



Public Safety Commission Meeting

January 26, 2012, 9:00 a.m. Weslaco
Regional Command Center
2525 N. International Blvd.
Weslaco, Texas 78596

Summary

(This report represents a summary of events of the meeting,
and is not necessarily complete nor an exact transcript of testimony.)

The Public Safety Commission convened as posted to consider and take formal action, if necessary, on the following agenda items:

I. GRAND OPENING CEREMONY OF WESLACO REGIONAL COMMAND CENTER FOLLOWED BY PUBLIC SAFETY COMMISSION REGULAR MEETING AGENDA

Regional Commander Jose C. Rodriguez, III, welcomed the honored guests and attendees, and introduced Director Steve McCraw. Col. McCraw spoke of the cooperative spirit that has developed among all law enforcement agencies in south Texas, and thanked the many distinguished guests from other agencies for joining in the celebration. Director McCraw introduced Allan Polunsky, the Public Safety Commission Chairman. Chairman Polunsky thanked everyone for attending this dedication, and spoke of the legislative journey that made this new facility possible.

Chairman Polunsky introduced former Public Safety Commission Chairman, Rubin Cárdenas. He then introduced each of the distinguished Legislators who were on hand, thanking them for their help in building the new facility, and invited each to speak.

Senator Eddie Lucio, Jr., the keynote speaker, was followed by Senator Juan "Chuy" Hinojosa, Representative Armando "Mando" Martinez, Representative Veronica Gonzales, and Representative Eddie Lucio, III. All spoke highly of the professional job DPS officers do to keep the citizens of Texas safe, and vowed their support for law enforcement.





L to R - Rubin Cardinas, Rep. Lucio III, Rep. Martinez, Rep. Gonzalez, Sen. Hinojosa, Sen. Lucio, Dir. McCraw



Sen. Eddie Lucio, Jr.



Commander Jose C. Rodriguez, III

Following the Legislators' speeches, many of those responsible for the planning and construction of the new Regional Headquarters were introduced and asked to assist with the ribbon cutting. The 80th Texas Legislature authorized funding for the construction of a new Regional office in Hidalgo County. The complex includes a two-story Headquarters building, a Driver License facility and a hanger-like Ancillary building for a total of 112,419 square feet. It accommodates 225 employees and is situated on 21 acres of land which was donated to the Department. The total design and construction cost of the facility totaled \$32,489,013.00.



L to R - Com. Jose Rodriguez, Rep. Eddie Lucio, III, Sen. Eddie Lucio, Jr., Sen. "Chuy" Hinojosa, Rep. Veronica Gonzales, Rep. "Mando" Martinez, Chairman Allan Polunsky, Commissioner Cindy Leon



Tactical Marine Unit



DPS Helicopter

II. CALL TO ORDER

10:31 am - Chairman Polunsky called the meeting to order. In attendance: Chairman Allan Polunsky, Commissioners Carin Barth, John Steen, Ada Brown and Cynthia Leon. Also present were Director Steve McCraw, Deputy Director David Baker, Deputy Director Cheryl McBride, and General Counsel Phil Adkins.

III. APPROVAL OF MINUTES

Motion made and seconded to approve the Minutes. Approved unanimously.

IV. 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)

Chairman Allan Polunsky asked if anyone wished to make public comment. There was no response.

Chairman Polunsky acknowledged Linda Dougherty, DPS Liaison to the Public Safety Commission, who is retiring next week. He thanked her for her service to the state and the Commission, and presented her with a proclamation from Governor Rick Perry and First Lady Anita Perry, and a plaque of appreciation from the Commission.

Commissioners Leon and Steen also thanked Ms. Dougherty.

V. DIRECTORS REPORT

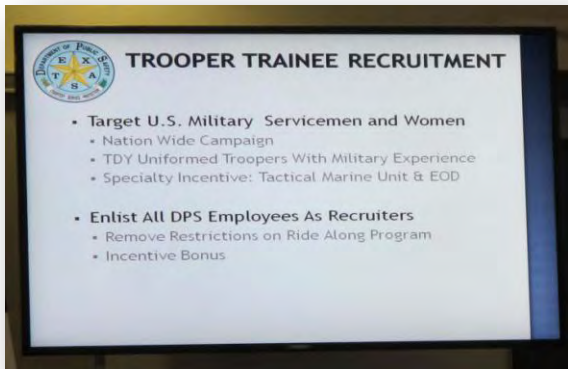
Presentation to Brian Hawthorne with a Director's Citation

