



Public Safety Commission Meeting

April 26, 2018, 10:00 a.m.
6100 Guadalupe, Building E
Austin, TX 78752

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. CALL TO ORDER

10:00 am – Chairman Steven Mach called the meeting to order. In attendance: Chairman Steve Mach, Commissioners Cindy Leon, Manny Flores, Randy Watson and Jason Pulliam. A quorum was present. Also present were, Director Steve McCraw, Deputy Director David Baker, Deputy Director Skyler Hearn, and General Counsel Phil Adkins.



II. APPROVAL OF MINUTES

A motion was made by Commissioner Leon and seconded by Commissioner Watson to approve the minutes from the February 22, 2018 PSC Meeting. Motion carried.

I. PRESENTATIONS

30 YEAR SERVICE AWARDS



Wynn Reynolds – Administration Div., HQ



Brantley Robertson – LES, Region 1



William Farrell – CID, Region 1



Bonnie Fisher – CID, Region 2



Adrian Rivera – CID, Region 3



Gustavo Trevino – CID, Region 5



Aaron Ard, Jr. – THP, Region 7



Richard Fernandez – THP, Region 3



Rodney Mahan – THP, Region 2



Teresa Perkins – THP, Region 2



Vester Roney – THP, Region 1

45 YEAR SERVICE AWARD



David Rose – Regulatory Services Division, Region 2

DPSOA thanks the DPS Media and Communications Office for the following report regarding the Awards.)

DPS Honors Lifesaving Efforts

AUSTIN – The Texas Public Safety Commission (PSC) and Texas Department of Public Safety (DPS) Director Steven McCraw presented one *Director's Citation*, three *Lifesaving Awards*, and 11 *Director's Awards* at an award ceremony today in Austin. Additionally, two Troopers (one male and one female) were officially honored as the 2018 DPS *Top Troopers*.

“The DPS personnel and other public servants honored today personify the department’s efforts to save lives and protect the public,” said Director McCraw. “Texans can be proud that these award recipients are committed each and every day to protecting and serving this great state, and we are better off because of their selfless dedication.”

Trooper Ilusion Reyes, Texas Highway Patrol–El Paso and **Trooper Aaron Jones**, Texas Highway Patrol–New Boston, each received the *Javier Arana Jr. Top Trooper Award* given every year to the top female and top male competitor. The 7th annual competition was held at the Tactical Training Center in Florence, Texas, on Feb. 28 and March 1, 2018, and 31 Troopers from across the state showcased their driving and firearms skills; physical conditioning and endurance; and job knowledge. The *Top Trooper* competition was established in 2012 and the award was named in honor of **Trooper Javier Arana Jr.**, who was killed in the line of duty earlier that year. Trooper Arana’s family helped present the awards at the PSC meeting.



“We are thankful to Cindy Arana for allowing us to continue her husband’s legacy here at the Department of Public Safety through this award program,” said Director McCraw. “And we are proud of this year’s *Top Troopers* as well as all who competed for this prestigious award.”



The following awards also were presented today:

- **Trooper Arturo Ugalde**, Texas Highway Patrol–Sulphur Springs, received a *Director’s Citation*, and **U.S. Border Patrol Agents Ronnie Montemayor, Faustino Ramos, and Patrick Philpot** each received a *Director’s Award*. On Nov. 25, 2016, Trooper Ugalde, who was deployed to the Rio Grande Valley in support of Operation Secure Texas, and Border Patrol (BP) Agents Montemayor and Philpot were among those who were patrolling in Starr County when gunfire was reported on the Mexico side of the border. The gunfire was believed to be an exchange between the Mexican military and three individuals attempting to illegally gain entry into the U.S. While monitoring the situation, an unknown person from the Mexico side of the border fired upon officers, striking Trooper Danny Shaw once in the hip area and BP Agent Philpot once in his ballistic armor. While the shooting incident was still active, BP Agents Montemayor and Philpot and Trooper Ugalde carried the injured Trooper out of the direct line of fire to assess his injuries. BP Agent Ramos responded to the area, applied a tourniquet and began initial first aid on Trooper Shaw, continuing those efforts aboard a DPS helicopter on route to a McAllen hospital. Trooper Shaw received a *Purple Heart* in December of 2017 for injuries suffered in the line of duty.



- **Cierra Nixon** and **Joshua Wagner**, **Acadian Emergency Medical Services**; and **Orange Fire Department** employees **Cody Caples**, **Terry Veitch**, **Jacob Bilbo** and **Greg Gravett** each received a *Director's Award*. On the morning of Oct. 20, 2017, Trooper Phil Brady was securing a spare tire under his patrol unit, when he advised his sergeant that he wasn't feeling well. After returning to the office, the sergeant called 911 when the Trooper showed signs of distress. After the first responders arrived on the scene, Acadian Emergency Services EMT Nixon and Paramedic Wagner found Trooper Brady unresponsive, and immediately began CPR and utilized a heart defibrillator. Orange Fire Department personnel arrived on scene shortly thereafter, and Captains Caples and Veitch along with Firefighters Gravett and Bilbo assisted with the CPR and heart resuscitation efforts. Due to their vigorous and determined efforts, Trooper Brady's heartbeat and breathing were restored, and he was transported to a Port Arthur hospital. The treating physician advised that Brady had sustained a heart attack, and the efforts of EMS and fire personnel saved Trooper Brady's life and prevented major damage to his heart.



- **Agent Pilot Miguel Avila**, Aircraft Operations Division–Edinburg, received a *Lifesaving Award*. On Oct. 25, 2017, Agent Pilot Avila was on his way home after his scheduled shift when he encountered a major crash on the frontage road of U.S. 281 in Hidalgo County. A passenger vehicle had collided with the back of a truck-tractor/semi-trailer, and first responders had not yet arrived on scene. The driver of the passenger vehicle was trapped inside and bleeding severely. Unable to gain entry through the doors, Avila obtained a hammer from a citizen on scene and broke out a window. The victim had arterial bleeding coming from a severe laceration to the left side of her neck. Avila applied a clotting agent and maintained direct pressure to the wound until fire and emergency personnel arrived and extracted the victim from the wreckage, allowing EMS personnel to begin treating the injured woman, who ultimately survived.



- **Special Agent Santos Carrasco Jr.**, Criminal Investigations Division–El Paso, received a *Lifesaving Award*. On June 26, 2017, Special Agent Carrasco was off duty traveling on Loop 375 in El Paso when he observed a man sitting on the ledge of an overpass in position to possibly jump. Agent Carrasco immediately began engaging the subject in conversation, even though the man would not respond. Carrasco signaled a nearby motorist to call 911. After approximately 10 minutes, the subject began discussing his personal situation with Carrasco, who then offered to contact someone for the distressed man or provide other assistance. The subject stepped off the barrier and asked Carrasco to contact his father for him. The El Paso Police Department arrived on the scene and took custody of the man.



- **Trooper Justin Reese**, Texas Highway Patrol–Madisonville, received a *Lifesaving Award* and **Madisonville Police Department Sgt. Hector Camarillo** and **Officer Lucas Cunningham** each received a *Director’s Award*. On May 13, 2017, the three officers responded to a local business after a report of an unresponsive female. The three assessed the situation, relayed vital information to dispatch and cleared the area for responding medical personnel to arrive. Trooper Reese determined the victim had no pulse and her face was turning blue from lack of oxygen. Officer Cunningham began chest compressions while Sgt. Camarillo and Trooper Reese provided ventilation using a bag mask valve, and each alternated on chest compressions to assist one another with lifesaving measures. When medics arrived, they provided an electric shock with a defibrillator. The process was repeated until her heartbeat was reestablished, and she was transported to the hospital after being stabilized.



II. 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.)



Andrea Broward, former director of the Texas Gun Sense, a gun violence prevention advocate, over a year ago I was able to meet with DPS personnel assigned to the task and work with them developing a public information announcement educating the public of responsible gun ownership practices. I was informed recently, after over a year, that DPS was not going to distribute the PSA, but could not receive an explanation. Public education on gun safety does not take any guns away, but just informs the public of responsible gun ownership practices. I hope that the DPS will reconsider supporting the distribution of this gun safety information.

I am Gyl Switzer, Executive Director of Texas Gun Sense, and I will just add a few words to Ms. Broward’s discussion. All gun safety information is important in Texas, since gun violence is pervasive. I would encourage all parents of young children to have a discussion with all of their children’s friend’s parents about whether or not they have guns in their homes and if they keep them unloaded and secured at all times before allowing their children to visit those homes.



Laura (missed last name) here to stress that so many gun deaths are preventable. I believe responsible gun owners should have access to guns, but much can be done to promote safe gun ownership. 17 of 32 students polled that stated that there were guns in their homes said that those guns were not secured.

Aimee Turney, a gun safety advocate from Harris County with the Texas League of Woman Voters, stated that the LWV advocated strongly for gun safety regulation. In Harris County, of the 1,704 minors that died in 1 year, 1 in 8 of those deaths involved guns. This is not only a Public Safety issue, but it is truly a Public Health situation as well. The cost of gun violence is growing. Austin was listed as one of the top 10 cities in the US for the

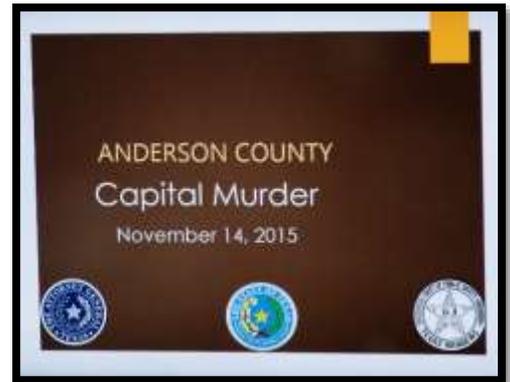
increase of gun thefts. Cars are not intended to be gun safes. Securing guns is an essential part of responsible gun ownership.

Director McCraw – asked Assistant Director Renearl Bowie, pointed out that the DPS approved gun safety materials are available through a link in the center of the DPS home page of the website, and they are available elsewhere as well. Director McCraw added that we will also will look at updating our social media feeds to provide more regarding gun safety.

III. DIRECTORS REPORT

A. Case Update: Capital Murder Investigation – Anderson County

Texas Ranger Adcock and Anderson County District Attorney Allyson Mitchell related a horrifying story the slaying of six members of the Johnson and Kamp families on the night of Nov. 14, 2015: Thomas Kamp, 45; Nathan Kamp, 23; Austin Kamp, 21; Kade Johnson, 6; Carl Johnson, 77; and Hannah Johnson, 40. The two families had met to camp and celebrate the 24th birthday of Nathan Kamp on land recently purchased by his father, Thomas



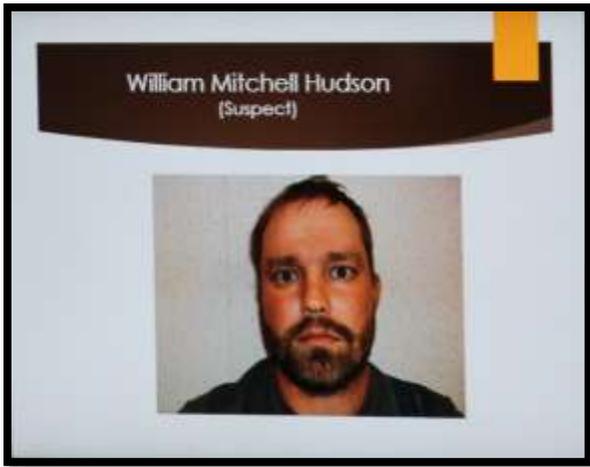
Kamp. Shortly after arriving, 33 year old William Mitchell Hudson arrived at the campsite on a tractor and offered to help the family dislodge their trailer that had become stuck in sand.



After helping, he joined the family for conversation and beers. He left the camp in an ATV with 4 of the family members to search for firewood. Later, some of the family left in the



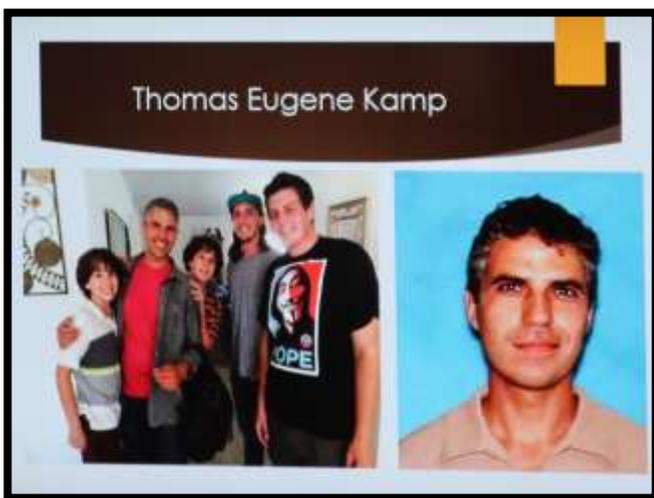
campsite, heard several gun shots in the woods, and later, Mr. Hudson returned to the campsite in the ATV alone. 44 year old Hannah Johnson,



called out "Daddy" when seeing the ATV, but ran toward the trailer when she realized it wasn't her father. William Hudson fired two shots from a shotgun at Hannah, narrowly missing her and striking Carl Johnson in the hip. He was then out of ammunition, so he beat Carl to death on the steps to the trailer, leaving Carl blocking the door, preventing Hannah from closing and locking herself inside. Hudson then entered the trailer, where he beat Hannah to death as well.



The sole survivor, Cynthia Johnson, had dropped to the ground in panic at what she was witnessing, and was able to hide in the woods until she could call 911 for help in the early morning hours. The county attorney stated that in over 30 years of prosecuting that she has never had a more thorough job of investigation and evidence to present at a trial. The professional investigation of the Texas Rangers who were called in to evidence to paint a clear picture of the jury. Ranger Adcock stated that they were able utilize an imaging tool from Leica



called ----- to create a 3D graphic depiction of the crime scene to "virtually" bring the jury to the scene of the crime. That coupled with multiple surveillance cameras around the Hudson house that provided video and time stamps of the comings and goings of William Hudson the evidence was extensive. The bodies of the four family members missing from the ATV ride were found in a pond behind Hudson's house.

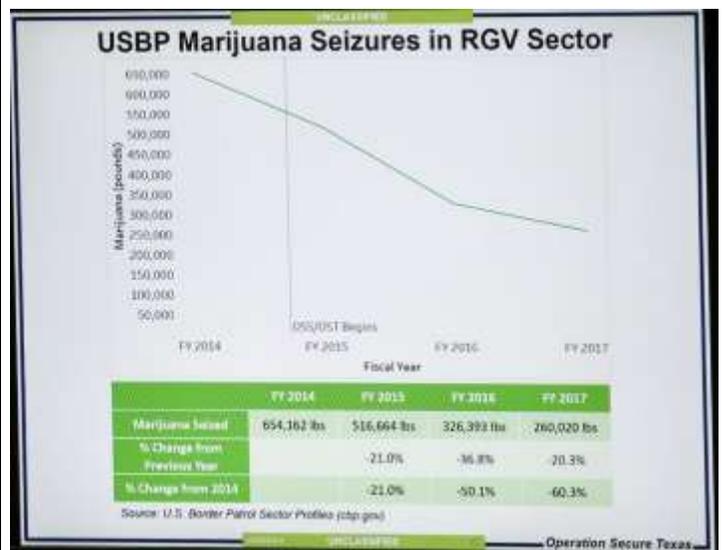
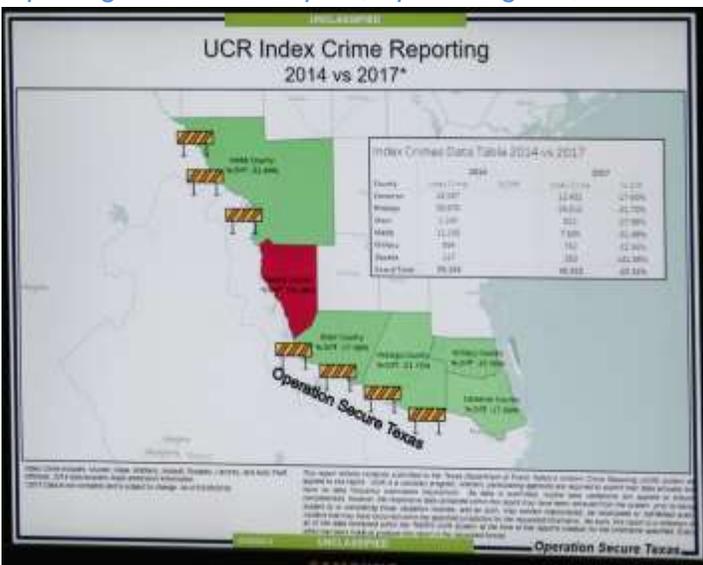


