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July 30, 2010

Via Facsimile to 596-1964 and First Class Mail

Mr. Andrew T. Rees
Counsel Attorney
Tulsa City Council
175 East Second Street, Fourth Floor
Tulsa, Oklahoma 74103

Dear Mr. Rees:

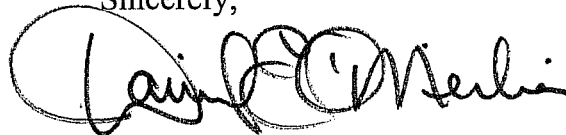
I was surprised to learn that you are continuing to give advice to the City Council given the now publicly alleged circumstances of your assignment to the Council. It is widely reported that your official title as a City of Tulsa employee is "Senior Assistant City Attorney" and has been for your entire multi-year tenure of your assignment to the Council. Determination of when you and the Council adopted the misleading nickname "Council Attorney" which you sign your letters written on Tulsa City Council letterhead is a matter best left to the Tulsa City Auditor or other City officials. It was a headline media story that your office, that is, the City Attorney's Office, recused from the matter involving the City Council's probe.

Aggravating the situation is that the City Council, stating that they are acting on your advice, without authority under the City Charter, initiated a bought and paid for so-called "investigation" report utilizing Tulsa taxpayer funds, and now, continues on your advice to publicly shop that report in a search to find some way to obtain a prosecutor. This is particularly true when the Council's publicly stated objective was to turn the report over to the City Prosecutor, but then immediately upon publicizing the report's and the Council's conclusions about the report, eight of the nine Councilors called for the Tulsa City Attorney and her office to recuse from the investigation. Such action was called for without a clue that the City Charter provided no alternative to such a recusal. These actions by the Council are being taken under the guise that they are in the best interests of the citizens of Tulsa, which is transparently not the case.

As you are certainly aware, a city charter is the “Constitution” for a municipality and just as the United States Constitution serves as the “supreme law of the land” for our country, the Tulsa City Charter serves as the “supreme” set of rules for our City government, limiting the authority of City officials in much the same way that the Constitution constrains the officials of the federal government. A city council can only exercise authority specifically granted to it by a city charter.

It is obvious that the individuals who are making the wholly false and vindictive accusations of criminal conduct against Terry Simonson and the Mayor erroneously believe that they can shield themselves by creating an appearance that they are acting in an official capacity when such actions and statements are patently outside any authority granted the Council by the City Charter. Since you apparently have chosen to continue to act as “Council Attorney,” and to suggest options to the Council, please advise the Tulsa City Council and its individual members as to the law regarding defamation of character as they engage in their concerted attempt to disparage the reputation and damage the career of Terry Simonson.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. O'Meilia". The signature is fluid and cursive, with a large loop at the beginning and a distinct end.

David E. O'Meilia

Joel Wohlgemuth (*via e-mail*)
Deirdre O. Dexter, City Attorney (*via e-mail*)