

**MINUTES
PUBLIC SAFETY COMMISSION
AUGUST 27, 2015
AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on August 27, 2015. Attending the meeting were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores, Steven Mach and Randy Watson. A quorum was present at the meeting. DPS staff members and guests were also present.

CALL TO ORDER (0:00:10)

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

APPROVAL OF MINUTES (0:00:53)

A motion was made by Commissioner Flores, seconded by Commissioner Mach, approving the minutes from the June 18, 2015 meeting. Motion passed unanimously.

PUBLIC COMMENT (0:01:22)

None

DIRECTORS REPORT (0:01:28)

A. Presentations

Service Awards

Sharon Cervenka – 30 years

Rolando Rivas – 30 years

Stella Andrada – 35 years

Linda Boline – 35 years

Ronnie Reed – 35 years

Missey Micheletti – 40 years

Joyce Norman – 40 years

Unit Citation

Lubbock Crime Laboratory DNA Section

Lifesaving Award

Trooper Jeremy Frazier

Trooper Travis High

Texas Gang Investigators Association Award – Peace Officer of the Year

Roberto Aguirre

THP Division Chief's Award

Sergeant Karl Keesee

Corporal Cristobal Delgado

Trooper Michael Sams

Texas Challenge Competition

Trooper Raegan Droddy (First Place)

Senior Officer Greg Ross – Grapevine Police Department (Runner Up)

(0:28:35) Break 9:28 – 9:45 a.m.

Chairman Leon acknowledged the following individuals attending the meeting:

Representative Stephanie Klick

Brian Shufelt – Representative Klick's Chief of Staff

Seth Christianson – Governor's Office

Jared Staples – Governor's Office

Brady Vaughn – Senate Finance

Suzanne Mackowiak – Lieutenant Governor's Office

Laura Fleming – Lieutenant Governor's Office

John Wielmaker – Legislative Budget Board

NEW BUSINESS

K. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

6.New 37 TAC Chapter 12, concerning Compassionate-Use/Low-THC Cannabis Program (0:30:54)

-Representative Stephanie Klick thanked the Commission and DPS for their diligent work in putting together rules for this program.

-150,000 Texans suffer from intractable epilepsy; many families have moved out of Texas because this treatment is not available.

-AD Bowie reported within 24 hours of Governor Abbott signing SB 339, DPS began to receive calls asking questions about the program.

- DPS website was setup to allow citizens to give feedback, ask questions, submit ideas and allow comment on the forthcoming rules.
- Per Legislature, rules have to be in place by December 1, 2015.
- By September 2017, DPS may have three cultivating and dispensing entities up and running.
- Commissioner Flores commented that cannabis oil is a natural product. His daughter suffers from seizures due to late stage Lyme disease. They are currently living in Florida for treatment and he commutes to and from Florida every two weeks. Part of the treatment accepted in some states is the use of cannabis oil. His daughter has not had a seizure in 8 weeks due to this treatment.

A motion was made by Commissioner Flores, seconded by Commissioner Johnson, approving publication of Chapter 12 to receive public comment. Motion passed unanimously.

DIRECTORS REPORT (0:39:40)

B. Border Priority Information Requirements (Dashboard)

Director McCraw provided the following update:

- The Governor and Legislature have given direction to amplify and increase the level of security at the Texas/Mexico border.
 - Different information data requirements for the Governor, Lieutenant Governor, Speaker's Office, Legislative Members and the Legislative Budget Board as each has their own priority information requirements.
 - Challenge - What data do we need to collect in a way that can be easily retrieved?
 - Data can determine the impact on the area; what's going on right now; what is the current state of affairs; what impact has it had on strategies; investment of dollars; and what's the return of investment to taxpayers.
 - The question remains, how do we get near time data from federal, state and local law enforcement agencies so we can use the data from an operational standpoint?
 - An example of the importance of retrievable data was given when DPS received an open records request for all data relating to seizures during Operation Strong Safety for a specific period. If the data is not in ready format when we receive the request; the requestor sorts the data on their own and often misinterpret the data differently.
- Widespread reporting stated DPS had nominal participation levels of drug seizures in the Rio Grande Valley and West Texas, which was incorrect. DPS assigned analysts to go back and look at every incident during that time period and the following information was confirmed:

