

**MINUTES
PUBLIC SAFETY COMMISSION
FEBRUARY 12, 2015
AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on February 12, 2015. Attending the meeting were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores and Randy Watson. A quorum was present at the meeting. DPS staff members and guests were also present.

CALL TO ORDER (0:00:05)

The meeting was called to order by Chairman Leon at 9:21 a.m. Proper notice had been posted.

APPROVAL OF MINUTES (0:00:49)

A motion was made by Commissioner Flores, seconded by Commissioner Johnson, approving the minutes from the December 18, 2014 meeting. Motion passed unanimously.

PUBLIC COMMENT (0:01:08)

None

DIRECTORS REPORT (0:01:14)

A. Presentations

Lifesaving Award

Tactical Marine Unit Staff Sergeant Trent Price

Service Awards – 30 Years

Doug Farber

Tony Fulton

Earl Heath

Marcus Hilton

Terry Jones

Timothy Kelm

Patrick Mulligan

Javier Reyes

Henry Sibley
James Woodrum

(0:16:03) Break 9:35 a.m. – 9:45 a.m.

B. Operation Strong Safety Update (0:16:25)

Director McCraw provided an update on Operation Strong Safety:

- Currently in week 11 and apprehension numbers are down and maintained to under 2,000
- Calendar Year apprehensions in Rio Grande Valley (RGV) totaled 315,000
- 53% of Illegal Alien (IA) apprehensions occurred in the RGV
- Governor Abbott received a letter from the City of McAllen stating Operation Strong Safety has reduced index crime in their city by over 10% in less than six months
- Appropriations Committee was briefed on February 11, 2015 and questions were answered on measuring success as well as providing our strategy recommendations (recommendations were also delivered to the Governor's office last week)

C. Contracting Update (00:28:47)

AD Amanda Arriaga providing an update on contracting:

- Contract Review Board (CRB) created in 2009
 - *reviews all contracts over \$1M
 - *amendments over \$500K
 - *amendments that change a contract by \$100K and 50%
- Directive on Contracting issued in 2012
 - *Only Director and Deputy Directors can sign contracts over \$50K
- Executive Committee of CRB established in 2013
 - *Reviews all contracts over \$500K at inception
 - *Can recommend resolicitation, additional stakeholders, acquisition plan, and monitors risk
- User Guides & Training established in 2014
- Legislation introduced and letter received from Governor Abbott, in January 2015, dealing with contracting processes and issuance of five mandates. As mandates change, we will modify our processes. Clarification has been requested on some of the mandates to ensure compliance with their request.

NEW BUSINESS (0:37:45)

A. Report and discussion on DPS Command College

AD Frank Woodall and General Orlando Salinas provided a brief on the DPS Command College:

- Command College began on January 20, 2015 with 27 students
- Goal is to develop and prepare current and potential command and executive leaders for the responsibilities of strategic leadership and coach current and future leaders on the development and employment of leadership best practices in a joint, interagency environment.
- College is conducted over a four month period (44 days of direct instruction total of 266 hours; online instruction while at work total of 341 hours; for a grand total of 607 hours)
- Yields 9 credit hours at graduate or undergraduate level
- Curriculum: Leadership; Ethics, Communication; Executive Fitness & Wellness

B. Report, discussion, and possible action to authorize the Director to execute a deed conveying 0.9859 acres of real property for highway purposes in Webb County, Texas to the Department of Transportation under the authority of Transportation Code, Section 203.055 (0:52:21)

AD Amanda Arriaga and DAD Wayne Mueller provided a brief on the right of way issue:

- Right of Way at the Laredo office – Loop 20 @ Bob Bullock Drive
- TxDOT needs .98 of an acre for an overpass and feeder road at the northwest corner of the property
- Cost of the transaction is \$1,807,394 (\$772,992 for the property to be purchased by TxDOT; \$1,034,472 to pay for damage to the DPS property)
- Contracts Review Board (CRB) and Commissioner Mach have approved the transaction
- Rider to be drafted enabling us to use \$772,992 once proceeds return to DPS based on agency needs
- Seeking approval of resolution to be signed by Chairman Leon and signing of deed by Director McCraw

A motion was made by Commissioner Flores, seconded by Commissioner Johnson authorizing Chairman Leon to sign the resolution and Director McCraw to execute a deed conveying 0.9859 acres of real property for highway purposes in Webb County, Texas to TxDOT. Motion passed unanimously.

