

**MINUTES  
PUBLIC SAFETY COMMISSION  
March 11, 2008  
Austin, Texas**

The Public Safety Commission met in Austin, Texas on March 11, 2008. Attending the meeting were Chairman Allan Polunsky and Commissioners Elizabeth Anderson, Carin Barth and Tom Clowe.

**DPS staff members present:**

Tommy Davis, Director  
David McEathron, Assistant Director  
Oscar Ybarra, Tom Haas & Cal VanderWal, Accounting & Budget Control  
Randy Elliston, Lamar Beckworth, Luis Gonzalez, Mark Rogers, Danny Knauth & David Palmer, Texas Highway Patrol  
Kent Mawyer, Criminal Law Enforcement  
David Gavin & Lester Mills, Administration  
Judy Brown & Kim Smith, Driver License  
Ray Coffman & Jim Miller, Texas Rangers  
Farrell Walker & Jude Schexnyder, Office of Audit & Inspection  
Russ Leckleider, Emergency Management Division  
Mary Ann Courter, General Counsel  
James Brubaker, Bryan Lane & Tully Brown, Information Management Service  
Michael Kelley, Legislative Liaison  
Kent Radney & Michael Stanford, Internal Affairs  
Tom Vinger, Public Information Office  
Dorothy Wright, Secretary

**Guests present:**

Ed Martin, TSIA  
Bert Alderete & David Rodriguez, Worldwide Environmental  
Brenda Ackarman-Sioson, Gordon-Derby  
Guy Hoffman, TCEQ  
David Lewis, ESP  
Larry McGinnis, K.L. Gates  
Rodolfo Gomez, student  
Dominic Giarratani, House Appropriations Committee  
Christopher Burnett, Governor's Office  
Amy Trost, Sunset Advisory Commission  
Kyle Mitchell, Governor's Office  
Candace Brown, House Law Enforcement Committee  
David Erinakes, Senate Homeland Security/Transportation Committee  
Mary Anne Wiley, Governor's Office  
Jack Lawler, TSTA  
Donald Dickson, Parker Law Firm/TSTA  
Peggy Fikac, San Antonio Express News

At 9:30 a.m., which was the posted meeting time, Chairman Polunsky went on the record to announce that Commissioner Beth Anderson was running late and he would wait to convene the meeting until she arrived.

At 9:52 a.m., the meeting was called to order by Chairman Polunsky. Proper notice had been posted. Chairman Polunsky introduced new Commissioners Carin Barth and Tom Clowe who each made brief comments.

- I. **Approval of minutes.** A motion was made by Commissioner Anderson and seconded by Commissioner Clowe approving the minutes of the February 12, 2008 meeting. General Counsel Mary Ann Courter stated that the 2 new Commissioners could participate in the voting on this item since they had occasion to review the minutes and a simple quorum was necessary for the motion to pass. Motion passed unanimously.
- II. **Public comment.** Chairman Polunsky recognized former Commission Chairman Ernest Angelo who was present. Mr. Angelo made brief comments.  
  
Donald Dickson, attorney of the Parker Law Firm, addressed the Commission regarding a motion for rehearing in the Joe Rochelle discharge appeal hearing that had taken place on February 12, 2008. Chairman Polunsky stated the Commission would act upon the motion according to their responsibilities.
- III. **Discharge appeal hearing of DPS employee Aaron Ragland.** Chairman Polunsky stated the hearing had been reset to the April meeting.
- IV. **Budget Matters.** At this time, Chairman Polunsky announced Commission liaison appointments to work with DPS staff on certain items. He named Beth Anderson as the liaison for information technology, TDEX and the Texas Fusion Center. Carin Barth was named as the liaison for budgetary issues and Tom Clowe for studying the Department's organization.

Oscar Ybarra advised the Commission that the Department had received all the necessary approvals for the Public Finance Authority bonds. There was some discussion on the actual construction timeline for the approved projects.

- A. **Schedule for LAR presentation.** Oscar Ybarra gave an overview of the Legislative Appropriations Request process schedule. There was some discussion on how the DPS Strategic Plan and LAR are tied together, DPS base reconciliation, exceptional item lists, general financial reporting, deferred building maintenance needs, job classifications, vehicle maintenance and projected facility needs.
- B. **TDEX (Texas Data Exchange) funding.** David Gavin gave an overview of the present funding, future cost projections and possible funding sources for TDEX. Commissioner Anderson expressed concerns that this does not actually answer how the project will continue to be funded. There was some discussion on this matter and Colonel Davis stressed that the Department is fully committed to funding TDEX.
- C. **Disposition of a forfeited asset: real property in Hidalgo County.** Colonel McEathron briefed the Commission on this item and there was some discussion. A motion was made by Commissioner Clowe and seconded by Commissioner Anderson accepting 33 acres of forfeited property in Hidalgo County to be used for housing a drug incinerator. Motion passed unanimously.