OSS Seizures (June 23, 2014 – May 16, 2015)

DPS Involved Marijuana Seizure Events	26.6%
DPS Involved Marijuana Seizure by Weight	30.1%
DPS Involved Cocaine Seizure Events	26.7%
DPS Involved Cocaine Seizure by Weight	11.3%
DPS Involved Methamphetamine Events	18.5%
DPS Involved Heroin Events	50.0%
DPS Involved Heroin Seizure by Weight	60.7%
DPS Involved Currency Seizure Events	34.8%

-We will soon have a new online case management system that we have named SPURS (State Police Unified Reporting System).

-Operation Secure Texas takes effect 9/1/15 in Regions 3 and 4:

- *Drawbridge Cameras
- *Interdiction Teams
- *Expanded State Guard
- *Aerostats
- *Helicopters
- *Marine Assets
- *Ground Assets

-Secondary Employment – policies are in the process of review

NEW BUSINESS

A. Report by Texas Department of Public Safety Foundation (1:07:17)

- Emily Christy shared the video produced by Commissioner Flores and LatinWorks for the DPS Foundation
- Recipients of the 2015-2016 Foundation scholarships: Jordan Carter, Noelle Garcia, Louis Sanchez and Ruth Stephens
- 30 applications received; \$5,000 scholarship
- Funds have been approved for Sergeant Matlock while he is recovering from injuries.
- Commissioner Flores urges his fellow commissioners to attend the fundraising dinners taking place in Dallas, Houston, San Antonio and Austin to shake hands and thank people in advance for their contributions.

B. Report, discussion, and possible action on Aircraft operations and structure (1:20:19)

Director McCraw is seeking approval to move all commissioned Aircraft personnel up one level in pay (Chief Billy Nabors will now be classified as an Assistant Director) to make them competitive with other agencies.

A motion was made by Commissioner Mach, seconded by Commissioner Watson, approving a one level increase in pay for all commissioned Aircraft personnel. Motion passed unanimously.

C. Report, discussion, and possible action regarding carrying of weapons at open meetings of the Public Safety Commission (1:33:20)

Commission will seek legal advice during a security briefing and will defer item until they return to an open meeting following Executive Session.

D. Report, discussion, and possible action regarding non-commissioned employees carrying of weapons and members of public carrying of weapons in non-public secure portions of law enforcement facilities, Government Code 411.207 (c) (1:33:20)

Commission will seek legal advice during a security briefing and will defer item until they return to an open meeting following Executive Session.

E. Report, discussion, and possible action regarding the proposed FY 2016 CAO Audit Strategy (1:33:43)

A motion was made by Commissioner Johnson, seconded by Commissioner Watson, approving the FY 2016 CAO Audit Strategy. Motion passed unanimously.

F. Report, discussion, and possible action on the FY 2016 Operating Budget (1:38:13)

AD Whittenton submitted the FY 2016 Operating Budget for approval:

- Operations budget increase of \$110 million (13%) due to increase in border security funding and Driver License services
- Expecting decrease in federal funds due to FEMA grants closing down and the State Administering Agency moving to the Governor's Office (those funds will transfer with them)
- Capital budget – received \$24M in new funding (vehicles, updating Gessner DL office and multi-use training facility); using less bond funds and expect less seized funds
- New rider places limit of 15% transferability in items for appropriation (most agencies have 25%)
- Due to additional border security funding, additional reports will be submitted to the LBB and Governor's Office
- Method of finance swab gives a motorcycle safety general revenue account in place of general revenue which resulted in a decrease of funding for the Driver License Division (DLD). We received excess funding from HB 2053 and we've asked for excess funding to be applied to cut in DLD funding.

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, to approve the FY 2016 Operating Budget with confirming changes as approved by the director. Motion passed unanimously.

