

MINUTES
PUBLIC SAFETY COMMISSION
April 27, 2010
Austin, TX

The Public Safety Commission met in Austin, Texas on April 27, 2010. Attending the meeting were Chairman Allan Polunsky, Commissioners C. Tom Clowe, Ada Brown, Carin Barth and John Steen. 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 10:35 a.m. All members were present. Proper notice had been posted.

At 10:36 a.m. Chairman Polunsky moved the meeting to Executive Session.

Executive Session

The Commission went 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 10:38 a.m. and ended at 12:00p.m.

The Public Safety Commission reconvened at 12:02 p.m.

The Commission took action on the appointment of the Director of Audit and Inspection. **A motion was made by Commission Barth and seconded by Commissioner Brown to have Director McCraw negotiate with Stephen Goodson for the position of Director of Audit and Inspection, subject to consultation with Commissioner Barth. Motion carried unanimously.**

The Public Safety Commission moved to Executive Session at 12:03 p.m.

Executive Session

The Commission went 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 12:03 p.m. and ended 1:30 p.m.

The meeting reconvened at 1:32 p.m. Commissioner Barth had to leave the meeting during the Executive Session at 12:30 p.m.

Approval of Minutes (04:03 indicates time stamp from audio)

A motion was made by Commissioner Steen and seconded by Commissioner Brown approving the minutes for the March 31, 2010 meeting. Motion carried unanimously.

Public comment (05:30)

Donald Dickson, Parker Law firm attorney on behalf of Texas State Trooper Association was called upon for his public comment.

Director's Report (16:02)

Director Steven McCraw commented on several of Mr. Dickson's opinions. He then presented his Director's Report asking General Counsel, Stuart Platt present with Phillip Adkins the legal resources of the General Counsel office. Counsel Platt outlined the adaptability needed to align the resources to the needs of the Department and the proposed changes to the legal operations model. Mr. Adkins provided extensive detail of the current legal operations and expected obligations and the new model being proposed. Commissioner Clowe inquired about the revocation of license which Mr. Adkins did not have available, other than the ALR, but stated he and DD Rable would obtain the information and provide to the Commission. The model changes were prepared for the Directors Report, were for information only, and required no action or additional resources.

New Business (34:53)

Major Matthews and DAD Jesse White, HR presented the revised promotional process and online assessments. The new process would take each individual's skills into consideration for each job requirement. Nine promotion competencies were detailed. Those competencies are: leadership, liaison, interpersonal ability, organization and planning, problem solving/judgment, flexibility and adaptability, initiative, communication and investigation. Major Matthews presented the promotional process revisions and expressed they were seeking approval of the recommendations as revised for implementation for a pilot project beginning in the El Paso region then expanding to the McAllen region, followed by agency-wide implementation; and a contract with Cenceo for supervisory on-line assessments. Additional consideration was requested for beginning development of a new personnel evaluation process and documentation. DAD White provided further information on these considerations which included the non-commissioned staff. Commissioner Brown commended Major Matthews on the fact that all that was expended was the Major's time, which in her words was extraordinary. She stated this would encourage good leaders to come forward. She commented on the test stating it had trick questions. She urged that meaningful questions be asked, not trivial – stating further that careers were on the line and she wanted the tests to be meaningful to finding good leaders. She commented she would be interested in seeing the study material if a written test was a qualifier. Commissioner Steen asked for clarification of the approval being sought and which groups had reviewed the proposal. Major Matthews added it would take 90 days to begin the process once approved. **A motion was made by Commissioner Steen and seconded by Commissioner Brown to review the promotional process in El Paso with a pilot project and report to the Commission with definitive actions and minimal fiscal impact before approving on the broad basis. Motion passed unanimously.** With the minimum scale no approval was needed for contracting Cenceo for the on-line assessments. Commissioner Brown requested to be the Liaison for the evaluation process, which Chairman Polunsky agreed in appointing her. Commissioner Steen complimented the Major for the collaborative approach on the process and the great job. Chairman concurred.

(01:09:05) Frank Woodall presented a detailed report on the request of authorization for additional recruit schools. He stated the next schools start on June 6 (7-week advanced school) and July 18 (18-week school). He further proposed five more schools through the end of the year conducting three seven-week schools and two eighteen-week schools, possibly graduating

250 recruits before the first of the year. AD MacBride reviewed the fiscal impact of FY2010 = \$1,212,364 and FY2011 = \$1,804,286. Chairman expressed his pleasure in the accomplishments of working out filling the empty positions in the Department stating it was extremely important going forward to be fully staffed and stated he felt it was really good work. **A motion was made by Commissioner Clowe and seconded by Commissioner Brown to approve the additional recruit schools. Motion passed unanimously.**

(01:25:38) Counsel Platt addressed the discharge appeal hearing process which Commissioner Steen requested. Counsel Platt explained there were four cases in queue to conduct, and the hearings could be done with 3 members present and the Public Safety Commission could meet to conduct appeal hearings only, perhaps doing two or three in one day separate from the monthly meeting. Commissioner Steen urged identifying available hearing dates and proceeding, including the procedure to be followed should the Chairman not be available to attend.