C. Report and discussion on the Equal Employment Opportunity Annual Report (1:02:39)

DAD Nathanael Haddox provided a brief on the 2014 EEO Annual Report:

- Compliance training occurs every two years
- January 2014 indicated 9,087 total employees and all active duty employees completed required training by December 31, 2014
- Intakes & Investigations: 205 allegations reported; 149 investigations completed; 12 allegations open under investigation; 60 sustained 18.25 allegations (1 sexual

harassment, 2 harassment, 53 unprofessional conduct, and 4 failure to report); 6 sustained courtesy violations; and 127 no violation of Section 18.25

-Supplemental and enhanced training is provided to Lead and First Sergeant Schools

-Investigation Timeliness: Intake 5 days; Investigation 15 days; Review by OGC 5 days; EEO Review 3 days; AD Final Determination 3 days; Appeals (if applicable) 3 days; for a total of 31 – 34 days

D. Report and discussion on the Office of Inspector General Annual Report: (1:11:30)

IG Rhonda Fleming provided a brief on the 2014 OIG Annual Report:

-Total complaints 404

-Division referrals 219

-Total OIG investigations 185 - 8 Volunteer Investigator Program (VIP) investigations

-EEO investigations 16

-Employee Criminal Investigations (ECI) tracked (not counted as part of 76 total cases)

-Trends: conduct unbecoming; assaultive behaviors; candor issues; theft (non-commissioned employees)

-2014 Investigation Timeliness – 19 working days compared to 22 working days in 2013

-January/February 2015 – over 300 VIP investigators trained

E. Report, discussion, and possible action on the following proposals for publication to receive public comment:

1. Amendments to 37 TAC Section 15.54, concerning Vehicle Inspection (1:20:57)

AD Peters asked to pass on this item at this time – additional changes are needed.

2. Amendments to 37 TAC Section 15.62, concerning Additional Requirements

(1:21:47)

3. Amendments to 37 TAC Section 15.171, concerning Identifying Document for Offenders/Memorandum of Understanding (1:23:03)

A motion was made by Commissioner Johnson, seconded by Commissioner Watson, approving Rules 15.62 and 15.171 for publication to receive public comment. Motion passed unanimously.

F. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

ONGOING BUSINESS

A. Update report, discussion and possible action regarding recruitment (1:28:06)

AD Frank Woodall providing the following recruitment update:

-A2015 recruit school is currently in its 4th week of training – 83 recruits to date

-Duty stations will be assigned next week

-Currently taking applications for the B2015 school – 2,950 applications received; 2,200 meet requirements; 1,800 testing phase; 266 fitness testing; 44 polygraph; and 66 oral board

-New formula adopted targeting those who currently serve in the National Guard or Reserves (those that have the same retirement points as an active duty member or have reached six years of service are eligible to apply with DPS)

-Conducted open testing at Texas National Guard last Saturday that resulted in 40 applicants

B. Report, discussion, and possible adoption of the following previously published rules:

1.Amendments to 37 TAC Section 15.25, concerning Address (1:31:44)

No comments.

A motion was made by Commissioner Flores, seconded by Commissioner Johnson, to approve amendments to Section 15.25, concerning Address. Motion passed unanimously.

2.Amendments to 37 TAC Section 23.41, concerning Passenger (Non-Commercial) Vehicle Inspection Items (1:33:02)

No comments.

A motion was made by Commissioner Watson, seconded by Commissioner Johnson, to approve amendments to Section 23.41, concerning Passenger (Non-Commercial) Vehicle Inspection Items. Motion passed unanimously.

C. 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 (1:34:25)

None.

D. 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 (1:34:31)

None.

E. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

To be discussed during Executive Session.

REPORTS (1:34:36)

A. Commission member reports and discussion - none

B. Finance Report – AD Denise Hudson introduced Suzy Whittenton as the new Chief Financial Officer to take her place upon retirement in June.

C. Chief Auditors Office - none

D. Division status reports on activities and action - none

CONSENT ITEMS (1:36:02)

A. Advice and consent regarding Director's determination that certain probationary employees found unsuitable for work during December 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: Terry W. Driggers, Roger L. Martin, James Spencer, and Kenneth J. Whitehead; Special Texas Rangers: William M. Cawthon

C. Donations:

1. One (1) Horse, Bess – Region 7, Capitol Complex

2. Additional donation items, as needed

A motion was made by Commissioner Flores, seconded by Commissioner Watson approving Consent Items A, B, and C. Motion passed unanimously.

