

**PUBLIC SAFETY COMMISSION
MEETING MINUTES – January 26, 2012
Weslaco, TX**

The Public Safety Commission met at the Weslaco Regional Command Center located at 2525 N. International Blvd, Weslaco, Texas 78696 on January 26, 2012. Attending the meeting were Chairman Allan Polunsky, Commissioners Carin Barth, Ada Brown, John Steen, and Cindy Leon. A quorum was present for the meeting. DPS staff members and guests were also present.

Call to order

The meeting was called to order by Chairman Polunsky at 10:31 a.m. Proper notice had been posted.

Approval of Minutes (01:27 - indicates time stamp from audio file)

A motion was made by Commissioner Steen seconded by Commissioner Leon approving the minutes as submitted for the December 13, 2011 meeting. Motion passed unanimously.

Public Comment (01:58)

There were no public comments.

Before going to the Director's Report Chairman Polunsky stated he wanted to announce a momentous occasion and wish the Public Safety Commission Liaison, Linda Doherty a happy birthday. The Chairman continued with announcing that Ms. Doherty was retiring as of February 3, 2012 and this would be her last meeting. He stated she was the first Liaison to the Public Safety Commission in history and thanked her for a job well done and wished her the best. He presented Ms. Doherty with a proclamation from Governor and First Lady Anita Perry congratulating her for her service and retirement; a framed certificate of retirement acknowledging service to the Public Safety Commission; and a retirement pendant. Commissioner Leon added her thanks followed by Commissioner Steen who commented on Ms. Doherty's outstanding performance and asked the audience for a standing ovation.

Director's Report (08:29)

Director McCraw began his report with a special occasion of presenting a Director's Citation to Brian Hawthorne. He informed the audience that Mr. Hawthorne had explained the department's complex law enforcement issues and areas that needed to be addressed and testified during the Legislative session to its members, devoting countless hours and time away from his family. Chairman Polunsky added his remarks detailing the successful session, and stated it was because of the collective work of many, like Mr. Hawthorne, who spent a lot of time at the Capitol as representatives and ambassadors of the Department, under Colonel McCraw's leadership and vision, but what Mr. Hawthorne did, was above and beyond the call of duty. Chairman Polunsky said Mr. Hawthorne spent many hours assisting the Department staff with testimony and providing information to the Legislators, doing a tremendous job. He added Mr. Hawthorne was leaving the Department to pursue future endeavors, but would leave a very positive mark on the Department because of the work not only at the Legislature, but in his other duties representing members of the Department at DPSOA, and as a Sergeant with the Department, putting together a very distinguished career. He wished him the best of luck.

The Director reported on the recent Training Academy graduation. He said this academy had 57 graduating Troopers. He added that a class of 67 starts the next week. He expanded with his report on recruiting stating they would like to start a nationwide campaign to recruit those with a military background. He detailed a DPS employee referral incentive bonus proposal, for Commission approval, which would pay any employee a referral bonus after a Trooper successfully completes and graduates from the training program. He added that restrictions to the ride along program were also going to be relaxed. He then recommended an increase to the current referral bonus that pays a \$500 savings bond, to a \$1,000 cash referral bonus and asked the Commission for consideration in approving these recommendations. Chairman Polunsky added this was a well received package of incentives and counter-recommended increasing the referral bonus to \$2,000. He commented that this was very important, the life blood of the Department to recruit the best and brightest individuals for a career with DPS. Chairman Polunsky requested input from the other Commission members. Commissioner Barth stated she agreed, that employees were our best recruiters, and this would give them an incentive in the effort. She added she appreciated leveraging professionals from the military. Commissioner Leon concurred with the incentive which would allow for the support that was needed through the process of the Academy from the individual who referred them. Commissioner Brown agreed. Director McCraw reiterated his recommendation and request for approval for a \$2,000 referral bonus. **A motion was made by Commissioner Steen seconded by Commissioner Barth authorizing the recommended adoption of a \$2,000 referral bonus for any DPS employee referral that resulted in a successful recruitment and graduation of a cadet that joins the Department as a commissioned officer. Motion passed unanimously.** Commissioner Barth added that the Director should bring the guidelines of the program back to the members once available. Chairman Polunsky added that the person responsible for referring the candidate for the Training Academy should be able to visit, have communication, and be able to encourage and support, and ideally be allowed to attend the graduation ceremony so they can see their efforts come to fruition.

