

AGENDA
Public Safety Commission Meeting
October 10, 2019, 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. INVOCATION**
- III. PLEDGES**
- IV. APPROVAL OF MINUTES**
- V. PRESENTATIONS**
- VI. 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.)
- VII. DIRECTORS REPORT**
 - A.** Case Update: Murder of Sul Ross State University Student
- VIII. NEW BUSINESS**
 - A.** Report, discussion, and possible action regarding the Physical Fitness Program and consideration of resolution required by Government Code §411.0045
 - B.** Report, discussion, and possible action regarding Public Safety Commission consideration of final determinations in administrative actions
 - C.** Report, discussion, and possible action regarding appointment of Private Security Advisory Committee

- D. Report, discussion, and possible action on the Fiscal Year 2020 Internal Operating Budget
- E. Report, discussion, and possible action regarding the FY2020 Internal Audit Strategy by the Chief Auditor's Office
- F. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:
 - 1. Amendments to 37 TAC Section 15.30, concerning Identification Certificates
 - 2. Amendments to 37 TAC Section 15.49, concerning Proof of Domicile
 - 3. Amendments to 37 TAC Section 16.7, concerning Proof of Domicile
 - 4. Repeal of 37 TAC Sections 15.161 – 15.168, concerning Driver Responsibility Program
 - 5. Amendments to 37 TAC Section 15.89, concerning Moving Violations
 - 6. Amendment to 37 TAC Section 16.1, concerning General Requirements
 - 7. New 37 TAC Section 16.68, concerning Lifetime Disqualification Reinstatement
 - 8. Amendments to 37 TAC Sections 35.1 – 35.7, concerning General Provisions
 - 9. Repeal of 37 TAC Section 35.10 and Section 35.11, concerning General Provisions
 - 10. Amendments to 37 TAC Sections 35.21, 35.22, 35.24 – 35.26, 35.28, and 35.29 and new 37 TAC Section 35.30 and Section 35.31, concerning Registration and Licensing
 - 11. Repeal of 37 TAC Section 35.41, concerning Manager Standards
 - 12. New 37 TAC Section 35.41 and amendments to 37 TAC Section 35.42 and Section 35.43, concerning Company Representative
 - 13. Amendments to 37 TAC Section 35.52, concerning Administrative Penalties
 - 14. Repeal of 37 TAC Sections 35.62 – 35.65, concerning Administrative Hearings
 - 15. New 37 TAC Section 35.62, concerning Preliminary Hearing; Settlement Conference
 - 16. Amendments to 37 TAC Sections 35.91 – 35.93, concerning Personal Protection Officers
 - 17. Amendments to 37 TAC Section 35.101 and Section 35.102, concerning Letter of Authority
 - 18. Amendments to 37 TAC Section 35.111 and Section 35.112, concerning Company Records
 - 19. Amendments to 37 TAC Sections 35.121 – 35.123, concerning Special Company License Qualifications
 - 20. Amendments to 37 TAC Section 35.131 and Section 35.132, concerning Fees
 - 21. Amendments to 37 TAC Sections 35.141 – 35.143, 35.145, and 35.147, concerning Training
 - 22. Amendments to 37 TAC Section 35.161 and Section 35.162, concerning Continuing Education

- 23. Amendments to 37 TAC Sections 35.181, 35.182, and 35.184, concerning Military Service Members, Military Veterans, and Military Spouses – Special Conditions
- 24. Amendments to 37 TAC Section 1.264, concerning Procedures for Vendor Protests of Procurements
- G. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

IX. ONGOING BUSINESS

- A. Report, discussion, update and possible action regarding Driver License Action Plan
- B. Report, discussion, and update regarding Mass Casualty Attacks including progress on Executive Order GA-07 issued September 5, 2019
- C. Report, discussion, and possible action regarding the modification of the DPS organizational structure and the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team
- D. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

X. REPORTS

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

XI. 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 June and August, 2019.
- 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: Gary P. Albus, Tommy F. Ball, Sr., Bradney L. Boultinghouse, Jeffrey W. Burgess, David Campos, Herbert W. City, Donald G. Cohn, Eugene De Los Santos, Jr., Rhonda C. Fleming, Hector L. Garcia, Earl Gillum, Jr., Jay B. Hardin, Terence D. Helton, Juan G. Hernandez, Jr., Freddie Hobbs, Jr., Corina Jandrew, Chris L. Lalonde, John R. LaRocque, Christian S. Ledbetter, Roger B. Looka, Armando Lopez, Jr., Keith B. McFadden, Douglas R. Minshew, James W. Morgan, Michael A. Perez, Brian L. Perry, Jose C. Rodriguez

III, Matthew D. Ruff, John S. Warren, Robert J. Wilson, and Raul Vargas; Special Texas Rangers: Salvador B. Abreo

C. Donations:

1. Texas Department of Public Safety – donation by Dave Austin for Extreme Focus Program
2. Odessa DPS Office – donation by Donovan Foster for beautification project for his Eagle Scout project
3. Texas Department of Public Safety – donation of an ICOR Technologies mini caliber robot with accessories by The 100 Club
4. Lubbock Regional DPS Office – donation of 2.520 acres of real property by Market Lubbock Economic Development Corporation
5. DPS Mounted Horse Patrol Program – donation of two horses by John Gibson
6. Additional donation items, as needed

XII. ITEMS FOR FUTURE AGENDA

XIII. DATE FOR FUTURE MEETING

Any discharge hearings will be scheduled on December 5, 2019, and the regular Public Safety Commission meeting is scheduled for December 6, 2019.

XIV. 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

XV. 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