

AGENDA
Public Safety Commission Meeting
May 17, 2012, 9:00 a.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. DISCHARGE APPEAL HEARING**
Continuance of Discharge Appeal Hearing and possible action regarding DPS employee Michael Deck
- III. APPROVAL OF MINUTES**
- IV. 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.)*
- V. DIRECTORS REPORT**
 - A.** Presentation of Awards
 - B.** DPS Dash Boards
 - C.** Report regarding Director's testimony and committee meetings
- VI. NEW BUSINESS**
 - A.** Report, discussion and possible action regarding discharge appeal hearing process and scheduling
 - B.** Report, discussion and possible action regarding communications from Texas Facilities Commission regarding leasing practices
 - C.** Report, discussion and possible action regarding the Department's evaluation and discipline of DWI offenses for commissioned and non-commissioned personnel
 - D.** Report, discussion and possible action regarding the adoption of proposed new Private Security Rule: Rule 35.47, 37 TAC Sec. 35.47 concerning Residential Solicitation, as previously published in the Texas Register

- E. Report, discussion and possible action regarding the adoption of proposed amendments to Private Security Rules: Rules 35.63 and Rule 35.70, 37 TAC Sec. 35.63 and Sec. 35.70 concerning General Administration and Examinations; Rule 35.93, 37 TAC Sec. 35.93 concerning Penalty Range; Rule 35.221, 37 TAC Sec. 35.221 concerning Qualifications for Investigations Company License; and Rule 35.256, 37 TAC Sec. 35.256 concerning Application for a Training Instructor Approval, as previously published in the Texas Register
- F. Report, discussion and possible action regarding criminal investigations as provided by Government Code 411.0041. This item may be presented in Executive Session.

VII. 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

VIII. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

- A. Follow-up report, discussion and possible action on the Department of Public Safety ethics policy and reporting requirements
- 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
- C. Update, report, discussion and possible action on the presentation of the Office of Inspector General 2011 Annual Report of Operations and OIG resource allocations/regional assignments of personnel
- D. Report, discussion and possible action on Driver License monthly updates
- E. Report, discussion, and possible action regarding the adoption of proposed repeal and adoption of simultaneous proposal of new Driver License Rule: Rule 15.48, 37 TAC Sec. 15.48 concerning Selective Service Registration, as previously published in the Texas Register
- F. Report, discussion, and possible action regarding the adoption of proposed new Driver License Rule: Rule 15.90, 37 TAC Sec. 15.90 concerning Deferral of Enforcement Actions for Victims of Identity Theft, as previously published in the Texas Register
- G. Report, discussion, and possible action regarding the adoption of proposed new Commercial Driver License Rule: Rule 16.41, 37 TAC Sec. 16.41 concerning Medical Certificate Requirements, as previously published in the Texas Register
- H. Report, discussion and possible action on the Fiscal Year 2012 Operating Budget
- I. Report, discussion and possible action regarding purchases using seized funds

- J. Update report, discussion and possible action regarding recruitment
- K. Report, discussion and possible action regarding Emergency Management's procurement status of RFP for audit services with respect to Federal monies for past grants
- L. Report, discussion and possible action regarding Emergency Management disaster response contract services
- M. Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office. Updates regarding status of Fuel Consumption, Training Academy and IT Contracting audits.
- N. Review of pending contract/renewal/change order/awards from Contract Review Board
 - 1. Donation of lease space (First State Bank of Woodson)
- O. Report, discussion, and possible action on the adoption of proposed amendments to Texas Highway Patrol Rule: Rule 3.52, 37 TAC Sec. 3.52 concerning Police Traffic Supervision on Interstate Highways in Cities of Over 50,000 Population, as previously published in the Texas Register
- P. Update and legal advice regarding Texas Department of Public Safety Foundation

IX. REPORTS

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

X. 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 employee Felix Volk
- 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 Ranger: Tommy J. Salmon and Dawson L. Stubbs; Special Texas Ranger: None

XI. ITEMS FOR FUTURE AGENDA

XII. DATE FOR FUTURE MEETING

XIII. 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