Director Steve McCraw – Started by recognizing Brian Hawthorne for his service as his Special Assistant and liaison to the Texas Legislature. Chairman Polunsky echoed the Director's thanks, and stated that the Department had a very successful legislative session, and thanked the entire team, under the direction of Col. McCraw. Brian Hawthorne, who resigned as the President of the Texas DPS Officers Association to accept his position working for the Director, and retired from the Department on November 30, 2011. Brian Hawthorne assisted Director



L to R Commissioners Ada Brown, Cindy Leon, Carin Barth, John Steen; Heather Hawthorne, Brian Hawthorne, Steve McCraw, Chairman Allan Polunsky

McCraw during the 82nd Legislative Session, and did a tremendous job, spending countless hours at the Capitol. The Chairman wished him well in his future endeavors.



Director McCraw made two proposals to enhance the Department's recruitment efforts:

1. Intensify our recruitment of retiring military personnel, reducing the 36 months of active duty service requirement to 24 months; and provide a specialty service incentive for tactical marine and EOD, allowing a fast track path to these specialties in less than two years.

2. Enlist all DPS employees as recruiters, removing restrictions on the ride-along program and providing a \$1,000 cash bonus to employees who bring a recruit in that successfully becomes a trooper.

Chairman Polunsky thanked Col. McCraw for these initiatives, and offered a counter proposal. He thought that the \$1,000 bonus was good, but he suggested increasing the bonus to \$2,000. Chairman Polunsky said that he did not feel that this number was excessive, and that it would be a good investment by the Department. He would include the same structure and parameters that the Director had suggested. Comm. Carin Barth agreed with the Chairman, and stated that she appreciates also the recommendation of fast tracking qualified military experience to specialty positions within the Department. Comm. Leon also concurred with these recommendations, as did Comm. Brown.

A motion was made by Comm. Steen, and seconded by Comm. Barth that a \$2,000 bonus will be paid to any DPS employee who successfully brings in a recruit who graduates and becomes a trooper. Passed unanimously.

Chairman Polunsky also suggested that those who do recommend and recruit should be encouraged to become a mentor to the recruit and support that recruit throughout the training program.

Colonel McCraw stated that since 1935 the department used its own commissioned officers to conduct background investigations on prospective recruits. Many other agencies use outside sources to conduct such background checks. The Director recommended working with the Comptroller's office to identify a suitable GSA contractor to carry out these background checks. This would free up our Troopers to stay on the road. Comm. Steen asked if he had any idea how much such checks would cost the Department, Director McCraw suggested somewhere in the range of \$1,000, and certainly less than it costs the Department to conduct the checks internally. Chairman Polunsky agreed that the idea is a good one and is a win-win all the way around.



Dir. McCraw said that this is a way to work smarter, faster and better.

A motion was made to authorize the Director to outsource the background checks by Comm. Barth and seconded by Comm. Leon. Passed unanimously. Commissioner Barth also recommended expanding this program to other employee checks as well.

Director McCraw asked to take item Ongoing Business VII-B, out of order. (see below)

VI. NEW BUSINESS

- A. Review, discussion and possible action of policies and procedures of the Office of Inspector General

Discussed in Exec. Session.

- B. Report, discussion, and possible action on proposed amendments to Driver License

Rule for publication: Rule 15.25, 37 TAC Sec. 15.25 concerning alternate address for Peace Officers

Assistant Director Rebecca Davio – Drivers License Division - A bill passed in the 82nd Legislative Session called for allowing commissioned officers to use the address of the courthouse in the county in which they live in order to keep their personal addresses private. AD Davio requested a motion to post this to the Texas Register. A motion was made by Comm. Steen, and second by Comm. Barth. Passed unanimously.

C. Report, discussion, and possible action on proposed amendments to Driver License Rule for publication: Rule 15.38, 37 TAC Sec. 15.38 concerning Fee Exemptions
AD Davio asked for this

D. Review of pending contracts:

1. North Texas Tollway Authority (Inter-local agreement with North Texas Tollway Authority (NTTA) to provide enforcement under the Expanded Enforcement Project

Wayne Mueller, Interim AD of the Administration Division. This has been recommended for approval, and AD Goodson said that he had reviewed it. It is estimated that the new contract will generate approximately \$400,000 for the remainder of this fiscal year, and approximately \$598,000 in the next fiscal year.

VII. 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

Chairman Polunsky adjourned to executive Session at 11:41 am.

Reconvened at 1:25 pm; Commissioner Steen had to leave the meeting due to a prior commitment.

