

AGENDA
Public Safety Commission Meeting
February 14, 2013, 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.** Recent Legislative Testimony
 - School Safety
 - Homeland Security
 - Senate Finance Committee
- C.** Border Operations Update

V. NEW BUSINESS

- A.** Report and discussion regarding State Intelligence Assessment
- B.** Report, discussion and possible action on Education, Training and Research operational and organizational enhancement
- C.** Report, discussion and possible action regarding Public Safety Commission committee structure
- D.** Report, discussion and possible action on the AY 2014-15 Legislative Appropriations Request
- E.** Report, discussion, and possible action on the proposed reorganization of Chapter 13, Controlled Substances for publication to receive public comment, including: amendments to Rule 13.1, 37 TAC Sec. 13.1, repeal of Rules 13.2-13.11, 13.21-13.33, 13.71-13.99, and 13.131-13.137, 37 TAC Secs. 13.2-13.11, 13.21-13.33,

13.71-13.99, and 13.131-13.137, and new Rules 13.21–13.27 and 13.71-13.83, 37 TAC Secs 13.21-13.27 and 13.71-13.83

- F. Discussion and possible action to approve a grant application to the Texas Department of Transportation for the Texas Traffic Safety Grant Agreement for Fiscal Year 2014
- G. Potential real estate transaction in Randall County (Executive Session expected)

VI. 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

VII. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

- A. Report, discussion and possible action on Driver License monthly updates
- B. Report, discussion and possible action on the Annual Year 2013 Operating Budget
- C. Report, discussion and possible action regarding purchases using seized funds
- 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
- E. Update report, discussion and possible action regarding recruitment
- F. Report, discussion, and possible action regarding the adoption of proposed amendment to School Bus Safety Standards Rule 14.52, 37 TAC Sec. 14.52, concerning School Bus Safety Standards, as previously published in the Texas Register
- G. Report, discussion, and possible action regarding the adoption of proposed new Driver License Rule 15.171, 37 TAC Sec. 15.171, concerning Identifying Documents for Offenders/Memorandum of Understanding, as previously published in the Texas Register
- H. Report, discussion, and possible action regarding the adoption of the proposed reorganization of Chapter 23, Vehicle Inspection, including: repeal of Rules 23.1 – 23.15, 23.18, 23.19, 23.21 – 23.29, 23.41, 23.42, 23.51 – 23.53, 23.61, 23.62, 23.71 – 23.81, and 23.93 – 23.97, 37 TAC Secs. 23.1 – 23.15, 23.18, 23.19, 23.21 – 23.29, 23.41, 23.42, 23.51 – 23.53, 23.61, 23.62, 23.71 – 23.81, and 23.93 – 23.97 and new Rules 23.1 – 23.6, 23.11 – 23.14, 23.21 – 23.30, 23.41, 23.42, 23.51 – 23.58, 23.61, and 23.62, 37 TAC Secs. 23.1 – 23.6, 23.11 – 23.14, 23.21 – 23.30, 23.41, 23.42, 23.51 – 23.58, 23.61, and 23.62, as previously published in the Texas Register

- I. Report, discussion, and possible action regarding the adoption of the proposed reorganization of Chapter 28, DNA, CODIS, Forensic Analysis, and Crime Laboratories, Subchapters K – M, concerning Biological Evidence, including: repeal of Rules 28.181 – 28.185, and 28.191, 37 TAC Secs. 28.181 – 28.185, and 28.191, and new Rules 28.181 - 28.183, 28.191 – 28.194, and 28.201, 37 TAC Secs. 28.181 - 28.183, 28.191 – 28.194, and 28.201, as previously published in the Texas Register
- 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
- K. Report, discussion and possible action regarding land requisition for El Paso and San Antonio regional headquarters and crime lab (Executive Session expected)
- L. 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
- M. Review of pending contract/renewal/change order/awards from Contract Review Board
 1. 2013 Dodge Challenger (donation) – Highway Patrol
 2. In-Car Notebooks
 3. Professional services related to grant administration activities for federal disaster grant programs

VIII. REPORTS

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

IX. 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 employees Marilyn Berges, Carolyn McGee, and Winston Esteves

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: Harley Alex Bartee, Larry L. Benningfield, Michael Troy Caley, Ricardo D. Campos, Ruben Cano Jr., Jose R. Castro, Herbert W. City, Mark D. Collins, Jimmy D. Cook, Michael E. Compton, Adrian M. Cortez, Bradley J. Dossey, James D. Estes, Terry D. Field, James R. Fincher, Antonio R. Gonzalez, Lynn Holland Jr., Dudley Ivie, Danny W. Knauth, Gene P. LeBlanc, David S. Lee, Thomas H. Lowry, Donald L. Martin, David V. Martinez, Leonard R. Olson, J.D. Phipps, Oscar Salinas, Antonio Sanchez, James R. Stewart, Robert C. Strickland, Steven G. Sullivan, John A. Waight, Michael S. Weber, Robert L. White; Special Texas Rangers: Coy L. Smith, Jimmie D. Kaelin Jr., David T. Rainwater, Milton T. Wright; and Special Ranger applicant from the Texas Southwestern Cattle Raisers Association: Ronald B. Hunt

X. ITEMS FOR FUTURE AGENDA

XI. DATE FOR FUTURE MEETINGS

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