

The Florida Times-Union

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\$2



FSU READY TO FACE OFF

Sports, C-1

U.S. CHARGES 2 RUSSIAN AGENTS, 2 HACKERS IN YAHOO BREACH

Nation, A-8



NATIONAL REPORT BACKS UP CIVIL RIGHTS CONCERNS ON POLICE BODY CAMERAS

Metro, B-1

City attorney doesn't see a pension board role

General counsel asserts negotiations won't need approval from panel

By Nate Monroe & David Bauerlein
The Times-Union

The city's top attorney says Mayor Lenny Curry does not need a green light from the Police and Fire Pension Fund board on high-stakes negotiations

between his administration and public-safety unions — in effect eliminating the role of an agency that has been publicly skeptical of the mayor's plans.

City General Counsel Jason Gabriel notified the pension fund executive

director Tuesday that he believes the pension fund has no role to play as Curry moves forward with plans to totally reshape the city's retirement system. That is a significant change: City officials once expected they would need approval from the pension fund board.

It's not clear how the pension fund will react to the city's position. Gabriel

will speak to the board at its Friday meeting.

"I'm going to wait and see," board member Bill Scheu said Wednesday. "I want to see what he has to say in person. I haven't reached a decision yet."

Police and firefighter union members have overwhelmingly approved the deals with Curry. If Gabriel's analysis holds, it means the mayor's pension-re-

form plan can head directly to the City Council for final approval.

The pension fund has its own attorney, but Gabriel also represents the agency through his broad authority as the general counsel.

A long-running debate within the pension fund has been whether the Office of General Counsel can fairly represent its interests when there are conflicts

with the city, which have happened several times in the past. Recently, Curry publicly traded barbs with pension fund board members — several of whom say they have serious questions about the mayor's pension-reform plans.

The relationship between the city and the pension fund on recent retire-

PENSION continues on A-4

Police union challenges Nelson's focus on abuse

Attorney is prioritizing police-abuse probe, union president says

By Andrew Pantazi
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Tensions between police and prosecutors have emerged as Jacksonville's new state attorney, Melissa Nelson, brings changes to her office.

For years, police and prosecutors worked closely under former State Attorney Angela Corey. Rarely did police face felony prosecutions. Last year, when a camera captured a rookie cop named Akinyemi Borisade hitting and kicking a handcuffed woman, he pleaded no contest and faced no jail time or probation.

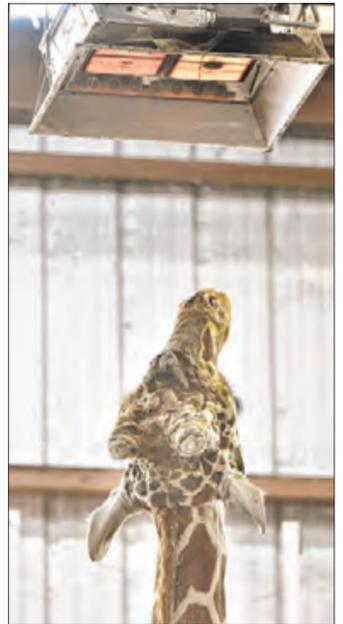
But this month brought the creation of a new State Attorney's Office division intended to focus on police abuse, along with elder abuse, hate crimes and human trafficking. Chief Assistant State Attorney Mac Heavener specifically cited the Borisade situation as the type of police-abuse case the division would prosecute.

The police union reacted sharply. "Sadly, it appears another politician is needlessly attacking Jacksonville's finest," read a Facebook post that included an open letter to Nelson.