VIII. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

A. 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

Director McCraw said that Valarie Brown, who is an attorney, has been asked to move back into the office of General Counsel to work with Duncan Fox, leaving an opening in the Administration Division. Interim Assistant Director, Wayne Mueller has been handling her duties in Administration.



**New AD of Administration,
Wayne Mueller**

Director McCraw asked to name Wayne Mueller as the new Assistant Director of Administration. Mr. Mueller is an attorney and also a licensed real estate agent. A motion was made and seconded, and Mr. Mueller's appointment as Assistant Director of Administration was approved unanimously.

Director McCraw also asked to appoint former Texas Ranger Joe Peters to the position of Special assistant to the Director. This is the position formerly held by Brian Hawthorne.



**Special Assistant to the
Director, Joe Peters**

B. 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

Director McCraw recommended adding an Assistant Director level position of Homeland Security, bringing this into the Department of Public Safety (from the Governor's Office), much in the same way the Division of Emergency Management was brought into DPS.

Col. McCraw also asked to rename the "Public Affairs and Policy" to "Policies, Project & Portfolio Management". The reorganized department will focus on communications, including website content, and increasing the Department's social media profile.

A motion was made by Comm. Barth, and seconded by Comm. Leon to alter the organizational structure, with the discussion of personnel for these positions to follow after the Executive Session. Passed unanimously.

C. Update report, discussion and possible action regarding the status of building safety and security at the DPS campus on North Lamar

This is an executive session item due to its security sensitivity.

D. Report, discussion and possible action on the Fiscal Year 2012 Operating Budget

Assistant Director Denise Hudson – Chief Financial Officer. No major changes since the last meeting, but we have added \$87 million in federal funding, including \$63 million in Homeland Security, \$24 million from the Dept. of Emergency Management and two grants from the Governor's office.

E. Report, discussion and possible action regarding purchases using seized funds

Regarding the use of seized funds, we have added \$2.6 million for handheld communications.

F. Update Report, discussion and possible action regarding recruitment

The motion was made and passed to outsource the background checks for new recruits and add the \$2,000 bonus to DPS personnel who successfully recruit new members.

Deputy Assistant Director Frank Woodall – Recruiting and Training – We graduated 57 recruits on January 19, and had 67 recruits report to the new academy this week (of 71 invited). We have 540 in some stage of application, with 403 being processed, 16 awaiting the written test, 25 in the polygraph testing, 42 undergoing background testing, and 10 awaiting an interview. We had 413 vacancies, and graduated 57 leaving 356 vacancies.

We currently are having many military personnel getting out with fewer than 36 months of active duty, which is currently our standard. We feel that these people still have valuable skills and are inviting them to apply now with only 24 months of required active duty. There was also discussion regarding the amount of college required as a minimum standard. A few years ago, the standard was changed from a minimum of 90 hours of college credit, to allow for an Associate Degree as a minimum. Director McCraw has since changed that to 60 hours of college credit. Chairman Polunsky questioned whether this was a reduction of our standards. Director McCraw stated that some 60 hours of study credit at a four year University are more valuable than an Associate Degree in a less difficult field of study. It was agreed that the Commission should be more involved any time there is a discussion of modifying our standards. Additional discussion regarding these and other recruiting standards is possible/likely in the future.

G. Report, discussion and possible action regarding Continuity Plan at the Department of Public Safety

Nothing new to report.

H. Follow-up report, discussion and possible action on the Department of Public Safety ethics policy and reporting requirements

Hold in abeyance for Commissioner Steen. Commissioner Brown wanted to make a couple of comments regarding specific clauses of the draft policy for consideration. She laid out her concerns for consideration.

- I. Status report, discussion and possible action on TxDOT median dividers and effectiveness in deterring vehicles crossing over and law enforcement turn around areas

Assistant Director Luis Gonzales – Highway Patrol – The Department is making very good progress in working with TxDOT in completing these crossover requests. Since the last report, 6 additional median crossovers have been completed, bring the total of completed crossovers to 79, out of the 231 requested. Of the 19 HP Districts, 7 District had no crossovers requested. We have 4 Districts in which our requests have been completed by TxDOT. The San Antonio Region had the most requests with 60, which are scheduled to begin on February 13, and completed by the end of August.

- J. Status report, discussion and possible action on Department generators – specifically conversation updates with electrical companies around the state

Assistant Director Nim Kidd – Division of Emergency Management – We are making a great deal of progress. We are getting automatic generator switches and working with utilities to ensure that our power needs are moved into the top tier priority level.

