MINUTES
PUBLIC SAFETY COMMISSION
April 14, 2016
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on April 14, 2016. 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 (0:00:05)
The meeting was called to order by Chairman Leon at 9:02 a.m. Proper notice had been posted.

APPROVAL OF MINUTES (0:00:43)
A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving the minutes from the February 10th and 11th, 2016 meetings. Motion passed unanimously.

PUBLIC COMMENT (0:01:08)
-Robert R. Shea, current student at the LBJ School of Public Affairs – open and campus carry curriculum recommendations:
*Additional training needed on risk and characteristics of suicide and domestic violence
*Suicides are responsible for 2/3 of the firearms deaths – elderly are high risk for suicide

-Andrea Brauer, Executive Director, Texas Gun Sense – increase awareness for gun Safety
*2,800 gun deaths per year (60% are suicides)
*April is Child Abuse and Neglect Prevention Month
*67% of child homicides involve a weapon
*37% of youth suicides involve a weapon or firearm
*Seeking assistance from DPS to add gun safety education on our website
*Invitation extended to attend their next quarterly Coalition to Reduce Gun Violence meeting in Austin on June 2nd at the Capitol

-Dr. Cheasty Anderson, Senior Policy Analyst, Childrens Defense Funding of Texas – gun safety awareness
*Increase in the number of homicides, suicides and accidental deaths by having a gun

in the home are 3x higher for homicides, 3-5x higher for suicides, and 4x higher for accidental deaths

*Recommendations:

-Issue a statewide safe storage campaign for public awareness

-Legislation to add Active Shooter Training Program for school personnel

-Fund a Child Fatality Review Team Coordinator for each public health service region

DIRECTORS REPORT (0:21:51)

A. Presentations

Service Awards

Judy Dunnam – 30 years
Teresa Reynolds – 30 years
Larry Hinojosa – 35 years
Terry Siegmund – 35 years
Jesse Sharp – 40 years
Douglas Lanford Jr. – 50 years

Javier Arana Top Trooper Awards

Female – Trooper Valerie Lopez
Male – Andrew Tegtmeyer

Javier Arana Scholarship Recipients (announced by Cindy Arana)

James Jackson, Jenna Stanley, Rachel Rayford and Jaylon Seastrunk – Region 1
Benjamin Strope – Region 2
Laura Coleman – Region 3
Cesar Garcia – Region 4
Bobbi Loran – Region 5

Directors Citation

Agent Pilot Kris Edgmon
Tactical Flight Officer Saben Emery
Trooper Ted Caldwell
Trooper Billy Hill

U.S. Attorney's Award – Southern District of Texas

Lieutenant Robert Acevedo

(0:54:31) Break 9:56 – 10:12 a.m.

(0:55:24) Chairman Leon acknowledged the following individuals attending the meeting:
Libby Elliott – Governor's Office
Brady Vaughn – Senate Finance
Courtney Reed – House Committee on Homeland Security and Public Safety
Malika Te – House Appropriations
Lauren Fleming – Lieutenant Governor's Office
Suzanne Mackowiak – Lieutenant Governor's Office
John Wielmaker – Legislative Budget Board
Fisher Reynolds – Legislative Budget Board

DIRECTORS REPORT

B. DPS Dashboard Revisions (0:57:00)

Director McCraw reported on the updated DPS dashboard:

-Dashboard and the Border Security Briefing will be posted on our website by close of business Friday

-Presentation of the first case update involving a trooper, will continue to present a case at each Commission meeting

C. Case Update (0:58:42)

-September 10, 2014, officer shooting case involving Trooper Jaime Galindo in Nolan County

-Routine patrol on US 84 near Roscoe, Texas

-Traffic stop initiated in which Brandon Joseph Cormier is discovered to have a warrant for a parole violation

-Cormier is advised he is under arrest and did not comply; shots fired

-Cormier was sentenced to 60 years confinement after entering a guilty plea to attempted capital murder of a peace officer

-In addition, Cormier was also given 10 years for the federal charge of unlawful possession of a firearm by a felon. He will serve at least 30 years for the attempted capital murder offense and 10 years day-for-day on the federal offense before he will be eligible for parole.

(1:16:44) Director McCraw introduced Steve Tidwell, Executive Director of the FBI National Academy. Mr. Tidwell praised the S.H.I.E.L.D. program and stated the Academy proudly endorses the program.

