article 7:10
19th 24:20	accepting 30:7	agreed 10:8 13:19 15:5,6 17:17,19 25:21,24 27:19 30:6,16	aspirations 34:24
2	access 5:5	agreeing 30:3	assignment 13:20
2000 5:15,22,24	accommodation 12:8	agreement 7:12, 14,16,23 8:6,7 9:20,25 10:15 11:18 13:22 23:18 24:1,24 25:3,4 30:1,23 31:25 32:16	Association 5:19
2006 5:25	accomplish 12:5	agreements 14:2 24:23 25:5 26:1 28:2	attend 5:3
2014 13:9,12 24:20	accomplished 11:19	agrees 17:15 30:24 31:2	attention 13:23
22.07(b) 7:11	accomplishment 22:24	Agricultural 6:2	attorney 5:16,17
2:15 20:18	achieve 3:24 4:4, 5,8,11,13,15,22 6:12	ahead 12:11 35:17 36:8	authorized 7:10 8:4
3	achieving 3:7	allowing 23:23	Avera 5:23
30-year 25:4	acknowledge 3:4,11	alternative 20:7	aware 8:13 24:21
32 7:11	act 8:4	amen 34:11	B
4	Adam 7:8	Anderson 3:14	back 9:19 13:8 15:25 17:7,8,13 20:18 22:4 25:21, 22 26:9 29:3,17
40 10:23	Adams 7:5	announce 36:11	background 24:18
6	add 9:11	anticipated 7:21	Baptist 34:10
6th 33:5,8	additional 16:10, 11	appeal 8:11,12 10:18,19,22 31:21, 22	bargaining 8:3,4, 5,7 10:1,3,11
8	address 12:6 13:4 31:7	application 7:18	base 25:14 28:17
8:30 15:20,23	addressed 7:21 31:7 34:1		based 5:17 15:15 25:8 26:6,8
8th 33:10	adjourn 35:16		bearing 13:11 24:20
9	administrations 27:20		begin 9:6
9:00 33:2,13,14	administrator 7:3		beginning 14:4 19:3 22:15 24:11
9:30 18:6			begins 18:24
			behalf 7:6 9:7 35:5,22
			believes 6:15
			beneficial 14:7
			benefit 16:2 26:16,21
			benefits 27:9
			biggest 3:19
			Bill 3:12
			bind 27:15
			Bishop 3:12
			bit 13:4 21:10
			blind 27:22
			Board 7:7 8:3,8,19 11:17 14:15,25 16:7 24:22 31:2 34:6 35:22
			Board's 8:15 32:11
			Bob 23:4
			Bobby 7:7
			bound 25:17
			break 17:4 19:11 20:15
			bridge-builder 6:10
			bring 12:15 23:2,5 24:8 28:20 36:7
			bringing 14:24 27:1
			broad 25:14
			broad-ranging 27:10
			brought 6:10 9:24 12:13
			BROWN 3:2 15:3, 11 17:21 24:16 28:10,12 30:25 33:23 34:13
			budget 4:6
			burst 3:23
			business 4:18

36:20	City's 32:8	conflicting 19:7	date 13:11 22:6 24:20	dreams 34:24
Bussells 7:7	civil 5:14	conjunction 28:22	day 6:19 20:25 21:3 35:1,5	due 15:22
<hr/>	claims 8:16	considered 30:12	days 19:4 21:21 22:12	<hr/>
C	Clay 3:13	constrain 27:15	dead 15:23	E
<hr/>	clear 4:25 15:7 16:12 18:19,23 20:4 31:12,23 32:15	continued 7:17	deal 7:7 25:12	earlier 10:8,13 24:25 25:22,23
calendar 15:8 22:19	closely 6:5 12:24	contract 8:8	debate 27:11	early 21:12,15
call 3:3	closure 4:19	copy 16:11	decided 31:24	echo 9:23
called 11:6 25:4 32:6	collective 8:6 10:1,3,10,11	correct 18:24 19:1 26:22 27:6 32:8	decision 30:21	effective 36:13
calls 7:14	collectively 8:2 28:11	correctly 36:9	declare 24:12	effectuate 32:20