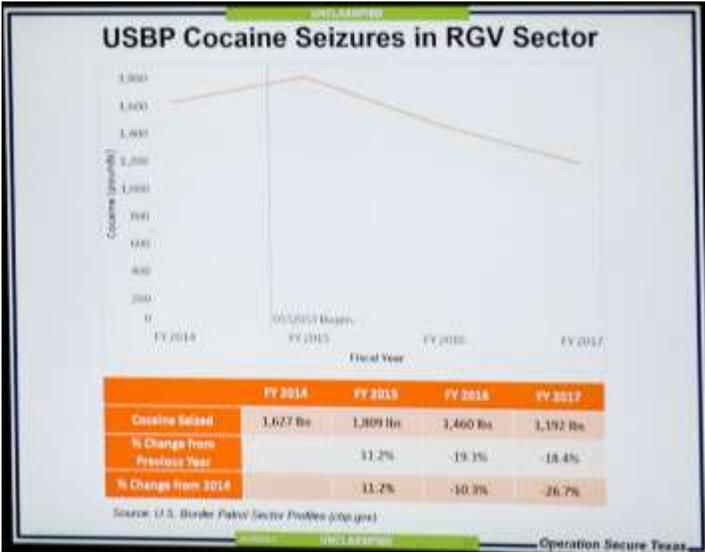
William Mitchell Hudson was convicted of Capitol Murder on November 15, 2017 and sentenced to death after only 45 minutes of deliberation.

While he did not specifically state a motive for his actions, it is believed that William Hudson was angry that the land where the families were camping on had recently been sold to Thomas Kamp by a distant relative of Hudson's, and Hudson had hoped, despite his lack of where with all, to purchase the land himself.

Appropriations

Director McCraw discussed the reduction of criminal activity in the designated Area of Operations from 2014-2017 of 22%. Intelligence and Counterterrorism shows other areas did not show a similar reduction in criminal activity. Gathering and assessing this type of criminal activity is an essential part of informing the legislature of the need for and the results from adequate funding for DPS and public safety. Below are examples of the data reporting time that Troopers, Special Agents, and Texas Rangers have access to in real time:



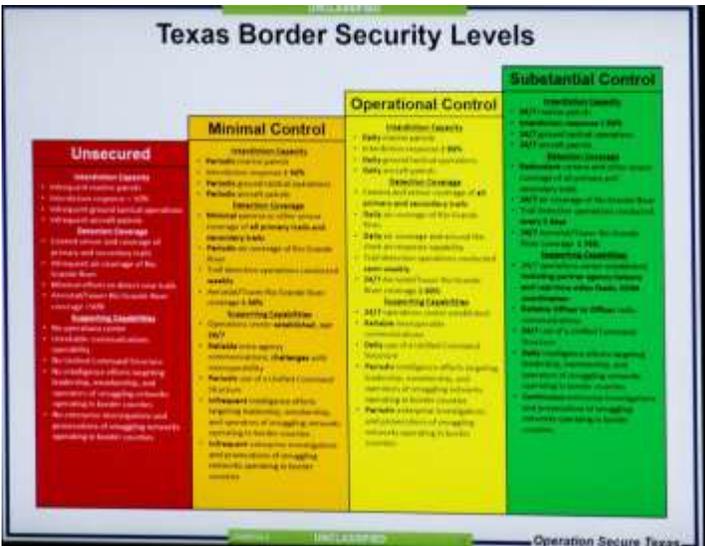


Bailouts in each JOIC Sector

(number of bailout incidents per week)

JOIC Sector	29 Aug 2013 - 26 Jun 2014		% Change
	Avg per week prior to Operation	Avg per week during Operation	
Coastal Bend	9.35	1.64	-82.46%
Rio Grande Valley	12.65	6.13	-51.54%
Laredo	3.26	2.82	-13.50%
Del Rio	3.88	3.50	-9.79%
Marfa	0.84	0.36	-57.14%
El Paso	0.05	0.02	-60.00%
Total	30.03	14.47	-51.81%

Source: Texas Department of Public Safety Border Operations Sector Assessment



B. Fentanyl Seizures

Director McCraw – Fentanyl is a problem, with it being 50X more potent than heroin. We don't have nearly the problem in Texas as some other areas of the U.S. We are not seizing fentanyl at the border nearly as much as we used to, but we are intercepting it in the panhandle on I-40, moving across the state towards the east coast. The points of entry into the U.S. from Mexico have moved to other states. We have had 3 confirmed seizures and one additional that hasn't yet been confirmed. The total weight of these seizures is 52+ lbs. which is the equivalent of 11.9 million lethal doses of fentanyl. We will continue to do what we can to stop the spread of this dangerous and lethal drug.