Steve Zona, president of the Jacksonville chapter of the Fraternal Order of Police, wrote about the division in three different posts. "One word ... chilling. Activists and defense

UNION continues on A-4

Not quite the sun



Magellanic penguins and Duke, the reticulated giraffe, gather around heaters in their exhibits at the Jacksonville Zoo and Gardens. Zoo employees spent time preparing the animals for near record cold temperatures over night. (Will Dickey/Florida Times-Union)

MORE INSIDE

Record cold prompts concern for people, pets, plants. **B-1**

Federal judge puts revised Trump travel ban on hold

Associated Press

HONOLULU | Hours before it was to take effect, President Donald Trump's revised travel ban was put on hold Wednesday by a federal judge in Hawaii who questioned whether the administration was motivated by national security concerns.

U.S. District Judge Derrick Watson also said Hawaii would suffer financially if the executive order blocked the flow of

students and tourists to the state, and he concluded that Hawaii was likely to succeed on a claim that the ban violates First Amendment protections against religious discrimination.

"The illogic of the government's contentions is palpable," Watson wrote. "The notion that one can demonstrate animus toward any group of people only by targeting all of them at once is fundamentally flawed."

Trump called the ruling

an example of "unprecedented judicial overreach" and said his administration would appeal it to the U.S. Supreme Court.

"We're going to win. We're going to keep our citizens safe," the president said at a rally in Nashville. "The danger is clear. The law is clear. The need for my executive order is clear."

The judge issued his 43-page ruling less than two hours after hearing Hawaii's request for a temporary restraining order to stop the ban from being put into practice.

The ruling came as opponents renewed their legal challenges across the country, asking judges in three states to block the executive order that targets people from six predominantly Muslim countries. Federal courts in Maryland, Washington state and Hawaii heard arguments Wednesday about whether it should be allowed to take effect early

Thursday as scheduled.

In all, more than half a dozen states are trying to stop the ban.

Watson made it clear that his decision applied nationwide, ruling that the ban could not be enforced at any U.S. borders or ports of entry or in the issuance of visas.

Nominated to the federal bench by President Barack Obama in 2012, he is currently the only Na-

TRUMP continues on A-4

Weather

Sunny
Forecast on A-2

60 Today's high

32 Friday morning's low



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Classified	D-3	Life	E
Comics	E-3	Metro	B
Crosswords	D-5, E-3	Money	D
Editorials	A-6	Obituaries	B-4

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State Attorney Melissa Nelson's new division is intended to focus on police abuse, elder abuse, hate crimes and human trafficking. (Bob Mack/Florida Times-Union)

UNION

Continued from A-1

attorneys will decide when police officers should be charged," he wrote in the first post. "Nothing to see here folks, move along."

In subsequent Facebook posts, he specifically took aim at Octavius Holliday, the head of the division and the president of the D.W. Perkins Bar Association, an organization for black attorneys in North Florida. Though Holliday wasn't quoted in the story talking about police abuse, Zona re-posted the story and said Holliday was a part of "anti-police squads."

Holliday had returned to the State Attorney's Office when Nelson won election. He had worked the last few years as a defense attorney, and Zona took issue with the fact Holliday had previously represented a community activist, Diallo Sekou, who has been vocal in calling for more police transparency and accountability. Zona said he brought this to Nelson's attention and "I hope now ... she does the right thing."

Sekou was charged with a misdemeanor after leading protests that shut down a highway; after he pleaded no contest, he was sentenced to probation.

"It's very unprofessional for Steve Zona to say 'anti-police squads,'" Sekou said, adding that he views himself not as anti-cop, just pro-community. "It's very reckless and dangerous to

call someone [part of] an anti-police squad." Sekou also specifically praised Sheriff Mike Williams, who has said he supports the state attorney's human-rights division.

On Wednesday, Nelson and Zona declined to be interviewed but each issued a written statement. Nelson's office did not make Holliday available to comment.

Zona's statement said he met with Nelson earlier this week and while he still had disagreements with her, "we have been assured that the rights of our members will be honored. Based on those assurances we are willing to proceed with cautious optimism that the unit will not result in politically motivated or improper prosecution attempts of our members."

Nelson's statement said, "When hate crime and excessive force cases arise, this division also will review those cases, which historically were prosecuted by the Special Prosecution Unit under the past two administrations."