Capital 5:20	comment 23:24 24:6	council 3:11 6:25 13:8 23:21,22 25:7	dedicated 3:16 22:12	effort 12:17 25:12 31:25 35:24
care 35:13	comments 5:11 23:23	Councilman 3:12, 13	dedication 3:22	efforts 3:25 11:22
career 5:13 11:7	commitment 34:15	counsel 8:21	defined 13:25	Eighth 5:16
careful 26:15	committed 34:7, 17	Counsel's 13:11	deliver 6:7	eleven 19:10,20, 21
carried 10:12	Committee 6:2,4	counterposition 26:11	Denton 10:20 13:2 31:16	emphasis 27:4
carry 16:18 17:7	common 11:25	counterproductiv e 24:1	deprived 16:24	employees 4:11, 17,19 6:20
case 5:18 8:14 10:20 13:3 31:16	commonsense 17:2	counterproposal 16:15	designate 23:3	employment 5:14
caucus 28:18,25	community 4:7	counterproposal s 16:22 23:14 29:4, 17	desire 7:17	encompassed 26:2
chair 6:1,2 7:7	comply 8:10	counterresponse 26:12	determined 14:13	end 6:18 35:1
chairman 3:19 35:20,25	comprehensive 8:17 9:2 34:7	counties 5:25	differences 6:11	ending 14:6
challenge 3:19	conceding 25:1	couple 12:11 19:24 22:22	directed 16:4	endorsing 32:17
chance 30:3	concern 17:12	court 5:6,17 8:12 9:8 10:18 31:14, 18,22 36:2,5	director 3:5 7:3	engaged 10:8,10
change 19:8 20:13	concerns 12:7 17:10	cover 32:22	disclosure 12:12	enjoy 35:5
charge 12:3	concluded 36:23	covered 27:8	discuss 27:24	ensure 5:4 7:17
Charter 7:11	conclusions 25:18	credit 4:14	discussed 8:23 14:19	equitable 7:19
check 19:14	condition 30:7	criminal 5:14 6:3	discussion 23:10 25:2	equivalent 16:17
chief 4:8 6:25 21:7	conditions 7:18	cross 8:15 10:19	discussions 4:24,25 5:5,12 7:16 9:1 29:25 30:13 32:7,19	eulogies 6:7
Circuit 5:16 16:14	conducting 8:19	current 7:19	distinguished 5:13	exact 22:6
circumstances 7:20	confident 6:12	<hr/>	District 8:12 31:22	excellent 4:14
citizens 4:7 35:21	confirm 22:3,4	D	dog 12:19	execution 7:22
City 3:9,18 4:14, 16,19 5:8 6:19,20, 24 7:11,12 8:8,15 9:7,8 11:16 13:8 14:15,17,24 15:9 16:5 17:20 23:21, 24:22 28:12 29:2 30:24 31:19 34:23, 25 35:1,13,14 36:20	conflict 18:5,10 19:19 20:1 33:3	Danny 5:18	Downtown 7:5	executive 3:5 7:3 12:21
			dramatic 23:19	expanding 31:10
				expect 29:5
				expended 25:12
				experience 17:2
				experiences

11:25	Florida 5:24,25 10:11	governed 23:22		25:22 27:7
expert 24:4	focus 4:12	grammar 36:16	I	
expertise 24:9	follow 10:24	grateful 3:24	ideas 25:14	J
explain 14:20	force 3:17,20,22 12:23 20:5 24:20 25:7,9,16,18 26:5, 7,14,19 27:14,25 28:1 35:19	great 25:12 33:7	identifies 36:5	Jacksonville 3:17, 4:18 5:9 6:6 7:4,6,13 9:9 12:23 20:5 35:19
explaining 28:21	forge 23:25	Greg 3:14	Ill 7:9	Jim 6:5
expressed 11:12	forgotten 12:18	ground 12:11 13:19	immediately 28:23	John 3:6 5:10 6:15,23 7:2 9:15, 25 15:13 17:18 18:9 19:14,18 22:25 24:13,25 28:21 29:2,3 33:24 34:14 36:6