IV. NEW BUSINESS

A. Report and discussion regarding Reality Based Training to include Tactical

Emergency Casualty Care and CRASE Classes



Director McCraw asked Danial Rosano to come forward. He introduced Sgt. Michael Monahan and CID Agent whose name I did not hear. The two training specialists discussed Reality Based Training. Below are their slides:

Civilian Response to Active Shooter Events

- The Civilian Response to Active Shooter Events (CRASE) course, designed and built on the Avoid, Deny, Defend (ADD) strategy developed by ALERRT in 2004, provides strategies, guidance and a proven plan for surviving an active shooter event. Topics include the history and prevalence of active shooter events, civilian response options, medical issues
- Over 5,000 students taught
- 24 Pending classes for 2018

Tactical Emergency Casualty Care (TECC) Training at DPS

- Started in 2014 within CID, assisted by the ALERRT Center, Texas State University
- 2015 ETR started teaching TECC within the Department
 - Over 2,000 recruit and incumbent students taught
- Typical TECC course, designated 20 students, THP In-Service increased to 80 students, 30 + Field Instructors utilized from THP, CID, National Guard (Iowa and Texas) and TDEM
- Upcoming TECC training
 - 34 remaining for THP In-Service
 - CID has mandated TECC in their training plan every 5 years
 - 6 TECC instructor courses for 2018

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Direct Threat Care

- Pressure Points
- Tourniquets (CAT)



Department Successes

- 38 TECC interventions by Troopers
- 36 lives saved
- 3 self applications by Department personnel



Director McCraw added that our Troopers are often first on the scene, and this training is critical in saving lives. We are very proud of this program and its success.

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

1. New 37 TAC Section 1.265, concerning Buy America Requirements for Iron and Steel Used in Construction

Jessica Ballew described that was being proposed for publication in the Texas Register.

Motion by Comm. Leon, second by Comm. Watson to publish the rule in the Texas Register for public comment.

The motion carried.

2. New 37 TAC Section 4.57, concerning Safety and Driver Training Requirements for Certain Permits
3. Amendments to 37 TAC Section 14.52, concerning Texas School Bus Specification

Motion to publish rule proposals #2 & #3 for publication in the Texas Register for publication.

Motion by Comm. Leon, second by Comm. Watson to publish the rule in the Texas Register for public comment.

The motion carried.

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

This item was discussed in the Executive Session.

V. ONGOING BUSINESS

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 - During the next few months the Department will see the retirement of the Deputy Director of Law Enforcement Operations, the Deputy Director of Homeland Security, and Regional Directors of Regions 1, 2, and 7. The retirements of these five positions along with the impact of vacancies that will be created as those senior management positions are filled will require that the Department fill 12 positions that require approval of the Public Safety Commission. Director McCraw requested advice and consent of the following:

1. *Randy Prince – currently the Division Director, Texas Ranger Division – to be designated to become Deputy Director Law Enforcement Operations upon the retirement of David Baker from that position.*
2. *Freeman Martin – currently the Regional Director, Region 6 in San Antonio – to be designated to become the Deputy Director Homeland Security and Chief of Staff upon the retirement of Robert Bodisch from that position.*
3. *Chance Collins – currently the Regional Director, Region 7 at the Capitol – to be designated to become the Division Director Texas Rangers upon promotion of Randy Prince.*
4. *Phillip Ayala – currently Major, Texas Highway Patrol, HQ – to be designated to become the Regional Director, Region 6 in San Antonio upon promotion of Freeman Martin.*
5. *Dwight Mathis – currently the Assistant Division Director, Texas Highway Patrol – to be designated to become the Regional Director, Region 7 at the Capitol upon promotion of Chance Collins.*

