

MINUTES
PUBLIC SAFETY COMMISSION
September 20, 2012
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on September 20, 2012. Attending the meeting were Chairman Cynthia Leon, Commissioners Ada Brown and John Steen. A quorum was present at the meeting. DPS staff members and guests were also present.

Call to Order (0:00:23)

The meeting was called to order by Chairman Leon at 9:08 a.m. Proper notice had been posted.

Approval of Minutes (0:00:43)

A motion was made by Commissioner Steen seconded by Commissioner Brown approving the minutes as submitted for the August 15, 2012 meeting. Motion passed unanimously.

Public Comment (0:01:06)

None

Directors Report (0:01:13)

A. Presentations

-Directors Citation

Leo Pena

-Defense Intelligence Agency Awards

Jason Brewer, Jaeson Jones, John Jones, Patricia Nunez and Leo Pena

(0:11:53) Commissioner Carin Barth and Allan Polunsky join the meeting

B. Legislative Hearings

-Joint House Appropriations and Homeland Security and Public Safety Committee Hearing, 8/24/12, focusing on procurement and what financial resources are required for FY 2014-2015 to continue improvements to systems – focus for DPS was Driver License and how to leverage technology

C. Public Safety Threat Framework

-Crime is increasingly organized, transnational, transitory and discreet; terrorism has become more disaggregated

-DPS has developed a Public Safety Threat Assessment Framework (multi-agency product) with the following categories:

*Crime

*Terrorism

*Motor Vehicle Crashes

*Natural Disasters

*Public Health Threats

- *Cyber Threats
- *Industrial Accidents

-Texas Gang Threat Rankings

- *Texas Mexican Mafia
- *Tango Blast
- *Texas Syndicate
- *Barrio Azteca

-Criteria:

- *Relationships with cartels
- *Transnational activity
- *Level of violence
- *Prevalence throughout Texas
- *Relationships with gangs
- *Total membership
- *Organizational effectiveness
- *Juvenile involvement

New Business (0:34:52)

B. Introduction of new Chief Information Officer

- Cheryl MacBride introduced the new Chief Information Officer, Chris Sarandos
- Mr. Sarandos started with DPS on 9/4/12 and has been busy meeting with the assistant directors to get a clear understanding of each division and provide assistance for the operations of DPS

A. Report, discussion and possible action regarding the DPS Foundation

- Tom Clowe (past PSC commissioner) provided an update on the Foundation
- Current board members are Tom Clowe, Commissioners Allan Polunsky and Ada Brown.
- Certificate of Formation and Amendment have been filed with the Secretary of State
- Currently reviewing the initial bylaws
- Working with Locke Lord Law Firm on 501(C3) status
- Financial Outlook – first donation of \$40,000 from the Clements Foundation, donations totaling \$500 received on behalf of fallen Trooper James Davidson and pending settlement of litigation brought by Attorney General against the THP Museum in San Antonio.
- Next step is completion of the 501(C3) application and creation of Foundation logo/emblem
- Mr. Clowe reported that he met with Anne Brown with Texas Parks & Wildlife Foundation and received additional suggestions and guidance.

C. Report, discussion and possible action on the proposed Department Rule Review Plan for publication in accordance with Texas Government Code, Section 2001.039

- Request permission to post the Department Rule Review Plan for 2013 to the Texas Register

A motion was made by Commissioner Steen seconded by Commissioner Barth approving to publish the Department Rule Review Plan to the Texas Register. Motion passed unanimously.

Ongoing Business (0:56:46)

- F. Report, discussion and possible action on Driver License monthly updates
- August 2011 – August 2012 total transaction time reduced 38% due to the assistance of 210 summer hires (up from 90 summer hires last year) at 49 offices
 - Commissioner Barth would like to capture the entire driver license experience from the time a person enters the door until they exit (for future tracking)
 - Currently two self-service kiosks located at North Lamar and South Austin location
 - Individuals can check in using their cell phone, iPad or computer
 - Pflugerville, Garland and Rosenberg mega centers are waiting for metro Ethernet connections (AT&T) and are expected to be the first centers opened
 - Media day will occur at each mega center one week before official opening
 - QLess visits occurred with UT Dallas and Austin Community College Cypress Creek Campus and met with Johnson County DMV during a conference in August, all had positive reports
 - Commissioner Barth is comfortable with the contingency plan
 - Parent Taught Driver Education packets have been reduced from 40 to 13 pages
- A. Report, discussion and possible action regarding discharge appeal hearing process and scheduling
- Currently 8 cases on appeal status, four to be scheduled for October
 - Commissioners agreed to have 4 hearings per day starting in October
 - Commissioner Brown suggested a 'finding of facts' in place of full binders to streamline the process
 - Recommendation also made to have hearings occur the day before regular Public Safety Commission meeting
 - Hearings will occur on October 18th and regular meeting on October 19th
 - Commissioner Brown has a draft proposal that she will be reviewing and present next month

Executive Session (1:47:00)

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; ongoing criminal investigations. Executive Session began at 10:55 a.m.

(1:47:45) The Public Safety Commission reconvened this open session at 2:16 p.m. Commissioners present were Chairman Cynthia Leon, Carin Barth and John Steen.

