

**PUBLIC SAFETY COMMISSION
MEETING MINUTES – December 13, 2011
Austin, TX**

The Public Safety Commission met in Austin, Texas on December 13, 2011. Attending the meeting were Chairman Allan Polunsky, Commissioners Carin Barth, John Steen, and Cindy Leon. Commissioner Ada Brown was absent. A quorum was present for the meeting. DPS staff members and guests were also present.

Call to order

The meeting was called to order by Chairman Polunsky at 9:10 a.m. Proper notice had been posted.

Approval of Minutes (01:11 - indicates time stamp from audio file)

A motion was made by Commissioner Steen seconded by Commissioner Barth approving the minutes as submitted for the November 17, 2011 meeting. Motion passed unanimously.

Public Comment (01:42)

There were no public comments.

Director's Report (02:15)

Director McCraw presented a report on the Regulatory Services Division outlining the key programs and industries. He displayed slides showing the divisions processing statistics as follows: Concealed Handgun License = 515,681 licenses; Prescription Drugs = 96,352 licenses; Private Security = 4,051 Companies, 89,821 Guards and 7,276 investigators; Motor Vehicle Inspections = 10,651 Businesses and 34,988 Inspectors; and Metals Recycling = 426 Dealers and 759 Certificates. The Director stated that the Regulatory Services Division (RSD) and Information Technology Division are presently developing an Enterprise Shared Services (ESS) web-based application process for support of the RSD needs which will be implemented by summer 2012. He added that electronic fingerprints had replaced paper fingerprint cards which prevented delays. Commissioner Barth inquired about the capped revenue from CHL fees. DD MacBride stated more income would be generated to the general revenue fund in the biennium if 99,000+ applications were received and processed. Chairman Polunsky noted that the Legislature is the first to complain about a backlog in CHL licensing while at the same time being responsible for underfunding the agency. Commissioner Leon requested DD MacBride send out a chart to the members of the fees and how each was applied.

The Director continued reporting on Officer Safety. He displayed slides that broke down the price, training involved, doctrine and policy, and capabilities of officer equipment. The Director added they were looking into handheld electronic devices which would enable Troopers to access data car-side rather than returning to their patrol vehicle and there were other funds that can cover costs for applications/software, but not for the hardware. Chairman Polunsky inquired if seized funds could be used. Director McCraw stated seized funds could be used. He said the total costs were not yet available.

Director McCraw then provided an update report on tasers providing specifics about their operation, injury report, and complaints. Commissioner Steen thanked Director McCraw for the follow up report on the tasers, which he had requested at the last meeting. He then inquired about training on the tasers and their safety. Director McCraw stated Troopers are trained extensively on their use. He added only two cases had been referred to the OIG, neither outside the policy nor used on a subject. He stated tasers had limited use in pursuit situations and the Department had no reports of improper use. Commissioner Steen asked to revisit this in a year to see if the Department had any report of improper use of tasers during that time. In response to the Chairman's inquiry regarding every Trooper being tased, the Director stated there was no reason to tase everyone, only those who asked.

Director McCraw continued with a detailed report on the training for emergency vehicle operation, doctrine and policy, motorcycle units, capabilities, explosive ordinance disposal and Regional Special Response Teams. He provided examples of training in each and detailed information of the equipment used, and how many employees make up each team. Commissioner Leon inquired what the department used the motorcycles for and the Director responded traffic enforcement, traffic control and ceremonial, the same purposes as other states but not to the extent. Commissioner Steen asked what the big picture was. Director McCraw stated due to the costs he hoped to expand the unit, but stressed the department used them currently for the Capitol Complex only, no freeway use, and not before dawn or after dusk. Commander Ortiz advised that the pilot would end in August 2013 at which time they would return for action to expand.

Commissioner Leon asked that a copy of the Director's Report be sent to each of the Commissioners.

New Business (01:07:15)

Semi-annual update report, discussion and possible action on EEO/Sexual Harassment

Major Rhonda Fleming, EEO provided the semi-annual report on EEO training. She developed the EEO policy and on-line training, which in the current month 5600 employees had completed. The system automatically sends email reminders of the refresher course required. Recently, the State Ethics Commission contacted her requesting permission to adopt the program, which Major Fleming stated was a compliment.