extend 7:9	form 16:20	group 35:20 36:12	impact 23:19	journey 34:9 35:22
eye 27:22	format 16:11	guidance 10:6 11:2 13:6	impediment 10:14	Judge 8:10,13 13:3
F	formulate 29:14	guide 13:18	implementation 8:17	judgment 13:2 30:20
faced 15:21	forward 8:25 14:6, 17 19:18	guided 7:17	important 4:12 9:2 15:17 18:13 22:24 28:17 34:2	Judicial 5:16
facilitate 29:11 30:23 32:15	found 8:13	guiding 31:8	inclined 26:20	jump 12:19
fact 6:6	freedom 35:6	guy 10:22	include 8:20	juries 12:3
fair 7:19	friend 6:15,23	guys 14:3 24:21 31:5	included 27:25	jurisdiction 8:14
familiar 10:3 12:14 24:3	fruitful 8:25	H	includes 8:15	justice 5:14 6:3
family 35:2	full 13:23 29:25	Hall 3:10	including 26:10	K
favor 11:16,17,20	fully 14:20 30:3	HAND 9:5 15:10 18:3 19:1,16,22 20:1,3 21:8,15,21, 24 22:3 28:13 31:9 32:10,23 33:1,7, 13,15,18	inculcated 28:1	Keane 3:6 5:10 6:15,24 7:2 9:16 11:8 15:2,14 17:17,19 18:10,13, 15,17 19:7,10,21, 25 20:23 21:4,6 24:15 26:14,24 27:6 28:4 31:1,3, 18 32:13 33:4,6,22 34:4,12 35:16,18
favours 30:22	fund 3:5 7:4,14,24	happen 12:1	individual 4:23	Keane's 20:1 31:11
federal 9:8 10:17 31:14	future 8:2	hard 3:21 6:18 35:4	information 16:25	kid 34:24
feel 13:25	G	hear 23:14	initial 14:17	kind 13:17 22:16, 17 25:19 28:16
feels 13:15	Gainesville 5:17, 23	held 4:25 8:9	initially 14:14	King 6:5,6
file 12:14,18	gave 25:14 35:24	helped 3:22 6:11	input 23:13,23 25:14	L
final 3:23 13:2 23:20	General 13:11	helpful 33:9	intend 12:24	ladies 36:3,4
finally 30:5	gentlemen 33:21 36:3,22	Herbert 7:8	intention 24:2 30:15,17,18,19	
financial 3:19 7:20	genuinely 11:12	hold 24:4	interest 11:13	
find 11:6	give 11:22 13:23 15:18 28:19	hope 11:14 12:2 28:20	interests 8:18 14:8	
findings 28:1	giving 30:14	hoped 9:18	interpretation 30:14	
finish 4:15	Glover 7:8	hopeful 30:2	introduce 4:23 5:11 23:5 36:8	
fire 3:5 7:4,13 13:8 34:6	goal 22:14 34:19	hopes 3:7 34:24	introductory 5:11	
firefighters 10:13	good 3:2 6:15,22, 25 9:16,17 18:15 34:5 36:16	hours 19:24 20:16	issue 9:2 34:15	
firm 5:23	governance 26:19 27:4	housekeeping 22:21	issued 8:10	
fiscal 7:19			issues 8:16,23 10:17,19 11:14 12:15 13:5,13 14:4	
fix 36:16				
fleshing 29:25				
flexibility 19:16				

language 30:19	maintains 4:14	moderator 5:12 6:25 9:5,13,17 11:5,9 15:4,12,15 17:18,20,22 18:9, 12,14,16,18 19:2, 9,13,20 20:2,9,24 21:5,14,17,23,25 22:8 24:17 26:23, 25 27:7 28:5,11,14 30:11 31:2,4,17,23 32:11,14,25 33:11, 14,16,20,24 34:10 35:17 36:1	notice 15:17 22:5, 6	parties 5:1 7:22 9:24 20:10 30:6,8, 9,10,12,18 32:3,20 35:12
lasts 19:10	make 4:3,24 6:18, 21 14:12 15:24 16:9 18:18 20:7 22:18,19 26:15 29:18,24 30:20 35:7 36:4,7	moment 10:21 11:4 26:8	noticed 5:2	party 16:9