The Director continued his report reviewing the current background investigation procedure. He said the current procedure took a commissioned officer off of the road to conduct the investigations, which sometimes took ten days. He proposed working with the Comptroller's office to identify TXMAS vendors under a GAO contract, and entering into an agreement with specified costs estimated under \$1,000. He added this would be extraordinary, in relation to the cost of a Trooper's time in conducting the background investigations. Commissioner Barth asked if these background investigations would be across the Department, and include not only all employees, but also contractors. The Director confirmed it would and added that the future budgets would include this expense in the total costs for each recruit school. General Counsel Adkins stated this request was an item covered in the agenda and therefore appropriate for the Commission to take action, since items could be taken out of order. **A motion was made by Commissioner Barth seconded by Commissioner Leon to allow the Director to make revisions in the Department's policy with respect to outsourcing, according to the guidelines of the State of Texas, background checks for all Department employment. Motion passed unanimously.**

Director McCraw detailed recommended changes he proposed for action by the Commission to the Department organization. The modifications proposed included: changes to the DPS Command Structure; expanding Public Affairs to Policies, Projects and Portfolio Management and moving it to report to the Deputy Director of Services; promoting Wayne Mueller to Assistant Director of the Administration Division; hiring an Assistant Director for Homeland Security; and introducing a Special Assistant to the Director, Joe Peters. Commissioner Barth stated she

would like to defer the discussion on the specific individuals to be done in Executive Session due to the sensitivity. **A motion was made by Commissioner Barth seconded by Commissioner Leon approving the changes to the organizational structure as the Director discussed. Motion passed unanimously.** Chairman Polunsky stated that the individual's recommended would be discussed in Executive Session and they would come back afterwards and discuss those.

New Business (01:01:27)

A. Review, discussion and possible action of policies and procedures of the Office of Inspector General

Chairman Polunsky stated this item would be deferred for discussion in Executive Session.

B. Report, discussion, and possible action on proposed amendments to Driver License Rule for publication: Rule 15.25, 37 TAC Sec. 15.25 concerning alternate address for Peace Officers

AD Rebecca Davio, Driver License, presented this rule proposing action to post it to the Texas Register for public consideration. She stated that the proposed amendments detailed the alternate address items that would be required for qualifying peace officers. **A motion was made by Commissioner Steen seconded by Commissioner Barth approving the proposed amendments. Motion passed unanimously.**

C. Report, discussion, and possible action on proposed amendments to Driver License Rule for publication: Rule 15.38, 37 TAC Sec. 15.38 concerning Fee Exemptions

AD Rebecca Davio, Driver License, presented this rule stating the modification would add a fee exemption for identification cards and would exempt disabled veterans from the fee for driver licenses. **A motion was made by Commissioner Barth seconded by Commissioner Steen approving the proposed amendments as presented. Motion passed unanimously.**

D. Review of pending contracts:

- a. **North Texas Tollway Authority (Inter-local agreement with North Texas Tollway Authority (NTTA) to provide enforcement under the Expanded Enforcement Project**
Acting AD Wayne Mueller, Administration stated the NTTA contract was presented as information only and required no action by the Commission. Commissioner Barth inquired if the Chief Auditor had reviewed the changes. Steve Goodson, CA confirmed he had reviewed and the indirect costs were sufficiently covered in the new contract with NTTA.

Adjourn into Executive Session (01:11:20)

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; 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; and ongoing criminal investigations. Executive Session began at 11:41 a.m.

(01:12:08) The Public Safety Commission reconvened the open session at 1:25 p.m. Commissioner Steen left the meeting. A quorum was present.

