



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS**

July 17, 2023

On July 17, 2023, a special meeting of the Odessa City Council was held at 3:00 p.m. in the Council Chambers, 5th floor, City Hall, 411 W. 8th, Odessa, Texas.

City Council present: Mayor Javier Joven; Council members: Mark Matta, District One; Steven P. Thompson, District Two; Gilbert Vasquez, District Three; Greg Connell, District Four; and Denise Swanner, At-Large.

City Council absent: Council member Chris Hanie, District Five.

Staff present: Norma Aguilar-Grimaldo, City Secretary; Agapito Bernal, Interim City Manager; Dan Jones, Interim City Attorney; and other members of City staff.

A quorum being present, Mayor Joven called the meeting to order, and the following proceedings were held:

Discuss former city attorney's forbidden access to the City of Odessa's email system after her termination. Mr. Bernal introduced Tony Flores, Interim IT Director; Mike Gerke, Police Chief; and Jennifer Reynier, Public Information Coordinator.

Mr. Flores stated that the forbidden access was an active investigation. He stated that on July 11, 2023 the IT Department received a public information request. The City Attorney's office discovered emails from former City Attorney Natasha Brooks was accessed from her city email address. Ms. Brooks' city email address was still active and accessed after her termination date. He was working with the Police Department. Council member Vasquez asked for the procedure when an employee leaves the city on internet access. Mr. Flores explained the TSR form to deactivate the email account. In this instance, City leadership told the IT Director to deactivate the account. The TSR form was a notification to IT from the department head to make any changes to remove employees from the system. Mike Parrish, former IT Director, was under the supervision of Cindy Muncy, former Assistant City Manager. He stated it should have been carried out to remove access. Mayor Joven reiterated that Mrs. Muncy communicated to Mr. Parrish as the process for the chain of command. Mr. Flores stated that Mr. Parrish did get with a specialist to deactivate the account through word of mouth.

Executive Session: As authorized by the Texas Government Code Section 551.071(2)(Consultation with Attorney), the City Council may adjourn into executive session to: Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, with the City Attorney and law enforcement.

Motion was made by Council member Matta and seconded by Council member Connell to go into executive session under 551.071(2). The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, and Swanner
Nay: None

Motion was made by Council member Matta and seconded by Council member Thompson to return from executive session. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, and Swanner
Nay: None

Mayor Joven read the following affidavit:

BEFORE ME, the undersigned authority, personally appeared Javier Joven, who, being by me duly sworn, deposed as follows:

1. My name is Javier Joven;
2. I am over the age of eighteen (18) years;
3. I am the duly elected Mayor for the City of Odessa, Texas;
4. I have been Mayor since December 2020;
5. I am executing this Affidavit on behalf of the City Council for the City of Odessa, Texas;
6. On or about Wednesday, July 12, 2023, at approximately 12:40 p.m., I was made aware of a City of Odessa data breach by Interim City Manager Agapito Bernal and City Attorney Daniel C. Jones involving former City Attorney Natasha L. Brooks;
7. Former City Attorney Natasha L. Brooks was terminated by the City Council for the City of Odessa, Texas on Tuesday, December 13, 2022 and again on Monday, January 9, 2023;
8. Former City Attorney Natasha L. Brooks' access to the computer network, email system, and/or share drive was to be terminated on December 13, 2022;
9. It is my belief that an employee failed to disable the email and login of former City Attorney Natasha L. Brooks after being directed to do so by former Assistant City Manager Cindy Muncy on December 13, 2022;
10. Interim City Manager Bernal and City Attorney Jones informed me that Public Information Coordinator Jennifer Reynier had discovered the data breach earlier on Wednesday, July 12, 2023;
11. My understanding is that Public Information Coordinator Reynier was fulfilling a public information request when she discovered that someone had been accessing the former City Attorney Natasha L. Brooks City of Odessa, Texas owned work email (nbrooks@odessa-tx.gov) to send documents which belonged to the City of Odessa, Texas to a personal email account and a government email account at Iowa Colony, Texas;
12. After the termination dates of former City Attorney Natasha L. Brooks, the City of Odessa, Texas did not give her or anyone else effective consent to access the computer network, email system, and/or share drive owned by the City of Odessa, Texas; and

13. The computer network, email system, and/or share drive is owned by a government entity, specifically a home rule municipality, in the State of Texas.

Council had a consensus for Mayor Joven to sign the affidavit.

Motion was made by Council member Swanner and seconded by Council member Vasquez to adjourn the meeting. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, and Swanner
Nay: None

The meeting adjourned at 4:53 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor