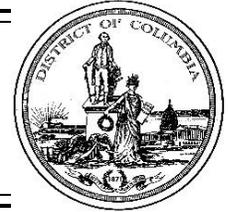

OFFICE OF AT-LARGE COUNCILMEMBER ANITA BONDS
CHAIR, COMMITTEE ON HOUSING & EXECUTIVE
ADMINISTRATION



February 4, 2022

Eugene A. Adams, Director
Mayor's Office of Legal Counsel
1350 Pennsylvania Ave NW Suite 407
Washington, DC 20004

Dear Director Adams:

The annual performance hearing for the Mayor's Office of Legal Counsel is scheduled for **Friday, February 25, 2022, beginning at 9:00 AM in Zoom virtual platform.** The government witness(es) for the agency will testify following public testimony. Please plan to arrive in time to listen to the entirety of the public testimony presented with respect to the agency. Pursuant to Council rule 522(a), we ask all executive witness(es) to submit their hearing testimony 48 hours in advance of their performance oversight hearing.

Written pre-hearing questions for your agency are attached. So that I may make effective use of your responses, please provide your electronic responses in Microsoft Word and PDF format **by 5:00PM on Friday, February 18, 2022.**

If you feel that I could use additional information outside the scope of the attached questions, please feel free to include an additional written statement. If your office requires clarification of any of the attached questions, please contact Aimellia Siemson at asiemson@dccouncil.us or (202) 724-8153. Thank you in advance for your timely and comprehensive response.

Sincerely,

A handwritten signature in black ink, appearing to read "ANB".

Anita Bonds
At-Large Councilmember
Chairperson, Committee on Housing and Executive Administration

Mayor's Office of Legal Counsel

MOLC FY 2022 PERFORMANCE OVERSIGHT QUESTIONS

1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel and note the date that the information was collected on the chart.

Please see Attachment 1.

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

The Mayor's Office of Legal Counsel (MOLC) does not have specific subdivisions but works as a single entity. It is the legal arm of the Mayor's side of the "divided" Executive that was created when the city's AG position became elective in 2015. Its primary responsibilities are to provide legal advice and support the Mayor, her senior staff, including Deputy Mayors, agency directors of the subordinate executive agencies, directly and through oversight of more than forty agency General Counsel offices.

These duties include but are not limited to:

1. Interfacing with the Office of the Attorney General for the District of Columbia (OAG) on litigation matters and other issues that require coordination between the Executive Office of the Mayor (EOM), her subordinate agencies and the elected Attorney General;
2. Working closely with the Office of Risk Management (ORM) to reduce avoidable operational, legal and financial exposure for the District of Columbia government;
3. Resolving interagency legal issues on behalf of the Mayor;
4. Overseeing the representation of agencies in investigative matters before the Executive Branch of the federal government, Congress, or the Council of the District of Columbia; and
5. Supervising outside counsel in matters where OAG is recused from a matter or is otherwise not available.
6. Coordinating the hiring, compensation, and training of agency counsel and general counsel offices

The MOLC also adjudicates administrative appeals of the District of Columbia Freedom of Information Act (DC FOIA) decisions made by District government agencies on behalf of the Mayor and tracks reported allegations of sexual harassment claims made by city employees. The Agency also oversees the legal review of donations made to District government agencies.

However, to carry out the responsibilities enumerated above and elsewhere in our responses, each of the four Associate Directors in the MOLC has a portfolio of subordinate agencies for which they are primarily responsible as the primary point of contact. The Associate Directors then report relevant issues, challenges, and actions to the MOLC Director and Deputy Director.

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- b. Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

There were no specific organizational changes made in the MOLC during the previous year.

2. Please provide a current Schedule A for the agency which identifies each position by program and activity, with the employee's title/position, salary, fringe benefits, and length of time with the agency. Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please separate salary and fringe and indicate whether the position must be filled to comply with federal or local law.

Please see information below. This information was collected on February 8, 2022.

Schedule A as of February 8, 2022												
Prgm Code	Activity	Position Number	Title	Hire Date	Vac Stat	Grade	Step	Reg/Temp/Term	Salary	Fringe	FTE x Dist %	
2001	2001	00085675	Special Projects Coordinator		V	6	0	Reg	91,169.00	17,777.96	1	
		00085676	Associate Director	3/9/2015	F	8	0	Reg	150,793.51	29,404.73	1	
		00085677	Director	5/16/2005	F	11	0	Reg	221,676.60	43,226.94	1	
		00087578	Special Assistant		V	5	0	Reg	79,972.00	15,594.54	1	
		00087579	Associate Director	2/10/2020	F	8	0	Reg	147,793.51	28,819.73	1	
		00087580	Associate Director	2/24/2020	F	8	0	Reg	147,793.51	28,819.73	1	
		00087581	Deputy Director of Legal Couns	6/11/2007	F	10	0	Reg	191,028.24	37,250.51	1	
		00087583	Legal Administrative Specialis	3/6/2017	F	5	0	Reg	93,557.08	18,243.63	1	
		00087584	Associate Director	5/31/2016	F	8	0	Reg	147,793.51	28,819.73	1	
		00087585	Chief of Staff	8/14/2017	F	9	0	Reg	147,793.51	28,819.73	1	
											10	

3. For any term or temp position included in the schedule A and filled in FY21 or FY22, please provide a brief narrative for why the hire was done on a term or temporary basis and not on a continuing basis.

The MOLC did not have any term or temp positions filled in FY21 and FY22.

4. Please provide the following information on any contract workers in your agency:
- Position name
 - Organizational unit assigned to
 - Hourly rate
 - Type of work duties

The MOLC does not have any contract workers in our agency.

5. Please complete the following chart about the residency of new hires in FY21 or FY22 to date:

Number of Employees Hired in FY21 and FY22 to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing		
Term		
Temporary		

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WAE		
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The MOLC did not have any new hires in FY21 or FY22, to date.

6. For FY21 and FY22 to date, please list each employee separated from the agency, other than due to retirement. Also include:
 - a. Amount of separation pay, if relevant
 - b. Number of weeks of pay, if relevant; and
 - c. The reason for the separation.

In FY21, the MOLC had no employees separated from the agency. In FY22, the MOLC had one employee, Mr. Malcolm Morse, separate from the agency due to the acceptance of another position outside of the District of Columbia government. Mr. Morse resigned from his position effective July 28, 2021 and did not receive severance pay.

7. Please provide the Committee with a list of employees who received bonuses or special award pay granted in FY21 and FY22 to date, and identify:
 - a. The employee receiving the bonus or special pay,
 - b. The amount received, and
 - c. The reason for the bonus or special pay.

The MOLC does not have any employees that received bonuses or special award pay granted in FY21 or FY22, to date.

8. Please provide the name of each employee who was or is on administrative leave in FY21 and FY22 to date. In addition, for each employee identified, please provide:
 - a. Their position;
 - b. A brief description of the reason they were placed on leave;
 - c. The dates they were/are on administrative leave;
 - d. Expected date of return;
 - e. Whether the leave was/is paid or unpaid; and
 - f. Their current status (as of February 1, 2022).