Ongoing Business (1:49:16)

E. Update report, discussion and possible action regarding recruitment

- Currently in our 9th week with 78 students out of 94
- December 19, 2012 will be the next graduation and location is to be determined
- 746 individuals are in the application process
- 9,900 on-line applications have been received for FY 2012
- Chairman Leon requested business card size recruit cards

D. Report, discussion and possible action regarding Commission requests for additional Auditing to be performed by the Chief Auditor's Office. Updates regarding status of Recent CAO activity

- Issued 11 reports since the August 15th PSC meeting, 9 reports being presented:
 - *Audit of Salvage Yard Inspections
 - *Regional Internal Control Reviews for Region 4, 3, 5 and 6
 - *Grant Initiation Processes for State Administrative Agency (SAA) and Texas Division of Emergency Management (TDEM)
 - *Audit of DPS Performance Measures – 5 certified with qualification and 7 factors preventing certification (need to improve collection and reporting performance measures)
 - *Audit of IT Staff Augmentation Contracts

G. Report, discussion and possible action on the Fiscal Year 2012 Operating Budget

- \$5 million moved from operations to capital budget for driver license mega centers
- \$3 million remaining in fuel budget

H. Report, discussion and possible action regarding purchases using seized funds

- \$18.6 million collected, cash balance of \$12 million and unobligated cash balance of \$7 million

(1:58:45) Commissioner Brown joins meeting

I. Review of pending contract/renewal/change order/awards from Contract Review Board

1. \$5,000 donation to refurbish CNT Motor Home/Crime Scene Trailer – Texas Rangers

A motion was made by Commissioner Steen seconded by Commissioner Barth accepting the \$5,000 donation. Motion passed unanimously.

2. Four Stall Canine Trailer – Highway Patrol

A motion was made by Commissioner Steen seconded by Commissioner Brown accepting the trailer donation. Motion passed unanimously.

3. El Paso Land Donation – Region 4 – El Paso Regional Headquarters and Crime Lab
Discussed during Executive Session

4. Report, discussion and possible action for the Public Safety Commission Contracting Policies

- Discussed and approved last month removing DIR from Exceptions List

Reports (2:03:15)

D. Division status reports on activities and action

Law Enforcement Support

- Commissioner Brown requested an update on a Lubbock lab case from July conducted by Kevin Callahan involving a sexual assault murder
- Craig Haddock was recognized as the recipient of the Radio Frequency Technologist Award for 2012

Ongoing Business (2:09:46)

B. Report and discussion on preliminary steps to provide for video or audio presentation of Public Safety Commission meetings

- 6 agencies reported not having audio video capabilities
- 7 agencies reported audio only
- 13 agencies reported audio video recording only
- 11 agencies reported audio video recording and live streaming
- Three options were provided:
 - *Audio streamed live to authorized users at one time investment of \$3,600
 - *Live audio to authorized users and controlled access to video recording after meeting at cost of \$24,600
 - *Ability to archive audio video and provide authorized access to recordings at cost of \$45,100
- Commissioner Barth left during discussion and Commission decided to defer to next Month for action

C. Report, discussion and possible action regarding the adoption of the repeal of Practice And Procedure Rule 29.11, 37 TAC Sec. 29.11, concerning Entry of Appearance; Continuance, as previously published in the Texas Register

- No comments were received adjusting procedures for administrative proceedings
- A motion was made by Commissioner Steen seconded by Commissioner Brown adopting rule. Motion passed unanimously.**

J. 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

- Director McCraw introduced Candace Nolte as the new government relations specialist. No changes necessary to the organization chart.

K. 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

- None

Reports (2:35:56)

A. Commission member reports and discussion - None

B. Finance Report - None

C. Chief Auditors Office - None

D. Division status reports on activities and action –

Inspector General – working with TxDOT and Commander Albus for office space in San Antonio, 3 offices have been located at a cost of \$97.00 per month

Consent Items (2:38:23)

A. 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: Jesus E. Alatorre, John H. Landrum and John R. Smith; Special Texas Ranger: none

A motion was made by Commissioner Steen seconded by Commissioner Brown approving Consent Item A. Motion passed unanimously.

Items for Future Agenda

Date for Future Meeting

The next Public Safety Commission meeting is scheduled for October 19, 2012 starting at 9:00 a.m. in Austin, Texas. In addition, four discharge appeal hearings will be held on October 18, 2012.

Adjourn

The meeting was adjourned at 3:09 p.m.

Read and approved this 19th day of October, 2012.


Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 20, 2012, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Practice and Procedure
Title 37 T.A.C. Part I, Chapter 29
Section 29.11

The Texas Department of Public Safety (the department) adopts the repeal of Section 29.11, concerning Entry of Appearance; Continuance. This repeal is adopted without changes to the proposed text as published in the August 3, 2012 issue of the *Texas Register* (37 TexReg 5724) and will not be republished.

The entry of appearance is the procedure by which administrative cases filed at the State Office of Administrative Hearings (SOAH) may be dismissed based on the respondent's failure to enter an appearance prior to the hearing. This rule was originally adopted in response to SOAH's adoption of 1 TAC Section 155.55, which provided the authority for this procedure. Subsection (e) of SOAH's rule authorized licensing agencies to use the informal dismissal procedure on the condition the agency had adopted a rule that complied with SOAH's requirements. However, SOAH has since repealed 1 TAC Section 155.55, so there is no longer any authority for the department's Section 29.11 or the requirement of an entry of appearance prior to the SOAH hearing.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
September 2012**

Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Alatorre, Jesus E.	THP	Harlingen	08/01/12	25 years	
Landrum, John H.	CID	Corpus Christi	07/31/12	24 years	
Smith, John R.	THP	CVE/Waxahachie	07/31/12	10 years	

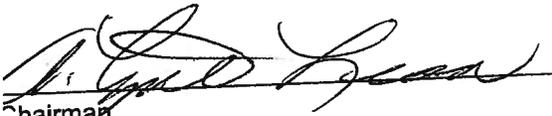
Special Texas Ranger Applicant:

Name	Division	Service/Station	Retire Date	Years of Service	Approved

Special Ranger Applicant from the Texas and Southwestern Cattle Raisers Association:

Name

Approved by the Public Safety Commission

 Date 9/20/12
Chairman