G. Report and discussion on Drive Test Tablet Pilot (1:48:55)

Gene Coyne and Shahadah Haywood presented findings of the test tablet pilot:

- Pilot was conducted for 45 days (June – July) at the Pflugerville location
- Over 200 tests conducted
- 53% stated the tablet was too heavy (approximately 2½ lbs)
- 47% recommended software changes
- 33% too much head down time, not focused on driving
- 74% chose paper over tablet
- Microsoft Surface (provides a lighter and user friendly platform)
- Recommendation to conduct Phase II pilot as technology evolves; acquire Microsoft Surface platforms; and perform follow-up at the Pflugerville DL office

H. Report and discussion on Contract Update (1:58:22)

AD Arriaga updated the Commission on Contracts:

- SB 20 not only codified various provisions into law, but also made the state Contract Management Guide to have the effect of law
- Many of the best practices that were codified are already being implemented in some way by DPS
- Procurement Director, DAD of Policy & Planning, and Assistant Director of Administration now have to certify they are doing things per policy and law
- Contract Provisions:
 - *Best Value – must be certified by Procurement Director before use
 - *Conflict of Interest – employees in the procurement process must disclose any conflict of interest with a private vendor; employees who are part of a contract negotiation may not work for that vendor for 2 years following employment; vendors must disclose relationships with any 'interested parties' within the agency
 - *Notice – must provide 10 business days notice to LBB before payment on a contract of over \$10M or over \$1M that was not competed
 - *Posting – must post all DPS contracts, authority to enter into contract and related solicitation on DPS website; post agency contract management handbook and risk analysis procedures
 - *Retention – increased to 7 years
 - *Vendor Performance – agencies are required to review vendor performance at the completion of each contract and add to Comptroller's system
- New Contract Provisions:
 - *Over \$1M – develop reporting requirements; verify vendor is in compliance with

financial provisions and delivery schedules; must be approved and signed by Director

*Over \$5M – Director of Procurement must certify in writing that solicitation and purchasing methods and contractor selection process complied with state law and agency policy

*Over \$10M – provide notice to LBB before payment; send to Contract Advisory Team for review

*DIR Contracts – item under \$50K, can pick one vendor and award; item over \$50K, minimum number of vendors we must solicit bids from; item over \$1M, can't use DIR contract must go to open market; items requiring a statement of work, DIR must approve the SOW to move forward and sign it before DPS can enter and pay on a contract

-New Reporting Provisions:

*GAA 7.04 – must send LBB a comprehensive list of all contracts over \$50K by October 1st of each fiscal year

*GAA 7.12 – provide notice to LBB of any contract over \$10M or \$1M that was not competitively purchased; LBB must receive the notice before DPS can make payments on the contract

K. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

3.Simultaneous repeal of 37 TAC Section 1.231, concerning Procedures for Vendor Protests of Procurements and proposed new 37 TAC Sections 1.262 – 1.264, concerning Contracting (2:09:03)

A motion was made by Commissioner Mach, seconded by Commissioner Flores, approving repeal of Section 1.231 and proposed new Sections 1.262-1.264 for publication to receive public comment. Motion passed unanimously.

I. Report, discussion, and possible action regarding delegation of contract signature authority pursuant to Government Code 2261.254(d) (2:15:07)

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, delegating authority to Director McCraw to approve and sign contracts valued at more than \$1M as authorized by Texas Government Code 2261.254(d). Motion passed unanimously.

J. Report, discussion, and possible action regarding disclosure of financial interest with potential vendors pursuant to Government Code 2261.252(b) (2:18:38)

SB 20 prohibits the Governing Board, Executive Director, General Counsel, and the Procurement Director from entering into any vending relationships that have a financial or family interest. Financial interest defined is as 1% of direct or indirect ownership. Family interest is defined as second degree of affinity or consanguinity.

Commissioner Mach recommended discussion be moved to Executive Session for further discussion to be discussed in opening session.

K. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

1.Amendments to 37 TAC Section 1.129, concerning Fees for Sale of Motor Vehicle Crash Reports in Highway Patrol Field Offices (2:24:50)

A motion was made by Commissioner Mach, seconded by Commissioner Flores, approving Section 1.129 for publication to receive public comment. Motion passed unanimously.

2.Amendments to 37 TAC Section 1.143, concerning Use of Unmanned Aircraft by a Law Enforcement Authority (2:27:18)

A motion was made by Commissioner Johnson, seconded by Commissioner Mach, approving Section 1.143 for publication to receive public comment. Motion passed unanimously.