The MOLC does not have any employees that were or are on administrative leave in FY21 and FY22, to date.

9. Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

Ms. Andrea Stempel was detailed to the MOLC on December 27, 2021, from the District of Columbia Department of Forensic Services (DFS). Ms. Stempel primarily assists with the agency's response to FOIA appeals and is expected to return to DFS no later than June 30, 2022.

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10. Please provide the Committee with:

1. A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at agency expense in FY21 and FY22 to date;

							Totals	\$ 8,973.42
Fiscal Year	Last Name	Email	Vendor	Phone#	Service Type	Device Type	FY Total	
2021	NOTEWARE	rachel.noteaware2@dc.gov	Verizon	2022150378	Cellular	Apple iPhone 8 64G	\$ 575.43	
2021	HUDSON	julia.hudson@dc.gov	AT&T	2022511312	Cellular	Apple iPhone XR 64	\$ 664.42	
2021	WHITE	giavanna.white@dc.gov	AT&T	2022943478	Cellular	Apple iPhone 8 64G	\$ 664.42	
2021	SPARE	eom.atc@dc.gov	AT&T	2023048351	Cellular	Apple iPhone XR 64	\$ 664.42	
2021	NOTEWARE	rachel.noteaware2@dc.gov	AT&T	2023165154	Tablet with wir	Apple 11-inch iPad	\$ 446.76	
2021	SPARE	eom.atc@dc.gov	AT&T	2023416358	Cellular	Apple iPhone XR 64	\$ 664.42	
2021	ELLIS	maia.ellis@dc.gov	AT&T	2023725928	Cellular	Apple iPhone 8 64G	\$ 664.42	
2021	NATALE	vanessa.natale@dc.gov	AT&T	2024129687	Tablet with wir	Apple 11-inch iPad	\$ 446.76	
2021	BROWN	dorothy.brown@dc.gov	AT&T	2024170522	Cellular	Apple iPhone 8 64G	\$ 664.42	
2021	MOSKOWITZ	benjamin.moskowitz@dc.g	AT&T	2025310713	Cellular	iPhone 7	\$ 664.42	
2021	MOSKOWITZ	benjamin.moskowitz@dc.g	Verizon	2025574729	Tablet with wir	Apple® iPad® 9.7 in	\$ 360.08	
2021	SPARE	eom.atc@dc.gov	Verizon	2025574945	Tablet with wir	Apple® iPad® 9.7 in	\$ 360.08	
2021	HUDSON	julia.hudson@dc.gov	AT&T	2026558179	Tablet with wir	ipad pro 11-inch 64	\$ 446.76	
2021	ADAMS	eugene.adams@dc.gov	AT&T	2026897466	Cellular	Apple iPhone XR 64	\$ 664.42	
2021	NATALE	vanessa.natale@dc.gov	Verizon	2026897468	Cellular	Apple iPhone 8 64G	\$ 575.43	
2021	SPARE	eom.atc@dc.gov	AT&T	2027054158	Tablet with wir	11-inch Apple iPad	\$ 446.76	

							Totals	\$ 2,279.96
Fiscal Year	Last Name	Email	Vendor	Phone#	Service Type	Device Type	FY Total	
2022	MOSKOWITZ	benjamin.moskowitz@dc.g	AT&T	2025310713	Cellular	iPhone 7	\$ 144.78	
2022	BROWN	dorothy.brown@dc.gov	AT&T	2024170522	Cellular	Apple iPhone 8 64GB	\$ 143.78	
2022	SPARE	eom.atc@dc.gov	Verizon	2025574945	Tablet with wir	Apple® iPad® 9.7 inch 32GB	\$ 89.97	
2022	SPARE	eom.atc@dc.gov	AT&T	2027054158	Tablet with wir	11-inch Apple iPad Pro (2021	\$ 111.69	
2022	ADAMS	eugene.adams@dc.gov	AT&T	2026897466	Cellular	Apple iPhone XR 64GB	\$ 144.78	
2022	WHITE	giavanna.white@dc.gov	AT&T	2022943478	Cellular	Apple iPhone 8 64GB	\$ 144.78	
2022	HUDSON	julia.hudson@dc.gov	AT&T	2022511312	Cellular	Apple iPhone XR 64GB	\$ 144.78	
2022	HUDSON	julia.hudson@dc.gov	AT&T	2026558179	Tablet with wir	ipad pro 11-inch 64GB	\$ 111.69	
2022	ELLIS	maia.ellis@dc.gov	AT&T	2023166190	Cellular	Apple 11-inch iPad Pro (2nd	\$ 81.46	
2022	ELLIS	maia.ellis@dc.gov	AT&T	2023725928	Cellular	Apple iPhone 8 64GB	\$ 110.58	
2022	SPARE	eom.atc@dc.gov	AT&T	2023416358	Cellular	Apple iPhone XR 64GB	\$ 144.78	
2022	SPARE	eom.atc@dc.gov	Verizon	2025574729	Tablet with wir	Apple® iPad® 9.7 inch 32GB	\$ 89.97	
2022	NOTEWARE	rachel.noteaware2@dc.gov	Verizon	2022150378	Cellular	Apple iPhone 8 64GB	\$ 128.97	
2022	NOTEWARE	rachel.noteaware2@dc.gov	AT&T	2023165154	Tablet with wir	Apple 11-inch iPad Pro (2nd	\$ 81.46	
2022	NATALE	vanessa.natale@dc.gov	AT&T	2024129687	Tablet with wir	Apple 11-inch iPad Pro 64GB	\$ 111.69	
2022	NATALE	vanessa.natale@dc.gov	Verizon	2026897468	Cellular	Apple iPhone 8 64GB	\$ 128.97	
2022	SPARE	eom.atc@dc.gov	AT&T	2023048351	Cellular	Apple iPhone XR 64GB Black	\$ 95.52	
2022	MOSKOWITZ	benjamin.moskowitz@dc.g	Verizon	2025574729	Tablet with wir	Apple® iPad® 9.7 inch 32GB	\$ 89.97	
2022	SPARE	eom.atc@dc.gov	Verizon	2023369170	Tablet with wir	11-inch Apple iPad Pro (2021	\$ 89.97	
2022	SPARE	eom.atc@dc.gov	Verizon	2024508747	Tablet with wir	11-inch Apple iPad Pro (2021	\$ 89.97	

2. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle accidents involving the agency's vehicles in FY21 and FY22 to date;

The MOLC does not own or lease any vehicles. Prior to the onset of the public health emergency, the MOLC routinely made use of the transport vans maintained by EOM's Support Services, for purposes of traveling to work-related meetings or events outside of the John A. Wilson Building. MOLC personnel also had access to the mobile-based

Mayor's Office of Legal Counsel

rideshare program, "Via on Demand Vehicle Share Program," that was made available through the Department of Public Works and the EOM for point-to-point transportation between District government offices and facilities. The MOLC anticipates full use of these options with the gradual return to normalcy.

