

MINUTES
PUBLIC SAFETY COMMISSION
April 16, 2009
Austin, Texas

The Public Safety Commission met in Austin, Texas on April 16, 2009. Attending the meeting were Chairman Allan Polunsky, Commissioners Carin Barth, Tom Clowe, Ada Brown and John Steen. DPS staff members and guests were also present.

Call to order

The meeting was called to order by Chairman Polunsky at 10:37 a.m. All members were present. Proper notice had been posted.

Approval of Minutes

A motion was made by Commissioner Steen and seconded by Commissioner Barth approving the minutes for the March 26, 2009 meeting. Motion carried unanimously.

Public comment

There was no public comment.

Reports

Chairman Polunsky requested to hear from Bryan Lane, Chief of the Information Management Service. Chief Lane gave a brief report on the status of the Department's information management system due to the Conflicker worm virus infection and steps being taken to resolve the issue. Chairman Polunsky stated because of the security issues dealing with this issue, the Commission will go into Executive Session for further discussion at this time.

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 advise 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 10:40 a.m. and ended at 1:26 p.m.

Reports

Upon reconvening Regular Session, Chairman Polunsky stated that the Department's Information Management System had been compromised by Conflicker virus and IMS would work diligently to address the issue. Commissioners Barth and Polunsky requested Colonel Clark to look into outside resources to proactively address the IT issues.

New Business

Commissioner Brown and Paula Logan, Human Resources, stated they were gathering information on the DPS overtime and compensatory time policies but that no follow up is needed at this meeting.

Ongoing Business

Commissioner Clowe gave an update on the status of the procurement of a project management contract to implement organizational changes and planning regarding the

development and administration of the project management plan. He expressed concern over the cost of the initial contract offer by Deloitte. He stated Deloitte has proposed an open meeting work session to discuss the project management office for they would serve as oversight using current DPS personnel. The Commission concurred in the need for an informal candid work session to prioritize needed changes within the Department.

Colonel Clark gave a brief overview on the draft of the Department's revised organizational chart. Commissioner Steen commented he was glad to see the chart evolving.

Farrell Walker updated the Commission on the status of the Internal Audit Services contract stating they were in the final phases of negotiation with the top scoring candidate.

Commissioner Clowe stated he had made a report in Executive Session and had nothing further to add in the open meeting on the executive search firm services for executive director and management positions and interview processes for those positions.

Judy Brown, Linda Boline and Jimmy Weise gave an update on implementation of driver license reengineering and the new driver license system. Chief Brown briefly commented on the security features of the new driver license. Commissioner Steen inquired about how the new DL will impact proliferation of fake ID's. Chief Brown stated DPS is proceeding with planned timelines for statewide roll-out of the system and she will continue to keep Commissioners Barth & Clowe aware of any monetary issues that arise. Chairman Polunsky asked if it was possible to set up a DL kiosk at the Capitol while the legislature is still in session to show them what we have done on the new DL. Chief Brown stated they would check into a way to accomplish this. Commissioner Clowe thanked Chief Brown and her team members for all the hours spent on the project. There was some discussion on how the new DL meets requirements of the Real ID Act.

Stuart Platt, General Counsel, commented regarding transcription, abridged minutes and digital recordings of Public Safety Commission meetings and posting of these on the DPS website. He recommended using all 3 forms with the digital recording including a link to action items. Commissioner Steen stated the quality of minutes was good and he was happy the transcription web hits would be tracked.

Commissioner Brown stated she had a list of names for the recruiting policy committee and will roll out a plan in the next few weeks. Commissioner Clowe commented the placement of the Training Academy should be addressed by that committee.

Michael Kelley provided an updated status regarding the ongoing Sunset Review bills and other legislation affecting the Department. Commissioner Barth expressed concern about Audit & Inspection doing the Department's legislative reviews.

Chief Judy Brown gave a detailed report on transforming the administration of the Driver License Division to a civilian model. A summary of transfers and new hires to accomplish this goal was provided plus discussion on training. **Commissioner Clowe moved that the recommended DL civilian management model as presented today by Chief Brown be implemented. Commissioner Brown seconded the motion. Motion passed unanimously.**

Chief Valerie Fulmer gave an update on review and reconsideration of physical readiness standards for commissioned officers of the department.

Chief Fulmer advised she is working on the information requested by the Commission regarding security measures for Department infrastructure. Chairman Polunsky stated he would like to see some beautification of the campus. Chief Fulmer stated a plan is in place and we are proceeding while identifying resources.