late 6:5	making 34:25	momentum 3:23	Number 9:24 14:11 22:25	passed 25:6
law 5:14,15,22 10:23 24:3	March 13:9 24:20	Monday 8:20 17:23 19:5,16,19, 23 20:6,15,16 22:10 28:7,15 33:16	numbers 34:22	past 11:24 27:18, 19
lead 12:10	matter 32:23	months 3:18	<hr/> O <hr/>	path 26:18
leave 20:9 29:19	matters 23:10 36:18	Morales 8:13	objected 14:23	peace 35:6
led 35:20	mayor 3:2 6:24 9:14 15:3,11,22 17:21 18:5 24:16, 17 28:8,10,12 30:25 33:23,25 34:13,14 35:7	morning 3:2 7:1 15:21,24 18:5	objects 26:5	pending 8:1 9:8 10:17
legal 8:7,21 25:1	mayor's 33:3	move 4:20 14:12 18:21	occur 23:12 29:10	pension 3:5 6:16 7:4,6,13 8:8,18 9:2,21 11:17 13:8 14:1,6 32:20 34:6, 7
legislation 31:16	meaningful 8:25	moving 14:5 19:18	office 7:5 13:11	pensions 4:10
letter 13:6,7,10	means 4:18	mutual 7:17	officers 35:4	people 6:10 12:13 15:18 23:15 25:12 28:22 29:5 35:1 36:9
lies 14:15	mediation 10:7 16:13	mutually 9:1	open 12:3 13:16 24:5	percent 11:10
life 10:2 11:25 34:23	meet 3:6 13:21 15:5,6,25 20:14	<hr/> N <hr/>	operating 22:23	period 11:12 13:21,23,24 14:8 19:12 28:25 35:21
likewise 13:10	meeting 3:4 5:7 7:10,14 8:20 16:2 19:7 20:5 23:9, 24:11 36:23	nail 22:5	opinion 13:10	periodically 7:15
limit 27:15 30:9	meetings 3:9 5:1 8:9,24 15:18,19 16:3 34:18 35:8	names 36:9	opportunity 35:14	persisted 4:2
listen 12:3 17:10, 11	member 5:24	Nat 7:8	opposed 33:5,8	perspective 32:8, 12
litigation 8:1,22 9:8,11 10:17 31:14,21	members 3:11,16, 20 5:4 6:25 35:23	nation's 5:20	optimistic 35:12	pertains 31:20
Litigators 5:20	memorial 6:7	nationally 5:19	order 5:4 8:10 10:24,25 16:14 36:20	pick 20:25
live 35:2,6	mentioned 31:11	needed 3:23	orderliness 29:7	piece 31:15
location 20:10,11, 13 22:6	message 4:20	nobody's 32:16, 17	orderly 14:13 22:24	place 24:24 34:8
long 4:3 11:12 14:8 34:6 35:21	messages 16:18 17:7	North 5:25	organizationally 31:6 34:2	plain 30:19
long-term 26:21	met 3:17	note 10:16 26:14 33:2	outlined 34:5	plan 20:17 21:1 22:5 33:7
longer 10:25 19:11	mid 10:12	noted 34:20	overcome 6:11	plans 23:1
looked 12:22	middle 22:16		<hr/> P <hr/>	play 35:2 36:10
lot 25:13 34:20 35:3	mind 12:3		package 14:17,25 16:6 28:8	playing 30:10
love 35:12	moderate 4:24 29:11,24		Paragraph 7:11	pleased 3:6 9:22
lunch 19:11			part 5:6 12:14 14:11 23:6,11	point 25:11,20 26:3,4 27:12,13,23 29:10 34:11
Lynwood 3:9			participants 24:7	police 3:5 7:4, 10:13 34:6
<hr/> M <hr/>			participating 32:1	
Madam 36:2			participation 7:24 32:4	
made 16:16,21,22 31:12 34:14				
main 4:21 26:18				

Port 20:5	provide 3:23 4:6 22:8	reasons 14:21	resolve 4:21 11:13	Rutherford 4:8
portion 22:12	provided 21:20	receive 8:21	resolved 11:15	<hr/> S <hr/>