3. A list of travel expenses, arranged by employee for FY21 and FY22 to date, including the justification for travel; and

For FY21 and FY22, to date, the MOLC did not have any travel expenses or reimbursements.

4. A list of the total workers' compensation payments paid in FY21 and FY22 to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.

For FY 21 and FY22, to date, the MOLC did not make any worker's compensation payments.

11. For FY21 and FY22 to date, please list all intra-District transfers to or from the agency.

- a. For each transfer, include the following details:
 - i. Buyer agency
 - ii. Seller agency
 - iii. The program and activity codes and names in the sending and receiving agencies' budgets
 - iv. Funding source (i.e. local, federal, SPR)
 - v. Description of MOU services
 - vi. Total MOU amount, including any modifications
 - vii. Whether a letter of intent was executed for FY21 and FY22 and if so, on what date
 - viii. The date of the submitted request from or to the other agency for the transfer
 - ix. The dates of signatures on the relevant MOU; and
 - x. The date funds were transferred to the receiving agency
- b. Please attach copies of all intra-district transfer MOUs or MOAs, other than those for overhead or logistical services, such as routine IT services or security.
- c. Please list any additional intra-district transfers planned for FY22, including the anticipated agency(ies), purposes, and dollar amounts.

For FY21, due to the public health emergency the MOLC did not receive any intra-district transfers to or from the agency. For FY22, to date, the MOLC has an impending MOU to EOM for support services in the amount of \$8,000. The agency has not transferred any funds but anticipates the finalization of the transfer of funds in the near term.

Please see Attachment 2.

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MOLC FY21 Intra-District Transfers			
Buyer Agency Name	Seller Agency Name	Description of MOU	Total MOU amount
N/A			
Impending MOLC FY22 Intra-District Transfers			
Buyer Agency Name	Seller Agency Name	Description of MOU	Total MOU amount
Mayor's Office of Legal Counsel	Executive Office of the Mayor	Support Services	\$8,000.00

MOLC FY2021 MOU
N/A

MOLC FY2022 MOU	
Buyer Agency	Mayor's Office of Legal Counsel
Seller Agency	Executive Office of the Mayor
Funding Source	Local
Description of MOU	Support Services
Total MOU	8,000.00
Termination Date	September 30, 2022
LOI	No LOI
Signature Dates	Buyer: November 15, 2021 Seller: N/A

12. Please provide a list of each collective bargaining agreement that is currently in effect for agency employees.
- Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.
 - Please provide, for each union, the union leader's name, title, and his or her contact information, including e-mail, phone, and address if available.
 - Please note if the agency is currently in bargaining and its anticipated completion date.

None of the MOLC's employees are members of any bargaining unit and as a result there is not an effective bargaining agreement for the Agency's employees.

13. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or will result in a change in agency practices, and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.

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The MOLC does not have any pending lawsuits.

14. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY21 or FY22 to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

For FY21 and FY22, to date, no settlements were entered into by the Agency or on its behalf.

15. Please list the administrative complaints or grievances that the agency received in FY21 and FY22 to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY21 or FY22 to date, describe the resolution.

The MOLC did not receive any administrative complaints or grievances in FY21 and FY22, to date.

16. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY21 and FY22 to date, whether or not those allegations were resolved.

In FY21 and FY22, to date, the MOLC did not receive any allegations of sexual harassment or misconduct committed by or against any of its employees. In accordance with the Mayor's Order on Sexual Harassment Policy, Guidance and Procedures (Mayor's Order 2017-313), all District agencies must report sexual harassment claims, investigations, and written notification of findings and conclusions to the MOLC. The MOLC is available to provide advice to general counsels on sexual harassment related issues in collaboration with DCHR.

17. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY21 and FY22 to date.

For FY21 and FY22, to date, neither the MOLC nor any of the Agency's employees were the subject of any investigations, audits, or reports.

18. For any boards or commissions associated with your agency, please provide a chart listing the following for each:

a. For each member:

1. The member's name,
2. Confirmation date,
3. Term expiration date,
4. Whether the member is a District resident or not, and

Mayor's Office of Legal Counsel

5. Attendance at each meeting in FY21 and FY22 to date.
- b. List any vacancies.
- c. Describe the board's or commission's responsibilities and activities in FY21.
- d. Attach agendas and minutes of each board or commission meeting in FY21 or FY22 to date, if minutes were prepared.

There are no boards or commissions associated with the MOLC.

19. Please list the task forces and organizations of which the agency is a member and any associated membership dues paid.

The MOLC is not a member of any task force or organization and therefore has no associated membership dues.

20. Please provide a table showing your agency's Council-approved original budget, revised budget (after reprogrammings, etc.), and actual spending, by program and activity, for FY19, FY20, FY21, and FY22 to date. For each program and activity, please include total budget and break down the budget by funding source (federal, local, special purpose revenue, or intra-district funds).
 - a. Include any over- or under-spending. Explain any variances between fiscal year appropriations and actual expenditures for FY21 and FY22 to date for each program and activity code.
 - b. Attach the cost allocation plans for FY21 and FY22.

Please see charts below for responses to questions referenced. The MOLC does not have cost allocation plans.

Appropriated Fund Title	Activity Title	Comp Source Group	Sum of FY 2019 Approved Budget	Sum of FY 2019 Revised Budget	Sum of FY 2019 Expenditures
LOCAL FUND	LEGAL SERVICES	0011	1,315,486.18	1,055,486.18	930,398.81
		0012	0.00	0.00	38,139.33
		0013	0.00	0.00	48,594.42
		0014	243,364.95	193,364.95	186,081.57
		0015	0.00	0.00	0.00
		0020	7,500.00	7,500.00	7,473.26
		0031	500.00	500.00	1,024.88
		0040	51,654.30	111,654.30	111,654.30
		0070	15,000.00	15,000.00	3,020.48
			PERFORMANCE M	0040	0.00
LOCAL FUND Total			1,633,505.43	1,383,505.43	1,326,387.05
PRIVATE GRANT FUND		0011	0.00	15,200.00	0.00
		0012	0.00	0.00	17,441.62
		0014	0.00	4,800.00	2,558.38
PRIVATE GRANT FUND Total			0.00	20,000.00	20,000.00
			1,633,505.43	1,403,505.43	1,346,387.05
			1,633,505.43	1,403,505.43	1,346,387.05