Major Fleming stated that the majority of issues reported are turned over to management for them to resolve conflicts. Most complaints are for unprofessional conduct. Commissioner Leon asked that this be highlighted in the training in order to reduce the complaints. Major Fleming stated on average, each case took 34 days, adding that EEO has authority over all investigations and her department is now keeping the average around 30 days. Commissioner Leon thanked her for the good job. Commissioner Steen emphasized the compliment of the State Ethics implementing her program as well as her catching up on the investigation backlogs. He continued by asking if the Department was accomplishing getting the message out that sexual harassment would not be tolerated. Major Fleming said she felt the department was accomplishing this and knew that first it was important for cases of this nature to be reported. Chairman Polunsky echoed Major Fleming was doing a very good job.

Report, discussion and possible action regarding Emergency Management's procurement status of RFP for audit services with respect to Federal monies for past grants

AD Nim Kidd reported on the audit work in disasters, adding Texas had 50 more disasters than

other states. In 2009, 196 audits were completed; in 2010, they had 533 backlog audits. He added at the current rate they would never catch up. He expressed that outsourcing would help in achieving the backlog being completed. He said in the future, audit firms from the GSA list would compete for these audits, the funding is out there and the audits are done to make sure what needs to be done is done. Commissioner Barth asked how firms would be decided. AD Kidd stated through procurement, comparing rates and working with Steve Goodson in CAO. Commissioner Barth said she would like to see a small committee established to make a substantial dent in the amount of audit work that needed to be done to close them out. She asked if the outside firms and committee may be accomplished in January. AD Kidd stated that would be aggressive to catch up, but worse case they would be completed by February. AD Kidd added there were \$2 billion in disasters with \$50 million spent on audit services. He said they would come forward with two options: add more audit firms or add more work to the existing audit firm to reach the goal.

Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office

Chairman Polunsky requested this agenda item in order to discuss future involvement with respect to audits for the CAO requested by a Commission member. Chairman asked that the real estate practice, policies and procedures be reviewed in all aspects of real estate transactions and processes within the Department. He asked if any member objected to the request. CA Goodson stated this was covered in the CAO annual audit plan with staff allotted for three special request audits per year. General Counsel Phillip Adkins stated any Commission member could request any audit without restriction since the Audit office worked directly for and reported to the Commission. Commissioner Steen stated he thought policy should be that individual audits should be voted on, rather than any single member requesting an audit. Chairman Polunsky stated this had been run through the Commission and he requested this item. Commissioner Leon stated any time an issue surfaced she felt they should be able to request it, as well as during the CAO annual audit planning process. Chairman again asked if anyone objected, no one did and therefore he asked CA Goodson for expeditious work to be conducted. Chairman Polunsky asked the members if there were any other audits to request. None of the members had any additional requests. The Chairman requested that this item remain on future Public Safety Commission agendas, stating they reserved the right ongoing.

Adjourn into Executive Session (01:36:00)

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; and ongoing criminal investigations. Executive Session began at 10:45 a.m.

(01:36:35) The Public Safety Commission reconvened the open session at 1:04 p.m. A quorum was present with the same members. Commissioner Brown was absent.

Ongoing Business

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

There was no discussion on this item.

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, 411.005 and 411.0071

Chairman Polunsky stated the present organizational structure had been in place since August 2009. He continued by stating he felt it prudent for the Commission to review it in order to make sure they were happy about the functioning capabilities and any changes that should be considered. Chairman said he felt it appropriate to review, and Commissioner Barth agreed asking for this to be discussed at the next meeting.

Update report, discussion and possible action regarding the status of building safety and security at the DPS campus on North Lamar

This item was discussed in Executive Session.

(01:39:25) Report, discussion and possible action on the Fiscal Year 2012 Operating Budget
AD Hudson, Finance had no update available due to there not being enough time after month end to close out and prepare a report.

AD Hudson continued with a report on the AY2008-9 General Obligation Bonds. She stated the current remaining balance was \$9,050,504 with \$5,452,865 uncommitted. She proposed utilizing this uncommitted amount for IT improvement. A motion was made by Commissioner Barth seconded by Commissioner Leon to utilize the \$5 million for IT improvement as proposed. **Commissioner Barth amended her motion which was seconded by Commissioner Leon to utilize up to \$5.4 million of the \$9 million available for IT improvement. Motion passed unanimously.**

AD Hudson continued her report displaying slides that showed the changes done in the Finance Division front office resulting from the audit done by CA Goodson and requested by Commissioner Brown. These changes consisted of moving the safe, replacing a table with a locking cabinet for daytime access to checks, and working with the Capitol Complex staff to incorporate Finance front door security to be consistent with HQ security plan.

