

# 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](http://www.dallascityhall.com).

**Meeting Date:** October 14, 2021

**Convened:** 9:06 a.m.

**Adjourned:** 11:59 p.m.

**Committee Members Present: (in Chambers)**

Cara Mendelsohn, Chair  
Jaynie Schultz  
Adam McGough

**Committee Members Present: (Virtually)**

Tennell Atkins  
Paula Blackmon

**City Staff Present: (in Chambers)**

Chris Caso, City Attorney

**City Staff Present: (Virtually)**

Elizabeth Reich, Chief Financial Officer  
Bill Zielinski, CIO, Information and Technology Services  
Dr. Brian Gardner, ITS Risk Management, Security, and Compliance Services  
Chief Albert Martinez, Dallas Police Department

**Presenters:**

Michelle Reed, Attorney, Partner at Akin Gump  
Erin Nealy Cox, Attorney, Partner at Kirkland & Ellis  
Harry Jones, Attorney, Polsinelli PC

## AGENDA

Call to Order (9:06 a.m.)

- A.** Chair Mendelsohn called the meeting to order. She extended an invitation to the public to sign up to speak at next week's meeting which will focus on the recently released ethics report. The committee welcomed input, comments and suggestions and requested speakers to sign up with City Secretary's website at least one day in advance.

**B. Approval of the September 10, 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 September 10, 2021, Ad Hoc Committee on General Investigating and Ethics meeting.

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:

### C. Interview proposed law firms

**Presenter(s):** Chris Caso, City Attorney

**Action Taken/Committee Recommendation(s):** Chair Mendelsohn invited Mr. Caso to introduce the three law firms who provided a brief overview of their firms and then the committee held a question-and-answer session for each firm in a round robin format. The committee then voted on which firm they chose to provide an investigative report on the IT data loss incident.

After the September 10<sup>th</sup> meeting of this committee, Mr. Caso and his team developed a request for submittals and provided a scope of work seeking law firms based on their experience in cyber security, data legal issues in internal investigations, proposed staffing, diversity fees, proposed forensic firms to handle technical piece of investigation, and thoughts about timing and approach to the assignment. Request for proposals was sent to 16 law firms. 12 proposals were received and reviewed by the City Attorney Review Team which consisted of Tammy Palomino, 1<sup>st</sup> Assistant City Attorney, Patricia DeLaGarza, Chief of Litigation, Ayeh Powers, Managing Attorney and Stacey Rodriguez, Chief of General Litigation.

The three firms were: Akin Gump, represented by Michelle Reed; Kirkland & Ellis, represented by Erin Nealy Cox and Polsinelli by Harry Jones.

Each firm (in alphabetical order) provided a brief overview of their firm's backgrounds and qualifications and then participated in a question-and-answer session by the Committee. Each firm presented one at a time and the other two firms waited in the briefing room until their turn was called.

- Akin Gump - Initial presentation made by Michelle Reed, partner with Akin Gump and serves as co-lead of cyber security and data protection. Akin Gump's basic approach was to address what happened; how did it happen, why was data not recoverable and what is needed going forward. Forensic part of investigation to be handled by Stroz Friedberg.

Questions asked by all committee members relating to Akin Gump's experience in cyber security cases, timeline to perform investigation, staff considerations, pricing factors, familiarity with City of Dallas systems, Dallas Police Department, and any other prior related experience with other cities/government systems. Ms. Reed provided answers to all questions and elaborated on firm's experience in handling similar investigations.

- Kirkland & Ellis - Initial presentation made by Erin Nealy Cox, partner with Kirkland & Ellis. Ms. Cox stated the biggest differentiator between all other proposals received is that Kirkland & Ellis is a world class firm and has large talent of people, resources, and experience available for these types of investigations. Ms. Cox has 25 years of experience in public service and 10 years of cyber consulting. Stroz Friedberg will also be a part of their investigative review/team.

Questions asked by all committee members relating to clarity on scope of recommendations and findings, timeframe to perform investigation, cost of investigation, how many members on the investigation team, familiarity with City of Dallas systems, Dallas Police Department, and any other prior related experience with other city governments. Ms. Cox provided answers and elaborated on firm's experience in handling similar investigations, especially her experience with public service and cyber investigations.