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Agency Name	Appropriated Fund Title	Activity Title	Comp Source		Sum of FY 2020 Approved		Sum of FY 2020 Revised		Sum of FY 2020		Sum of FY 2021 Approved		Sum of FY 2021 Revised		Sum of FY 2021		Explanation
			Group	Comp Source Group Title	Budget	Budget	Expenditures	Budget	Expenditures	Budget	Expenditures	Expenditures	Variance				
Mayor's Office of Legal Counsel	LOCAL FUND	LEGAL SERVICES	11	REGULAR PAY - COUNT FULL TIME	1,236,303.16	876,303.16	748,205.43	1,221,059.48	1,203,559.48	1,209,473.96	15,914.48	Ab so the dPS on et of living increase					
			12	REGULAR PAY - OTHER	73,906.00	73,906.00	82,296.36	76,126.00	76,126.00	53,602.22	22,523.78	Vacancy savings					
			13	ADDITIONAL GROSS PAY	0.00	0.00	78,485.21	0.00	14,329.55	14,329.55	(14,329.55)	See variance page					
			14	FRINGE BENEFITS - CURR PERSONNEL	242,388.69	177,388.69	131,312.94	239,886.20	239,886.20	245,260.67	(5,374.47)	Ab so the dPS on et of living increase					
			15	VERTIME PAY	0.00	0.00	210.00	0.00	0.00	0.00	0.00						
			20	SUPPLIES AND MATERIALS	31,179.00	31,179.00	8,878.22	1,960.00	1,960.00	15,737.95	(13,777.95)	In or case dNPS need s for returning to office					
			31	TELECOMMUNICATIONS	500.00	500.00	116.24	0.00	0.00	6,175.02	(6,175.02)	In or case dTelecom need s					
			40	OTHER SERVICES AND CHARGES	57,907.15	57,907.15	30,986.11	98,201.00	48,195.00	30,622.77	17,572.23	Decrease d spending due to pandemic					
			70	EQUIPMENT & EQUIPMENT RENTAL	15,000.00	15,000.00	5,807.56	1,190.32	1,190.32	0.00	1,190.32	Decrease d spending due to pandemic					
			11	REGULAR PAY - COUNT FULL TIME	0.00	0.00	0.00	0.00	0.00	0.00	0.00						
			40	OTHER SERVICES AND CHARGES	0.00	0.00	5,730.86	0.00	0.00	(8,551.94)	8,551.94	PCARD Credit					
				LOCAL FUND Total	1,638,423.00	1,322,184.00	1,091,982.93	1,638,423.00	1,570,917.00	1,566,650.20	4,266.80						
				PRIVATE GRANT FUND	0.00	15,880.00	15,880.00	0.00	0.00	0.00	0.00						
				12	REGULAR PAY - OTHER	0.00	4,120.00	4,120.00	0.00	0.00	0.00						
				14	FRINGE BENEFITS - CURR PERSONNEL	0.00	0.00	0.00	0.00	0.00	0.00						
				PRIVATE GRANT FUND Total	0.00	15,880.00	15,880.00	0.00	0.00	0.00	0.00						
Mayor's Office of Legal Counsel Total					1,638,423.00	1,338,064.00	1,107,862.93	1,638,423.00	1,570,917.00	1,566,650.20	4,266.80						
Grand Total					1,638,423.00	1,338,064.00	1,107,862.93	1,638,423.00	1,570,917.00	1,566,650.20	4,266.80						

Sum of FY 2021 Approved Budget	Sum of FY 2021 Revised Budget	Sum of FY 2021 Expenditures	Sum of FY 2022 Approved Budget	Sum of FY 2022 Revised Budget	Sum of FY 2022 Expenditures	Variance	Explanation
1,221,059.48	1,203,559.48	1,209,473.96	1,179,216.64	1,179,216.64	396,908.51	782,308.13	Current year spending
76,126.00	76,126.00	53,602.22	64,115.00	64,115.00	0.00	64,115.00	Current year spending
0.00	0.00	14,329.55	0.00	0.00	0.00	0.00	
239,886.20	239,886.20	245,260.67	242,449.65	242,449.65	77,394.38	165,055.27	Current year spending
0.00	0.00	0.00	0.00	0.00	0.00	0.00	
1,960.00	1,960.00	15,737.95	52,160.00	52,160.00	0.00	52,160.00	Current year spending
0.00	0.00	6,175.02	0.00	0.00	0.00	0.00	
98,201.00	48,195.00	30,622.77	47,036.00	47,036.00	9,298.40	37,737.60	Current year spending
1,190.32	1,190.32	0.00	2,300.34	2,300.34	0.00	2,300.34	Current year spending
0.00	0.00	0.00	51,145.00	51,145.00	0.00	51,145.00	Current year spending
0.00	0.00	(8,551.94)	0.00	0.00	0.00	0.00	
1,638,423.00	1,570,917.00	1,566,650.20	1,638,422.63	1,638,422.63	483,601.29	1,154,821.34	
0.00	0.00	0.00	0.00	0.00	0.00	0.00	
0.00	0.00	0.00	0.00	0.00	0.00	0.00	
0.00	0.00	0.00	0.00	0.00	0.00	0.00	
1,638,423.00	1,570,917.00	1,566,650.20	1,638,422.63	1,638,422.63	483,601.29		
1,638,423.00	1,570,917.00	1,566,650.20	1,638,422.63	1,638,422.63	483,601.29		

21. In FY20 or FY21, did the agency have any federal funds that lapsed? If so, please provide a full accounting, including amounts, fund sources (e.g. grant name), and reason the funds were not fully expended.

For FY20 or FY21 the MOLC neither received federal funding nor had any federal expenditures.

22. Please provide a table listing every reprogramming of funds (i.e. local, federal and SPR) into and out of the agency for FY21 and FY22 to date, as well as anticipated inter-agency reprogrammings for the remainder of FY22. Please attach copies of the reprogramming documents, including the Agency Fiscal Officer's request memo and the attached reprogramming chart. For each reprogramming, include:

- a. The reprogramming number;
- b. The sending or receiving agency name;
- c. The date;
- d. The dollar amount;
- e. The funding source (i.e. local, federal, SPR);
- f. The program, activity, and CSG codes for the originating funds;
- g. The program, activity, and CSG codes for the received funds; and
- h. A detailed rationale for the reprogramming.

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The MOLC has no reprogramming requests.

MOLC REPROGRAMMINGS, FY21			
Receiving agency name	Dollar Amount	Detailed rationale for the reprogramming	
N/A			
MOLC REPROGRAMMINGS, FY22			
Receiving agency name	Dollar Amount	Detailed rationale for the reprogramming	
N/A			

23. Please list, in chronological order, every reprogramming *within* your agency during FY21 and FY22 to date, as well as any anticipated intra-agency reprogrammings. Please attach copies of any reprogramming documents. For each reprogramming, include:
- a. The date;
 - b. The dollar amount;
 - c. The funding source (i.e. local, federal, SPR);
 - d. The program, activity, and CSG codes for the originating funds;
 - e. The program, activity, and CSG codes for the received funds; and
 - f. A detailed rationale for the reprogramming.

Please see response to Question 22.

24. For FY21 and FY22 to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:
- a. The revenue source name and fund code;
 - b. A description of the program that generates the funds;
 - c. The revenue funds generated annually by each source or program;
 - d. Expenditures of funds, including the purpose of each expenditure; and
 - e. The current fund balance (i.e. budget versus revenue)

For FY21 and FY22, to date, the MOLC did not maintain, use, or have any available special purpose revenue funds.

