

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of Mayor Muriel Bowser



Mayor's Office of Legal Counsel

March 11, 2015

The Honorable Kenyan McDuffie, Chairman
The Committee on Judiciary
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Chairman McDuffie:

By email dated March 3, 2015, you requested that the Mayor's Office of Legal Counsel ("MOLC") provide responses to a series of questions in preparation for the Committee on Judiciary's March 4, 2015, oversight hearing on the performance of the MOLC during Fiscal Year 2014 and Fiscal Year 2015 to date.

Answers to these questions have been inserted into the text below or, where indicated, have been provided as an attachment.

If you have any additional questions, or need any additional information, please do not hesitate to contact me at 202-727-6975 or have your staff contact Tatiana Torres, Chief of Staff, at 202-727-7592.

Sincerely,

Mark H. Tuohey
Director
Mayor's Office of Legal Counsel

**MAYOR'S OFFICE OF LEGAL COUNSEL
RESPONSES TO PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS**

1. **Question:** Please provide, as an attachment to your answers, a current organizational chart for the agency with the number of vacant, frozen, and filled FTEs marked on each box.

Response: Please see Attachment A.

- (a) Please provide an explanation of the roles and responsibilities for each division and subdivision.

Response: See below

- **Director:** The office is headed by a Director who is appointed by the Mayor and serves at the Mayor's pleasure. The Director will serve as the Mayor's Legal Counsel and advise the Mayor on issues related to the law. The Director will employ attorneys and support staff to assist in carrying out the purposes of the office.
- **Deputy Director:** The Deputy Director will serve as the Director's support and stand-in. The Deputy Director's priority is the management of issues arising from subordinate agency general counsel-related matters. He will brief the Director and work with the Chief of Staff in making decisions at the executive team level.
- **Chief of Staff:** In charge of the implementation, design, and operations of the plans, logistics, strategy, and programs of the Mayor's Office of Legal Counsel. The Chief of Staff will be in charge, under the leadership of the Director and Deputy Director, of identifying processes and advising on solutions and corrections that will shape the team operations.
- **Special Assistant:** Efficiently manage the Director's time, providing information necessary for decision-making, using keen verbal and written communication skills while in the position. This position works on multiple projects and successfully manages changing priorities by supporting the Executive team. Plans, organizes and prepares for complex meetings including: communicating meeting details to members, arranging meeting venue and equipment/catering needs, compose and/or work with others to prepare agenda, ensure relevant materials are ready for meetings and/or review, providing day-of-event support, etc.
- **Associate Directors:** Initially there will be 5 Associate Directors who will oversee the 5 main clusters. These five individuals will be the principal points of contact for the Health and Human Services, Education, Government Operations, Public Safety and Justice, and Planning and Economic Development clusters. These Associate Directors, along with the Executive Team, will also advise on the full range of issues which arise in the agencies, including issues related to labor, FOIA, real estate, and other significant financial transactions.

(b) Please provide a narrative explanation of any changes made during the previous year.

Response: N/A

2. **Question:** Please provide, as an attachment, a Schedule A for your agency which identifies all employees by title/position, current salary, fringe benefits and program office as of January 26, 2015. The Schedule A also should indicate any vacant positions in the agency. Please do not include social security numbers.

Response: Please see below Attachment B.

3. **Question:** For fiscal year 2015 (to date), please list each employee whose salary was \$110,000 or more. Provide the name, position title, and salary. Also, state the amount of any overtime and also any bonus pay for each employee on the list.

Response: The following employees have a salary of \$110,000 or more:

| SALARIES ABOVE \$110,000 FISCAL YEAR 2015 | | | |
|--|-----------------|------------------|-----------|
| Employee Name | Title | Start Date | Salary |
| Mark Tuohey | Director | February 2, 2015 | \$195,000 |
| Ronald Ross | Deputy Director | January 12, 2015 | \$155,000 |

4. **Question:** For fiscal year 2015 (to date), please provide a list of employee bonuses or special award pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

Response: N/A

5. **Question:** For fiscal year 2015 (to date), please list all intra-District transfers to or from the agency.

Response: There were no intra-District transfers to and from the MOLC in Fiscal Years 2014 and 2015 since the MOLC is a new agency.

6. **Question:** For fiscal year 2015 (to date), please identify any special purpose revenue funds maintained by, used by, or available for use by your agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a

description of the program that generates the funds; (4) the amount of funds generated by each source or program; and (5) expenditures of funds, including the purpose of each expenditure.

Response: There were no special purpose revenue funds provided to the MOLC. For FY 15, the MOLC only received the funding based on the FIS, which were PS funds and a small amount for NPS.

7. **Question:** Please list all memoranda of understanding (MOU) entered into by your agency during fiscal year 2015 (to date). For each, indicate the date entered and the termination date.

Response: The MOLC did not enter into any memoranda of understanding (MOU) in FY15.

8. **Question:** Please provide, as an attachment, a list of all budget enhancement requests (including, but not limited to capital improvement needs) for fiscal year 2015 (to date). For each, include a description of the need and the amount of funding requested.