4.Repeal of 37 TAC Section 3.146 and proposed new 37 TAC Section 8.7, concerning Prohibited Weapons (2:29:11)

To be discussed in Executive Session.

5.New 37 TAC 8.21 and Section 8.22, concerning Unmanned Aerial Vehicles at the Capitol Complex (2:29:35)

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving Sections 8.21 and 8.22 for publication to receive public comment. Motion passed unanimously.

7.Amendments to 37 TAC Sections 35.181 – 35.183 and new Section 35.185, concerning Active Military and Spouses – Special Conditions (2:31:23)

A motion was made by Commissioner Johnson, seconded by Commissioner Mach, approving amendments to Sections 35.181-35.183 and new Section 35.185 for publication to receive public comment. Motion passed unanimously.

8.Simultaneous repeal of current 37 TAC Chapter 36, concerning Metals Registration and proposed new 37 TAC Chapter 36, concerning Metals Recycling Entities (2:33:03)

A motion was made by Commissioner Flores, seconded by Commissioner Watson, approving repeal and proposed new of Chapter 36 for publication to receive public comment. Motion passed unanimously.

L. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

ONGOING BUSINESS

A. Update report, discussion and possible action regarding recruitment (2:34:24)

AD Woodall provided the recruitment update:

- 154th School is in their sixth week of training with 103 recruits; graduation is scheduled for 12/18/15
- Currently recruiting for A & B-2016 schools with begin dates of January & March 2016
- A-16 has 2,316 active applicants; B-16 has 300 active applicants
- Next abbreviated school will be in 2017

B. Report, discussion, and possible adoption of the following previously published rules:

1.Amendments to 37 TAC Section 15.54, concerning Vehicle Inspection (2:38:10)

No comments.

A motion was made by Commissioner Mach, seconded by Commissioner Watson, adopting amendments to Section 15.54. Motion passed unanimously.

C. 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

None.

D. 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.

E. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

To be discussed during Executive Session.

REPORTS (2:39:14)

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 (2:39:24)

A. Advice and consent regarding the Director's determination that certain probationary employees were found unsuitable to work during June and July

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: Steven R. Anderson, Scott J. Garrison, James A. Lea, Manuel A. Lozano, James L. Kincheloe, Charlie S. Ramirez, Robert S. Ripps, and Michael B. Wilson

C. Donations:

1.Ten pieces of exercise equipment – THP, Abilene

2.Additional donation items, as needed

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving Consent Items A, B, and C. Motion passed unanimously.

ITEMS FOR FUTURE AGENDA (2:40:05)

- Report, discussion, and possible action regarding carrying of weapons at open meetings of the Public Safety Commission
- Report, discussion, and possible action regarding non-commissioned employees carrying of weapons and members of public carrying of weapons in non-public secure portions of law enforcement facilities, Government Code 411.207(c)

DATE FOR FUTURE MEETING (2:40:16)

Any discharge hearings will be scheduled on October 14, 2015, and the regular Public Safety Commission meeting is scheduled for October 15, 2015.

ADJOURN INTO EXECUTIVE SESSION (2:40:36)

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 11:56 a.m.

The Public Safety Commission reconvened this open session at 2:46 p.m. Commissioners present were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores, Steven Mach, and Randy Watson.

NEW BUSINESS

C. Report, discussion, and possible action regarding carrying of weapons at open meetings of the Public Safety Commission (2:41:32)

Commissioner Mach requested further study of the matter and recommended item be placed on the October agenda.

D. Report, discussion, and possible action regarding non-commissioned employees carrying of weapons and members of public carrying of weapons in non-public secure portions of law enforcement facilities, Government Code 411.207(c) (2:42:27)

Commissioner Mach requested further study of the matter and recommended item be placed on the October agenda.

J. Report, discussion, and possible action regarding disclosure of financial interest with potential vendors pursuant to Government code 2261.252(b) (2:43:10)

The Commission has reviewed the form that is being proposed by staff that indicates it's a one-time form that all commissioners would sign indicating they do/do not have a vested interest of more than 1% in any entity that may do business with the department. General Counsel will review whether the form will be required on a quarterly or annual basis.