25. Please list all memoranda of understanding (“MOU”) and memoranda of agreement (“MOA”) entered into by your agency during FY21 and FY22 to date, as well as any MOU or MOA currently in force. (You do not need to repeat any intra-district MOUs that were covered in the question above on intra-district transfers.)
- a. For each MOU, indicate:
 - i. The parties to the MOU or MOA
 - ii. Whether a letter of intent was signed in the previous fiscal year and if so, on what date,
 - iii. The date on which the MOU or MOA was entered,
 - iv. The actual or anticipated termination date,
 - v. The purpose, and

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- vi. The dollar amount.
- b. Attach copies of all MOUs or MOAs, other than those for overhead or logistical services, such as routine IT services or security.
- c. Please list any additional MOUs and MOAs planned for FY22, including the anticipated agency(ies), purposes, and dollar amounts.

Please see response to Question 11.

26. Please list all capital projects in the financial plan and provide an update on all capital projects under the agency's purview in FY21 and FY22 to date, including projects that are managed or overseen by another agency or entity. Please provide:
- a. A brief description of each project begun, in progress, or concluded in FY19, FY20, FY21, and FY22 to date;
 - b. A status report on all capital projects including:
 - a. The amount budgeted, actual dollars spent, and any remaining balances;
 - b. Start and completion dates; and
 - c. Current status of the project.
 - c. A list of which projects are experiencing delays and which require additional funding;
 - d. A status report on all capital projects planned for FY21, FY22, FY23, FY24, FY25, and FY26; and
 - e. A description of whether the capital projects begun, in progress, or concluded in FY19, FY20, FY21, or FY22 to date, had an impact on the operating budget of the agency; if so, please provide an accounting of such impact.

For FY21 and FY22, to date, the MOLC did not have any capital projects.

27. Part I. Please submit copies of your FY23 budget submission to the Mayor's Office of Budget and Finance (OBF). In FY23, this includes:
- a. The Operating Budget Submission Memo;
 - b. Attachment A, Vacancy List;
 - b. Form 1 (Impact of Agency's Marc);
 - c. Form 2 (Enhancement Requests); and
 - d. Attachment B, List of intra-districts.

The MOLC works with the Office of the City Administrator to develop its budget. The FY23 budgets submitted by the Mayor to the Council reflect those efforts.

Part II: In addition, please identify:

- a. Which of your agency's MARC reductions and hypothetical 2% cuts (Form 1) were accepted or rejected (i.e. if the cut was rejected, the funds were not swept and if the cuts were accepted, the funds were swept); and
- b. Which of your agency's enhancement requests (Form 2) were accepted (i.e. which enhancements were added to your agency's FY21 budget).

Please see response to Part I of Question 27.

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28. Please list each grant or sub-grant, including multi-year grants, received by your agency in FY21 and FY22 to date. List the following:
- Source;
 - Purpose;
 - Timeframe;
 - Dollar amount received;
 - Amount expended;
 - How the grant is allocated if it is a multi-year grant; and
 - How many FTEs are dependent on each grant's funding, and if the grant is set to expire, what plans, if any, are in place to continue funding the FTEs.

For FY21 and FY22, to date, the MOLC has not received any grants or sub-grants.

29. Please describe every grant your agency is, or is considering, applying for in FY22.

For FY22, the MOLC is not considering applying for any grants.

30. Please list each contract, procurement, and lease leveraged in FY21 and FY22 to date, with a value amount of \$10,000.00 or more. "Leveraged" includes any contract, procurement, or lease used by DOES as a new procurement establishment (i.e. HCA, BPA, etc.), contract extension, and contract option year execution. This also include direct payments (if applicable). For each contract, procurement, or lease leveraged, please attach a table with the following information, where applicable:

Part I

- Contractor/Vendor Name;
- Contract Number;
- Contract type (e.g. HCA, BPA, Sole Source, single/exempt from competition award, etc.);
- Description of contractual goods and/or services;
- Contract's outputs and deliverables;
- Status of deliverables (e.g. whether each was met or not met, in-progress, etc.);
- Copies of deliverables (e.g. reports, presentations);
- Contract Administrator name and title assigned to each contract and/or procurement;
- Oversight/monitoring plan for each contract and associated reports, performance evaluations, cure notices, and/or corrective action plans;
- Target population for each contract (e.g. unemployed adults, homeless youth, DOES staff, etc.);
- Subcontracting status (i.e. Did the Contractor sub any provision of goods and/or services with another vendor);
- Solicitation method (e.g. competitive bid via GSA or DCSS, sole source, task order against other agency's contract);
- CBE status;
- Division and activity within DOES utilizing the goods and/or services;
- Requisitions and purchase order numbers established under each contract;
- Corresponding, obligated amounts for each purchase order;

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- q. Corresponding, expended amounts (actuals) for each purchase order;
- r. Funding source for each requisition and purchase order;
- s. Index and PCA codes used each requisition and purchase order;
- t. Activity code and name for each index and PCA used under requisitions and purchase orders;
- u. Total contract or procurement value in FY21;
- v. Total contract or procurement value in FY22 to date;
- w. Period of performance (e.g. May 31 to April 30);
- x. Current year of contract (e.g. Base Year, Option Year 1, etc.);

In FY21 and FY22, to date, the MOLC did have any contract or procurements with a value amount of \$10,000 or more.

Part II

Please attach monitoring documentation, including any monitoring reports or performance evaluations developed for use. If any contract is performance-based, specify the basis of performance (i.e. the metrics) and describe the payment formula.

Please see response to Part I to Question 30.

31. Please list each grant awarded by your agency during FY21 and FY22 to date, for good and/or services provided by your agency. Please attach any documentation of monitoring, including any reports developed. At a minimum, please include the following grants in your response:

[LIST KNOWN GRANTS]. For each grant, please include the following information, where applicable:

Part I

- a. Grant/Program Title;
- b. Grant/Program Number;
- c. Grantee Name;
- d. Description of goods and/or services;
- e. Grant's outputs and deliverables;
- f. Status of deliverables (e.g. whether each was met or not met, in-progress, etc.);
- g. Copies of deliverables (e.g. reports, presentations);
- h. Program Manager name and title assigned to each grant;
- i. Grant Administrator name and title assigned to each grant;
- j. Oversight/monitoring plan for each grant and associated reports, performance evaluations, cure notices, and/or corrective action plans;
- k. Target population for each grant (e.g. unemployed adults, homeless youth, DOES staff, etc.);
- l. Sub-granting status (i.e. Did the Grantee sub any provision of goods and/or services with another vendor);
- m. Solicitation method (e.g. competitive RFA or sole source);
- n. CBE status;
- o. Division and activity within DOES utilizing the goods and/or services;
- p. Requisitions and purchase order numbers established under each grant;
- q. Corresponding, obligated amounts for each purchase order;

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- r. Corresponding, expended amounts (actuals) for each purchase order;
- s. Funding source for each requisition and purchase order;
- t. Index and PCA codes used each requisition and purchase order;
- u. Activity code and name for each index and PCA used under requisitions and purchase orders;
- v. Total grant award value in FY21;
- w. Total grant award value in FY22 to date;
- x. Period of performance (e.g. May 31 to April 30);
- y. Current year of grant award (e.g. Base Year, Option Year 1, etc.);

Part II

Please attach monitoring documentation, including any monitoring reports or performance evaluations developed for use. If any contract is performance-based, specify the basis of performance (i.e. the metrics) and describe the payment formula.

