

AGENDA
Public Safety Commission Meeting
February 13, 2020, 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: THP Shooting Incident

B. Case Update: THP In-Service School Video (No Routine Day in the Life of a Trooper)

VIII. NEW BUSINESS

A. Report, discussion and possible action on the Health, Wellness, and Physical Fitness Policy – 2019 Fall Testing Cycle Report

B. Final Determination in Contested Cases – consideration and possible action on Proposal for Decision:

1. SOAH Docket No. 405-19-5823.PSB – Michael Walter Viator;

2. SOAH Docket No. 405-20-0541.MVI – Fouad Mohammad Bdeir;
 3. SOAH Docket No. 405-19-6538.MVI – Raul Montalvo Eguia
- C.** Update on License to Carry (LTC) Checker Initiative
- D.** Report, discussion, and possible action regarding the appointment of a member to the Vehicle Inspection Advisory Committee as authorized under TRC 548.006
- E.** Report, discussion, and possible action on the following rule proposals for publication to receive public comment:
1. Amendments to 37 TAC Section 10.4 and new Section 10.5 and Section 10.6, concerning General Provisions
 2. Amendments to 37 TAC Sections 10.11, 10.13, 10.14, and new Section 10.17, concerning Vendor Authorization
 3. Amendments to 37 TAC Section 10.32, concerning Denial of Request for Approval; Revocation of Device Approval
 4. Amendments to 37 TAC Sections 23.1, 23.3, 23.5, and 23.6, concerning Vehicle Inspection and Vehicle Inspector Certification
 5. Amendments to 37 TAC Sections 23.12 – 23.14, concerning General Vehicle Inspection Station Requirements
 6. Amendments to 37 TAC Section 23.51 and Section 23.55, concerning Vehicle Emissions Inspection and Maintenance Program
 7. Repeal of 37 TAC Section 23.56, concerning Waiver for Low Volume Emission Inspection Stations
 8. Amendments to 37 TAC Section 23.62 and Section 23.63, concerning Violations and Administrative Penalties
 9. Amendments to 37 TAC Section 36.1, concerning Definitions
 10. Amendments to 37 TAC Section 36.11, concerning Application for Certificate of Registration
 11. Amendments to 37 TAC Section 36.34 and Section 36.36, concerning Practice by Certificate Holders and Reporting Requirements
 12. Amendments to 37 TAC Sections 36.51, 36.53, 36.55, and 36.56, and new Section 36.57, concerning Disciplinary Procedures and Administrative Procedures
 13. Repeal of 37 TAC Section 36.57 – 36.59, concerning Disciplinary Procedures and Administrative Procedures
- F.** Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

IX. ONGOING BUSINESS

- A.** Report, discussion and possible adoption of the following previously published rules:
1. Amendments to 37 TAC Section 2.8, concerning Expiration
 2. Amendments to 37 TAC Section 6.13, concerning Photographs

3. Amendments to 37 TAC Section 13.1, concerning Definitions
 4. Repeal of 37 TAC Sections 13.11, 13.12, 13.14, 13.15, 13.20, and 13.22, concerning Precursor Chemical Laboratory Apparatus (PCLA)
 5. Amendments to 37 TAC Sections 13.13, 13.16, 13.19, 13.21, and 13.23, concerning Precursor Chemical and Laboratory Apparatus (PCLA)
 6. Repeal of 37 TAC Sections 13.31 – 13.44, concerning Peyote Distributors
 7. Amendments to 37 TAC Section 15.6, concerning Motorcycle License
 8. Amendments to 37 TAC Section 15.27, concerning Signature by Parent or Guardian for a Driver License
 9. Amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or Skills Tests
- B.** Report, discussion, update and possible action regarding Driver License Action Plan
 - C.** Report, discussion, and update regarding Mass Casualty Attacks including progress on Executive Order GA-07 issued September 5, 2019
 - D.** 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
 - E.** 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 December 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: Laurance P. Adams, Sr., Jay C. Alexander, Robbie L. Barrera, Kenneth E. Bratton, Shannon M. Cloe, Chad S. Estes, Louis Lopez II, Donald R. Lundy, Joseph M. Marino, and Mark S. Phillips; Special Texas Rangers:

Eustacio Galvan, Skylor D. Hearn, and Joel D. Kite; and National Insurance Crime Bureau Special Ranger: James A. Vignali, Jr.

C. Donations:

1. South Texas Region SRT and SOG Operators – use of La Copa Ranch for lodging and training purposes
2. Additional donation items, as needed

XII. ITEMS FOR FUTURE AGENDA

XIII. DATE FOR FUTURE MEETING

No discharge hearings are scheduled, and the regular Public Safety Commission meeting is scheduled for April 17, 2020.

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