A motion was made by Commissioner Mach, seconded by Commissioner Watson, approving the disclosure of financial interest form as stated by General Counsel. Motion pass unanimously.

K. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

4.Repeal of 37 TAC Section 3.146 and proposed new 37 TAC Section 8.7, concerning Prohibited Weapons (2:45:51)

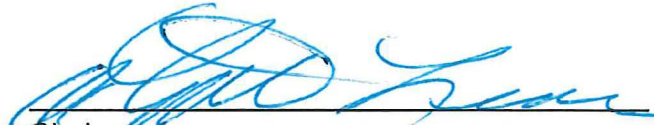
A motion was made by Commissioner Flores, seconded by Commissioner Johnson, approving repeal of Section 3.146 and proposed new Section 8.7 for publication to receive public comment. Motion passed unanimously.

ADJOURN

A motion was made by Commissioner Johnson, seconded by Commissioner Mach, to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 2:53 p.m.

Read and approved this 15th day of October, 2015.


Chairman

**Public Safety Commission Delegation of Authority to Executive Director
Under Texas Government Code § 2261.254(d)**

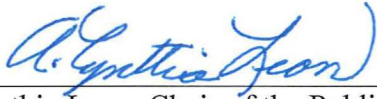
The 84th Texas Legislature adopted Senate Bill 20 regarding state contracting to be effective September 1, 2015;

Senate Bill 20 enacted Section 2261.254(c), Texas Government Code, providing that except for Section 2261.254(d), Texas Government Code, a state agency may enter into a contract for the purchases of goods or services with a value exceeding \$1 million only if (1) the governing body of the state agency approves the contract and the approved contract is signed by the presiding officer of the governing body. Under Section 2261.254(d), the governing body may delegate to the executive director of the agency the approval and signature authority under Section 2261.254(c). The Public Safety Commission has determined that a delegation to Director Steven C. McCraw under Section 2261.254(d) serves the best interests of the department and the State of Texas.

BE IT RESOLVED BY THE PUBLIC SAFETY COMMISSION OF THE STATE OF TEXAS:

That the delegation to Director Steven C. McCraw of contract approval and signature under Section 2261.254(d), Texas Government Code, is hereby approved.

This resolution was considered and approved by the Public Safety Commission of the State of Texas at its Open Meeting held on the 27th day of August, 2015, in Travis County, Texas.



A. Cynthia Leon, Chair of the Public Safety Commission

Date: 8 / 27 / 15

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On August 27, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter C
Section 15.54

The Texas Department of Public Safety (the department) adopts amendments to §15.54, concerning Vehicle Inspection. This section is adopted without changes to the proposed text as published in the July 10, 2015 issue of the *Texas Register* (40 TexReg 4453) and will not be republished.

The department inspects vehicles prior to skills exams. These amendments are necessary to clarify that a current and valid vehicle registration is required before an individual can take a skills exam and updates the language to comply with HB 2305, 83rd Texas Legislature, 2013. Additionally, the proposed amendments repeal language already in statute and make grammatical changes for clarity.

No comments were received regarding the adoption of these amendments.

This proposal is adopted pursuant to Texas Government Code, §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, §§548.105, 548.251, 548.252, 548.254, 548.255, and 548.257.

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. Cynthia Leon, Chair
Public Safety Commission

SPECIAL RANGER APPLICANTS
August 27, 2015



Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Anderson, Steven R.	CID	Mt. Pleasant	06/30/15	27 years	
Garrison, Scott J.	THP	CVE/Beaumont	01/31/15	29 years	
Lea, James A.	THP	CVE/Fredericksburg	04/30/94	28 years	
Lozano, Manuel A.	CID	El Paso	06/30/04	23 years	
Kincheloe, James L.	THP	HP/Lampasas	11/30/92	24 years	
Ramirez, Charlie S.	THP	Corpus Christi	02/28/03	27 years	
Ripps, Robert S.	DS	Austin	05/31/15	25 years	
Wilson, Michael B.	THP	Houston	11/30/09	22 years	

Approved by the Public Safety Commission:

Date:

8/27/15