For FY21 and FY22, to date, the MOLC has not awarded any grants.

32. Please provide a copy of the agency's FY21 performance accountability report.
- a. Please explain which performance plan strategic objectives and key performance indicators (KPIs) were met or completed in FY20 and which were not.
 - b. For any met or completed objective, also note whether they were completed by the project completion date of the objective and/or KPI and within budget. If they were not on time or within budget, please provide an explanation.
 - c. For any objective not met or completed, please provide an explanation.

The MOLC did not have an agency FY21 performance accountability plan.

33. Please provide a copy of your agency's FY22 performance plan as submitted to the Office of the City Administrator. Please discuss any changes to outcomes measurements in FY21 or FY22, including the outcomes to be measured, or changes to the targets or goals of outcomes; list each specifically and explain why it was dropped, added, or changed.

The MOLC does not have a formal agency FY21 performance plan and does not appear to ever have had one, given the scope and fluidity of its responsibilities. As enumerated above, these duties would be difficult to comprehensively - or usefully - identify or measure because, apart from FOIA and sexual harassment reporting requirement, the MOLC cannot anticipate what matters it will be expected to handle on a regular basis.

Perhaps more to the point, the most important metrics are the MOLC's responsiveness, and the quality of the help and the advice given, and those are largely determined by those who engage us. We will know, from the Mayor, the CA, the Deputy Mayors and agency heads IF we are not being helpful. Of course, if the Mayor should require the MOLC to prepare such a plan, it is prepared to do so.

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34. Please provide the number of FOIA requests for FY21 and FY22 to date, that were submitted to your agency.
- a. Include the number granted, partially granted, denied, and pending.

FY21 MOLC FOIA Requests				
Number of FOIA requests received in FY21	Number of FY21 FOIA requests granted	Number of FY21 FOIA requests partially granted	Number of FY21 FOIA requests denied	Number of FY21 FOIA requests pending on 2/15/22
12	0	2	2	8

FY22 MOLC FOIA Requests				
Number of FOIA requests received in FY22 to date	Number of FY22 FOIA requests granted	Number of FY22 FOIA requests partially granted	Number of FY22 FOIA requests denied	Number of FY22 FOIA requests pending on 2/15/22
21	0	0	9	9

- b. Provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.

<i>Average Response Time</i>	13 days
<i>Estimated Number of FTEs Required to Process Requests</i>	2
<i>Estimated Number of Hours Spent Responding to Requests</i>	2-3 hours/day
<i>Cost of Compliance</i>	-

- c. Did the agency file a report of FOIA disclosure activities with the Secretary of the District of Columbia? Please provide a copy of that report as an attachment.

This question is not applicable to the MOLC.

35. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY21 and FY22 to date. Please attach a copy if the study, research paper, report, or analysis is complete. For each study, paper, report, or analysis, please include:

- a. The name,
- b. Status, including actual or expected completion date,
- c. Purpose,
- d. Author, whether the agency or an outside party,
- e. Reference to the relevant grant or contract (name or number) in your responses above, and

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- f. Source of funding (program and activity codes) if not included in responses above.

For FY21 and FY22, to date, the MOLC has not requested or contracted for any studies from outside entities.

36. Please list all reports or reporting currently required of the agency in federal law, the District of Columbia Code, or Municipal Regulations. For each, include
- The statutory code or regulatory citation;
 - Brief description of the requirement;
 - Any report deadlines;
 - Most recent submission date; and
 - A description of whether the agency is in compliance with these requirements, and if not, why not.

The MOLC does not have any reports or reporting required of the agency in the District of Columbia Code or Municipal Regulations.

37. Please provide a list of any additional training or continuing education opportunities made available to agency employees. For each additional training or continuing education program, please provide the subject of the training, the names of the trainers, and the number of agency employees that were trained. What training deficiencies, if any, did the agency identify during FY21 and FY22 to date?

As a result of the public health emergency in FY21 and FY22, to date, agency employees have not attended trainings or continuing education opportunities in person. However, with the pivot to virtual formats, the MOLC's attorneys may typically attend legal and ethics trainings that are organized by our office, the Office of the Attorney General, the Office of Human Rights, and other agencies for the benefit of agency counsel.

38. Please discuss performance evaluations.
- Does the agency conduct annual performance evaluations of all its employees?
 - Who conducts such evaluations?
 - What steps are taken to ensure that all agency employees are meeting individual job requirements?

The MOLC has not, historically, conducted annual performance evaluations for its employees. However, at last year's performance oversight hearing, the MOLC Director committed to preparing these during his tenure. We're pleased to report that MOLC has, albeit slightly later than ideal, honored that commitment.

As a supplement to this new practice, the Director and Deputy Director, continue to manage employee performance and ensures employees are meeting individual job requirements via daily interactions, real time constructive feedback, weekly team meetings and the substantive review of employee deliverables.

In addition, the MOLC is fortunate to have smart, highly motivated individuals, all of whom take pride in their work and proactively report their progress on assignments.

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39. Please list all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during FY19, FY20, FY21, or FY22 to date. Please provide an update on what actions have been taken to address each recommendation. If the recommendation has not been implemented, please explain why.

During FY19, FY20, FY21, or FY22, to date, the MOLC did not receive any recommendations by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities.

40. Please attach copies of the required annual small business enterprise (SBE) expenditure reports for your agency for FY21 and FY22.
- a. D.C. Official Code § 2-218.53(b) requires each District agency to submit supplemental information with their annual SBE expenditure report, including: a description of the activities the agency engaged in to achieve their fiscal year SBE expenditure goal; and a description of any changes the agency intends to make during the next fiscal year to achieve their SBE expenditure goal. Please provide a copy of the required information for FY21 and FY22.

This question is not applicable to the MOLC.

I. Agency Specific

41. Please provide a description of what the work of your office has entailed in each of the categories below, and the number of matters in each category your office handled in FY21 and FY22 to date.
- a. Coordinating the hiring, compensation, training, and resolution of significant personnel- related issues for subordinate agency counsel in conjunction with agency directors;

Upon request, the MOLC assists subordinate agencies with personnel matters related to the employment, discipline, evaluation, and general working conditions of the agency general counsel offices. These activities include reviewing application materials, interviewing lawyers for hire, advising agency directors, and assisting with decisions related to the terms and conditions of their employment. Additionally, the MOLC aids agencies by offering guidance on how to handle specific personnel matters relating to attorney work, employment status, discipline and/or their interactions with others.

As a practical matter, agency counsel is aware of the attendant processes and the role of the MOLC and will often seek the MOLC's involvement, thereby providing consistency amongst general counsel offices regarding personnel matters.