Ongoing Business (01:31:35)

General Counsel Platt addressed the public comment concerning proposed repeal of rule 15.163, 37 Tex Admin. Code Section 15.163 and proposed new rule 15.163 Tex Admin. Code Section 15.163 regarding Amnesty, Incentive and Indigence Programs. He stated if the rule changed substantially the rule would need to be published again. Several changes are being made. Commissioner Clowe offered comments, in hopes of providing guidance, taking into consideration the written and oral comments received to date. He stated the penalties were beyond the capability of some to pay and that amount needed to be adjusted in order to allow them to get a license and buy insurance. He felt the indigence level needed to be looked at, such as how to prove it and did not think the income tax return was reliable. He commented on the comments by a judge with regards to those individuals setting the fees, of which Commissioner Clowe felt not advisable. He further stated the fees were going to worthwhile causes such as the trauma centers, yet the fees were so high he thought a middle ground was advisable - where the punitive nature of the amounts of felonies and fines were lowered so that by a lesser amount in the fines, from more individuals might result in more people paying. He asked everyone look at it again since it was not working and propose creative changes that would fix the program. Chairman Polunsky concurred.

(01:39:02) AD MacBride presented the fiscal year 2010-11 Operating Budget report. Commissioner Clowe pointed out the amount was substantially reduced by the additional recruit schools which would call for a very tight budget, watching spending and staying ahead of the problem. He requested AD MacBride consistently brief the Commission so there would be no surprises.

(01:41:40) AD MacBride provided the seized funds report stating no items were being requested. Chairman Polunsky requested AD MacBride inform Commissioner Barth prior to items being added to the list for use of seized funds.

(01:44:03) Barbara Hinesley, Committee Chair for the Diamond Jubilee Anniversary addressed the firearm website stating it could be May when their website was available. She added she would have a firearm for viewing at the next PSC meeting. She informed the audience that an ad in the July issue of Texas Highway would be published informing the public about the celebration. She covered the budget items and announced Southside Market as the successful bidder for the barbeque which would costs \$10 per ticket and be available beginning June 1. The anniversary book (\$39.47) will be available up to May 1, but go up \$5 per book after that

date. She then presented the Diamond Jubilee flag which would be on the 13-day journey of the motorcycle ride and fly at Headquarters during the celebration. An autographed flag would be preserved. Chairman Polunsky inquired about the quantity of flags being made. She stated she would be looking into how those could be purchased. She provided that there was a \$9,000 balance in the budget and HEB would be providing a \$5,000 in-kind donation towards the hospitality room and other regional items.

Reports

(01:49:50) There were no additional reports from the Commissioners or Finance, Administration, Driver License, Emergency Management, Government Relations, Highway Patrol, ICT, Law Enforcement Support, OIG, Regulatory Licensing or Texas Rangers.

IT announced they would be fully deployed in Drivers License after this week and thanked everyone involved. Chairman Polunsky agreed commending everyone.

Commissioner Brown had questions to address of AD Tom Ruocco on the CID transfer policy. AD Ruocco provided details of the process including the preferred duty station.

Consent items (01:58:36)

A motion was made by Commissioner Steen and seconded by Commissioner Clowe to approve Consent Items A, B 1. & 2. Motion passed unanimously.

Items for future agenda (01:59:50)

Commissioner Steen requested a report, discussion, and possible action regarding the status of building safety and security at the DPS campus on North Lamar be on the May agenda. Commissioner Steen requested the report, discussion and possible action regarding a report from Major Fleming on the sexual harassment policy and refresher course update. Commissioner Clowe requested an update on the DRP progress be on the May agenda.

Future meeting date (04:51:06)

The next meeting of the Public Safety Commission was set for May 20, 2010.

(02:01:55)

There being no further business, the meeting was adjourned at 3:25 p.m.

Read and approved this 20th day of May, 2010.


Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 27, 2010, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization And Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter C
Section 1.43

The Texas Department of Public Safety (the department) adopts new Section 1.43, concerning Personnel and Employment Policies without changes to the proposed text as published in the February 19, 2010 issue of the *Texas Register* (35 TexReg 1436).

This new rule is required by House Bill 1043, 81st Legislature, 2009, which added Texas Government Code, Chapter 672, requiring the department to set up a procedure for the Public Safety Commission to handle employment preference appeals for former foster children.

No comments were received regarding the adoption of this new section.

The new section is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Government Code, Section 411.006(4), which authorizes the director to adopt rules, subject to commission approval, considered necessary for control of the department.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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, Section 2001.033.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On April 27, 2010, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization And Administration
Title 37 T.A.C. Part I, Chapter 1
Subchapter R
Section 1.232 and Section 1.233

The Texas Department of Public Safety (the department) adopts new Section 1.232 and Section 1.233, concerning Accounting Procedures without changes to the proposed text as published in the February 19, 2010 issue of the *Texas Register* (35 TexReg 1436).

New sections are being added pursuant to Texas Government Code, Section 2107.002, which requires that a state agency that collects delinquent obligations owed to the agency to establish procedures by rule for collecting a delinquent obligation and a reasonable period for collection. These procedures must conform to the guidelines established by the Office of Attorney General as set out in 1 TAC Section 59.2.

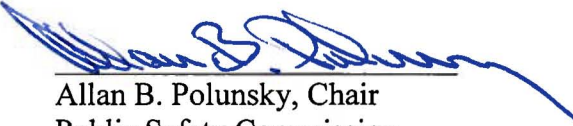
No comments were received regarding the adoption of these new sections.

The new sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Government Code, Section 2107.002(b), requiring state agencies to adopt rules that establish procedures for collecting a delinquent obligation; and 1 TAC Section 59.2 which sets out guidelines for state agencies to collect a delinquent obligation. .

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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, Section 2001.033.


Allan B. Polunsky, Chair
Public Safety Commission

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 the discharge of this employee:

Employee Name	Employee Title/Division	Date of Discharge
Stacy Hinton	Trooper Trainee, Administration Division	03/31/10

Approved:

Allan B. Polunsky, Chairman
Public Safety Commission
Date: April 27, 2010