Ongoing Business

- A. Report, discussion and possible action regarding the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team
No discussion.
- B. Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries pursuant to Government Code chapter 411, Secs. 411.005, 411.006 and 411.0071
Chairman Polunsky stated the modifications to the organization structure had already been approved and asked the Director to outline the individuals proposed. Director McCraw stated Valerie Brown would move from Administration to the Office of General Counsel. With her vacancy, Wayne Mueller was recommended to fill the position as AD, Administration. **A motion was made by Commissioner Leon seconded by Commissioner Barth approving the proposal. Motion passed unanimously.** Chairman Polunsky wished both Valerie Brown and Wayne Mueller luck in their new positions. Director McCraw introduced Joe Peters as the Special Assistant to the Director. Chairman Polunsky welcomed Mr. Peters back to the Department.
- C. Update report, discussion and possible action regarding the status of building safety and security at the DPS campus on North Lamar
No discussion.
- D. Report, discussion and possible action on the Fiscal Year 2012 Operating Budget
AD Denise Hudson, Finance stated there were no significant changes in the operational budget, but stated with regards to federal funds they had seen some changes. She outlined the \$87 million received since October stating \$63 million was Homeland Security and \$24 million had been added for TDEM due to the fires. She further outlined the current status of each of the divisions, bringing attention to those with remaining balances of concern.
- E. Report, discussion and possible action regarding purchases using seized funds
AD Denise Hudson reported on the seized fund status adding that \$2,671,560 had been expended for replacement hand-held radios.
- F. Update Report, discussion and possible action regarding recruitment
DAD Frank Woodall, Education and Training provided current status of the next recruit school that would start with 67 recruits. He added that 540 applications, out of 1216, were in various states of process.

DAD Woodall reviewed the educational policy for entering the training program, adding that after discussion they had opened up to those candidates with an Associate's Degree. He stated that a decision was also made to allow those with 24 months of military or law enforcement service to apply, and that those with Federal service or out of state law enforcement service with standards required by TCLEOSE would also be considered for eligibility. He said this nationwide recruiting effort would require specifically trained Highway Patrol recruiters and additional assets may be required. Chairman Polunsky questioned the college hour requirements, specifically hours to accomplish an Associate's Degree, and if this lowered the standards. DAD Woodall stated TCLEOSE requirements were 60 hours of college and it did not jeopardize the standards. The Commission members and Director McCraw had a lengthy discussion of the educational recruiting standards and college hour requirements based on concern with regards to jeopardizing the standards.

Commissioner Leon inquired what the maximum number of class recruits was that the Department could train. DAD Woodall stated 120 recruits. Director McCraw added that currently three schools were being conducted with 80 recruits in each. DAD Woodall said the Army National Guard would now be able to be considered, which had never been available before and this expanded potential candidates. Chairman Polunsky asked if DAD Woodall was pleased with the changes. DAD Woodall stated he was happy about each of the recommendations: the recruiting bonus, outsourcing background investigations, the military nationwide effort and the educational requirements. He added the mentoring and attending the graduation, maybe presenting the badge to the graduate, all resulted in a great Trooper.

G. Report, discussion and possible action regarding Continuity Plan at the Department of Public Safety

No report at this time.

H. Follow-up report, discussion and possible action on the Department of Public Safety ethics policy and reporting requirements

Director McCraw recommended deferring this item until the February meeting in order for Commissioner Steen to be present, since the item had been at his request for action. Commissioner Brown expressed some concerns while on the topic with regards to a minimum gift amount being specified in the proposal; and the language she felt was subjective about the relationship and position and wanted the draft language to be reconsidered. Director McCraw responded they would consider her concerns and revise. Director McCraw added that part of the policy was to educate and that was why the policy had been drafted. Commissioner Brown asked who the Ethics Officer would be. Director McCraw said there would be some unique challenges they would work out and advise as those developed.

I. Status report, discussion and possible action on TxDOT median dividers and effectiveness in deterring vehicles crossing over and law enforcement turn around areas

AD Louis Gonzalez, Highway Patrol stated 6 new medians had been completed, bringing the total installed to 79 out of 231. He provided the number of completions by district stating that the lack of funds contributed to those not yet completed. AD Gonzalez informed that the cross over medians would be included in new construction going forward. Chairman Polunsky stated this item would only need to be reported in the future "as needed". Commissioner Leon commented that only if the medians were not being installed, would further reports need to be presented. Chairman Polunsky asked that AD Gonzalez bring any problems that may arise to them at future meetings.

