

MINUTES

Public Safety Commission Meeting

April 14, 2022

Austin, TX

The Public Safety Commission met in Austin, Texas on April 14, 2022, at 10 a.m. for its regular meeting. Attending the meeting were Chairman Steven Mach, Commissioners Nelda Blair, Steve Stodghill, and Dale Wainwright. A quorum was present.

- I. Call to Order (0:00:25)**
Chairman Mach called the meeting to order at 10:01 a.m. Proper notice was posted.
- II. Invocation (0:00:55)**
Chaplain Ferman Carpenter provided the invocation.
- III. Pledges (0:02:20)**
Trooper Roby Pennartz led the pledge of allegiance to the U.S. and Texas flag.
- IV. Approval of Minutes (0:03:10)**
The minutes of the last regular meeting held on February 10, 2022, were approved.
- V. Presentations (0:03:45)**
 - 30 Year Service Award**
Cynthia Fowler
Claudia Gann
Yolanda Garza
Assistant Chief James Lopez
Asiria Ramon
Sybil Tischler
 - 40 Year Service Award**
Starlane Riddle
Lawrence Thomas
 - Javier Arana Top Trooper Award**
Trooper Dani Basye
Trooper Mark Cooke

Purple Heart Award

Trooper Juan Rojas Tovar

Lifesaving Award

Trooper Crystal Cantu

Trooper Eloy Perez

Trooper Oscar Tovar

Trooper Jose Gonzalez

Trooper Nathan Reyes

Unit Citation

Border Security Operations Center (BSOC), six Joint Operations Intelligence Centers (JOICs), Texas Ranger Division, and Texas Military Department personnel

VI. Public Comment (0:28:20)

None.

VII. Director's Report**A. Aircraft Operations Division Update on Operation Lone Star (0:28:30)**

Director Steven C. McCraw introduced Aviation Operations Division Chief Tim Ochsner who provided information on the state's aircraft capabilities at the border and throughout the state.

B. Operation Lone Star (0:53:45)

Director McCraw provided an update on Operation Lone Star and discussed data gathering and statistics related to criminal arrests, drug seizures, currency seizures, and driver safety.

Chairman Mach acknowledged in-person and virtual attendance of the following: (1:07:55)

Katy Fallon-Brown – Legislative Budget Board

Suzanne Mackowiak – Lieutenant Governor's Office

Michael Hull – Governor's Office

Aaron Moncibaiz – Lieutenant Governor's Office

VIII. New Business**A. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (1:08:20)**

1. Proposed amendments to 37 TAC Section 16.31, concerning Third-Party Skills Testing Program

Driver License Division Chief Sheri Gipson presented the rule proposal for item (1). A motion was made by Commissioner Blair, seconded by Commissioner Stodghill, to approve for publication in the Texas Register. Motion passed unanimously.

B. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

IX. Ongoing Business

A. Report, discussion and possible adoption of the following previously published rules: (1:09:45)

1. Proposed new 37 TAC Section 15.149, concerning Deleting Personal Information When Not An Authorized Recipient
2. Proposed repeal of 37 TAC Section 16.22, concerning Substitute Experience for Commercial Driver License (CDL) Driving Skills Exam
3. Proposed amendments to 37 TAC Section 16.26, concerning Written Exams Required
4. Proposed amendments to 37 TAC Section 16.29, concerning Waivers From Skills Exam

Driver License Division Chief Gipson presented the rule adoptions for items (1)-(4). A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to adopt the rules under IX(A)(1)-(4). Motion passed unanimously.

B. Report, discussion, and possible action regarding the modification of the DPS organizational structure and the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team. (1:13:00)

Director McCraw made a recommendation to appoint Vanessa Mayo as the Assistant Chief of Finance effective May 1, 2022. A motion was made by Commissioner Blair, seconded by Commissioner Wainwright, to appoint Vanessa Mayo as Assistant Chief of Finance effective May 1, 2022. Motion passed unanimously.

C. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

To be discussed during Executive Session.

X. Reports

A. Commission member reports and discussion (1:16:15)

None.

Chairman Mach acknowledged virtual attendance by State Representative James White, Chairman of the Texas House Committee on Homeland Security and Public Safety, (1:16:30)

B. Finance Report (1:16:40)

None.

C. Chief Auditor's Office (1:16:45)

None.

D. Division status reports on activities and action (1:16:50)

None.

