

Ad Hoc Committee on General Investigating and Ethics Meeting Record

The Ad Hoc Committee on General Investigating and Ethics meetings are recorded. Agenda materials are available online at www.dallascityhall.com.

Meeting Date: September 10, 2021

Convened: 1:17 p.m.

Adjourned: 2:37 p.m.

Committee Members Present: (in Chambers)

Cara Mendelsohn, Chair
Jaynie Schultz

Committee Members Present: (Virtually)

Tennell Atkins
Paula Blackmon
Adam McGough

City Staff Present:

Chris Caso, City Attorney
Chief Albert Martinez, Dallas Police Department

Presenters:

Brad Lollar, Assistant Public Defender, Deputy Chief of the Capital Murder Division
in Dallas County Public Defender's Office
Bill Zielinski, CIO, Information and Technology Services
Erin Nealy Cox, Attorney, Partner at Kirkland & Ellis

AGENDA

Call to Order (1:17 p.m.)

A. Chair Mendelsohn introduced Guest Speaker, Brad Lollar

Action Taken/Committee Recommendation(s): Brad Lollar expressed his request along with the Dallas Criminal Defense Lawyers Association (DCDLA) to seek an independent investigation, in the interest of transparency and to restore public trust, urging the Dallas Police Department to enlist an independent qualified auditing firm to review the data loss and produce a public report of its findings.

CM Atkins questioned the speaking role of Mr. Lollar. Chair Mendelsohn allowed him to provide comments and speak on behalf of his office. City Attorney Chris Caso verified the speaking request made by Mr. Lollar, who was representing his organization who was requesting an independent investigation on the data loss. Chair Mendelsohn has received an official statement from the Dallas County Defense Lawyers Association regarding their request and she will share the statement with all other committee members.

B. Approval of the May 11, 2021, Ad Hoc Committee on General Investigating and Ethics Meeting Minutes

Presenter(s): Cara Mendelsohn, Chair

Action Taken/Committee Recommendation(s): A motion was made to approve the minutes for the May 11, 2021, Ad Hoc Committee on General Investigating and Ethics meeting.

Motion made by: Tennell Atkins
Item passed unanimously: X

Motion seconded by: Paula Blackmon
Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

C. Update on the status of the city's data loss recovery efforts and report about any newly discovered data loss

Presenter(s): Bill Zielinski, CIO

Action Taken/Committee Recommendation(s): Chair Mendelsohn provided information as a framework regarding the purpose of the general investigations part of this committee as outlined by the mayor's memo establishing the committee to "protect the interest of the residents of the City of Dallas by exercising the investigative powers enumerated in Chapter 3, Section 18 of the Dallas City Charter on behalf of the Dallas City Council." Chair Mendelsohn read Chapter 3, Section 18:

Sec. 18. Investigations - The council, the city manager or any person or committee authorized by either or both of them shall have power to inquire into the conduct of any department or office of the city; to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

Chair Mendelsohn stated City Attorney Chris Caso had sent a notification to city staff to preserve records for the investigation; the FBI is aware of the incident and is conducting an investigation; the IT department is expected to release a report at the end of this month regarding the data loss incident; there was an audit released June 2010 that made management recommendations to improve computer controls; in the 2012 audit follow-up of prior year's recommendation for the fiscal year's 2010 and 2011, the recommendations had not been implemented.

Chair Mendelsohn stated goals for this investigation are to understand exactly what happened and why; what was lost or restored; how the process can be improved and make sure those changes are implemented. The next meeting is planned to be held in approximately 30 days; to follow-up with the Information and Technology Services report and interview firms if it is decided to move forward with the process for engaging outside assistance in an administrative investigation.

Bill Zielinski, CIO, Information and Technology Services, provided an update since the last report provided on August 27, 2021. Multiple questions and open discussions were made by committee members regarding the latest update and information sought to help the committee determine a need for possibly engaging outside assistance for an investigation. Questions were answered by Mr. Zielinski and Chief Martinez.

D. Consider hiring a third-party consultant to complete an impartial comprehensive investigation of, and report about, the city's data loss

Presenter(s): Chris Caso, City Attorney, City Attorney's Office

Action Taken/Committee Recommendation(s): Mr. Caso led the discussion about hiring an outside firm and defining the scope of work. Regarding an outside investigation, Mr. Caso stated these types of actions would be handled by a forensic law firm and invited Erin Nealy Cox to provide her insights into the process.

Ms. Cox provided a brief bio and introduction to the committee, as requested by Chair Mendelsohn. Ms. Cox recommended that the investigation be defined with a narrow scope and distinguish this investigative role as an investigation versus criminal intent or malfeasance.

Questions and open discussions were made by committee members and answered by Mr. Caso and Ms. Cox.

A motion was made to direct the City Attorney to move forward with obtaining qualified proposals recommending the top three firms for the committee to interview at the next meeting, hopefully within the next 30 days.

Motion made by: Adam McGough
Item passed unanimously: X
Item failed unanimously:

Motion seconded by: Paula Blackmon
Item passed on a divided vote:
Item failed on a divided vote:

Chair Mendelsohn advised all committee members to provide items to consider in the scope and send them directly to Chris Caso.

Adjourn (2:37 p.m.)

APPROVED BY:

**Cara Mendelsohn, Chair
Ad Hoc Committee on General Investigating
and Ethics**

ATTESTED BY:



**Monica Anderson, Coordinator
Ad Hoc Committee on General Investigating
and Ethics**