position 25:2 26:10 29:22 32:13	provisions 30:15	recognized 5:19 23:6	respect 15:22 19:14	safety 4:10 35:3
positions 14:20, 21	public 4:10 5:2,3,4 8:9 11:21 15:17 16:12,24 20:12 23:9,10,13,19,23 24:6 25:14 31:25 35:3	recognizing 30:8	respond 26:23,25 28:23	satisfactory 24:14,15,16
practiced 5:22	public's 16:2	recommend 18:1	responders 35:4	schedule 19:3
practicing 5:13 10:23	purpose 9:20 11:16	recommendation s 26:15,18 27:14	response 26:11	scheduled 33:20 34:18 35:8
preeminent 5:21	purposes 15:17 18:22 24:1 25:2 27:23 30:14 32:6	reconvene 20:17	responses 25:9 26:7 29:4	scheduling 18:22 32:23
preferable 18:8 21:9	put 9:6 20:11 28:7 31:9,19	record 5:7 7:2 9:6, 12 31:10,19	responsibilities 14:12	Scheu 3:19
preference 21:12	<hr/> Q <hr/>	recorded 5:5	responsibility 14:13,16,24 16:9 28:6,7	search 12:8
prepared 12:6,22 13:7 14:19 34:5	quality 4:6 34:23	recruit 4:9	restated 7:12,22	selected 6:6
presentation 24:25	question 27:5 29:19,20	reference 28:2	restrict 27:1	senate 5:24 6:4,9
presented 7:20	questions 29:6,15 31:5	referenced 24:25 35:18	results 6:12	Senator 6:1,5,6 9:16
preserve 32:4	quickly 4:20	referred 25:3 31:15	retain 4:9	send 4:20
press 20:11	quo 26:10	reform 3:8,24 4:2, 4,5,9,11,13,15,22 5:9 6:17 8:18 9:3, 21 14:4,7 24:19 25:7 32:20 34:7,16 35:19 36:21	retirement 3:7,17, 24 4:2,4,22 5:9 34:16 35:19	sense 10:1 16:14, 23
previous 28:2	<hr/> R <hr/>	reforms 14:18,25	return 20:4	Senterfitt 4:8
previously 25:5 26:1 27:17 31:10	raise 23:11 32:24 35:2	refrain 29:20	review 7:15	separate 31:15
procedural 13:12	raised 10:19 34:10	relates 10:20	reviewed 13:2 25:24	separately 16:19, 20 17:5
procedurally 32:21	rating 4:12,14,17	relationship 8:23	reviewing 13:17	serve 11:2
proceed 11:3 14:11,23 25:19 31:8	reach 9:20 10:15 12:8 23:17 30:1 31:25	release 20:11	rewrite 14:1,2	served 5:15,23 6:1
proceedings 11:2 13:9 20:16	reached 25:5 26:2	remind 12:19	Richard 7:8	service 6:4,8
process 14:6 22:13 23:12,25	reaching 13:22	report 12:23 24:20,21 25:16 26:5 27:2,4,8 35:19	rights 7:25 9:10 31:13,20 32:4	services 4:6
product 23:20	read 12:24 27:2 29:21 32:2	reported 26:7	roadmap 12:9	session 8:20 28:15 36:6
promised 13:20	reading 13:16 32:2	reporter 5:6 36:2, 5	Roberts 3:9	sessions 27:18 33:21
proposal 16:15,21	ready 28:23	reports 25:9	Rod 5:12 6:6,9	set 13:21 17:25
proposals 17:8, 14 23:13 25:8 26:6 27:24 28:20,21 29:16	reason 23:8	represented 5:25	role 29:13 30:10, 20,22	setting 8:9
proposed 14:14, 25 16:6 36:21		request 28:25	Rolling 5:18	settled 34:16
prosecuted 5:18		require 16:15	room 3:9,16 16:1 17:13 20:6	settlement 7:12 32:6,18
prosecutors 5:21		requiring 24:6	rules 12:11 13:19 22:22	seven-month 35:21