- V. **Audit & Inspection report.** Farrell Walker gave the Audit & Inspection report. There was some discussion on a Region 6 THP inspection item pertaining to crash reporting and the possible use of outside contract auditors to complete the audit plan.
- VI. **Division reports.** David Gavin gave the Administration Division report. There was some discussion on fingerprinting requirements for public educators and real estate applicants as mandated by SB 9 in the last legislative session, the CHL processing backlog, recruit training, fleet vehicle production and physical fitness readiness testing. Lester Mills updated the Commission on building projects. There was some discussion on locations of the DPS regional offices and driver license offices. The Texas Highway Patrol Division report was given by Randy Elliston. There was some discussion on ongoing Border Star operations and the incar computer project. Commissioners Anderson and Polunsky congratulated the Texas Highway Patrol Division for their continuing border efforts. Judy Brown gave the Driver License Division report, including an update on driver license reengineering, the enhanced driver license and the Survey of Organizational Excellence. There was some discussion on a letter received from Senator Carona regarding driver license issues. Chairman Polunsky stated he will meet with Senator Carona and DPS staff to resolve issues pertaining to driver license issuance. Judy Brown gave an overview of the Real ID Act estimated cost projections. The Driver Responsibility Program update was given by Judy Brown.
- VII. **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, 551.072, 551.074 & 411.0041 to discuss personnel matters, pending and contemplated litigation, status of purchase of real property and ongoing criminal investigations. Regular Session was reconvened.
- VIII. **Division reports.** Russ Leckleider gave the Emergency Management Division report including an update on the ongoing wildfire situation and disaster declarations. The Criminal Law Enforcement Division report was given by Kent Mawyer. Ray Coffman gave the Ranger Division report. Chairman Polunsky thanked the Rangers for their participation on border security operations. James Brubaker gave the Information Management Service report, including an update on the department's assessment of its IT functions. Commissioner Clowe suggested the Department look into purchasing Director's & Officers liability insurance for the board members.
- IX. **For publication for public comment**  
A. **Proposed amendment to Rule 4.37, 37 TAC Sec. 4.37, regarding Acceptance of Out-of-State Commercial Vehicle Inspection Certificate.** Mark Rogers briefed the Commission on the proposed amendment. A motion was made by Commissioner Anderson and seconded by Commissioner Clowe approving the attached amendment for publication for public comment. Motion carried unanimously.
- X. **Appointment of members to an advisory committee relating to the operation of the vehicle inspection program.** Randy Elliston briefed the Commission on the advisory committee and stated that any concerns raised by Representative Jerry Madden had

been resolved. A motion was made by Commissioner Anderson and seconded by Commissioner Clowe appointing the individuals on the attached list to the Vehicle Inspection Advisory Committee. There was some discussion on the proposed names with reference made by Commissioner Barth as to whether criminal history backgrounds had been done. The motion was restated by Commissioner Anderson and seconded by Commissioner Clowe approving the individuals on the attached list subject to appropriate background investigations, the details of which will be worked out between Chief Elliston and Commissioner Barth. Motion carried unanimously

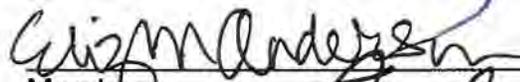
- XI. **Personnel matters, pending and contemplated litigation, ongoing criminal investigations, status of purchase of real property.** A motion was made by Commissioner Anderson and seconded by Commissioner Clowe affirming the Director's action of discharging probationary employees Alonzo B. Johnson and Alex Q. Lopez. Motion passed unanimously. A motion was made by Commissioner Clowe and seconded by Commissioner Barth approving a Special Ranger commission for Ricky Thigpen and a Special Texas Ranger commission for Victor Escalon. Motion carried unanimously.

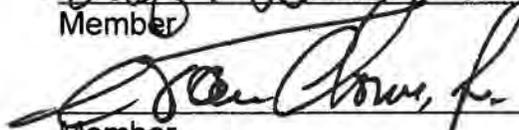
Chairman Polunsky announced that Commissioner Anderson would take the Commission's seat on the Texas Racing Commission. There was some discussion on the format of the meeting materials presented to the Commission.

There being no further business, the meeting was adjourned.

Read and approved this 16<sup>th</sup> day of MAY, 2008.

  
Chairman

  
Member

  
Member

  
Member

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:

<b>Employee Name</b>	<b>Employee Title/Division</b>	<b>Date of Discharge</b>
Alonzo B. Johnson	DL Technician/Driver License Division	02/04/08
Alex Q. Lopez	Trooper Trainee/Administration Division	02/06/08

Approved:

  
Allan B. Polunsky, Chairman  
Public Safety Commission  
Date: March 11, 2008