



COUNCIL OF THE DISTRICT OF COLUMBIA
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WASHINGTON, DC 20004

Mary M. Cheh
Councilmember, Ward 3
Chair, Committee on Transportation & the Environment

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October 10, 2019

Nicole Streeter
General Counsel, Council of the District of Columbia
1350 Pennsylvania Avenue NW
Suite 4
Washington, DC 20004

Dear Ms. Streeter,

As you know, I am chairing the Ad Hoc Committee to Investigate Councilmember Jack Evans. Given that the rules on silent on certain items, I would like your legal opinion on several matters:

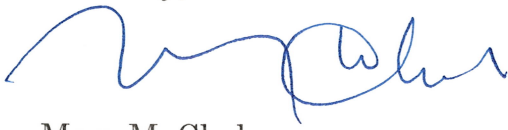
- 1) PR23-0434, authorizing the committee, contemplates the investigation being done by outside counsel (O'Melveny & Myers), not the Council itself. If the Ad Hoc Committee decides that further investigation is necessary, is an additional resolution required explicitly authorizing that investigation?
- 2) Following from that question, does the Ad Hoc Committee have subpoena power or is an additional and explicit authorization required for that power?
- 3) Does receipt by the Council of outside counsel's report satisfy "conclusion of the investigation" under Rule 603, thereby starting the 90-day clock on filing recommendations of the Ad Hoc Committee?
- 4) It is my intention to keep as many of the meetings open to the public (including live broadcast) as possible. Which proceedings, if any, must be closed and which proceedings may be closed?
- 5) Furthermore, in the event that meetings are closed, it would be my intention to release audio and video after the fact. What, if any, restrictions are there on the release of the recordings of those meetings?
- 6) Where outside counsel provides the committee with audio recordings, video recordings, or transcripts of depositions or other interviews, does the Ad Hoc Committee need to provide those deponents or interviewees with notice of intent to release those recordings or transcripts?
- 7) It is also my intention to release as much of outside counsel's investigation to the public as possible, as quickly as possible. Without having seen the report, what types of materials may be redacted? What must be redacted? If outside counsel provides a redacted version of the report to the Committee, would you

expect that your office would need to perform a further review for redactions prior to release?

I understand that there has been a request for a written opinion as to the permissibility of a twelve-member ad hoc committee. Can you please provide that opinion well in advance of the October 22, 2019 meeting of that committee? Indeed, if there is a problem, could we know in advance of any legislative session so that the Council may vote to change the rules as appropriate.

I look forward to your reply.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mary M. Cheh', written in a cursive style.

Mary M. Cheh
Chair, Ad Hoc Committee

cc: Phil Mendelson, Chairman, Council of the District of Columbia
Anita Bonds, At-Large, Council of the District of Columbia
David Grosso, At-Large, Council of the District of Columbia
Elissa Silverman, At-Large, Council of the District of Columbia
Robert C. White, Jr., At-Large, Council of the District of Columbia
Brienne Nadeau, Ward 1, Council of the District of Columbia
Brandon T. Todd, Ward 4, Council of the District of Columbia
Kenyan R. McDuffie, Ward 5, Council of the District of Columbia
Charles Allen, Ward 6, Council of the District of Columbia
Vincent C. Gray, Ward 7, Council of the District of Columbia
Trayon White, Sr., Ward 8, Council of the District of Columbia