

February 16, 2023

Dear Mayor Aitken and members of the City Council:

Enclosed is the refined scope of work and proposal for the JL Group. We look forward to discussing this with you on February 28, 2023. As you review the scope and proposal, I respectfully ask that you consider the following critical points:

1. As this point, the investigation has been reluctantly paused, pending resolution of the scope and budget issues. Although a few previously scheduled interviews have been conducted, work has otherwise ceased. On this point, I will share with you that the Orange County District Attorney has reached out to the investigative team and expressed concern about the possible lapse of a statute of limitations. Accordingly, we urge you to enable the JL Group to resume promptly to mitigate this risk.

2. To date, the JL Group has carefully endeavored to keep faith with its mandate from the City Council, as expressed in the original scope of work. This, of course, has two dimensions: (i) staying within the boundary of the approved scope, and (ii) covering the entire width of the approved scope. The refined scope is an effort to clarify and refine, but not to narrow, the approved scope of work. Stated simply, we propose to finish the job given to us by the City Council.

3. I am deeply concerned that if the City now requires a narrowing of the investigation's focus it will no longer be seen by the public as truly "independent." It would be seen as an investigation guided or limited by the City. Those who are eagerly awaiting the findings of the investigation may lack confidence in those findings knowing that the investigation was truncated by the current City Council. I submit that this is not in the best interest of anyone. Most significantly, it is not what was promised to the citizens of Anaheim.

4. One of the purposes of the investigation, as I understand it, is to take a major step forward in your laudable efforts to increase transparency and public confidence in local government entities and personnel. Narrowing the focus of the investigation midstream will almost certainly have the opposite effect; it may well increase skepticism and suspicion of everyone having a hand in the investigation.

5. Another significant purpose of the investigation is to enable the JL Group to make meaningful recommendations to the City for reforms. I know the investigative team is not prepared to make recommendations at this point and narrowing the scope of the investigation may leave them unable to do so.

As I have previously emphasized to you, we are very aware that we are asking for a significant additional investment of City resources to complete the project, an additional \$750,000. I believe the benefits of completing the original scope of work far outweigh the additional cost. I also am very confident that the negative consequences of restricting the investigation at this point far outweigh the possible cost savings.

The JL Group was retained because of its deep and broad experience and expertise in public entity investigations. I believe the JL Group is having good success and is on track to fulfill the goals of the

project. I respectfully urge you to trust that experience and expertise and allow the team to complete its mission of conducting an undeniably independent investigation and presentation of an objective report of its findings.

Judge Clay M. Smith (Ret.)