"This area is being led by Octavius Holliday, a talented attorney and gifted community leader who is president of the D.W. Perkins Bar Association and a member of the 2017 Leadership Jacksonville class."

"I have full faith and confidence in every attorney in this office to continue their dedicated work in protecting our community."

The police union's open letter, signed by Flagler College social work profes-

sor Tina Jaeckle, said that "officers might become tentative in their duties due to concerns and fear of false allegations and prosecution."

"It exacerbates a false narrative that already exists," she said in an interview, saying the use of force is rare. "I don't think it [the human-rights division] is necessarily a bad thing. I think they have to be very careful here not to alienate police with assumptions and false narratives."

She accused Nelson of creating the division for political reasons because the union supported Corey in the August election.

University of Florida law professor Kenneth Nunn, who focuses on the intersection of race and criminal justice, said he thinks the human rights division is a particularly good idea. Prosecuting police is different and more difficult than prosecuting civilians because of special protections the police get.

"It's an overreaction to say that the mere existence of a unit that is designed to ensure police officers are following the law themselves and that the police officers are not engaging in acts of abuse or criminality themselves is a reason for police to believe they are under assault," he said. "It makes absolutely no sense. If you look at the police themselves, the police have internal affairs divisions that focus on misconduct of police officers."

TRUMP

Continued from A-1

ive Hawaiian judge serving on the federal bench and the fourth in U.S. history. He received his law degree from Harvard in 1991.

In Maryland, attorneys told a federal judge that the measure still discriminates against Muslims.

Government attorneys argued that the ban was revised substantially to address legal concerns, including the removal of an exemption for religious minorities from the affected countries.

"It doesn't say anything about religion. It doesn't draw any religious distinctions," said Jeffrey Wall, who argued for the Justice Department.

Attorneys for the ACLU and other groups said that Trump's statements on the campaign trail and statements from his advisers since he took office make clear that the intent of the ban is to ban Muslims. Trump policy adviser Stephen Miller has said the revised order was designed to have "the same basic policy outcome" as the first.

The new version of the

ban details more of a national security rationale. It is narrower and eases some concerns about violating the due-process rights of travelers.

It applies only to new visas from Somalia, Iran, Syria, Sudan, Libya and Yemen and temporarily shuts down the U.S. refugee program. It does not apply to travelers who already have visas.

"Generally, courts defer on national security to the government," said U.S. District Judge Theodore Chuang. "Do I need to conclude that the national security purpose is a sham and false?"

In response, ACLU attorney Omar Jadwat pointed to Miller's statement and said the government had put out misleading and contradictory information about whether banning travel from six specific countries would make the nation safer.

The Maryland lawsuit also argues that it's against federal law for the Trump administration to reduce the number of refugees allowed into the United States this year by more than half, from 110,000 to 50,000. Attorneys argued that if that aspect of the

ban takes effect, 60,000 people would be stranded in war-torn countries with nowhere else to go.

Chuang made no immediate ruling.

In the Hawaii case, the federal government said there was no need to issue an emergency restraining order because Hawaii officials offered only "generalized allegations" of harm.

Jeffrey Wall of the Office of the Solicitor General challenged Hawaii's claim that the order violates due-process rights of Ismail Elshikh as a U.S. citizen who wants his mother-in-law to visit his family from Syria. He says courts have not extended due-process rights outside of a spousal relationship.

Neal Katyal, a Washington, D.C., attorney representing Hawaii, called the story of Elshikh, an Egyptian immigrant and naturalized U.S. citizen, "the story of America."

In Washington state, U.S. District Judge James Robart - who halted the original ban last month - heard arguments in a lawsuit brought by the Northwest Immigrant Rights Project, which is making arguments similar to the ACLU's in the Maryland case.

JEA workers push back on Curry's pension plan offers

Curry wants future hires to be placed into 401(k)-style investment accounts

By David Bauerlein
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Mayor Lenny Curry's pension-reform drive got a jolt this week when rank-and-file JEA employees from two unions rejected an offer made by the city-owned utility.