ITEMS FOR FUTURE AGENDA (1:36:40)

-Legislative Update

DATE FOR FUTURE MEETING (1:36:57)

Discharge hearings will be scheduled on April 15, 2015, and the regular Public Safety Commission meeting is scheduled for April 16, 2015.

ADJOURN INTO EXECUTIVE SESSION (1:37:09)

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 11:07 a.m.

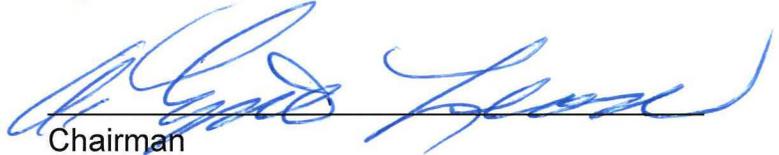
(1:37:47) The Public Safety Commission reconvened this open session at 1:37 p.m. Commissioners present were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores and Randy Watson.

ADJOURN (1:38:03)

A motion was made by Commissioner Flores, seconded by Commissioner Johnson to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 1:38 p.m.

Read and approved this 10th day of April, 2015.


Chairman

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.



DEED

TxDOT ROW CSJ: 0086-14-056

TxDOT Parcel No.: 7

Grantor(s), whether one or more:

The Texas Department of Public Safety, as authorized by the Texas Public Safety Commission

Grantor's Mailing Address (including county):

Texas Department of Public Safety
5805 N. Lamar Blvd.
Travis County
Austin TX 78752-4431

Grantee:

The State of Texas, acting by and through the Texas Transportation Commission

Grantee's Authority:

The Texas Transportation Commission is authorized under the Texas Transportation Code to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary or convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project.

The Texas Transportation Commission is also authorized under the Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled facilities and designated controlled access highways and turnpike projects.

Grantee's Mailing Address (including county):

Texas Department of Transportation 125 East 11th Street
Travis County
Austin, Texas 78701-2483

Consideration:

The sum of Seven Hundred Seventy Two Thousand Nine Hundred Ninety Two Dollars and 00/100 (\$772,992.00) to Grantor in hand paid by Grantee, plus other good and valuable consideration including the work performed by Grantee in the Interagency Cooperation Contract between Grantor and Grantee, Contract No. 22-4XXIA004 valued at One Million Thirty Four Thousand Four Hundred Sixty Two Dollars and 00/100 (\$1,034,462.00) for a total compensation of One Million Eight Hundred Seven Thousand Four Hundred Fifty Four Dollars and 00/100 (\$1,807,454.00), receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied.

Property:

All of that certain tract or parcel of land in WEBB County, Texas, being more particularly described in the attached Exhibit A (the "Property").

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following:

1. Visible and apparent easements not appearing of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
3. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of WEBB County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas, sulfur in and under the Property but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein and thereunder.

Access on and off Grantor's remaining property to and from the State highway facility shall be permitted except to the extent that such access is expressly prohibited by the provisions set out in Exhibit "A". Grantor acknowledges that such access on and off the State highway facility is subject to regulation as may be determined by the Texas Department of Transportation to be necessary in the interest of public safety or by applicable local municipal or county zoning, platting or permitting requirements.

GRANTOR, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's heirs, successors and assigns to Warrant and Forever Defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to the claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

EXECUTED on the date(s) of acknowledgement indicated below.

GRANTOR:

The STATE OF TEXAS
On behalf of the Texas Department of Public Safety,
as authorized by the Texas Public Safety Commission

BY: *Steven C. McCraw*

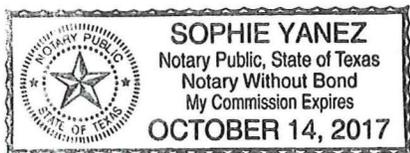
STEVEN C. McCRAW, Director
Texas Department of Public Safety

STATE OF TEXAS

COUNTY OF TRAVIS



This instrument was acknowledged before me on this 12th day of, February, 2015 by STEVEN C. McCRAW, Director of the Texas Department of Public Safety on behalf of the Texas Department of Public Safety.