J. Status report, discussion and possible action on Department generators – specifically conversation updates with electrical companies around the state

AD Nim Kidd, Emergency Management reported they were moving along very well on this item. He stated that out of 279 facilities, 39 were on a critical infrastructure list. They are continuing to work on this.

K. Report, discussion and possible action regarding Emergency Management's procurement status of RFP for audit services with respect to Federal monies for past grants

AD Nim Kidd, Emergency Management advised they had looked at 90 audit service firms and identified eleven Texas based firms. He stated only six were being considered to move over to TXMAS. He said as a result of future meetings the decision to add additional firms or add work to the firms they have would be the direction they go.

L. Report, discussion and possible action regarding Emergency Management disaster response contract services

AD Nim Kidd, Emergency Management presented slides on the current response structure, which did not include financial management. He said foremost, making decisions during the process was what they were looking into how to prevent.

Commissioner Barth said she appreciated him spending time on this issue.

M. Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office

Real Estate

Steve Goodson, Chief Auditor reported that no results were yet available on the Real Estate audit the Commission requested. He said they anticipated being able to report on this item in February.

N. Report, discussion and possible action on Driver License monthly updates

AD Rebecca Davio, Driver License presented the processing and wait time comparative information with year-over-year information. She stated that six Driver License offices had reductions in wait times, evidence that the queuing system is working. She continued with her report on L-1, adding they now have a three day turnaround in getting driver license cards mailed. AD Davio reported on the mega centers status adding that the Ft. Worth site will not meet the September opening date since they are still looking for a location. Chairman Polunsky asked for AD Davio to review the process. AD Davio reported that the Texas Facility Commission engages a real estate firm to identify sites that meet the criteria applicable to driver license needs. She informed that the DPS Administration/Facilities is involved in the coordination of effort on the mega centers.

Reports

A. Commission member reports and discussion – None

B. Finance Report – None

C. Chief Auditors Office Report

AD Goodson reported on two audit reports they had completed: Federal Excess Property Program (1033) audit and Petty Cash Funds. Management agreed with the conclusions for both reports. He continued his report adding that the QAR team completed their on-site work during the week of November 7, 2011. He advised that a final report was mailed to the Commission notifying that the Department fully conformed.

D. Division status reports on activities and action –

Chairman Polunsky asked AD Wayne Mueller, Administration of his vision for his division. AD Mueller reported his main challenge was instilling a true team spirit in order to provide the services needed and build good working relationships. He continued by saying he plans to create some Liaison positions in order to involve individuals in tasks early on and to see that their expertise is added. He continued stating they needed to look at their processes - changing and improving, as well as cross-training. He stated he anticipates looking at the budget for maintenance in order to take care of the facilities so as to be prepared prior to the next Legislative session. He concluded by stating that he felt he would bring the talents he developed while DAD for Regulatory Services to the Administration division and add value.

Chairman Polunsky asked AD Jones, Intelligence and Counter Terrorism if there may be any current events he could discuss in the open forum. AD Jones reported the Texas Top 10 Sex Offender reward was raised from \$1,000 to \$2,000 which has

resulted in more offenders being apprehended than in the last six years. He added that social networking was being improved, with the new avenues of technology such as Facebook, Twitter, etc. AD Jones reported that Federal partner participation had increased and those groups would be coming to DPS in order to see the practices incorporated at the Department.