Curry needs buy-in from all the unions involved for the city to gain the maximum amount of financial benefit from a half-cent sales tax that voters approved in August for paying down the massive pension debt that is choking city finances.

In votes this week, JEA employees represented by the International Brotherhood of Electrical Workers and the Laborers' International Union of North America turned down offers made by JEA.

The unions and JEA will return to the bargaining table next week to try again for a deal.

While those votes were setbacks for Curry, he got strong backing from the International Association of Fire Fighters. In voting that wrapped up Wednesday, 77 percent of union members supported the tentative contract for firefighters through the rank of captain. The contract for district and battalion chiefs sailed through with 86 percent in favor.

Curry wants to close all three of the city's pension plans — police and firefighters, corrections officers, and general employees — to future hires by placing them into 401(k)-style investment accounts. Closing the pension plans will fulfill a requirement of state law for collecting a half-cent sales tax starting around 2031 to help pay down the city's pen-

sion debt.

So far, Curry has gotten union buy-in for closing the Police and Firefighter Pension Plan and the Corrections Officer Pension Plan to new hires, clearing the way for the city to use the future sales tax for paying down pension debt in those plans.

The General Employees Pension Plan has more moving pieces.

Four groups represent city of Jacksonville employees who are in the General Employees Pension Plan: the American Federation of State, County and Municipal Employees; the Jacksonville Supervisors Association; the Communications Workers of America; and Laborers' International Union of North America. City workers in bargaining units represented by those unions have all signed off on Curry's pension reform push.

But it's a different story in terms of JEA employees, who have their own bargaining units separate from units for city workers.

The organizations representing JEA employees in the General Employees Pension Plan are AFSCME, the Professional Employees Association, the International Brotherhood of Electrical Workers, and the Laborers' International Union of North America.

Unless all the bargaining units for both the city and JEA employees agree that future hires will not go into the General Employee Pension Plan, the city will not be able to close that pension plan and use the half-cent sales tax to help pay down its debt, which accounts for

about \$900 million of the city's \$2.85 billion of unfunded pension liability.

Ronnie Burris, business manager for the local chapter of LIUNA, said he is optimistic that another round of talks will produce an accord that members of his union can support.

He said in a meeting Wednesday with JEA administrators he told them that "whatever it takes to get this resolved, we're going to get it resolved." He said sticking points involve compensation, not the push to stop offering pensions to future hires.

Valerie Guterrez of the IBEW local representing JEA employees likewise said her union wants to continue bargaining with JEA to get an agreement enacted. She said JEA sought to end negotiations last month by making an offer that the union then brought to members without a recommendation on whether they should approve it. She said the main concerns are compensation and the push to stop offering pensions to future hires.

JEA did not respond to questions about the status of collective bargaining negotiations.

The support Wednesday by the International Association of Fire Fighters follows similar approval last month by the Fraternal Order of Police. Those unions represent employees who are covered by the Police and Fire Pension Fund.

The Fraternal Order of Police is the sole union representing members in the Corrections Officers Pension Plan. They voted Monday to accept the city's offer, satisfying the requirement for closing the Corrections Officers Pension Plan to new hires.

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PENSION

Continued from A-1

ment issues is complex, but it essentially stems from a 2015 pension-reform agreement between the two that sought to rein in runaway retirement costs and accelerate the paydown of the city's massive unfunded pension liability.

In tentative agreements Curry struck with local police and fire union leaders last month, the mayor made concessions to employees that touch on issues the 2015 reform agreement addresses.

In short, Curry wants to place all future City Hall employees into 401(k)-style retirement accounts, which would make Jacksonville the first major American city to eliminate pensions for all new hires, including cops and firefighters. Curry and the unions also agreed on pay raises and restoration of some pension benefits that were reduced in the 2015 agreement.