Sophie Yanez
Notary Public's Signature

**RESOLUTION BY THE PUBLIC SAFETY COMMISSION
OF THE STATE OF TEXAS**

WHEREAS, 0.9859 of an acre of real property, located in Porcoin No. 29, Abstract No. 3086, Juan Bautista Villarreal, Original Grantee, in Webb County, Texas (“Property”), is currently deeded to the State of Texas for the use and benefit of the Texas Department of Public Safety (“TXDPS”);

WHEREAS, the Texas Department of Transportation (“TXDOT”) has requested to purchase fee simple title to the Property for state highway purposes in exchange for total consideration of \$1,807,454, including \$772,992 for the value of the Property and \$1,034,462 for damages to TXDPS’s remaining property, the latter paid in kind by TXDOT as provided in interagency contract No. 22-4XXIA004 between TXDPS and TXDOT;

WHEREAS, the authority for TXDOT to acquire state agency real property and for a state agency to convey real property to TXDOT is found in Chapter 203 of the Texas Transportation Code, Subchapter D;

WHEREAS, Texas Transportation Code, Section 203.055 authorizes a state agency to convey to TXDOT real property that may be necessary to accomplish TXDOT’s purposes—on terms the state agency determines to be reasonable and fair and without advertisement or other action, other than the regular and formal action of the agency concerned;

WHEREAS, Texas Transportation Code, Section 203.058 requires that TXDOT adequately compensate a state agency for real property acquired by TXDOT under Subchapter D; and

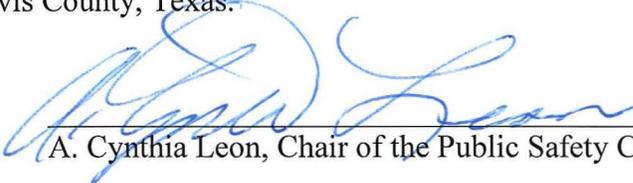
WHEREAS, an independent, certified appraiser has appraised the value of the Property as of October 7, 2014 at \$1,807,454, which establishes to the satisfaction of TXDPS the adequacy of the compensation offered by TXDOT for the value of the Property;

BE IT RESOLVED BY THE PUBLIC SAFETY COMMISSION OF THE STATE OF TEXAS:

That the conveyance of the Property by TXDPS to TXDOT is hereby approved.

That the Director of TXDPS is hereby authorized to execute all necessary documents and instruments to effectuate the conveyance of the Property to TXDOT.

This resolution was considered and approved by a majority of the members of the Public Safety Commission of the State of Texas at its Open Meeting held on the 12th day of February, 2015, in Travis County, Texas.



A. Cynthia Leon, Chair of the Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter B
Section 15.25

The Texas Department of Public Safety (the department) adopts amendments to Section 15.25, concerning Address. This section is adopted without changes to the proposed text as published in the January 9, 2015 issue of the *Texas Register* (40 TexReg 138) and will not be republished.

These amendments are intended to clarify options available to spouses and dependents of military personnel when providing a residence address as part of the application process for a Texas driver license or identification certificate. The proposed amendments make grammatical changes for clarity and update language to comply with the SB 686, 83rd Legislature, 2013.

No comments were received regarding the adoption of these amendments.

This proposal 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 and Texas Transportation Code, Sections 521.121, 521.141, and 521.142.

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

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 12, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter D
Section 23.41

The Texas Department of Public Safety (the department) adopts amendments to Section 23.41, concerning Passenger (Non-Commercial) Vehicle Inspection Items. This section is adopted without changes to the proposed text as published in the January 9, 2015 issue of the *Texas Register* (40 TexReg 139) and will not be republished.

These amendments are intended to implement the requirements of HB 2305, enacted by the 83rd Texas Legislature, 2013. The bill requires the elimination of the vehicle inspection certificate and its replacement with an electronic inspection report. These amendments reflect such changes as well as minor changes proposed for the purposes of clarification.

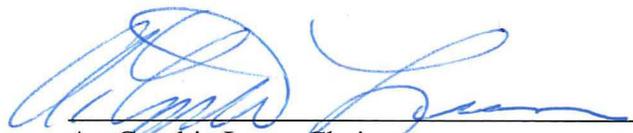
No comments were received regarding the adoption of these amendments.

This adoption is made 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 and Texas Transportation Code, Section 548.002, which authorizes the Department of Public Safety to adopt rules to administer and enforce Chapter 548.

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
February 12, 2015



Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Driggers, Terry W.	THP	Weatherford	11/30/14	29 years	
Martin, Roger L.	THP	Lubbock	12/31/14	28 years	
Spencer, James	THP	Austin	08/31/14	26 years	
Whitehead, Kenneth J.	CID	Victoria	11/30/14	24 years	

Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Cawthon, William M.	Texas Rangers	Waco	04/30/09	26 years	

Approved by the Public Safety Commission:

 Date: 2/12/15