Report, discussion and possible action regarding purchases using seized funds

AD Hudson had no update available due to there not being enough time after month end to close out and prepare a report.

Update Report, discussion and possible action regarding recruitment

Frank Woodall, Education and Training reported there were currently 58 recruits, out of 74 originally enrolled in the Academy, scheduled to graduate in January. Out of 6800 current applications they were presently working on 4000. They have 52 recruits scheduled for the next training academy, but think by year end that number could go to 60. The goal had been 80. Commissioner Leon asked if there was anything they could do to reach the goal of 80. DAD Woodall said nothing more could be done as some were not showing up for testing even though they applied, including those in the military. Currently those coming before the board were at 68% of applicants. Additional advertising boards were not available from Lamar advertising until after January 1st for Ft. Hood.

Report, discussion and possible action regarding Continuity Plan at the Department of Public Safety

Nothing to report in open session.

Follow-up report, discussion and possible action on the Department of Public Safety ethics policy and reporting requirements

Commissioner Steen stated a recommendation had been to input a dollar amount in the ethics reporting form. Commissioner Steen asked who the department reporting Ethics officer would be. Director McCraw indicated that the Office of General Counsel would be the reporting officer. Commissioner Steen stated putting any item over \$1,000.00 should be reported. It was decided to defer this item until the January meeting in order for Commissioner Brown to be present and consider her opinion on this.

Status report, discussion and possible action on TxDOT median dividers and effectiveness in deterring vehicles crossing over and law enforcement turn around areas

DAD John Madden, Texas Highway Patrol Division reported there was no change since the last meeting stating 86 of 241 dividers had been installed. Commissioner Barth asked if TxDOT could come and present to the Commission to determine if this was a priority issue with them. Director McCraw stated it was a money issue since each median costs between \$20-25,000. Commissioner Leon requested a schedule by Region of the installations to make sure TxDOT had a plan for completion.

Status report, discussion and possible action on Department generators – specifically conversion updates with electrical companies around the state

No additional report was provided on the Department generators.

Reports

Commission member reports and discussion - None

Finance Report - None

Chief Auditors Office Report - None

Division status reports on activities and action –

Rebecca Davio, Driver License reported on last month's inquiries with regards to comparative information being added to the slides for DL Renewals. The data now provided compares previous month to current month. They will show the year over year starting next month since January will make one year since this reporting began. She informed they were on target with the license delivery timelines.

Per Commissioner Barth's request about the L-1 contract status a report was provided with the current status. One amendment was proposed. It was driven by statutory requirements from the 82nd regular and special sessions and totaled \$120,000. This amendment would cover three separate card changes: \$20K for limited term licenses; \$37,740 for a veteran designation on licenses and \$68K to create an Election Identification Certificate. Chairman Polunsky asked how many amendments had been requested in the past twelve months. AD Davio replied this was the first one. Chairman Polunsky stated on all contracts, in every division they were very interested in being informed of any amendment of any nature. AD Davio assured they would keep them informed.

AD Davio continued reporting on the FY12 First Quarter DL Transformation Review first outlining the accomplishments. These consisted of: defining the vision; hiring program manager

and additional staff to manage programs and projects; establishing governance, milestones and change controls; and developing a DL Transformation roadmap which would reflect the start to finish (September 2012) of each of the mega centers. AD Davio provided a detailed report of the elements and accomplishments of each mega center location; as well as the leadership development, contact center improvements, online customer service improvements, and legislative implementations. Commissioner Barth asked what happened if the financing was not achieved for the new mega centers. AD Davio stated they felt sure they would obtain the financing. Commissioner Barth requested updates following the financing. Chairman Polunsky asked if the contingent new construction locations were stand alone or part of larger developments. AD Davio stated the new construction sites would be in San Antonio and Austin and both were stand-alone.

DAD Enrique Gomez presented a "seconds matter" slide demonstrating the effects on average waiting times. He discussed what steps can be taken to prevent waiting times becoming an issue such as adding a person to the counter, time of doing things right during transactions, schedule control, and service time. The supervisors are alerted to these solutions to use in real time in order to keep the waiting times in check. This is part of the Leadership Academy and DAD Gomez wanted to inform the Commission of existence. Chairman Polunsky stated this was very impressive and obvious everyone was working hard. AD Davio added that by being given the training and tools it had become very rewarding. Commissioner Barth asked about the youth driver collision report if meaningful information may be available by the next Legislative session. Director McCraw said they would work towards this.