Reports

Chief Oscar Ybarra gave the budget update. Michael Kelley gave an overview of the appropriation bill status. There was some discussion on the original commissioned officer compensation request. Commissioner Clowe commented on the good image being portrayed by the DPS presence at legislative hearings. He also commented on the availability of Chairman Polunsky for legislative meetings. He stated DPS should know about all the time the Chairman has put forward and that his leadership is key in the ongoing efforts of DPS and any success we have is directly related to the Chairman's involvement. Chairman Polunsky stated being associated with DPS is the most unbelievable honor and he is happy to be doing what he can to assist.

Farrell Walker gave the Audit and Inspection report and follow up on recommendations made.

Bill Nabors, Chief Pilot, gave a presentation illustrating night vision goggles and their benefit in surveillance and apprehension of suspects. There was some discussion on funding for night vision goggles on DPS aircraft.

Valerie Fulmer gave the Administration Division report, including an update on the Garland Crime Laboratory and CHL applications. There was some discussion on the length of time for CHL issuance. Commissioner Barth inquired about the generator purchase and Chief Fulmer stated those would be installed before hurricane season.

Tom Ruocco, Criminal Law Enforcement Division, had no new items to discuss other than what was included in his written report.

Judy Brown, Driver License Division, stated she had no further items for discussion.

The Emergency Management Division report was given by Chief Jack Colley. He updated the Commission on a recent fire operation, ongoing hurricane preparation and recovery. Colonel Clark recognized Jack Colley as the recipient of awards from the National Hurricane Service and Texas Association of Health.

Chief David Baker presented the Texas Highway Patrol Division report with updates on monthly crash report activity and recent THP seizures. Chairman Polunsky commended THP on a great job.

Chief Tony Leal, Texas Rangers, gave an update on the unsolved crime investigation team.

There was no further Information Management Service report.

Commission member reports

Commissioner Clowe complimented Pat Johnson, Crime Laboratory Services, on the annual report and outstanding work done by the labs statewide in providing exemplary services. He

stated the Garland Laboratory is a work of art and the large air curtain incinerator in Hidalgo is a great asset to the Department.

Consent items

1. Discussion and possible action on the Director's action of discharging probationary employees Christopher Young and Nancy Crawley
2. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers Robert C. Gilbert, Jr.
3. Discussion and possible action on proposed rules for publication:
 - a. Proposed amendments to Rule 1.4, 37 TAC Sec. 1.4, regarding Programs under Texas Highway Patrol Division
 - b. Proposed amendments to Rule 1.58, 37 TAC Sec. 1.58, regarding Release of Information on Crash Victims
 - c. Proposed amendments to Rule 1.129, 37 TAC Sec. 1.129, regarding Fees for Sale of Motor Vehicle Crash Reports in Highway Patrol Field Offices
 - d. Proposed repeal of Rules 1.281-1.285, 37 TAC Secs. 1.281-1.285, regarding Senate Bill 1074 Video Units
 - e. Proposed amendments to Rule 14.52, 37 TAC Sec. 14.52, regarding Texas School Bus Specifications

Commissioner Steen asked Colonel Clark if he was concerned with any of the consent items. Colonel Clark stated he was not. **Upon motion by Commissioner Steen and seconded by Commissioner Barth, these consent items as a group were unanimously approved.** Commissioner Brown stated she applauds Colonel Clark for terminating an employee for using an inappropriate racial slur to a customer in a DL office and she believes this sets forth DPS's new vision of zero tolerance.

Items for future agendas

Commissioner Brown requested an agenda item for the next meeting for discussion and possible action regarding the DPS overtime and compensatory time policy.

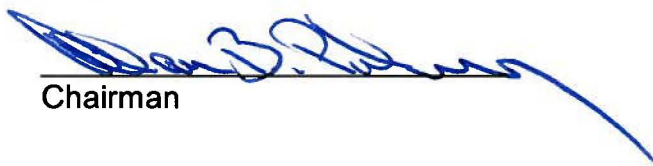
Future meeting date

The next meeting will be May 21, 2009.

Commissioner Clowe commented to Mr. Beckley that he looked forward to a workshop meeting date that works for everyone to discuss the project management office.

There being no further business, the meeting was adjourned at 4:15 p.m.

Read and approved this 22 day of May, 2009.


Chairman

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 the discharge of these employees:

Employee Name	Employee Title/Division	Date of Discharge
Christopher Young	Administrative Assistant I, Driver License	03/18/09
Nancy Crawley	Administrative Assistant I, Driver License	04/01/09

Approved:

Allan B. Polunsky, Chairman
Public Safety Commission
Date: April 16, 2009