

MINUTES
PUBLIC SAFETY COMMISSION
June 29, 2005
Austin, Texas

The Public Safety Commission met in Austin, Texas on June 29, 2005. Attending the meeting were Chairman Colleen McHugh and Commissioners Carlos Cascos and Ernest Angelo, Jr.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Oscar Ybarra, Tom Meredith & Cal VanderWal, Accounting & Budget Control
Randy Elliston & Lamar Beckworth, Highway Patrol Division
Kent Mawyer & Gary Stone, Criminal Law Enforcement
Valerie Fulmer, Administration
Judy Brown, Greg Gloria, Bob Burroughs, Angie Parker & Claire McGuinness, Driver License
Ray Coffman, Texas Rangers
Farrell Walker & Jude Schexnyder, Office of Audit & Inspection
Mary Ann Courter, General Counsel
Ed Kelly & Bryan Lane, Information Management Service
David Outon, Internal Affairs
Tela Mange, Public Information Office
Jack Reichert & Steve Powell, Aircraft
Michael Kelley, Legislative Liaison
Dorothy Wright, Secretary

Guests present:

Mike McElhaney, Governor's Budget Office
Matt Ogden, Senate Committee on Transportation & Homeland Security

The meeting was called to order by Chairman McHugh. Proper notice had been posted.

- I. **Minutes.** Upon motion by Commissioner Angelo and seconded by Commissioner Cascos, the minutes of the May 19, 2005 & May 20, 2005 meetings were approved.
- II. **Public comment.** There was no public comment.
- III. **Discharge appeal hearing of DPS employee Rosie Deven.** Commissioner McHugh announced that the discharge appeal hearing of Rosie Deven had been continued to a later date at her attorney's request.
- IV. **Budget matters.** Oscar Ybarra gave the budget report. There was some discussion on the Department's FY 2006/2007 legislative appropriations, FTE's authorized, and our exceptional item request results. Also discussed were the CRIS & THP reductions, non-funding for salary, longevity and hazardous duty pay increases, and gasoline prices. Drug task force legislation that passed was discussed.
 - A. **Exemption as allowed under Art. IX, Sec. 6.14(a), Gen. Approp. Act.** Oscar Ybarra briefed the Commission on the Department's need to request an exemption of the 2% reduction of authorized positions as mandated by the legislature. There was

some discussion on this reduction. Upon motion by Commissioner Angelo and seconded by Commissioner Cascos, DPS was given permission to request an exemption to the reduction as allowed under Art. IX, Sec. 6.14 (a), Gen. Approp. Act.

- V. **Audit & Inspection report.** Farrell Walker gave the audit & inspection report.
- VI. **Division reports.** Valerie Fulmer gave the Administration Division report. There was some discussion on additional FTE's for private security, ongoing building projects, sex offender notification procedures/expenses, and the Governor's action of moving the Texas Engineering Extension Service operation to our Emergency Management Service. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on the documentation of contacts with illegal aliens and THP drug and currency seizures. Judy Brown gave the Driver License Division report, including an update on the DL reengineering, driver responsibility and CRIS projects; the DL mailing system upgrade; fraud unit activities; and the recent wrong DL mailing incident with cost estimate to DPS. The Criminal Law Enforcement Division report was given by Kent Mawyer. There was some discussion on ongoing activities of the various services, CODIS hits, Crime Laboratory and Special Crimes FTE increases, and the proposed pre-employment polygraph tests to recruit applicants as mandated by the Legislature. Ray Coffman gave the Ranger Division report. The Information Management Service report was given by Ed Kelly who updated the Commission on HB 1516 which gave the Department of Information Resources responsibility over all state data centers, but exempting applications dealing with law enforcement.
- VII. **Billboard advertising.** Randy Elliston briefed the Commission on some past public service announcements/safety campaigns in which DPS had participated. There was some discussion on the Director's authority to grant use of DPS insignia and proposals by two (2) different private entities to use DPS insignia or the likeness of a DPS officer on billboards to promote public safety. The proposals will be discussed at a future meeting.
- VIII. **Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property.** The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters, including the Director's action of discharging probationary employee Jeannette Flores and the Director's salary; Special Ranger and Special Texas Ranger commissions; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, Commissioner McHugh announced that the Commission had discussed personnel matters, pending and contemplated litigation and ongoing criminal investigations. Special Ranger commissions had been considered for DPS retirees Joe Brown, James Debrow, Welford Eubanks, Hector Herrera, Michael Holmes, Daniel Pina, Hector Ramos and William Tucker. Upon motion by Commissioner Angelo and seconded by Commissioner Cascos, Special Ranger commissions were approved for the above named individuals. Upon motion by Commissioner Cascos and seconded by Commissioner Angelo, consent to discharge probationary employee Jeannette Flores was given (see attached Order). There was some discussion on the Director's salary. A motion was made by Commissioner Cascos and seconded by Commissioner Angelo to

increase the Director's annual salary to \$150,000. Commissioner Cascos then commented that he did not feel this increase was enough compensation for the number of employees, budget and responsibilities of the DPS Director, but that the Commission would abide by the wishes of the Legislature who had capped the salary at this amount. Commissioners Angelo and McHugh both seconded the comments. The motion to increase the Director's salary to \$150,000 annually passed unanimously.

A motion was made by Commissioner Cascos and seconded by Commissioner Angelo adjourning the meeting.

Read and approved this 16 day of August, 2005.

Creene McHugh Jr

Chairman

Charles H. Cascos

Member

Ernest Angelo J.

Member