There is no dispute that the 2015 agreement between the city and the Police and Fire Pension Fund gives the city and the unions the authority to negotiate changes in salary and retirement benefits without any involvement by the fund. The pension fund previously negotiated benefits for police and firefighters, but the 2015 agreement brought that controversial practice to

an end.

At issue for the board at its Friday meeting is whether other financial provisions that the Police and Fire Pension Fund agreed to in 2015 can be changed without the pension fund board giving its consent.

For instance, the 2015 agreement set up an account controlled by the pension fund to help make extra payments for bringing down the city's pension debt more quickly. That account held about \$71 million as of last October.

The tentative agreement reached by Curry and the unions would take the money from that account and use it for purposes other than accelerating paydown of the city's \$1.8 billion pension debt. The city would use a portion of the money to help pay its annual required contribution, and the rest of the money would go to special "share accounts" set up for police and firefighters, which offers an extra source of retirement income on top of their pensions.

City officials originally believed the pension fund would have to sign off on re-purposing that money. Now, however, Gabriel says his legal analysis shows no role for the pension fund to play.

He wrote that "upon careful review, it is readily apparent that all of these accounts are directly connected to pension ben-

efits." He said that means the changes in the use of those reserve accounts "reflect benefit changes," so the 2015 agreement allows the city and the unions to negotiate how to use the accounts without needing any approval by the Police and Fire Pension Fund board.

Scheu said he wants to hear Gabriel's presentation about how changing the use of an account for paying down the city's pension debt falls under collective bargaining.

The Police and Fire Pension Fund board had publicly indicated a level of discomfort with Curry's plans — specifically the dearth of financial information available on how the mayor's plans would affect the long-term health of the pension fund.

Board members also indicated that they did not plan to follow the rapid timeline for approval that Curry demanded.

Top members of Curry's administration recently had individual briefing sessions with four of the five pension fund board members. The fifth, chairman Richard Tuten, refused to meet for a private briefing, citing concerns about the Sunshine Law.

The 2015 agreement is overseen by a federal judge. If the pension fund decides to challenge Gabriel's position, it will fall to U.S. District Judge Marcia Morales Howard to settle the dispute.

President blasts release of 2005 tax form, reporter's account

Trump paid 24.5 percent, while average Americans pay 10 percent

By Jill Colvin & Jeff Horwitz
Associated Press

WASHINGTON | President Donald Trump earned \$153 million and paid \$36.5 million in income taxes in 2005, paying a roughly 25 percent effective tax rate thanks to a tax he has since sought to eliminate, according to newly disclosed tax documents.



Donald Trump earned \$153 million and paid \$36.5 million in income taxes in 2005.

average American taxpayer forks over each year, but below the 27.4 percent that taxpayers earning 1 million dollars a year average were paying at the time, according to data from the Congressional Joint Committee on Taxation.

The tax form was obtained by Pulitzer prize-

winning journalist David Cay Johnston, who runs the website DCReport.org, and reported on MSNBC's "The Rachel Maddow Show." Johnston, who has long reported on tax issues, said he received the documents in the mail, unsolicited.

Trump took to Twitter early Wednesday to cast doubt on Johnston's account.

"Does anybody really believe that a reporter, who nobody ever heard of, 'went to his mailbox' and found

my tax returns? NBCNews FAKE NEWS!"

Johnston, speaking to ABC's "Good Morning America" Wednesday, said it's entirely possible that he received the returns from Trump himself or someone close to him, saying, "Donald has a long history of leaking things about himself."

He noted that the real question remains the sources of Trump's income, saying Trump doesn't want us to know "who he's beholden to."

Trump's hefty business loss appears to be a continued benefit from his use of a tax loophole in the 1990s, which allowed him to deduct his creditors' losses on Trump's failing casinos as his own business losses, which Trump then used to offset his personal taxes in future years.

In 1995, Trump reported a loss of more than \$900 million — an amount that had dwindled to \$103 million by the 2005 filing.