

AGENDA
Public Safety Commission Meeting
December 18, 2014, 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. Operation Strong Safety Update

V. NEW BUSINESS

- A. Report and discussion on Criminal Aliens
- B. Report and discussion on the Special Operations Group
- C. Report and discussion on Drive Test Tablet Demonstration
- D. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:
 - 1. Amendments to 37 TAC Section 15.25, concerning Address
 - 2. Amendments to 37 TAC Section 23.41, concerning Passenger (Non-Commercial) Vehicle Inspection Items
- E. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

VI. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

- A.** Report discussion and possible action regarding live video and video archive availability of Public Safety Commission Meetings
- B.** Update report, discussion and possible action regarding recruitment
- C.** Public hearing pursuant to Texas Government Code, Section 2001.029, to receive comments from all interested persons regarding the adoption of amendments to 37 TAC Section 19.1 and Section 19.2, repeal of 37 TAC Sections 19.3 – 19.8, and new 37 TAC Sections 19.3 – 19.7, concerning Breath Alcohol Testing Regulations
- D.** Report, discussion, and possible adoption of the following previously published rules:
 - 1. Amendments to 37 TAC Section 19.1 and Section 19.2, repeal of 37 TAC Sections 19.3 – 19.8, and new 37 TAC Sections 19.3 – 19.7, concerning Breath Alcohol Testing Regulations
 - 2. Simultaneous repeals of 37 TAC Sections 3.141 – 3.145 and Sections 3.147 – 3.150, concerning Protection of State Buildings and Grounds and proposed new 37 TAC Sections 8.1 – 8.6 and Section 8.8 – 8.11, concerning Protection of State Buildings and Grounds
 - 3. Amendments to 37 TAC Section 15.6, concerning Motorcycle License
 - 4. Amendments to 37 TAC Section 15.23, concerning Names
 - 5. Amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or Skills Tests
 - 6. Amendments to 37 TAC Sections 15.161, 15.162, 15.164 - 15.166, concerning Driver Responsibility Program
 - 7. Repeal of 37 TAC 21.1 and proposed amendments to 37 TAC Section 21.2 and Section 21.3, concerning Equipment and Vehicle Safety Standards
 - 8. Repeals, amendments, and new language reorganizing 37 TAC Chapter 23, concerning Vehicle Inspection
 - 9. Simultaneous repeals of 37 TAC Sections 3.71 – 3.73 and Section 3.76, concerning Requirements for Displaying Vehicle Inspection Certificate and 37 TAC Section 3.91, concerning NATO Agreement Vehicle Inspection Exemptions and proposed new 37 TAC Section 23.81 and Section 23.82, concerning Miscellaneous Vehicle Inspection Provisions
- E.** 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
- F.** 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
- G.** Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

VII. REPORTS

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

VIII. 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. Advice and consent regarding Director's determination that certain probationary employees were found unsuitable for work during October and November 2014
- 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: Durward A. Arnwine, Richard G. Arnwine, Nita L. Bowen, James V. Debrow, Mario Flores, Gordon M. Forester, Rodney W. Ginn, Charles Gonzalez, Timothy M. Grillet, Kameron Pierce, William M. Rueter, Andrew J. Sitgreaves, and Barry G. Washington; Special Texas Rangers: David M. Maxwell, Bryant D. Wells and Stuart M. Willer Jr.
- C. Donations:
 - 1. Additional donation items, as needed

IX. ITEMS FOR FUTURE AGENDA

X. DATE FOR FUTURE MEETING

Discharge hearings will be scheduled on February 11, 2015, and the regular Public Safety Commission meeting is scheduled for February 12, 2015.

XI. 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

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