NEW BUSINESS

A. Report on DPS S.H.I.E.L.D. Seminar (1:20:50)

Sergeant Melvin Allick and Lacy Wolff provided a brief on S.H.I.E.L.D.:

-S.H.I.E.L.D. (Strength and Honor In Everyday Lawful Decisions)

-Mission is to assist law enforcement officers to effectively deal with on and off duty challenges

-Eight hour course taught in six of the seven regions

-Reached out to 90 federal, state and local agencies with over 1,000 attendees

-Program is broken down into five series: (1) Deals with the stress of the job; (2) How to deflect adverse conditions; (3) Performance under pressure; (4) Sleep cycle and the effect of stimulants on fatigue; and (5) Transition from work to home

-Family Program is currently being developed and will be introduced to the A-2016 class during Family Night

B. Report, discussion, and possible action on the FY 2017 Internal Operating Budget (1:38:02)

-AD Suzy Whittenton introduced Gordon Taylor, Deputy Assistant Director, Budget

-FY 2017 total budget is lower due to decrease in federal funds; most of our budget is from General Revenue

-FTEs increased by 197 (officers on the border)

-64% of the budget is in Salaries

-Capital Budget – IT Technology and Vehicles

-Exceptional Items will be presented at the June meeting

A motion was made by Commissioner Flores, seconded by Commission Watson, approving the FY 2017 Internal Operating Budget. Motion passed unanimously.

C. Report and discussion on the Equal Employment Opportunity Annual Report (1:46:01)

DAD Nathanael Haddox provided an update on the 2015 EEO Annual Report:

-99.8% are in compliance, as of 12/31/15, with this two year training

-Reporting Trends: 165 Complaints Filed and 53 Sustained (18.25)

-2015 Intake and Investigation:

*227 Allegations Reported

*165 Investigations Completed

*3 Allegations Open Under Investigation

*53 Sustained (48 Unprofessional Conduct; 4 Failure to Report, and 1 Confidentiality)

*16 Sustained Courtesy Policy Violation

*155 No Violation of Section 18.25

-Investigation Timeline:

*EEO Intake – 2 days

*Investigator Time – 16 days
*OGC Review Time – 6 days
*EEO Review Time – 1 day
*AD Review Time – 9 days
*Overall Investigation Time – 34 days

D. Report and discussion on DPS Vendor Initiative Program (1:59:03)
AD Amanda Arriaga and DAD Jessica Ballew provided a brief on the Vendor Initiative Program:
-Vendor Contact Policy discourages contact outside the formal procurement process
-Requestor must gain approval from the Procurement Director
-Requires vendor to certify the meeting is not part of competitive procurement process and no agency decisions will be based on interaction
-Ensures if a DAD or above has such interaction with a vendor, they must recuse themselves from future procurement with that vendor, product or service
-Methods of gathering information from vendors: (1) Request For Information; (2) discussions with peer agencies; and (3) conducting market research
-First Market Research Day is scheduled for April 18th (80 vendors) and will continue on a monthly basis. Topics to include: Social Media Investigation; Mobile App Platforms; Crowd Sourcing Software Development; Cloud Storage Solutions; Event-Driven Detection Capabilities; Artificial Intelligence Sensors; and Full-Motion Imagery Sensors

E. Staff Briefing on Impact Texas Teen Drivers Program (2:09:30)
AD Joe Peters provided a brief on the Impact Texas Teen Drivers Program:
-Two hour video course to educate new drivers on the impact of distracted driving (effective 9/1/15)
-Requirement for young drivers from 18 to 24 years of age
-As of the end of March 2016, there are 661,000 young drivers in Texas and since September 1, 2015, 16% (116,000) have completed this course
-Intent is to evaluate those who have completed training and compare their records to those who have not had training
-TxDOT has agreed to give DPS access to their crash data so we can run our own reports

F. Report, discussion, and possible action on Resolution for Delegation of Leasing Authority from Texas Facilities Commission to DPS (2:19:15)
DAD Wayne Mueller issued an explanation for approval on a Memorandum of Understanding (MOU) between DPS and the Texas Facilities Commission:
-MOU replaces the previous letter of agreement (DPS currently has about 300 leases/MOUs that fall into this delegation)

-Blanket approval from the Commission for overall designation and future delegation requests
-Types of lease agreements delegated:
*Aircraft hangars
*Boat storage
*Office space from other political subdivisions or agencies
*Surface leases for CDL testing

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving the Resolution for Delegation of Leasing Authority. Motion passed unanimously.

G. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:
1. Amendments to 37 TAC Sections 2.1, 2.2, 2.7, 2.8, and 2.13, concerning Capitol Access Pass (2:25:00)
2. Simultaneous repeal of 37 TAC Sections 19.21 – 19.29, concerning Texas Ignition Interlock Device Regulations and proposed new Chapter 10, concerning Ignition Interlock Device (2:26:20)

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving New Business, Items G1 and G2, to receive public comment. Motion passed unanimously.