XI. Consent Items (1:16:55)

A. Advice and consent regarding director's determination that certain probationary employees were found unsuitable for work during February and March 2022

B. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: James Warren Behrens, Michael Alan Bradberry, Jeffrey Alan Buuck, Cynthia Sloane Fey, Ronald Fredrick Fields, Richard Shea Patterson, and Carlton Ray Scott; Texas and Southwestern Cattle Raisers Association Special Rangers: Darrel Edward Bobbitt, Michael Craig Boone, Steven Wayne Jeter, and Ronald Christopher Ward.

C. Donations:

1. South Texas Region – Needmore Ranch, lodging and training facilities
2. Additional donation items, as needed

A motion was made by Commissioner Wainwright, seconded by Commissioner Stodghill, to approve all consent items under XI(A)-(C). Motion passed unanimously.

XII. Items for Future Agenda (1:17:30)

None at this time.

XIII. Date for Future Meeting (1:17:40)

The regular Public Safety Commission meeting is scheduled for June 9, 2022. Discharge hearings will be scheduled for June 10, 2022.

XIV. Adjourn into Executive Session (1:17:50)

Executive Session began at 11:26 a.m. The Commission adjourned into executive session to discuss security issues; to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; to deliberate regarding real estate matters; to consider any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; and to discuss ongoing criminal investigations.

The Public Safety Commission reconvened in open session at 1:50 p.m. Chairman Steven Mach and Commissioners Nelda Blair, Steve Stodghill, and Dale Wainwright were present. (1:18:40)

XV. ADJOURN

The meeting was adjourned at 1:50 p.m.

Read and approved this 25th day of August, 2022.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 14, 2022, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Commercial Driver License
Title 37 T.A.C. Part I, Chapter 16
Subchapter B
Section 16.22

The Texas Department of Public Safety (the department) adopts the repeal of §16.22, concerning Substitute Experience for Commercial Driver License (CDL) Driving Skills Exam. This repeal is adopted without changes to the proposed text as published in the February 25, 2022 issue of the *Texas Register* (47 TexReg 889) and will not be republished.

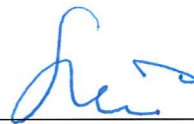
This rule is being repealed in conjunction with amendments §16.26 and §16.29 as all relevant information required by 49 Code of Federal Regulations (CFR) Part 383.77 is being incorporated into these sections.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, §522.005, which authorizes the department to adopt rules necessary to administer Chapter 522 of the Texas Transportation Code.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 14, 2022, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Commercial Driver License
Title 37 T.A.C. Part I, Chapter 16
Subchapter B
Section 16.26

The Texas Department of Public Safety (the department) adopts amendments to §16.26, concerning Written Exams Required. This rule is adopted without changes to the proposed text as published in the February 25, 2022 issue of the *Texas Register* (47 TexReg 890) and will not be republished.

This rule requires revisions to comply with 49 Code of Federal Regulations (CFR) Part 383.77 related to the substitution and waiver of CDL written exams for drivers with military CMV experience.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 14, 2022, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Commercial Driver License
Title 37 T.A.C. Part I, Chapter 16
Subchapter B
Section 16.29

The Texas Department of Public Safety (the department) adopts amendments to §16.29, concerning Waivers from Skills Exam. This rule is adopted without changes to the proposed text as published in the February 25, 2022 issue of the *Texas Register* (47 TexReg 891) and will not be republished.

This rule requires revisions to comply with 49 Code of Federal Regulations (CFR) Part 383.77 related to the substitution skills exams for drivers with military CMV experience.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 14, 2022, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter I
Section 15.149

The Texas Department of Public Safety (the department) adopts new §15.149, concerning Deleting Personal Information When Not An Authorized Recipient. This rule is adopted without changes to the proposed text as published in the February 25, 2022 issue of the *Texas Register* (47 TexReg 888) and will not be republished.

The Eighty-seventh Texas Legislature, enacted Senate Bill 15, which amended Texas Transportation Code, §730.0121, requiring the department by rule to require a requestor to delete from the requestor's records personal information received from the agency under this chapter if the requestor becomes aware that the requestor is not an authorized recipient of that information.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code and §730.0121.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

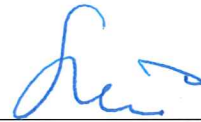
IN THE MATTER OF § BEFORE THE
THE DISCHARGE OF § PUBLIC SAFETY COMMISSION
PROBATIONARY EMPLOYEES § IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employees were unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to discharge these employees:

Employee Name	Employee Title/Division	Date of Discharge
Kashanna Coleman	License & Permit Specialist/Driver License	02/09/2022
Jimia Stokes	VESS Counselor/Human Resource Operations	02/15/2022
Edward Scott	Trooper Trainee/Training Operations	03/24/2022

Approved:



Steven P. Mach, Chairman
Public Safety Commission

Date: April 14, 2022

