

AGENDA
Public Safety Commission Meeting
April 23, 2020, 1:00 p.m.

Meeting will be conducted by Telephonic Conference
Public Access to the meeting will be provided at the following link:

https://www.dps.texas.gov/public_safety_commission/calendar/index.htm

Members of the public may address the Public Safety Commission during the Public Comment portion of the meeting by registering in advance through the above link. Registration for Public Comment will be received until 5:00 p.m. on April 22, 2020.

The Public Safety Commission will convene by telephonic conference as posted to consider and take formal action, if necessary, on the following agenda items:

I. CALL TO ORDER

II. INVOCATION

III. APPROVAL OF MINUTES

IV. PUBLIC COMMENT

(Members of the public wishing to address the Commission are subject to a time limit of 5 minutes and must register in advance at the link provided above. Should a member of the public bring an item to the Commission for which the subject was not posted on the agenda of the meeting, state law provides that the Commission may receive the information but cannot act upon it at the meeting. The Commission may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion.)

V. DIRECTORS REPORT

VI. NEW BUSINESS

- A.** Report, discussion, and possible action on the Agency Strategic Plan
- B.** Review and Possible Approval of Expenditure Plan for Seized Funds
- C.** Final Determination in Contested Cases – consideration and possible action on Proposal for Decision:
 - 1. SOAH Docket No. 405-20-1115.MVI – Hector Espinoza
- D.** Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

VII. ONGOING BUSINESS

- A.** Report, discussion and possible adoption of the following previously published rules:
 - 1. Amendments to 37 TAC Section 10.4 and new Section 10.5 and Section 10.6, concerning General Provisions
 - 2. Amendments to 37 TAC Sections 10.11, 10.13, 10.14, and new Section 10.17, concerning Vendor Authorization
 - 3. Amendments to 37 TAC Section 10.32, concerning Denial of Request for Approval; Revocation of Device Approval
 - 4. Amendments to 37 TAC Sections 23.1, 23.3, 23.5, and 23.6, concerning Vehicle Inspection and Vehicle Inspector Certification
 - 5. Amendments to 37 TAC Sections 23.12 – 23.14, concerning General Vehicle Inspection Station Requirements
 - 6. Amendments to 37 TAC Section 23.51 and Section 23.55, concerning Vehicle Emissions Inspection and Maintenance Program
 - 7. Repeal of 37 TAC Section 23.56, concerning Waiver for Low Volume Emission Inspection Stations
 - 8. Amendments to 37 TAC Section 23.62 and Section 23.63, concerning Violations and Administrative Penalties
 - 9. Amendments to 37 TAC 36.1, concerning Definitions
 - 10. Amendments to 37 TAC Section 36.11, concerning Application for Certificate of Registration
 - 11. Amendments to 37 TAC Section 36.34 and Section 36.36, concerning Practice by Certificate Holders and Reporting Requirements
 - 12. Amendments to 37 TAC Sections 36.51, 36.53, 36.55, and 36.56, and new Section 36.57, concerning Disciplinary and Administrative Procedures
 - 13. Repeal of 37 TAC Sections 36.57- 36.59, concerning Disciplinary and Administrative Procedures
- B.** Report, discussion, update and possible action regarding Driver License Action Plan
- C.** Report, discussion, and update regarding Mass Casualty Attacks including progress on Executive Order GA-07 issued September 5, 2019

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

VIII. REPORTS

- A. Commission member reports and discussion
- B. Finance Report
- C. Chief Auditors Office
- D. Division status reports on activities and action

IX. CONSENT ITEMS

All of the following items may be enacted with one motion. These items are typically self-explanatory or have been previously considered by the Commission. There will be no separate discussion of these items unless a commissioner so requests.

- A. Advice and consent regarding director's determination that certain probationary employees were found unsuitable for work during February and March 2020.
- 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: Larry C. Bigham, Joe S. Byrd, Gregg A. Castillo, Bruce G. Eden, James R. Faulkner, Jr., Marvin G. Jenkins, Ronald C. Joy, Jr., and Billy M. Ladd; Special Texas Rangers: Robert L. Garcia, and Jesus J. Valdez
- C. Donations:
 - 1. Texas Rangers "Company F" – use of Beaver Creek Ranch for law enforcement training purposes
 - 2. Texas Highway Patrol – donation of PrePass services for Electronic Clearance System for commercial motor vehicles
 - 3. Education, Training & Research – donation of two ambulances and one response support vehicle for the Tactical Training Center
 - 4. Law Enforcement Support – donation of process improvement training for DPS Crime Lab Toxicology sections
 - 5. Additional donation items, as needed

X. ITEMS FOR FUTURE AGENDA

XI. DATE FOR FUTURE MEETING

Any discharge hearings will be scheduled on June 10, 2020, and the regular Public Safety Commission meeting is scheduled for June 11, 2020.

XII. ADJOURN INTO EXECUTIVE SESSION

(If required) to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the director's action of discharging employees as identified in this agenda; ongoing criminal investigations

XIII. ADJOURN

The Commission may take items out of the order in which they are posted on this agenda. Also, an item that has been adopted, passed upon, delayed or tabled for a later meeting may be considered or reconsidered at the same meeting.

The Public Safety Commission may meet and discuss in Executive Session and have action taken in an Open Meeting where required on the following items:

Government Code Sec. 551.071 Consultation and deliberation with legal counsel about pending or contemplated litigation or a settlement offer, or on a matter where the Commissioners seek the advice of their attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, and to discuss the Open Meetings Act and the Administrative Procedures Act with their attorney

Government Code Sec. 551.074 Appointment, employment, evaluation, reassignment, duties, discipline or dismissal of director, assistant director, and persons appointed to management team positions pursuant to Govt. Code Sec. 411.0071

Government Code Sec. 551.076 Deliberations about security audits, security devices, including deployment and implementation of security personnel and devices

Government Code Chapter 411, Sec. 411.0041 Ongoing criminal investigations

Government Code Sec. 551.072 Deliberation of the purchase, exchange, lease, or value of real property, if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person

Government Code Sec. 551.073 Deliberation of a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person