3. Amendments to 37 TAC Section 15.172, concerning Issuance by Counties (2:28:10)
4. Simultaneous repeal of current 37 TAC Chapter 16 and proposed new 37 TAC Chapter 16, concerning Commercial Driver License (2:30:38)
5. Amendments to 37 TAC Section 18.4, concerning Examinations Administered by a Driver Education School or Parent Taught Driver Education Course Provider (2:31:39)

A motion was made by Commissioner Mach, seconded by Commissioner Watson, approving New Business, Items G3, G4 and G5, to receive public comment. Motion passed unanimously.

H. Discussion and possible Donation of Land in Edinburg, Texas – Closed Session anticipated pursuant to Government Code 552.072
To be discussed during Executive Session.

I. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)
To be discussed during Executive Session.

ONGOING BUSINESS

A. Update report, discussion and possible action regarding recruitment (2:33:07)

AD Woodall provided an update on recruitment:
-A-2016 class is in their 14th week of training with 124 recruits; graduating 6/17/16
-B-2016 class in in their 5th week of training with 98 recruits; graduating 8/26/16
-C-2016 class – vetting 3,669 applicants with 84 recommended; start in July and graduate 12/16/16
-158th School starts on September 11, 2016 and currently have 1,240 applicants
-Currently accepting applications for the A-2017 and B-2017 schools

B. 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 (2:37:48)
None.

C. 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 (2:37:53)
None.

D. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated) (2:37:57)
To be discussed during Executive Session.

REPORTS (2:38:00)
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 (2:38:09)
A. Advice and consent regarding the Director's determination that a certain probationary employee was found unsuitable for work during February 2016
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: Kenneth W. Ariola, David A. Campos, Douglas A. Childs, Michael A. Escalante, Timothy I. Middleton, Randolph V. Mills, Melloney Y. Myers, Randolph Nixon Jr., and Jorge R. Vargas Jr.; Special Texas Rangers: John A. Ramirez and Gerald Villalobos
C. Donations:
1. One (1) Quarter Horse, Boss – Region 7, Capitol Complex

2. Additional donation items, as needed

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving Consent Items A and B. Consent Item, C1 has been excluded. Motion passed unanimously.

ITEMS FOR FUTURE AGENDA (2:39:00)

-Exceptional Items

DATE FOR FUTURE MEETING (2:39:19)

Any discharge hearings will be scheduled on June 15, 2016, and the regular Public Safety Commission meeting is scheduled for June 16, 2016.

ADJOURN INTO EXECUTIVE SESSION

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.

(2:40:20) The Public Safety Commission reconvened in open session at 4:17 p.m. Commissioners present were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores, Steven Mach and Randy Watson.

ADJOURN

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

The meeting was adjourned at 4:17 p.m.

Read and approved this 16th day of June, 2016.

Chairman

RESOLUTION BY THE PUBLIC SAFETY COMMISSION
DELEGATED LEASING AUTHORITY

The Texas Facilities Commission ("TFC") and the Texas Department of Public Safety ("TXDPS") have entered into a Memorandum of Agreement ("MOA") to delegate leasing authority for certain facilities from TFC to TXDPS. TFC's administrative rules require that a request by a state agency for delegated leasing authority must have the approval of the governing body of the agency making the request.

BE IT RESOLVED BY THE PUBLIC SAFETY COMMISSION:

1. That the MOA between TFC and TXDPS for delegated leasing authority is hereby approved.

2. That Steven C. McCraw, the Director of TXDPS, or his designee, is hereby authorized to make requests for delegated leasing authority not otherwise delegated in the MOA.

This resolution was considered and approved by a majority of the members of the Public Safety Commission of the State of Texas at its Open Meeting held on the 14th day of April, 2016, in Travis County, Texas.

A. Cynthia Leon

A. Cynthia Leon, Chair of the Public Safety Commission

TFC Contract No. _____
TXDPS Contract No. _____

MEMORANDUM OF AGREEMENT FOR DELEGATED AUTHORITY BETWEEN THE TEXAS FACILITIES COMMISSION AND THE TEXAS DEPARTMENT OF PUBLIC SAFETY

This Memorandum of Agreement ("MOA") is made and entered into by and between the **Texas Facilities Commission** ("TFC") and the **Texas Department of Public Safety** ("DPS"), both acting on behalf of the State of Texas by and through its duly authorized officials.