AD Nim Kidd, Emergency Management discussed a recent issue he spoke with Commissioner Barth about regarding disaster response. Commissioner Barth requested framework defining selection of contractors and the decision making in order to understand the process. AD Kidd stated that during the course of a disaster they go to Texas Procurement at the Comptroller's office and they knew what the rate for services would cost in disasters. He added rules are waived during a disaster. He said when in the recovery process, there was a set course of action for individual and government. The State has to have \$34.5 million uninsured loss in disaster for them to see a Presidential Disaster declaration. TDEM hires reservists who have experience in disaster process. He explained saying that during the wildfires, 50 individual contract reservists were hired. Commissioner Barth said she would like to see a committee of three for the decision making during these disasters. Chairman Polunsky clarified they wanted a well thought out process in order for decisions to be made with the best methods and results. He added this item to be on the January agenda.

Chairman Polunsky asked that AD Whitman and DAD Kirby Dendy of the Texas Rangers step forward. He expressed how happy everyone was that DAD Dendy made a full recovery. AD Whitman outlined current events in the Ranger division. He stated they were helping other bordering states get their programs together. He stressed they were staying very busy.

Consent Items (02:56:55)

Discussion and possible action on the Director's action of discharging probationary employees Cheryl Blake

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 Ranger: Gilberto R. Capuchina, Tawana C. Henderson, Gerald G. Prince, Ray A. Woods; Special Ranger Applicants from National Insurance Crime Bureau: James M. Baird and Charles L. Roberts

Discussion and possible action on Impaired Driving Mobilization (IDM) Grant for approximately \$1.5 million

A motion was made by Commissioner Steen seconded by Commissioner Barth approving all of the consent items A-C. Motion passed unanimously.

Items for Future Agenda

Commissioner Barth requested that the Emergency Management audit and contracting requests discussed earlier in the meeting be on the future agendas.

Commissioner Leon stated she was excited to have everyone join in the Valley next month for the Public Safety Commission meeting that will be held at the new Weslaco Regional Command Center grand opening.

Commissioner Barth stated that at this time of the year she wanted to thank Colonel McCraw and all of the staff for preparing these meetings and all that were involved in putting them together and wished everyone Happy Holidays. Each of the other Commissioners echoed her statement.

Date for Future Meeting

The next Public Safety Commission meeting is scheduled for January 26, 2012 at the new Weslaco, Texas Regional Command Center starting at 9:00 a.m.

Adjourn

The meeting was adjourned at 2:28 p.m.

Read and approved this 26 day of January, 2012


Chairman

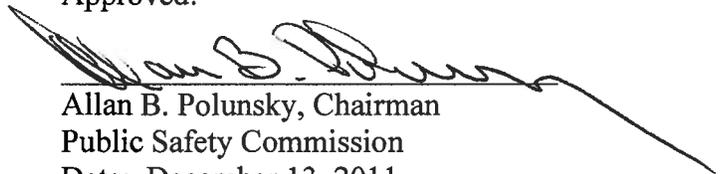
IN THE MATTER OF § BEFORE THE
THE DISCHARGE OF § PUBLIC SAFETY COMMISSION
PROBATIONARY EMPLOYEE § IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employee was unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to discharge this employee:

| Employee Name | Employee Title/Division | Date of Discharge |
|----------------------|--|--------------------------|
| Cheryl Blake | Administrative Asst. II/Driver License | 11/04/11 |

Approved:



Allan B. Polunsky, Chairman
Public Safety Commission
Date: December 13, 2011

**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
December 2011**

Special Ranger Applicants:

| Name | Division | Service/Station | Retire Date | Years of Service | Approved |
|------------------------|-----------------|-----------------|-------------|------------------|----------|
| Capuchina, Gilberto R. | CID | McAllen | 08/31/2008 | 23 years | |
| Henderson, Tawana C. | Capitol Complex | Austin | 09/30/2011 | 17 years | |
| Prince, Gerald G. | CID | Hurst | 10/17/2011 | 27 years | |
| Woods, Ray A. | DL | Carrollton | 05/31/2009 | 25 years | |

Special Ranger Applicants from National Insurance Crime Bureau:

| Name |
|---------------------|
| Baird, James M. |
| Roberts, Charles L. |

Approved by the Public Safety Commission on:  December 13, 2011