Consent Items (02:33:59)

- A. Discussion and possible action on the Director's action of discharging probationary employee: Jennifer Zuhosky
- 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 Ranger: Keith P. Barbier, Carlos Chapa, Luis R. Cobos, John L. Forrest, Michael Lawrence Hubenek, Royce B. Keck, Stephen A. Miller, Jimmy W. Moore, Mark H. Parks, Leo C. Stewart III, Leonard D. Whitton, Douglas J. Whitworth; Special Texas Rangers: Doyle G. Holdridge and Special Ranger Applicant from the Texas and Southwestern Cattle Raisers Association: Thomas W. Goodman
- C. Discussion and possible action regarding Cummins Southern Plains, LLC donation of a Cummins Onan 8kw diesel generator for the use of Texas Ranger Company B crime scene trailer. This equipment, valued at \$9,900.81, will allow the Rangers to provide electrical power at crime scenes or tactical scenes for days at a time.
- D. Report, discussion, and possible action on proposed reorganization of Chapter 21, Equipment and Vehicle Safety Standards for publication, including: the repeal of Rules 21.2 – 21.4, and 21.7, 37 TAC Secs. 21.2 – 21.4, and 21.7, amendments to Rule 21.1, 37 TAC Sec. 21.1, and new Rules 21.2 – 21.7, and 21.9, 37 TAC Secs. 21.2 – 21.7, and 21.9.

A motion was made by Commissioner Barth seconded by Commissioner Brown approving all of the consent items A-D. Motion passed unanimously.

Items for Future Agenda

None

Date for Future Meeting

The next Public Safety Commission meeting is scheduled for February 16, 2012 starting at 9:00 a.m. in Austin, Texas and will include a discharge appeal hearing.

Commissioner Leon thanked everyone in attendance and recognized Commander Rodriguez, his staff and all the staff for the tours, grand opening and job well done. Commissioner Barth requested the audience give Commander Rodriguez and his staff a standing ovation. Chairman Polunsky added his comments of appreciation for all the work Commander Rodriguez and his staff had done in making the meeting such a success.

Adjourn (2:36:51)

The meeting was adjourned at 2:51 p.m.

Read and approved this 16th day of February, 2012.


Chairman

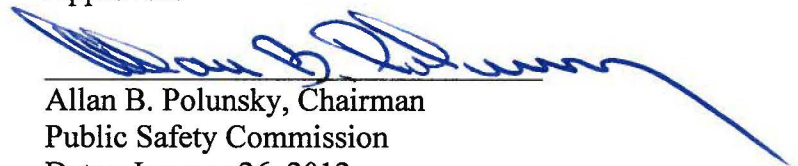
IN THE MATTER OF	§	BEFORE THE
THE DISCHARGE OF	§	PUBLIC SAFETY COMMISSION
PROBATIONARY EMPLOYEE	§	IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

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

Employee Name	Employee Title/Division	Date of Discharge
Jennifer Zuhosky	Crime Lab Specialist I	12/20/11

Approved:



Allan B. Polunsky, Chairman
Public Safety Commission
Date: January 26, 2012

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS

January 2012

Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Barbier, Keith P.	CID	Houston	11/30/2011	33 years	✓
Chapa, Carlos	THP	CVE/Three Rivers	12/31/2002	28 years	✓
Cobos, Luis R.	THP	CVE/Midland	11/30/2011	24 years	✓
Forrest, John L.	THP	CVE/Weatherford	07/31/2002	32 years	✓
Hubenak, Michael L.	THP	HP/Wharton	11/30/2011	33 years	✓
Keck, Royce B.	THP	HP/Levelland	02/28/1999	27 years	✓
Miller, Stephen A.	THP	CVE/Rockport	05/31/2005	27 years	✓
Moore, Jimmy W.	THP	CVE/Beeville	06/30/2003	20 years	✓
Parks, Mark H.	CID	Brenham	03/31/2011	25 years	✓
Stewart III, Leo C.	THP	HP/San Antonio	01/31/1998	20 years	✓
Whitton, Leonard D.	CID	Del Rio	10/31/2011	25 years	✓
Whitworth, Douglas J.	Regulatory	McKinney	10/31/2011	27 years	✓

Special Texas Ranger Applicant:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Holdridge, Doyle G.	Rangers	Laredo	08/31/2004	31 years	✓

Special Ranger Applicant from the Texas and Southwestern Cattle Raisers Association:

Name
Goodman, Thomas W.

Approved by the Public Safety Commission on:



January 26, 2012