WHEREAS, TFC is the state agency with primary responsibility for leasing facilities for state agencies including DPS; and

WHEREAS, DPS has requested that TFC delegate authority to DPS to lease certain facilities on behalf of DPS; and

WHEREAS, TFC delegates authority to DPS to lease certain facilities on the specified terms and conditions as set out herein; and

WHEREAS, Title 1, Part 5, Subchapter A, Section 115.4, Texas Administrative Code, states:

> A request by an agency for delegated leasing authority must have the approval of the governing body of the agency making the request. Any agency under the authority of an individual Commissioner or Executive Director, appointed by or directly accountable to the Governor, must provide evidence of notification to the Office of the Governor in order for such a request to be considered valid; and

WHERAS, DPS has obtained the approval of its governing body, the Public Safety Commission ("PSC"), for this MOA, with a copy of the PSC's resolution approving this MOA attached and incorporated herein as Exhibit A ("Resolution"); and

WHEREAS, the PSC has delegated to the Director of DPS, or his designee, the authority to make requests for delegated leasing authority not otherwise delegated by this MOA, reference the Resolution delegating same; and

WHEREAS, the parties intend for this MOA to satisfy the requirements of Title 1, Part 5, Subchapter A, Section 115.4, Texas Administrative Code, without reoccurring action by DPS or the PSC;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, TFC and DPS hereby agree as follows:

1. Delegation of Authority. TFC delegates leasing authority to DPS for:

    a. space needs during states of emergency as declared by the Office of the Governor;

b. space provided by another governmental entity at or below fair market value as determined by DPS with notice as described in Section 6 to TFC. Any costs incurred will be the sole and full responsibility of the party who incurs same; and

c. aircraft hangar space and boat storage space with private sources or for profit lessors and governmental entities.

2. Types of Space Authorized. The types of space that DPS may lease pursuant to this delegation of authority are:

a. client services offices;

b. administrative offices and related storage;

c. warehouse;

d. laboratory;

e. vehicle parking areas;

f. boat storage;

g. aircraft storage; or

h. any combination of the above.

DPS has authority to enter into radio antenna and tower communications leases, including leases of land for construction of a radio tower antenna tower, without a delegation from TFC, pursuant to Texas Government Code, Section 2167.001(b)(1).

3. Delegated Lease Requirements. For each delegated lease, DPS shall:

a. define the gross square feet of leased space;

b. define all costs for the leased space;

c. perform best value analysis of proposed lease costs including confirmation that costs are lower than commercially available space in the general vicinity. A best value analysis is not required for no-cost or nominal-cost value leases;

d. define start and end date of lease;

e. include an early right to cancel, if possible; and

f. provide that emergency leases will not exceed 12 months.

4. Authorized Lessors. DPS is delegated authority to lease space from certain authorized lessors as follow:

a. state agencies per Section 2167.051(1), Texas Government Code;

b. federal agencies per Section 2167.051(2)(a), Texas Government Code;

c. political subdivisions per Section 2167.051(2)(b), Texas Government Code; and

d. Texas Retirement System per Section 2167.051(2)(c), Texas Government Code.

No private source or for profit lessors are permitted except for emergency leases, aircraft hangar space, and boat storage leases per Section 2167.052, Texas Government Code.

5. Administration. Upon execution of a lease for which DPS is delegated authority, and subject to the limitations stated elsewhere in this delegation, DPS is authorized to administer the lease to ensure prompt performances of all necessary actions and compliance with the terms and conditions of the lease, which will include but not be limited to the duties enumerated below:

a. assume day-to-day management of the lease;

b. monitor the lessor's performance to assure compliance with requirements of the lease;

c. negotiate and execute within the scope of the lease, modification agreements, and supplemental lease agreements;

d. review and approve technical reports, build-out plans, and other items required for approval, if any;

e. routinely perform physical inspection and approve the lease space;

f. verify availability of funding prior to obligating agency monies, if applicable;

g. assure that changes in terms and conditions under the lease are not implemented before written authorization or a modification or supplemental lease agreement is issued;

h. timely issue written notifications of intent to exercise extensions and/or renewal options of the lease;

i. modify or amend the lease as necessary based on conditions and provide written notification to all appropriate parties;

j. administer all escalations as provided for in the lease and coordinate payments with the appropriate office;

k. enforce the lease according to its terms and provisions including direct notification to the lessor or his/her designated representative of any instance of failure to deliver services, maintenance or utilities in accordance with lessor's obligations under the lease;

l. exercise authority to take corrective action for the lessor's failure to deliver services, maintenance, or utilities including authorizing rental deductions; and

m. issue the final decision on disputes arising between the lessor and DPS in compliance with applicable law.