Additionally, the MOLC has worked to standardize many of these processes, particularly in the areas of hiring and promotion so that agency counsel are treated

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as fairly as possible across the agencies. Interviews and selections are now made with the appropriate Associate Director's involvement and ultimate sign-off. Templates and policies for managing discipline are shared to facilitate consistency across the subordinate agencies, hopefully, to minimize successful challenges and/or litigation that might arise from these disciplinary or other personnel actions.

- b. Providing legal and policy advice to the Mayor and executive branch;

The MOLC always remains readily available to support the Mayor and the executive branch. The MOLC's advising responsibilities are broad and vary greatly based upon the specific client and matter or issue being addressed. Some aspects of this responsibility are standardized, while others are ad hoc or situational. Advising on the proper interpretation or application of the law is a practical example of one of the ways the MOLC supports this mission. For example, in FY21, the MOLC advised on vaccine mandates for COVID-19, the Mayor's authority over the DC National Guard, informational responses to requests from the federal government arising from Black Lives Matter (BLM) disturbances and other civil unrest including the insurrection on January 6th, 2021, some important contractual matters and on major litigation impacting the city.

- c. Resolving interagency legal issues for the Mayor;

The MOLC views this duty as often related to subpart (b) above: if there are contradictory or conflicting policy views (with legal underpinnings or consequences), competing legal interpretations or agency or operational practices that are illegal, wrong or impractical, the MOLC will make all efforts to resolve the disagreement in a way that benefits the whole government and its leadership.

This responsibility extends to proactively address and reconcile differences between subordinate agencies and/or the OAG where disagreements regarding advice or procedures can occasionally arise. The MOLC ensures the process for all these interactions include professionalism, little prejudice of the situation, repeated opportunities to discuss, consideration of all aspects of the matter at issue, and a resolution in the best interest of the government. Last year, for example, the MOLC resolved several "disputes" between agencies about whose role/responsibility it was to manage or perform certain functions. In some of these instances, it became clear that the "disputes" were not substantive and were occasioned by resource and staffing shortages or court-imposed pressures.

- d. Overseeing the representation of agencies in investigative matters before the executive branch of the federal government, Congress, or the Council of the District of Columbia; and

The MOLC seeks to be an aggressive and willing partner/participant in these investigations and inquiries. Depending on its nature, the MOLC's assistance can be advice-giving, witness preparation, communications with the investigators, drafting

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response letters and a small host of other related efforts. However, certain investigations and inquiries are more important than others and may require more MOLC involvement. Regardless of the level of involvement, the MOLC approaches all situations helpfully and does not presume to inject itself without a clear understanding of client needs.

For example, in the aftermath of BLM, impeachment proceedings against the former President and the events of January 6th, the US Congress and other federal entities undertook several inquiring into the events and the city's role in them. These inquiries created FOIA and other requests for information that was sensitive or otherwise protected or protectible. The MOLC interfaced with Congressional staff, reviewed materials, and advised on the feasibility or releasing or withholding them.

- e. Supervising outside counsel in matters where the Office of the Attorney General is recused from a matter or otherwise not available.

The MOLC is usually directly involved in arranging for and overseeing the work of outside counsel in those situations where he/she may be needed. The MOLC initially serves as the conduit between the EOM (including the subordinate agencies) and OAG to establish the need for outside counsel by arranging for a conflict check and handling any inquiries from the requesting office.

The requesting office or agency will usually be the subject matter expert on what kind of outside counsel is needed, but the MOLC will aid in the identification of a suitable candidate or candidates, negotiation of an appropriate service agreement, and engagement with the individual or firm.

Finally, the MOLC can and will advise on what deliverables should be anticipated and can also provide a preliminary assessment on the quality of those deliverables, particularly with the legal issues.

In FY21, there were no significant issues that required the use or supervision of outside counsel. However, that has dramatically changed in the current fiscal year.

The MOLC did advise on a number of matters pertaining to the responsibilities of the Department of Forensic Science (DFS) and its obligations to local prosecutors and other stakeholders, particularly after its loss of accreditation last summer.

- f. Addressing DC FOIA Appeals.

Please see response to Question 34 and Question 43.

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42. Which of the areas above take up most of your office's time? Please provide a breakdown of the number of hours logged by your office in each of the categories in question 41 above, in FY21 and FY22 to date.
- a. If applicable, please list the number of cases handled by your office in each category.

Given the nature of the work MOLC performs and how it is received, it is very difficult to quantify the amounts of time spent on each area, particularly because each Associate Director's workload is different, as is how they allocate their time.

The MOLC does not maintain timesheets comparable to billing records in the private sector, so all it can provide would be the estimates of (the time usages) each of the Associate Directors which would vary from week to week due to prioritization based on that week.

There are certain time-consuming constants however, like DC FOIA Appeals the MOLC is charged with addressing; other "constants" are more seasonal or intermittent, such as agency counsel evaluation reviews, maintaining records of reported instances of sexual harassment among city employees, and the review of settlement authority memoranda from the agencies and OAG.

We've also realized that time was regularly spent on personnel matters at the subordinate agencies, involving lawyers AND program staff (usually in a litigation posture), evaluations and, for a time and CBA negotiations with the subordinate agency lawyers.

43. Please provide details on the process of a FOIA Appeal. Please include the following
- a. Procedures from beginning to end

Appeals come to the MOLC via email, FOIAXpress, or regular mail. Each appeal is screened to ensure it contains (1) a statement of appeal; (2) a copy of the original request; (3) a copy of any denial letter issued by the agency; and (4) contact information for the requestor. Once an appeal has been properly filed, MOLC contacts the relevant agency's FOIA officer and the appellant to give the agency notice of the appeal and to inform the appellant that his/her appeal is being processed. At that time, the MOLC also asks the agency to provide a response to the appeal, explaining the agency's actions. After the MOLC receives a response from the agency, the MOLC works expeditiously to adjudicate the appeal and provide a decision to the requestor.

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b. Timeline for a decision

Agencies typically must provide a response to the appeal within 5 business days, and the MOLC must issue a decision within 10 business days. See D.C. Official Code § 2-537(a); 1 DCMR §§ 412.5, 412.7.

c. Statutory requirements for processing appeals

- See response above regarding statutory timelines.
- If the Executive determines that a public record may not be withheld, a directive may be given to the agency to produce the record immediately. See D.C. Official Code § 2-537(a)(2).

d. Limitations on the types of appeals accepted, if any

There are no limitations on the types of appeals accepted.

44. Whether there are outstanding appeals in FY18, FY19, FY20, FY21, and FY22 to date. If yes, what are the reasons for those pending cases?

Outstanding FOIA Appeals				
FY18	FY19	FY20	FY21	FY22
0	0	48	193	66

In response to the health emergency, the Executive granted a stay on agency FOIA processing deadlines during FY20 and FY21. The stay resulted in significant delays to agency appeal responses. A breakdown of the number of appeals still awaiting the agency's response has been provided below:

- FY20 – 37
- FY21 – 110
- FY22 – 37

Additionally, the agency has prioritized work to support the government's ongoing response to the health emergency which has resulted in a heavy backlog of pending FOIA appeals.