- K. Report, discussion and possible action regarding Emergency Management’s procurement status of RFP for audit services with respect to Federal monies for past grants

Assistant Director Nim Kidd – Division of Emergency Management – We’ve reviewed national resources and have narrowed it down from 90 to 11 firms. We are asking some to get on the TexMaps list. We expect to be able to make great progress in reducing the audit backlog and to get fully caught up.

- L. Report, discussion and possible action regarding Emergency Management disaster response contract services

Assistant Director Nim Kidd – Division of Emergency Management – reported his division’s priorities when contracting during a emergency response situation. His explanation was very acceptable to Comm. Barth who had asked for further information regarding the process.

- M. Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor’s Office
Real Estate

Assistant director Steve Goodson – Audit and inspection – We have the real estate audit underway and will have further to report at a later time.

- N. Report, discussion and possible action on Driver License monthly updates

Assistant Director Rebecca Davio – Drivers License Division – We are focusing on transaction time. Of the 11 offices, 6 have had dramatic reductions in wait time. We now have an important tool with this data to identify problem areas and determine where adjustments need to be made.

Mega Centers: Groundbreaking Feb. 2 at 11:00 am at the Pflugerville (Austin) site. In San Antonio, the developer is applying for the site permit. Houston/Spring facility is working on interior modifications and demolition is well under way. Houston/Rosenberg – Interior modifications and demolition. DFW/Garland – Architect is completing the construction documents.

IX. REPORTS

- A. Commission member reports and discussion

None

- B. Finance Report

Nothing further to report

- C. Chief Auditors Office Report

Assistant Director Steve Goodson – Since the Commission last met, we have completed two audits: the Federal Excess Property Audit, and the Petty Cash Audit. We have also completed the Quality Assurance Review.

D. Division status reports on activities and action

- *Administration – New Assistant Director Wayne Mueller – Chairman Polunsky asked AD Mueller to come forward and give his vision of his new position. AD Mueller admitted that they are facing funding challenges, but was excited about taking on the challenges. He agreed with the Colonel’s collaborative “team” approach in working through these issues.*
- *Emergency Management – Nothing further to add to my report*
- *Government Relations – Nothing further to add to my report*
- *Highway Patrol – Nothing further to add to my report*
- *Information Technology – Nothing further to add to my report*
- *Intelligence and Counterterrorism – Assistant Director Jones stated that due to the success of the program, the Governor’s Office has authorized increasing the Top 10 Program tip reward by \$1,000, from \$1,000 to \$2,000*
- *Law Enforcement Support – Nothing further to add to my report – AD Skyler Hearn – Comm. Ada Brown commended the forensic teams especially on a particular double homicide investigation.*
- *Office of the Inspector General – Nothing further to add to my report*
- *Regulatory Services – Nothing further to add to my report*
- *Texas Rangers – Nothing further to add to my report*
- *Inspector General – Nothing further to add to my report*

X. CONSENT ITEMS

- A.** Discussion and possible action on the Director’s action of discharging probationary employee: Jennifer Zuhosky
- 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 Ranger: Keith P. Barbier, Carlos Chapa, Luis R. Cobos, John L. Forrest, Michael Lawrence Hubenek, Royce B. Keck, Stephen A. Miller, Jimmy W. Moore, Mark H. Parks, Leo C. Stewart III, Leonard D. Whitton, Douglas J. Whitworth; Special Texas Rangers: Doyle G. Holdridge and Special Ranger Applicant from the Texas and Southwestern Cattle Raisers Association: Thomas W. Goodman
- C.** Discussion and possible action regarding Cummins Southern Plains, LLC donation of a Cummins Onan 8kw diesel generator for the use of Texas Ranger Company B crime scene trailer. This equipment, valued at \$9,900.81, will allow the Rangers to provide electrical power at crime scenes or tactical scenes for days at a time
- D.** Report, discussion, and possible action on proposed reorganization of Chapter 21, Equipment and Vehicle Safety Standards for publication, including: the repeal of Rules 21.2 – 21.4, and 21.7, 37 TAC Secs. 21.2 – 21.4, and 21.7, amendments to Rule 21.1, 37 TAC Sec. 21.1, and new Rules 21.2 – 21.7, and 21.9, 37 TAC Secs. 21.2 – 21.7, and 21.9

A motion was made by Commissioner Barth, seconded by Comm. Brown to approve Consent Items A-D. Passed unanimously.

XI. ITEMS FOR FUTURE AGENDA

None

XII. DATE FOR FUTURE MEETINGS

February 16, 2012, 9:00 am.

XIII. ADJOURN

Chairman Polunsky adjourned the meeting at 2:51 pm.