Response: There were no budget enhancement requests for the MOLC in FY15.

9. **Question:** Please list in chronological order every reprogramming in fiscal year 2015 (to date) of funds into and out of the agency. Include a “bottom line” – the revised, final budget for your agency. For each reprogramming, list the date, the amount, the rationale, and the reprogramming number.

Response: There was no reprogramming in FY15 of funds in and out of the MOLC.

10. **Question:** (a) Please list each grant or sub-grant received by your agency in fiscal year 2015 (to date). List the date, amount, and purpose of the grant or sub-grant received. (c) How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans (if any) are in place to continue funding?

Response: There were no grants or sub-grants received by the MOLC in FY15.

11. **Question:** Please provide a detailed description for each open capital project (including, but not limited to projects within the master equipment lease and projects that are managed or overseen by another agency or entity), from fiscal year 2015, or prior. Also include the budgeted funds and the funds spent by fiscal year. Please also provide the timeline for each project.

Response: The MOLC has no open capital projects from fiscal year 2015 or prior.

12. **Question:** Please list all pending lawsuits that name the agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city to significant liability in terms of money and/or change in practices and their current status. For those identified, please include an explanation about the issues for each case.

Response: We are aware of no pending lawsuits that name MOLC as a party.

13. **Question:** Please list and describe any ongoing investigations, audits, or reports of your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during fiscal year 2015 (to date).

Response: We are aware of no ongoing investigations, audits, or reports of the MOLC or any employee of the MOLC.

14. **Question:** Please list the following information in table format regarding the agency's use of SmartPay (credit) cards for agency purchases: individuals (by name) authorized to use the cards in fiscal year 2015 to date; purchase limits (per person, per day, etc.); total spent in fiscal year 2015 to date (by person and for the agency).

Response: The MOLC has not used SmartPay in Fiscal Year 2015.

15. **Question:** In table format, please provide the following information for fiscal year 2015 (to date) regarding your agency's authorization of employee travel: (1) individuals (by name and title/position) authorized to travel outside the District; (2) total expense for each trip (per person, per trip, etc.); and (3) justification for the travel (per person).

Response: In Fiscal Year 2015, no employee of the MOLC traveled either domestically or internationally.

16. **Question:** Please provide your anticipated spending pressures for fiscal year 2015. Include a description of the pressure, the estimated amount, and any proposed solutions.

Response: We cannot identify spending pressures for Fiscal year 2015 at this time.

Supplemental Question #1:

Please identify the chief priorities of the Mayor's Office of Legal Counsel.

Response: The chief priorities of the Mayor's Office of Legal Counsel in Fiscal Year 2015 and Fiscal Year 2016 are the following:

- The chief priorities of the MOLC can be summarized as follows: (1) advise the Mayor on critical legal issues, at her request; (2) support, coordinate and oversee the provision of legal advice to the subordinate agencies by the agency legal counsel; and (3) collaborate with the Office of the Attorney General in the provision of legal advice to the Executive Office of the Mayor and the agencies, while preserving the ultimate authority of the Mayor to direct the legal affairs of the Government of the District of Columbia.

Supplemental Question #2:

Please identify the MOLC's role in connection with disagreements between agency legal counsel and agency directors over litigation matters.

Response: Please see below:

- Litigation authority over matters concerning the subordinate agencies ultimately rests with the Mayor. The MOLC is responsible for the supervision of agency legal counsel, and in connection with any disagreement between agency legal counsel and agency directors over legal strategy, the MOLC will advise, subject to the ultimate authority of the Mayor.

Attachment B- Schedule A

| MAYOR'S OFFICE OF LEGAL COUNSEL (AA0) | | | | | | | | | | | | |
|---------------------------------------|-----------------|--------------------|----------------|-----------|---------------|-------|------|------------|-----------------|-------|-------|---------------|
| SCHEDULE A | | | | | | | | | | | | |
| Position Status | Position Number | Title | Name | Hire Date | Vacant Status | Grade | Step | Salary | Fringe Benefits | Index | PCA | Reg/Temp/Term |
| A | 00085675 | Chief of Staff | Tatiana Torres | 1/2/2015 | F | 8 | 0 | 102,588.00 | 27,185.82 | 80001 | 80010 | Regular |
| A | 00085676 | Deputy Director | Ronald Ross | 1/12/2015 | F | 10 | 0 | 155,000.00 | 41,075.00 | 80001 | 80010 | Regular |
| A | 00085677 | Director | Mark Tuohy | 2/2/2015 | F | 11 | 0 | 195,000.00 | 51,675.00 | 80001 | 80010 | Regular |
| A | 00077831 | Associate Director | Melissa Tucker | 2/23/2015 | F | 8 | 0 | 105,000.00 | 27,825.00 | 80001 | 80010 | Regular |
| A | 00009724 | Associate Director | Sarah Forman | 2/18/2015 | F | 7 | 0 | 98,000.00 | 25,970.00 | 80001 | 80010 | Regular |