

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**August 15, 2012**  
**AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on August 15, 2012. Attending the meeting were Chairman Cindy Leon, Commissioners Carin Barth, Allan Polunsky, and John Steen. A quorum was present at the meeting. DPS staff members and guests were also present.

**Call to Order** (0:00:38)

The meeting was called to order by Chairman Leon at 9:00 a.m. Proper notice had been posted.

**Approval of Minutes** (0:01:26)

**A motion was made by Commissioner Steen seconded by Commissioner Polunsky approving the minutes as submitted for the July 19, 2012 meeting. Motion passed unanimously.**

**Public Comment** (0:01:46)

None

**Directors Report** (0:02:00)

**A. Presentations**

- Life Saving Award – Agent Cabora Domingue
- Unit Citation – Border Security Operations Center
- Distinguished Service Award – Hank Whitman

**Ongoing Business** (0:14:41)

**J. Review of pending contract/renewal/change order/awards from Contract Review Board**

**1. Policy #1(a) Queing System for DL Centers**

- One year contract for \$550,000 year with 3 two-year optional renewal periods (\$1.3 million over 7 years)
- New system would allow customers to enter the que without being at a DL office using a smart phone
- Customers could also use kiosk to check in and choose their service (allows to go into 2 ques at one time)
- Plans are to average 800 transactions each day at each mega center
- QLess was founded in 2009 and its headquarters is in California with 35 FTEs and contractors
- State of Kansas and Austin Community College currently use the system

- Commission requested a complete financial packet on QLess, an onsite visit at Austin Community College, submission of quarterly financial statements and a contingency plan
- Continue with QLess contract with contingency plan
- 2. Policy #1(a) DL Communication Network (voice and data) Managed Services for Network and Devices
  - No action, item has not been presented to the Contract Review Board
- 3. Policy #1(a) Texas Federated Identity Management System (TFIMS) TxDPS Application Security Management
  - No action, item has not been presented to the Contract Review Board
- 4. Report, discussion and possible action for the Public Safety Commission Contracting Policies
  - Edits made to Policy #2 based on last month's request from Commissioner Barth (DIR related contracts are no longer excluded and placed in Policy #1)

**A motion was made by Commissioner Barth seconded by Commissioner Polunsky approving edits to contracting policies. Motion passed unanimously.**

#### **New Business** (1:15:26)

- A. Report, discussion and possible action regarding proposed FY 2013 Chief Auditor's Office Plan
  - 22 proposed project areas
  - 3 contingency projects from FY 2012 to be carried into 2013
  - 25 on last year's plan
  - 6 special request projects this year

**A motion was made by Commissioner Steen seconded by Commissioner Barth approving the CAO Audit Plan for FY 2013. Motion passed unanimously.**
- B. Report, discussion and possible action regarding Department tactical operations including Ranger Reconnaissance Teams, SWAT and Special Response Teams (SRT)
  - Special Response Team - 60
  - SWAT - 20
  - Crisis Negotiation Team – 6 teams (10 per team)
  - Reconnaissance Team - 20
  - 150 Rangers currently on staff
  - Look at possibility of expanding resources as state continues to grow even though we utilize all resources available within the Department (CID, THP, etc) (not requesting any additional funds for the upcoming session)
- C. Report, discussion and possible action regarding launch of DPS Texas Prescription Drug Monitoring Program
  - Program started August 1, 2012
  - 2011 development of online prescription monitoring (Prescription Access in Texas – PAT)
  - Contains one year of data with restricted access to physicians, pharmacists and law enforcement
  - Texas is one of five states using PAT

-No requirement for physicians and pharmacists to utilize this tool

**D. Report, discussion and possible action regarding statewide reporting of criminal history disposition information**

-As of August 1, 2012, 227 counties are participating @ 90% dispositions (87% of all counties)

**Executive Session (2:04:11)**

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; ongoing criminal investigations. Executive Session began at 11:04 a.m.

(2:05:24) The Public Safety Commission reconvened this open session at 1:20 p.m.

