

AGENDA
Public Safety Commission Meeting
July 15, 2010 10:30 a.m.
Criminal Law Enforcement Auditorium
6100 Guadalupe, Bldg E
Austin, TX 78752

The Public Safety Commission will convene as posted to consider and take formal action, if necessary, on the following agenda items:

- I. CALL TO ORDER**
- II. APPROVAL OF MINUTES**
- III. PUBLIC COMMENT** (members of the public wishing to address the Commission are subject to a time limit of 5 minutes and must complete a Public Comment Registration Card located at the entry)
- IV. DIRECTOR'S REPORT**
- V. NEW BUSINESS**
 - A.** Introduction of and Certificate Presentations by Mr. Bart Johnson, Principle Deputy Undersecretary for Intelligence and Analysis (PDUSIA) for the Department of Homeland Security to Patricia Nunez, DPS and Mark Spangler, APD for support to DHS during the Austin Plane Crash
 - B.** Discharge appeal hearing and possible action regarding DPS employee Edwin K. Lang
 - C.** Report, discussion, and possible action on repair and rehabilitation of buildings and facilities through the Texas Public Finance Authority, pursuant to the General Appropriations Act, Art. IX, §17.11 and Article V (Department of Public Safety), Rider #57, 81st Legislature, R.S. (2009) (Repair and Rehabilitation of Buildings and Facilities)
 - D.** Review, discussion and possible action on pending contract renewals/new contracts:
 - 1. Renewal of blanket order for Tire Deflation Devices (StopTech Ltd)
 - 2. New Contract for LES, Crime Record Service Mobile Identification Project (NEC Technologies)
 - E.** Discussion and possible action regarding a donation, as provided under Gov't Code Ch. 575: Acknowledgement of donation of the following from Colorado County to the Department: one 450' radio tower, including a communications shelter, built on Department-owned land in Colorado County for the purpose of providing radio interoperability and better radio coverage of Colorado County and the surrounding area. Total donation: \$783,919
 - F.** Consideration and possible action regarding amending *Policies and Procedures for the Appeal of an Employment Discharge to Public Safety Commission* to reflect Commission Liaison as appropriate contact for parties and legal representatives
 - G.** Report, discussion and possible action on matters affecting the Office of Inspector General, Texas DPS operations:
 - 1. Appointment of Interim Inspector General;

2. Consideration of policies for OIG operational oversight pursuant to Government Code 411.244(d);
 3. Consideration of complaint receiving process
- H. Discussion and possible action regarding forensic services provided to outside agencies

VI. ADJOURN INTO EXECUTIVE SESSION (if required) 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

VII. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

- A. Discussion and possible action regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team
- B. Committee report on 28-day work cycle
- C. Committee report on Overtime and Compensatory Time policy
- D. Update report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries to pursuant to Government Code chapter 411, Secs. 411.005, 411.006 and 411.0071
- E. Report, discussion and possible action on proposed Driver Responsibility Rule changes to 37 Texas Administrative Code, Section 15.163 pertaining to driver indigency, incentive, and amnesty programs
- F. Update report, discussion and possible action regarding the status of building safety and security at the DPS campus on North Lamar
- G. Report, discussion and possible action on the Fiscal Year 2010-11 Operating Budget
- H. Report, discussion and possible action regarding purchases using seized funds
- I. Update Report, discussion and possible action regarding recruitment
- J. Update report, discussion and possible action on 7^{5th} "Diamond Jubilee" Anniversary of the Department from the Diamond Jubilee Committee

VIII. REPORTS

- A. Commission member reports and discussion
- B. Finance Report
- C. Audit & Inspection Report
- D. Division status reports on activities and action

IX. CONSENT ITEMS

- A. Discussion and possible action on the Director's Action of discharging probationary employees Dwayne Shorter, Jessica Cardenas and Belinda Franklin
- 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 Rangers – John M. Brannon, Ira C. Covington, John C. Fain, Martin L. Jackson, Juan A. Lopez, Walter M. Severn, Swen E. Spjut, Joel A. Smith and Larry D. Story
- C. Discussion and possible action on proposed rules for publication:

1. Proposed new Sections 27.141 – 27.144, 37 TAC Secs. 27.141 – 27.144, regarding Federal Firearms Disabilities
 2. Proposed New Rules 36.1-36.21, 37 TAC Secs. 36.1-36.21, regarding Metals Registration
- D. Discussion and possible action on adoption of proposed rules for publication:
1. Proposed amendments to Sections 35.1, 35.70, 35.76, 35.203, and 35.291, 37 TAC Secs. 35.1, 35.70, 35.76, 35.203, and 35.291, regarding Private Security Rules, as published in the May 21, 2010 issue of the Texas Register (35 TexReg 3960, 3962, 3963, 3964, and 3965)
 2. Proposed new Section 35.221, 37 TAC Sec. 35.221, regarding Private Security Rules, as published in the May 21, 2010 issue of the Texas Register (35 TexReg 3964)

X. ITEMS FOR FUTURE AGENDA

XI. DATE FOR FUTURE MEETINGS

XII. ADJOURN

The Commission may take items out of the order in which they are posted on this agenda. Also, an item that has been adopted, passed upon, delayed or tabled for a later meeting may be considered or reconsidered at the same meeting.

The Public Safety Commission may meet and discuss in Executive Session and have action taken in an Open Meeting where required on the following items

Government Code Sec. 551.071 Consultation and deliberation with legal counsel about pending or contemplated litigation or a settlement offer, or on a matter where the

Commissioners seek the advice of their attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, and to discuss the Open Meetings Act and the Administrative Procedures Act with their attorney

Government Code Sec. 551.074 Appointment, employment, evaluation, reassignment, duties, discipline or dismissal of director, assistant director, and persons appointed to management team positions pursuant to Govt. Code Sec. 411.0071

Government Code Sec. 551.076 Deliberations about security audits, security devices, including deployment and implementation of security personnel and devices

Government Code Chapter 411, Sec. 411.0041 Ongoing criminal investigations

Government Code Sec. 551.072 Deliberation of the purchase, exchange, lease, or value of real property, if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person

Government Code Sec. 551.073 Deliberation of a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person