- Polsinelli PC - Initial presentation made by Harry Jones, Attorney with Polsinelli. Mr. Jones mentioned the last 20 years of his 30-year career, had been spent on investigations dealing with corruption and bond issues,

malfeasance and working closely with FBI and various police departments. LGC would also work on the forensics aspect of this type of investigation.

Questions asked by all committee members inquiring about Mr. Jones' firm's experience with government entities to which he mentioned within the last year his firm worked on an estimate of 85 cases with 50 to 60 cases relating to school districts, (Harris County or various counties), timeframe on delivery of investigative report, how many members would be assigned to the investigation team; familiarity with City of Dallas systems, Dallas Police Department, and any other prior related experience with other city governments. Mr. Jones provided answers and elaborated on firm's experience in handling similar investigations and noted his experience with public service and cyber investigations. His firm has 38 lawyers that work only on cyber security, but he would design a team of two, three or four lawyers to work on this investigation.

After individual firm's presentations and question and answers sessions concluded, Chair Mendelsohn defined next step for committee members and that was to deliberate on who to choose to work on the IT data loss investigation. Analyses and reviews were provided by each councilmember and their individual choice announced. Councilmember McGough chose Kirkland & Ellis; Councilmember Blackmon chose Kirkland & Ellis; Councilmember Schultz chose Kirkland & Ellis; and Councilmember Mendelsohn chose Kirkland & Ellis. Councilmember Atkins was absent during two of the three presentations and did not partake in the selection process.

**Action Taken/Committee Recommendation(s):** A motion was made for Kirkland & Ellis as the selection to full Council for consideration to help us with breach of data.

Motion made by: Paula Blackmon  
Item passed unanimously: X  
Item failed unanimously:

Motion seconded by: Adam McGough  
Item passed on a divided vote:  
Item failed on a divided vote:

**D. Initial Report, Identifying Data Types Lost and Possible Root Causes of the 2021 Data Loss Events at the City of Dallas**

**Presenter(s):** Bill Zielinski, CIO, Information and Technology Services

Elizabeth Reich, Chief Financial Officer, introduced Bill Zielinski, CIO, Information and Technology Services, who presented the ITS Data Loss Analysis Report. When presentation was concluded, Mr. Zielinski and Dr. Brian Gardner were available for questions from committee members.

Prior to questions from committee members, Chair Mendelsohn asked Chief Albert Martinez, Dallas Police Department, to provide an update on the FBI investigation. Chief Martinez had reached out to one of the supervisors on the investigating team and they are still in the assessment phase and no further update is available at this time.

Chair Mendelsohn and Councilmembers Blackmon and Schultz shared their concerns and asked multiple questions regarding the report. Committee members questions will also be shared with the law firm investigating the incident and seeking answers not found in the data loss analysis report.

**E. Forecast of Future Ad Hoc Meetings**

Chair Mendelsohn provided an update on future Ad Hoc Committee meetings planned for the remainder of this 2021 year.

- Ad Hoc General Investigating and Ethics Committee meeting scheduled for Thursday, October 21<sup>st</sup> at 1:30pm with the focus on the ethics report.
- City Council Agenda meeting scheduled for Wednesday, October 27<sup>th</sup>, to confirm contract for outside auditors.
- Ad Hoc General Investigating and Ethics Committee meeting tentatively scheduled for Thursday, October 28<sup>th</sup>, 9am to talk about data.
- Ad Hoc General Investigating and Ethics Committee meeting, Friday, November 5<sup>th</sup>, 9am centered on ethics.
- Ad Hoc General Investigating and Ethics Committee meeting, Friday, November 12<sup>th</sup>, 9am centered on ethics.
- Ad Hoc General Investigating and Ethics Committee meeting Thursday, December 2<sup>nd</sup>, 9am centered on ethics.

Chair Mendelsohn will share remaining meeting calendar information with all committee members.

Meeting adjourned (11:59 a.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**