		resolution 8:16 9:1	ruling 13:3	she'll 36:12
				Sheriff 4:7
				short 13:25

show 12:19 22:1,2	success 12:10 34:3	19,24 22:2,9,11 33:10,19	unlike 10:7 16:12 16:25 25:19
side 12:4 16:18 23:2,7 24:10 28:18 29:21 30:13	suggest 19:17 22:22 24:19 26:8	time 4:3 6:16 9:18, 19 11:13 12:16 13:21,23,24 14:8 16:5 17:25 19:19 23:10,18 25:13 28:18,25 33:6 34:8 35:23 36:3,11	unsuccessful 12:16
side's 12:5 29:22	suggestion 22:18		unusual 11:6
sides 11:11 14:7 16:19 29:13	summary 12:22		upcoming 8:24
simply 30:22	Sunshine 5:1 10:9		<hr/> V <hr/>
sir 33:22 34:4	<hr/> T <hr/>	timelines 34:18	versus 8:15
sit 17:12		times 15:19 17:1,3 23:2 24:5	vice 6:2
sitting 15:23	table 16:16,22,23 23:3 24:7,10 27:21 28:8 29:6,9	title 11:5	videos 5:7
slightly 21:9	talent 35:23	today 3:20 7:10 8:2 22:7 31:5,7 32:22 34:1 36:19	<hr/> W <hr/>
small 12:13 36:12	talk 10:20 11:3 14:9 16:19,20 17:5,6 22:22 23:15	Today's 8:9	wait 17:12
Smith 5:12,13,15, 23 6:1 18:3 21:22 28:13 32:24	talked 33:1	told 11:21 16:1 22:14	waiver 32:3
solely 8:10 32:5	talking 23:25 26:17,21 27:16,18 28:9	top 11:10	waiving 7:25 9:9 31:13,19
solve 3:18	task 3:17,20,22 12:23 20:5 24:20 25:7,9,16,18 26:5, 7,14,19 27:14,25 28:1 35:19	total 25:18	Wall 4:21
sorely 26:5	taxpayers 4:5,16, 18 6:20	touch 28:16	Wallace 8:11
sort 19:17 33:1	team 3:7	traffic 15:22	Wallace's 13:3
speak 36:11	tells 17:2	transcript 5:8	Walt 7:7
speaking 24:12	ten 18:7,9,10,15, 16,17,20 33:4,8,10	treated 6:19	wanted 9:11 14:9 22:15 28:16 31:9 32:24
special 8:19	term 27:10	Trustee 7:6	ways 11:3 12:7,8,9 16:13
specific 17:25	terms 7:18 27:16 31:12	trustees 7:7	website 5:9
specifically 27:25	thing 4:1,24 6:13 14:12 18:5 25:25 28:16 29:5 31:9 36:10	Tuesday 15:5,8, 20,25 17:23 18:19 19:15,17 20:20,21 22:9,10 28:13,14, 15 33:2,4,5 36:19, 20	Wednesday 21:2, 6,9,11,14,16,18,24 22:1,11 33:18
spent 12:15 25:13	things 9:23 11:7 17:4 24:5 25:10 27:9,17,19,20 29:18	turn 5:10 6:14, 27:22	week 15:5,19 18:21,23 19:2,4 21:1,3 22:10 25:15
stabilize 4:6	thought 28:17	Tuten 7:8	weeks 22:11
start 18:3,6 19:11, 23 20:8,20 21:10, 12,20,22,25 27:9, 24 33:4,8,10 34:8 36:19	Thursday 15:6,8 17:24 18:1,4,20 21:2,4,11,16,18,	<hr/> U <hr/>	West 7:5
starting 3:8 25:11 26:3,4 27:12,13,23 33:2		Uh-huh 31:17	win-win 6:21
state 5:16,17 31:18		Ultimately 23:17	wise 30:21
stated 30:17,18		uncertainty 4:10	wondered 33:3
status 26:10		understand 12:4 17:13 28:6 30:5	work 3:21 4:12 18:2,16 19:24 22:25 25:16 34:20 35:2,4
Street 4:21 7:5		undone 29:19	worked 6:4
strong 4:20		unit 8:5	working 6:18,20
stubborn 4:1			
stuff 29:4			
			<hr/> Y <hr/>
			Yarborough 3:13
			year 12:16
			years 10:23
			yelling 29:8
			you-all 23:17 28:9