

MINUTES
PUBLIC SAFETY COMMISSION
September 13, 2007
Austin, Texas

The Public Safety Commission met in Austin, Texas on September 13, 2007. Attending the meeting were Chairman Ernest Angelo, Jr., and Commissioners Louis Sturns and Allan Polunsky.

DPS Staff members present:

Tommy Davis, Director
David McEathron, Assistant Director
Oscar Ybarra & Tom Haas, Accounting & Budget Control
Lamar Beckworth, Texas Highway Patrol
Kent Mawyer, Criminal Law Enforcement
Burt Christian & David Gavin, Administration
Bob Burroughs, Driver License
Ray Coffman & Jim Miller, Texas Rangers
Farrell Walker, Office of Audit & Inspection
Russ Lecklider, Emergency Management Division
Mary Ann Courter, General Counsel
James Brubaker, Bryan Lane & Tully Brown, Information Management Service
Jack Reichert, Aircraft
Michael Kelley, Legislative Liaison Office
David Outon, Internal Affairs
Tela Mange, Public Information Office
Dorothy Wright, Secretary

Guests present:

Donald Dickson, attorney
Julie Williams
Kyle Mitchell, Governor's Budget Office
Amy Trost & Steve Hopson, Sunset Advisory Commission

The meeting was called to order by Chairman Angelo. Proper notice had been posted.

- I. **Approval of minutes.** Upon motion by Commissioner Polunsky and seconded by Commissioner Sturns, the minutes of the August 13, 2007 meeting were approved.
- II. **Public comment.** Donald Dickson, attorney with the Parker Law Firm representing the Texas State Troopers Association, expressed concerns over members of the Public Safety Commission leaving and the need for a quick resolution by the Governor to fill the vacancies. He also suggested the Commission consider moving the discharge appeal hearings to the State Office of Administrative Hearings. It was noted by Mary Ann Courter, General Counsel, that employee discharge appeal hearings before the Public Safety Commission are set by statute.

Commissioner Sturns thanked the Public Safety Commission and DPS staff for their support during his tenure on the Public Safety Commission. Commissioners Polunsky and Angelo

and Colonel Davis expressed appreciation to Mr. Sturns and wished him well in his new role as Judge of the 213th Judicial District Court of Tarrant County.

III. Discharge appeal hearing of DPS employee David Lee. Colonel Davis advised that David Lee had resigned on September 12, 2007.

IV. Budget matters. Oscar Ybarra gave the budget report including an update on gasoline prices.

V. Audit & Inspection report. Farrell Walker gave the Audit & Inspection report. There was some discussion on vacancies in his area.

VI. Division reports. Burt Christian gave the Administration Division report, including an update on livescan arrest reporting, continuing efforts to improve accuracy of the sex offender registry, 2007 fleet production, building projects, physical readiness testing, recruiting efforts and the upcoming recruit school. There was some discussion on the need for a larger training facility. The Texas Highway Patrol Division report was given by Lamar Beckworth. There was some discussion on a recent manhunt and subsequent arrest in Shelby County, status of the in-car computer rollout and the benefits of that automation, the increased usage of cloned vehicles in drug transporting and ongoing THP drug interdiction efforts. Bob Burroughs gave the Driver License Division report, including the success of using the DL Express to provide field services, the impact to DPS of new legislation affecting elderly drivers and the new San Antonio Driver License facility. There was some discussion on the recent audit of the Waco area driver license offices wherein it was noted defibrillators were being taken out of service due to dead batteries. The Driver License Division is looking into the cost of defibrillator battery replacement. The Driver Responsibility Program update was given by Bob Burroughs. There was some discussion on legislation which had passed in the last legislative session enhancing efforts to collect the surcharge payments. Also discussed was the problem of uninsured drivers in Texas and the new insurance verification program. Russ Lecklider gave the Emergency Management Division report. There was some discussion on resources deployed for Hurricane Humberto which hit the Texas coast on September 12th. The Criminal Law Enforcement Division report was given by Kent Mawyer. Ray Coffman gave the Ranger Division report. James Brubaker gave the Information Management Service report. There was some discussion on enhancements for driver license and other IT functions and efforts to obtain a consultant study of the department's IT functions.

VII. For publication for public comment

A. Proposed repeal of Rule 1.125, 37 TAC Sec. 1.125, relating to Fees for Copies of Accident Records

B. Proposed repeal of Rule 1.127, 37 TAC Sec. 1.127, relating to Fees for Search for Records

Mary Ann Courter briefed the Commission on the proposed repeals. Upon motion by Commissioner Sturns and seconded by Commissioner Polunsky, the attached proposed repeals were unanimously approved for publication for public comment.

- C. **Proposed repeal of Rule 1.129, 37 TAC Sec. 1.129, relating to Fees for Sale of Accident Reports in Field Offices.** It was noted this item was being withdrawn at this time.
- D. **Proposed amendments to Rules 3.1-3.9, 37 TAC Secs. 3.1-3.9, relating to updating the term "accident" to "crash", referencing a statute correctly, and changing the name of the division within the department responsible for investigating and reporting crashes**
- E. **Proposed repeal of Rule 3.10, 37 TAC Sec. 3.10, relating to the discontinuation of the Billing for Services process for the DWI Accident Response Cost Recovery**
- F. **Proposed amendment to Rule 3.52, 37 TAC Sec. 3.52, relating to changing division name from Traffic Law Enforcement to Texas Highway Patrol**
- G. **Proposed amendment to Rule 3.144, 37 TAC Sec 3.144, relating to the correct name of the state agency the department is required to notify in case of an emergency evacuation**

Mary Ann Courter briefed the Commission on the proposed amendments and repeal. A motion was made by Commissioner Polunsky and seconded by Commissioner Sturns approving the attached items for publication for public comment.

VIII. Allocation of personnel and division structure. Colonel Davis briefed the Commission on the proposed reorganization of the Criminal Law Enforcement Division to include consolidation of all analytical support into the Bureau of Information Analysis within CLE. There was some discussion on this proposal.

IX. TDEX update. A TDEX update was given by Colonel Davis.

X. Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property. The Commission went into Executive Session pursuant to Tex. Gov. Code Secs. 551.071, 551.074, 551.072 & 411.0041 to discuss personnel matters, including the Director's action of discharging probationary employee John Christ, Jr.; pending and contemplated litigation; status of purchase of real property; and ongoing criminal investigations. Upon reconvening Regular Session, a motion was made by Commissioner Sturns and seconded by Commissioner Polunsky affirming the Director's action of discharging probationary employee John Christ, Jr. Upon motion by Commissioner Polunsky and seconded by Commissioner Sturns, Special Ranger commissions were approved for DPS retirees James Blunt, Awilda Cartagena, Kelvin Dawson, Francisco Frausto, Edward A. Gonzalez, David Keys, Jose F. Martinez, Clyde Morgan, David O'Neal, Robert Rhynsburger and Birt Wilkerson and a Special Texas Ranger commission was approved for James Bond, Sr., of the Texas & Southwestern Cattle Raisers Association.

Colonel Davis advised the Commission about wording that will be on the November 8th ballot for Proposition 4 for funds for DPS building projects.

There being no further business, the meeting was adjourned.

Read and approved this 29th day of November, 2007.



Chairman



Member



Member

