

AGENDA

**Public Safety Commission Meeting
Thursday, November 19, 2009, 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 table)
- IV. DIRECTORS REPORT**
- V. NEW BUSINESS**
 - A.** Discharge appeal hearing and possible action regarding DPS Employee Jonathan Barnett
 - B.** Report, discussion and possible action on the Fiscal Year 2010 Operating Budget
 - C.** Discussion and possible action to define Contract Review Board and role of Commissioner on the Board
 - D.** Discuss and possible action on proposed Mission, Vision, Goals and Values statements for the department
- 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 Directors action of discharging employees as identified in this agenda; ongoing criminal investigations
- VII. ONGOING BUSINESS**

Reports, discussion and possible action regarding the following:

 - A.** Report, discussion and possible action regarding recruitment policy committee
 - B.** Report, discussion and possible action regarding overtime and compensatory time policies for Department employees
 - C.** Office of Inspector General interview process, status report on the search, discussion and possible action on the appointment
 - D.** Report, discussion and possible action on procedures for appointing and monitoring the status of specially commissioned persons under Government Code

411.023 and 411.024 as well as Code of Criminal Procedure Articles 2.121 and 2.125:

1. Review and commissioning process for retired and former Department personnel
 2. Review and commissioning process for persons not retired or previously employed by the Department
- E.** 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
- F.** Report, discussion and possible action on Departmental proposal for policy on integrity expectations for employee conduct
- G.** Report, discussion and possible action regarding purchases using seized funds
- H.** Report, discussion and possible action on department recruitment
- I.** Discussion and possible action regarding security measures for Department
- J.** Update report, discussion and possible action on 75th 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

The following items may be discussed and acted upon in a single motion or discussed separately as determined by the Commission

- A.** Discussion and possible action on the Directors action of discharging probationary employee: John Hellman
- 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: Richard Leroy Alexander, Dwight Lee Gray, Jay Michael Griffin, William Lawrence Hill, Donald Myrl Jones, Kevin Lee McCasland, Garry Lee Parker
- C.** Review of pending contract: Information subscription service (Dallas Computer Services, Inc.)
- D.** Discussion and possible action regarding donations as provided under Govt Code Ch. 575:
 1. Authorization of Department to accept gifts of money or property
 2. Acknowledgement of donation of the Economic Development Corporation of Weslaco of approximately 21.29 acres in Hidalgo County to the Department to build a regional office
 3. Acknowledgement of proposed donation of a radio tower, communications shelter and a generator in Colorado County
- E.** Discussion and possible action on adoption of proposed rules:
 1. Proposed amendments to Chapter 15: Rules 15.5, 15.7, 15.21-15.23, 15.25-15.31, 15.33-15.40, 15.42, 15.44, 15.48, 15.52, 15.54, 15.56, 15.59, 15.81-15.83, 15.85, 15.87, 15.91-15.93, 15.101, 15.113, 15.114, 15.131, and 15.163, 37 TAC Secs.15.5, 15.7, 15.21-15.23, 15.25-15.31, 15.33-15.40,

- 15.42, 15.44, 15.48, 15.52, 15.54, 15.56, 15.59, 15.81-15.83, 15.85, 15.87, 15.91-15.93, 15.101, 15.113, 15.114, 15.131, and 15.163, regarding Driver License Rules, as published in 34 TexReg 5327-5344, August 7, 2009
 2. Proposed repeal of Rule 15.8, 37 TAC Sec. 15.8, regarding Classified Driver License, as published in 34 TexReg 5328, August 7, 2009
 3. Proposed repeal of Rules 15.41 and 15.47, 37 TAC Secs. 15.41 and 15.47, regarding Application Requirements-Original, Renewal, Duplicate, Identification Certificates, as published in 34 TexReg 5333, August 7, 2009
 4. Proposed repeal of Rules 15.111 and 15.112, 37 TAC Secs. 15.111 and 15.112, regarding Denial of Renewal of Driver License for Failure to Appear for Traffic Violation, as published in 34 TexReg 5341, August 7, 2009
 5. Proposed amendments to Chapter 16: Rules 16.3, 16.4, 16.8, 16.9, 16.11, 16.12, 16.34, 16.47, 16.48, 16.50, 16.51, 16.71-16.73, 16.75, 16.99, and 16.103-16.105, 37 TAC Secs. 16.3, 16.4, 16.8, 16.9, 16.11, 16.12, 16.34, 16.47, 16.48, 16.50, 16.51, 16.71-16.73, 16.75, 16.99, and 16.103-16.105, regarding Commercial Driver License, as published in 34 TexReg 5344 – 5355, August 7, 2009
 6. Proposed repeal of Rule 16.91, 37 TAC Sec. 16.91, regarding Noncommercial Motor Vehicle Permits, as published in 34 TexReg 5353, August 7, 2009
 7. Proposed amendments to Chapter 18: Rules 18.1-18.4 and 18.21-18.25, 37 TAC Secs. 18.1-18.4 and 18.21-18.25, regarding Driver Education, as published in 34 TexReg 5355 – 5360, August 7, 2009
- F.** Discussion and possible action on proposed rules for publication:
1. Proposed new Rules 28.171 – 28.175, 37 TAC 28.171 – 28.175, regarding preservation, cataloging, and delivery of biological evidence
 2. Proposed amendment to Rule 27.1, 37 TAC 27.1, regarding review of personal criminal history record

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