6. Reporting Requirements. All DPS leases acquired pursuant to this MOA must be submitted to TFC every six (6) months. DPS shall notify TFC in writing of any additions or removals to the biannual report within thirty (30) calendar days. DPS shall certify that all information provided in the reports is current and accurate. All biannual reports must include the following:

a. DPS region;

b. lessor name, street address, city, county and zip code;

c. emergency or non-emergency status;

d. DPS divisions located at or using the lease space;

d. gross square footage;

e. number of FTEs located at or using lease space;

f. type of lease agreement including: (1) Inter-Governmental Contract/Inter-Agency Contract; (2) Memorandum of Understanding/Agreement; or (3) Letter of Agreement or other form of agreement;

g. annual costs, if any, including: (1) rent; (2) custodial; (3) utilities; and (4) miscellaneous if fixed and reoccurring; and

h. term including: (1) start date; (2) end date.

TFC reserves the right to audit DPS leases reported pursuant to this MOA upon reasonable notice to DPS.

7. Limitations. This delegation does not authorize DPS to take any other actions, including but not limited to the following:

a. change the general terms and conditions of a lease that was originally delegated under Section 1 of this MOA in a manner that would change the character of the lease so that it was no longer delegated under Section 1 and therefore, outside the scope of the this MOA; or

b. re-delegate or otherwise assign or transfer the authority granted herein.

8. Entire Agreement. This MOA contains the entire understanding of TFC and DPS. This MOA supersedes all previous discussions, proposals, or agreements between TFC and DPS with respect to the subject matter of this MOA. This MOA may be amended only by mutual written agreement executed by both parties.

9. Termination. TFC may revoke delegated leasing authority upon written notice to DPS. Otherwise, this MOA will continue in full force and effect unless terminated by operation of law or by written agreement signed by authorized representatives of both parties.

10. Notice. Any notices required or that may be given pursuant to this MOA will be given to:

For DPS:

Eddie King
5805 N Lamar Blvd., MSC 0255
Austin, TX 78773
512-424-2219 Direct
512-844-3577 Cell
james.king@dps.texas.gov

Texas Facilities Commission:

Peter Maass
1711 San Jacinto Blvd.
Austin, TX 78701
512-463-9454 Direct
512-394-2197 Cell
peter.maass@tfc.state.tx.us

This MOA is effective on the date last signed below.

TEXAS FACILITIES COMMISSION

_____
Name: Harvey Hilderbran
Title: Executive Director

Date of Execution: _____

TEXAS DEPARTMENT OF PUBLIC SAFETY

_____
Name: Robert J. Bodisch, Sr.
Title: Deputy Director
Homeland Security and Services

Date of Execution: _____

Exhibit A

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Texas Administrative Code

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TITLE 1	ADMINISTRATION
PART 5	TEXAS FACILITIES COMMISSION
CHAPTER 115	FACILITIES LEASING PROGRAM
SUBCHAPTER A	STATE LEASED PROPERTY
RULE §115.4	Delegation of Authority to State Agencies

A request by an agency for delegated leasing authority must have the approval of the governing body of the agency making the request. Any agency under the authority of an individual Commissioner or Executive Director, appointed by or directly accountable to the Governor, must provide evidence of notification to the Office of the Governor in order for such a request to be considered valid. The Commission may revoke delegated leasing authority upon notice to the affected state entity.

Source Note: The provisions of this §115.4 adopted to be effective March 14, 2004, 29 TexReg 2294

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SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
April 14, 2016

Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Ariola, Kenneth W.	CID	Conroe	08/31/1996	27 years	
Campos, David A.	CID	Headquarters	02/29/2016	26 years	
Childs, Douglas A.	THP	Clifton	01/31/2016	28 years	
Escalante, Michael A.	CID	San Marcos	02/01/2016	30 years	
Middleton, Timothy I.	Aviation	Corpus Christi	01/31/2016	27 years	
Mills, Randolph V.	THP	George Town	01/31/2003	26 years	
Myers, Melloney Y.	CID	Austin	08/31/2001	20 years	
Nixon, Jr. Randolph	THP	Texarkana	08/31/2003	28 years	
Vargas, Jr. Jorge R.	THP	El Paso	03/31/2007	24 years	

Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Ramirez, John A.	Texas Rangers	Rio Grande	02/29/2016	27 years	
Villalobos, Gerald	Texas Rangers	Ft. Stockton	06/30/2004	27 years	

Approved by the Public Safety Commission on: A. Cynthia Leon Date: 4/14/16