45. Have there been any denials of FOIA appeals? If yes, for what reason(s)?

FOIA Appeal Denials				
FY18	FY19	FY20	FY21	FY22
59	86	102	16	0

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Appeals may have been denied for the following reasons:

- An agency's search for responsive records was found to be adequate
- The requested records were properly withheld by the agency because they are exempt from disclosure under the provisions of D.C. Official Code §2-534

46. Please lay out the general process MOLC takes when consulting an agency.

There are several ways the MOLC can or will consult with an agency. The two primary methods of consultation are described below:

- If the Agency asks for assistance, the MOLC will identify the appropriate person to respond, and that individual will do so promptly on behalf of the Agency. The contact is memorialized and discussed internally, and the needed assistance is provided, depending on the requirements of the situation and assuming the MOLC is the appropriate entity to provide that assistance.
- In those instances where the MOLC reaches out first, the process is the same, except the MOLC, as the initiating party, will either provide the assistance requested or advise the agency on the matter/issue that generated the consultation.

In addition to the Director and Deputy Director of the MOLC, there are four highly skilled Associate Directors who have direct oversight over a cluster of subordinate agencies. These Associate Directors are usually the first points of contact for the agencies they service. Because the MOLC is a small agency with a clear mandate, it is usually easy to identify an issue or a problem, discuss it internally, and then fashion the needed response and follow-up if necessary.

47. How many congressional information requests has MOLC received in FY21 and FY22 to date?

The MOLC did not receive congressional inquiries during FY21 or, thus far, in FY22. However, the MOLC has, upon request, advised on several congressional inquiries that were directed to EOM. These were all related to the events of January 6, 2021 and the aftermath.

48. Please provide a brief description of all congressional inquiries reviewed by your office in FY21 and FY22 to date.

Please see response to Question 47.

49. Please describe the role of your office in responding to these congressional inquiries.

In each instance referenced in Question 47, the MOLC participated in ZOOM calls with the city employees whose primary responsibility was to provide the information requested. The MOLC was available to answer any legal questions or provide any requested guidance on what information to release, how much of it and in what methods. When drafts of the responses to these congressional inquiries were circulated, the MOLC proposed suggested edits and guidance when necessary.

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50. How many legal trainings has MOLC held in FY19, FY20, FY21, and FY22 to date?

	FY19	FY20	FY21	FY22 <i>Anticipated</i>
Number of MOLC Legal Trainings	16	10	11	11

a. Who are the participants of these trainings?

The participants of these trainings consist of District of Columbia General Counsels, Deputy General Counsels, and attorneys from city government agencies. Attendance also includes MOLC team members and the trainer or subject matter expert for the training.

b. What does a MOLC-run legal training session involve?

The MOLC-run trainings involve the presentation of a pre-selected legal topic by a skilled trainer and/or subject-matter expert on said topic. At the start of each training, the MOLC leadership will welcome attendees, provide the overall mission of the training, and introduce the trainer. The trainer usually presents from a PowerPoint they've created for the training and provide any reference materials for attendees to view throughout the training. Depending on the preference of the trainer, questions from attendees are fielded by the MOLC staff or by the trainer. Upon the completion of the trainer's presentation, the MOLC staff provide closing remarks and circulate an evaluation form to attendees to solicit any feedback regarding the training and suggestions for future training topics.

The MOLC has also hosted a training in the form of a panel where the MOLC leadership served as the moderator and a discussion was generated based on pre-selected questions that were solicited prior to the training from attendees.

c. How has the public health emergency changed the number or substance of legal trainings hosted by MOLC?

During the onset of the public health emergency, legal trainings hosted by the MOLC were initially paused. The MOLC was able to successfully pivot and restart legal trainings in a virtual format. The transition from in-person trainings to virtual trainings did not impact the substance of the trainings and increased the number of participants. Additionally, the MOLC records all virtual trainings and posts the links on its Intranet site. The agency also circulates the links of these recordings to

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attorneys to review at their leisure or to receive view for credit if they were unable to attend the training live, thus creating on-demand training sessions.

51. Please describe how MOLC works with and partners with agencies.

The MOLC interacts with the city's agencies through a series of formal, informal, and ad hoc communications, depending on the exigencies of the situation or the matter(s) at issue. Since the current iteration of the MOLC came into being in the fall of 2020, literally three weeks before the end of FY20, it has conducted an outreach program to agency heads, their general counsels, and other senior staff throughout the government, while addressing inherited legal matters/questions or issues and the new ones that have arisen.

The MOLC has used these opportunities to build relationships, re-establish existing ones and improve relationships where necessary. The essential message is that the MOLC is available to assist in any way that is needed or is appropriate. In an effort to better accomplish this goal, each of the Agency's four Associate Directors are assigned to a cluster of a subordinate agencies. This structure is designed to build strong relationships with agency counsel, as well as provide direct line between the agency and the MOLC. This newly implemented structure is essential because the nature of the MOLC's responsibilities require awareness of certain matters to stay informed or when assistance has been requested. These requests for assistance come in a variety of ways, formal and otherwise.

As a practical matter, these interactions may be initiated by the MOLC or by an agency or its counsel; in some instances, requests for assistance arise in the context of meetings with government officials, including those in EOM, the Office of the City Administrator, or any of the other agencies, offices or individuals with whom the MOLC has contact.

52. What is the relationship between MOLC and other legal service providers, if any?

The MOLC enjoys a robust, collegial, and collaborative relationship with the legal service providers that we are aware of and with whom we interact on a regular basis. While the relationships are generally informal, we meet with these organizations or individuals in different circumstances to address their broad or specific concerns whenever we can.

Our service to these entities, including law firms of various sizes and solo practitioners - sometimes facilitated by prior governmental interactions or even our professional relationships - is part of the MOLC's overarching responsibilities as we've reported before.

We routinely commit to being as responsive and as helpful as we can be to solve specific problems, address legal concerns and, in some cases, to be the conduits for information or messages to other parts of the government when that is appropriate.

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53. What role does MOLC have in public donations to the District agencies? Please outline the processes of receiving donations from the initial step to its completion, including:
- a. Monetary minimums and maximums
 - b. Types of donations accepted
 - c. Disbursement of donated funds or goods

The MOLC provides a legal review of all donation applications submitted to subordinate agencies for goods or services, pursuant to Mayor's Order 2015-001. This review ensures that each donation will be used for the purposes for which it was solicited and is consistent with applicable laws and purposes.

If the MOLC does not approve the application, the process cannot proceed. If the application is approved, a donation agreement is signed by the receiving agency and the donor. The MOLC is not involved in this process unless a revision is made to the standard donation agreement, in which case the MOLC must approve the agreement. The MOLC is not involved in the process of disbursing the donation goods. In FY21 and FY22, to date, the total number of donations that were deemed legally sufficient was 447.