

AGENDA

**Public Safety Commission Meeting
Thursday, February 19, 2009, 12:00 p.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. PUBLIC COMMENT** (members of the public wishing to address the Commission are subject to a time limit of 5 minutes)
- III. NEW BUSINESS**
 - A.** Discussion and possible action regarding use of technology such as telephonic conferences or videoconferencing for meetings of the Public Safety Commission, including proposing legislative action to that effect for regular Commission meetings
 - B.** Discussion and possible action regarding Department recruiting policies and procedures, including the discussion of current and future practices in formulation and implementation of recruitment policy
 - C.** Discussion and possible action regarding the appointment of the Director of the Department
 - D.** Discussion and possible action on residence policy
 - E.** Update report, discussion and possible action on DL office closures
 - F.** Discussion and possible action regarding security measures for Department infrastructure
 - G.** Discussion and review of pending contracts, commitments and change orders, including the following:
 - 1. 3130xl DNA Kits and Consumables
 - 2. Identifier DNA Amplification Kits
 - 3. DNA Extraction Robots (7 each)
 - 4. Online Database Service for Inquiries such as Driver License, Vehicle Registration, Real Property, Bankruptcies, Tax Liens, etc.
 - H.** Discussion and possible action on DPS methodology for identifying and securing federal and state grant funding to support Department plans and operations
- IV. 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
- V. ONGOING BUSINESS**
 - A.** Reports, discussion, deliberation and possible action regarding the following:
 - 1. Discussion and possible action concerning the organization structure study of the Department and procurement of a project manager to implement organizational changes
 - 2. Internal audit services contract
 - 3. Executive search firm services for executive director and management positions

- B. Discussion and possible action regarding the employment of an assistant for the Commission
- C. Discussion and possible action regarding the ongoing Sunset Review recommendations and other legislation affecting the Department and the Public Safety Commission
- D. Update report, discussion and possible action to develop an approach for transforming the administration of the Driver License Division to a civilian model
- E. Discussion and possible action regarding review and reconsideration of physical readiness standards for commissioned officers of the Department

VI. REPORTS

- A. Commission member reports and discussion
- B. Budget Matters
- C. Audit & Inspection Report
- D. Division status reports on activities and action taken
- E. Special report on strategic statewide and interagency coordination of law enforcement plans; i.e., "Chicago Plan" and other initiatives

VII. 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 Director's action of discharging probationary employee Meryal Johnson (Tx Gov Code 551.074)
- 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: Curtis C. Banks, Ross J. Cox, Sr., Lawrence Cuny, James M. Link, David B. Luedke, Homero A. Marines, Clayton B. Shuffield, Marshall L. Brown
- C. Discussion and possible action on **adoption** of proposed rules
 1. TRAFFIC SUPERVISION. Proposed amendment to Rule 3.51, 37 TAC Sec. 3.51, regarding Traffic Supervision on Interstate Highways in Cities of 50,000 Population or less, as published in 33 TexReg 9938, December 5, 2008
 2. COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES. Proposed amendments to Rule 4.37, 37 TAC Sec. 4.37, regarding Acceptance of Out-of-State Commercial Vehicle Inspection Certificate, as published in 33 TexReg 9939, December 5, 2008
 3. SCHOOL BUS SAFETY STANDARDS
 - a. Proposed repeal of Rules 14.1 and 14.2, 37 TAC Secs. 14.1 and 14.2; and Proposed New Rule 14.1, 37 TAC Sec. 14.1, regarding school bus safety standards, as published in 33 TexReg 9940 and 9943, December 5, 2008
 - b. Proposed repeal of Rules 14.11-14.13, 37 TAC Secs. 14.11-14.13; and Proposed New Rules 14.11-14.13, 37 TAC Secs. 14.11-14.13, regarding school bus driver qualifications, as published in 33 TexReg 9940 and 9944, December 5, 2008
 - c. Proposed repeal of Rules 14.31-14.36, 37 TAC Secs. 14.31-14.36; and Proposed New Rules 14.31-14.36, 37 TAC Secs. 14.31-14.36, regarding school bus driver driver safety training program, a published in 33 TexReg 9941 and 9947, December 5, 2008
 - d. Proposed repeal of Rules 14.51-14.53, 37 TAC Secs. 14.51-14.53, and Proposed New Rules 14.51-14.54, 37 TAC Secs. 14.51-14.54, regarding school bus safety standards, as published in 33 TexReg 9942 and 9949, December 5, 2008

- e. Proposed repeal of Rules 14.61-14.67, 37 TAC Secs. 14.61-14.67; and Proposed New Rules 14.61-14.65, 37 TAC Secs. 14.61-14.65, regarding advertising on school buses, as published in 33 TexReg 9943 and 9951, December 5, 2008
- D. Discussion and possible action on **proposed** rules for publication:
 - 1. SCHOOL BUS SAFETY STANDARDS. Proposed new Rule 14.14, 37 TAC Sec. 14.14, regarding minimum driving record qualifications, and withdrawal of previously approved Proposed Rule 14.14, 37 TAC Sec. 14.14, as published in 33 TexReg 9943, December 5, 2008 (based on public comments received)

VIII. ITEMS FOR FUTURE AGENDAS

IX. DATE FOR FUTURE MEETINGS

X. 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