

AGENDA
Public Safety Commission Meeting
April 17, 2013, 9:00 a.m.
6100 Guadalupe, Building 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. Should a member of the public bring an item to the Commission for which the subject was not posted on the agenda of the meeting, state law provides that the Commission may receive the information but cannot act upon it at the meeting. The Commission may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion.)

IV. DIRECTORS REPORT

- A. Presentations
- B. Legislative Update
- C. Trooper Activities/Officer Safety Video

V. NEW BUSINESS

- A. Report by Administration and Finance Committee
- B. Review and discuss division of management responsibilities as required by Government Code 411.0042
- C. Report and discussion regarding Use of Force Policy
- D. Discussion and possible action regarding revision to Chief Auditor's Office Charter

- E.** Discussion and possible action on proposals made pursuant to Government Code, Section 2001.039, Agency Review of Existing Rules for publication to receive public comment:
1. Proposed amendments to Texas Highway Patrol Rule 3.57, 37 TAC 3.57, concerning Traffic Warrant Service
 2. Proposed repeal of Texas Highway Patrol Rule 3.28, 37 TAC Section 3.28 concerning Citation Disposition Receipt Program and Texas Highway Patrol Rule 3.61, 37 TAC Section 3.61 concerning Safety Responsibility Activities
 3. Proposed amendments to Breath Alcohol Testing Rules 19.1, 19.2, and 19.4 – 19.6, 37 TAC 19.1, 19.2, and 19.4 – 19.6 concerning Breath Alcohol Testing Regulations
 4. Proposed repeal of Bicycles – Use and Safety Rules 32.1 – 32.3, 37 TAC Secs. 32.1 – 32.3 concerning Bicycles – Use and Safety
- F.** Report, discussion, and possible action on proposed reorganization of Chapter 36, Metals Registration for publication to receive public comment, including: amendments to Rules 36.1 – 36.7, 36.9 – 36.14, 36.17, and 36.18, 37 TAC Secs. 36.1 – 36.7, 36.9 – 36.14, 36.17, and 36.18, repeal of Rules 36.15, 36.16, 36.19 – 36.21, 37 TAC Secs. 36.15, 36.16, 36.19 – 36.21, and new Rules 36.15, 36.16, 36.19 – 36.24, 37 TAC Secs. 36.15, 36.16, 36.19 – 36.24

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.** Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office. Updates regarding status of recent CAO activity
- B.** Report, discussion and possible action on the Annual Year 2013 Operating Budget
- C.** Report, discussion and possible action regarding purchases using seized funds

- D. Update report, discussion and possible action regarding recruitment
- E. Review of pending contract/renewal/change order/awards from Contract Review Board
- F. Report, discussion, and possible action regarding the adoption of the proposed reorganization of Chapter 13, Controlled Substances, including: amendments to Rule 13.1, 37 TAC Sec. 13.1, repeal of Rules 13.2 – 13.11, 13.21 – 13.33, 13.71 – 13.99, and 13.131 – 13.137, 37 TAC Secs. 13.2 – 13.11, 13.21 – 13.33, 13.71 – 13.99, and 13.131 – 13.137, and new Rules 13.21 – 13.27 and 13.71 – 13.83, 37 TAC Secs 13.21 – 13.27 and 13.71 – 13.83, as previously published in the Texas Register
- G. 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
- H. 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

VIII. REPORTS

- A. Commission member reports and discussion
- B. Finance Report
- C. Chief Auditors Office
- D. Division status reports on activities and action

IX. CONSENT ITEMS

All of the following items may be enacted with one motion. These items are typically self-explanatory or have been previously considered by the Commission. There will be no separate discussion of these items unless a commissioner so requests.

- A. Discussion and possible action on the Director's action of discharging probationary employees: Mary Allen, Carolyn Madere and Robert McIntyre
- 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: Miguel J. Cordero, Kenny J. Foster, Karl R. Holloway, Walter F. Kennedy, Kennis Miles Jr., David Page, John C. Reed Jr., Maria T. Sigur, Michael B. Wilson and Donald J. Druessedow; Special Texas Rangers: None; Special Ranger Applicant from the National Insurance Crime Bureau: Kelly D. Hughes

X. ITEMS FOR FUTURE AGENDA

XI. DATE FOR FUTURE MEETING

Discharge hearing is scheduled for June 3, 2013, and regular Public Safety Commission meeting to be held June 4, 2013.

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 government 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