**Ongoing Business (2:05:37)**

Reports, discussion and possible action regarding the following:

**A. Report, discussion and possible action regarding discharge appeal hearing process and scheduling**

-Defer until next month for Commissioner Brown's input

**B. Report, discussion and possible action regarding the adoption of amendments to Inscription on Vehicles Rule 1.151, 37 TAC Sec. 1.151, concerning Exemption of Inscription, as previously published in the Texas Register**

-No comments received

**A motion was made by Commissioner Steen seconded by Commissioner Polunsky approving adoption of amendments concerning Exemption of Inscription. Motion passed unanimously.**

**C. Report and discussion on preliminary steps to provide for video or audio presentation of Public Safety Commission meetings**

-Defer until next month

**D. Report, discussion, and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office. Updates regarding status of recent CAO activity**

-Fraud Risk Assessment – robust fraud control environment, improving internal controls to include educating supervisors and employees

-Audit of Criminal Justice Information Audit Services – effective layers of monitoring are in place

**E. Update report, discussion and possible action regarding recruitment**

-Fourth week of recruit school with 80 recruits

-Fourteen have left school for various reasons (pre-existing medical conditions, didn't like duty station, took other jobs or not the right career path)

-Need 10 schools to cover vacancies within the next five years

- Next school begins January 21, 2013, not beneficial to start school sooner due to holidays in November/December and cap on classroom size of 120. If you exceed 120, we are faced with extending school time due to skills based training by another four weeks
- Last year we had 151 commissioned officers retire and thru June 2012 we are currently at 88; rehire program has helped with vacancies
- 628 in pool with 40 selected for interview board within next two weeks

Governor Perry made a special appearance at 1:35 p.m. to present a proclamation to Hank Whitman thanking him for his service to the state and a Yellow Rose for his wife, Dorothy.

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

- Need to seek approval from the Legislature for additional sites in downtown Houston and Dallas
- Provide Commissioners with dates of Mega Center rollouts for their attendance consideration

**G. Report, discussion and possible action regarding FY 2014-2015 Legislative Appropriations Request**

- Dorm estimates: \$35 million for permanent, \$28.5 million for modular (247 beds with each option)

**H. Report, discussion and possible action on the Fiscal Year 2012 Operating Budget**

- Remaining balance up \$5 million (due to FBI fees being liquidated)

**I. Report, discussion and possible action regarding purchases using seized funds**

- GEO Bonds - \$182,000 uncommitted funds for construction/facilities
- Commissioner Steen requested update on HQ security
- Seeking \$571,000 (plus balance of \$291 and grant from Governor's Office) to replace 1,517 body armor vests

**A motion was made by Commissioner Steen seconded by Commissioner Barth approving \$571,000 to replace body armor. Motion passed unanimously.**

**K. 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**

- Advise and consent to name Kirby Dendy as Chief of the Texas Rangers effective September 1, 2012

**A motion was made by Commissioner Steen seconded by Commissioner Barth advising and consenting to naming Kirby Dendy as Chief of Texas Rangers. Motion passed unanimously.**

- Advise and consent to name Chris Sarandos as assistant director, Information Technology (IT) Division effective September 4, 2012. Mr. Sarandos currently serves as the CIO for the State of Wisconsin.

**A motion was made by Commissioner Barth seconded by Commissioner Polunsky approving Chris Sarandos as assistant director, IT. Motion passed unanimously.**

- L. 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**

-None

**Reports (2:56:57)**

- A. Commission member reports and discussion - None**  
**B. Finance Report - None**  
**C. Chief Auditors Office - None**  
**D. Division status reports on activities and action – None**

**Consent Items (2:58:53)**

- A. Discussion and possible action on the Director's action of discharging probationary employees Monique Clark and Megan Harris**  
**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: Ronald D. Brooks, Tommy G. Matthews, Ulysses McBride, Juan G. Ramos, Clinton R. Sinderud, Michael L. Turner and Toney Harley; Special Texas Ranger: Rodolfo C. Jaramillo**

**A motion was made by Commissioner Steen seconded by Commissioner Polunsky approving Consent Items A and B. Motion passed unanimously.**

-Commissioner Barth thanked Katherine Cessinger for her exceptional work.

