

AGENDA
Public Safety Commission Meeting
August 25, 2016, 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. Case Update

C. Review of Testimony to House Appropriations Committee – Report on Efficiency of Expenditure of Border Security Funds

V. NEW BUSINESS

A. Report, discussion, and possible action on the 2018-2019 Legislative Appropriations Request including Exceptional Items and Changes to Appropriation Riders

B. Report, discussion, and possible action regarding the proposed Chief Auditor's Office FY 2017 Internal Audit Strategy

C. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

1. Amendments to 37 TAC Sections 12.1 – 12.4, 12.7, 12.8 and proposed new Section 12.9, concerning General Provisions

2. Amendments to 37 TAC Sections 12.11 and 12.15, concerning Application and

Renewal

3. Amendments to 37 TAC Section 12.21 and Section 12.23, concerning Compliance and Enforcement
 4. Amendments to 37 TAC Section 12.31 – 12.34, concerning Security
 5. Amendments to 37 TAC Section 12.41 and Section 12.42, concerning Compassionate-Use Registry
 6. Repeal of 37 TAC Chapter 13, Subchapters A – E and H – N and proposed New Subchapters A – D, concerning Controlled Substances Program
 7. New 37 TAC Sections 27.171 – 27.174, concerning Criminal History Clearinghouse
- D.** Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

VI. ONGOING BUSINESS

- A.** Report, discussion, and possible adoption of the following previously published rules:
1. Simultaneous repeal of current 37 TAC Chapter 16 and proposed new 37 TAC Chapter 16, concerning Commercial Driver License
 2. Amendments to 37 TAC Sections 23.1, 23.3, and 23.5, concerning Vehicle Inspection Station and Vehicle Inspector Certification
 3. Amendments to 37 TAC Section 23.62, concerning Violations and Penalty Schedule
 4. Repeal of 37 TAC Section 23.82, concerning Acceptance of Out-of-State Vehicle Inspection Certificates
 5. New 37 TAC Sections 23.91 – 23.94, concerning Military Service Members, Veterans, and Spouses – Special Conditions
 6. Amendments to 37 TAC Section 27.1, concerning Right of Review
 7. Simultaneous repeal and proposed new 37 TAC Section 35.3, concerning Registration Applicant Pre-Employment Check
 8. Amendments to 37 TAC Section 35.4, concerning Guidelines for Disqualifying Criminal Offenses
 9. Amendments to 37 TAC Sections 35.21, 35.22, and 35.25, concerning Registration and Licensing
 10. Amendments to 37 TAC Section 35.52, concerning Administrative Penalties
 11. Amendments to 37 TAC Section 35.81, concerning Application for a Security Officer Commission
 12. Amendments to 37 TAC Section 35.112, concerning Business Records
- B.** Update report, discussion and possible action regarding recruitment
- C.** 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

- D. 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
- E. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

VII. REPORTS

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

VIII. 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. Advice and consent regarding Director's determination that a certain probationary employee was found unsuitable for work during July 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: Willard C. Burger, Scott A. Davis, Nickie R. Hand, Wilbert S. Kendricks, Kelly D. Manning, James A. Mason, David C. Menchaca, Michael B. Moore, Patrick J. Mulligan, David L. Nesbitt, Bruce A. Oppermann, Roberto O. Peña, Cleve W. Renfro, Billy E. Rowles, and Harry L. Taylor
- C. Donations:
 - 1. One (1) Percheron Horse, Tiny – Region 7, Capitol Complex
 - 2. One (1) Warm Blood/Belgian Horse, Brutus – Region 7, Capitol Complex
 - 3. 3.5 Acres of Property with 24 Hour Access, Use of Two Covered, Gated Stalls, Use of One Large Storage Room and Use of Three Open Covered Pens – Region 7, Capitol Complex
 - 4. Additional donation items, as needed

IX. ITEMS FOR FUTURE AGENDA

X. DATE FOR FUTURE MEETING

Any discharge hearings will be scheduled on October 12, 2016, and the regular Public Safety Commission meeting is scheduled for October 13, 2016.

XI. 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

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