6. *Jeoff Williams – currently Major, Criminal Investigations Division, Region 1 in Garland – to be designated to become the Regional Director, Region 1 upon the retirement of Jack Webster from that position.*
7. *Jason Taylor – currently Major, Texas Rangers, Region 2 in Houston – to be designated to become the Regional Director, Region 2 upon the retirement of Duane Steen from that position.*
8. *Hank Sibley – currently Major, Texas Highway Patrol, Region 2 in Houston – to be designated to become the Assistant Division Director Texas Highway Patrol, HQ upon promotion of Dwight Mathis.*
9. *Tim Ochsner – currently Assistant Division Director, Aircraft Operations – to be designated to become the Division Director, Aircraft Operations upon the retirement of Billy Nabors from that position.*
10. *Stacy Holland – currently, Major, Aircraft Operations – to be designated to become the Assistant Division Director, Aircraft Operations upon promotion of Tim Ochsner.*
11. *Todd Snyder – currently Major, Texas Rangers Region 5 in Lubbock – to be designated to become Assistant Division Director, Texas Rangers effective immediately.*
12. *Michelle Farris – currently Deputy Administrator, Crime Records – to be designated to become Assistant Division Director, Crime Records, Law Enforcement Support upon the retirement of Angie Kendall from that position.*

Director McCraw stated that it is always hard to lose tremendous personnel, but the Department is also fortunate to have such an experienced and qualified pool of candidates to step in and fill the positions. He commented that he often had multiple persons in consideration for the openings and the decisions were not always easy ones.

A motion was made by Comm. Leon, and seconded by Comm. Flores to approve all 12 proposed promotions.

The motion carried.

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

This item was discussed in the Executive Session.

VI. REPORTS

- A. Commission member reports and discussion**

No reports from the Commissioners. Commissioner Leon asked when the Commission might be able to review the Department's exceptional items list, and Susy Whittington and Director McCraw said that they will deliver the priority Exceptional Items requests to the Commission as soon as they have been determined, hopefully in the next two to three weeks.

- B. Finance Report**

Assistant Director/CFO Susy Whittington – Nothing additional to report.

C. Chief Auditors Office



Chief Auditor Catherine Melvin – discussed that the Statewide Single Audit is mandated to account for the use of all federal funding. She pointed out that the data clearly shows a marked improvement, with the questioned costs dropping to \$0 for the past three years.

Commissioner Lean stated that when the Commission hired Chief Melvin, they set the highest priority on correcting the Single Audit results, and that clearly Chief Melvin and her staff and others in the Department have pulled together to provide these excellent results. Chairman Mach agreed with Comm. Leon, and also thanked Chief Melvin for her excellent work.

DPS SINGLE AUDIT HISTORY

REPORT	Current Year Audit Findings		Prior Year Audit Findings		Total Findings	Total Questioned Costs
Audit of:	Material Weakness Or Material Weakness and Internal Incompetence		Retired to Current Year Finding		Retired Findings marked only items	
FY2012	19	9	12	9	22	\$1,247,816
FY2013	14	2	14	8	20	\$133,495
FY2014	10	0	15	6	19	\$10,763
FY2015	6	1	2	1	7	\$0
FY2016	1	0	1	1	1	\$0
FY2017	2	0	1	1	2	\$0

D. Division status reports on activities and action

No report was provided

VII. 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 a certain probationary employee was found unsuitable for work during February 2018

- 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: Jeffrey L. Carr, Michael R. Haley, Otis B. Locklar Sr., Sammy B. Lovelace, Daniel D. Lyssy, Jose P. Ortiz III, Frank T. Pellizzari III and Donald R. Wortman; Special Texas Rangers: Ricardo Rivera; and Texas and Southwestern Cattle Raisers Association Special Rangers: Joe L. Aguilar Jr.

- C.** Donations:
 - 1. Regional Directors – use of Kinsel Ranch for meeting/lodging
 - 2. Texas Ranger Company “A” – use of Pate Ranch for meeting/lodging
 - 3. Texas Ranger Company “F” – use of Beaver Creek Ranch for meeting/lodging
 - 4. Additional donation items, as needed

A motion was made to approve Consent items A, B, and C. The motion was seconded. The motion carried.

VIII. ITEMS FOR FUTURE AGENDA

None were proposed.

IX. DATE FOR FUTURE MEETING

Any discharge hearings will be scheduled on June 27, 2018, and the regular Public Safety Commission meeting is scheduled for June 28, 2018.

The next PSC Meeting will be held on June, 28, 2018.

X. 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

The Public Safety Commission adjourned to Executive Session at 12:40 pm.

XI. 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