**Items for Future Agenda**

- Headquarters Security Update
- Procurement Process (to include level of involvement of PSC in process, financial due diligence on vendors and establishing standard format for submission of company financials)
- Discharge Appeal Hearing Process and Scheduling
- Audio/Video Presentation of Public Safety Commission meetings
- No discharge appeal hearing on date of regular Public Safety Commission meeting
- Contingency Plan for QLess Contract

**Date for Future Meeting**

The next Public Safety Commission meeting is scheduled for September 20, 2012 starting at 9:00 a.m. in Austin, Texas. In addition, three discharge appeal hearings will be held on September 19, 2012.

**Adjourn** (3:07:05)

The meeting was adjourned at 2:20 p.m.

The Public Safety Commission reconvened in Austin, Texas on August 16, 2012. Attending the meeting were Commissioners Carin Barth, Allan Polunsky and John Steen. A quorum was present at the meeting. DPS staff members and guests were also present.

**Call to Order**

The meeting was called to order by Commissioner Polunsky at 9:06 a.m. Proper notice had been posted.

**Discharge Appeal Hearing**

Possible action regarding DPS employees:

Gilbert Ruiz

Vernon Cooks

**Executive Session**

The Commission adjourned into Executive Session to consider matters authorized to be considered in executive session, under Government Code Sections 551.071 and 074. Executive Session began at 11:17 a.m.

The Public Safety Commission reconvened this open session at 12:08 p.m.

**A motion was made by Commissioner Steen seconded by Commissioner Barth affirming the director's decision to discharge Gilbert Ruiz. Motion passed unanimously.**

**A motion was made by Commissioner Barth seconded by Commissioner Steen affirming the director's decision to discharge Vernon Cooks. Motion passed unanimously.**

**Adjourn**

The meeting was adjourned at 1:52 p.m.

Read and approved this 20<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
Chairman



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 15, 2012, 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 K  
Section 1.151

The Texas Department of Public Safety (the department) adopts amendments to Section 1.151, concerning Exemption of Inscription. This section is adopted without changes to the proposed text as published in the July 13, 2012 issue of the *Texas Register* (37 TexReg 5226) and will not be republished.

Texas Transportation Code, Chapter 721 requires state agency vehicles to have inscriptions printed on each side of the vehicle identifying the agency that has custody of the vehicle. Section 721.003 provides that the governing bodies of certain state agencies, including the Department of Public Safety, may exempt vehicles from the inscription requirement by rule. Transportation Code, Section 721.003(c) provides that a rule exempting vehicles must specify the purpose served by not printing the required inscription and the primary use of the motor vehicle. Adoption of amendments to Section 1.151 are necessary to clarify the existing grounds for exemption and also add an additional basis for exemption for situations where department vehicles may need to be operated in areas where identification as a department vehicle may create risks to the safety of department personnel as determined by the director.

No comments were received regarding the adoption of these amendments.

These amendments 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; and Texas Transportation Code, Section 721.003 which allows the governing body by rule to exempt the department from the requirements of Section 721.002.

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.

A handwritten signature in blue ink, appearing to read "A. Cynthia Leon", is written over a horizontal line.

A. Cynthia Leon, Chair  
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
Monique Clark	Customer Service Representative, Driver License	07/10/12
Megan Harris	Customer Service Representative, Driver License	07/24/12

Approved:

Approved: 

A. Cynthia Leon, Chair  
Public Safety Commission  
Date: August 15, 2012



**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS**  
**August 2012**

**Special Ranger Applicants:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Brooks, Ronald D.	CID	McAllen	08/31/01	28 years	
Matthews, Tommy G.	THP	CVE/San Angelo	08/31/11	29 years	
McBride, Ulysses	THP	CVE/Arlington	05/31/12	30 years	
Ramos, Juan G.	THP	CVE/Corpus Christi	07/06/12	27 years	
Sinderud, Clinton R.	THP	CVE/Katy	03/31/12	24 years	
Turner, Michael L.	CID	Corsicana	08/31/10	26 years	


**Special Texas Ranger Applicant:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Jamarillo, Rodolfo C.	Rangers	Garland	06/30/12	28 years	

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

Name
Harley, Toney

Approved by the Public Safety Commission

  
Chairman

Date 8/15/12