



**Public Safety Commission Meeting**  
**August 25, 2011, 10:30 a.m.**  
**Criminal Law Enforcement Auditorium**  
**6100 Guadalupe, Bldg 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

*10:30 am - Chairman Polunsky called the meeting to order. In attendance: Chairman Allan Polunsky, Commissioners Carin Barth, Ada Brown, John Steen, and Cynthia Leon. Also present were Director Steve McCraw, Dep. Director Lamar Beckworth, Deputy Director Cheryl McBride, Chief of Staff Duke Bodisch, and General Counsel Phil Adkins.*



**II. APPROVAL OF MINUTES**

*Motion made by Commissioner Steen, and seconded by Commissioner Barth, to approve the Minutes. Approved unanimously.*

**III. 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 Alan Polunsky asked if anyone wished to make public comment. There was no response.*

#### IV. DIRECTORS REPORT

*Director Steve McCraw – I want to recognize L.C. Wilson’s Citizen’s Academy that just graduated its first class of 30 individuals from all walks of life in Region 2. This was a 12 week, hands-on training and showcase of the diversity of work performed by the Department of Public Safety in all aspects and divisions. This has proven to be a great opportunity to demonstrate the diversity of our charge, and to provide public awareness to community leaders. We intend to expand this program to all of the Regions, and commend Commander Wilson and Deputy Director Beckworth for their initiative in developing this program.*



*Col. McCraw attended a ceremony by the FBI which recognized one of our own who identified a latent fingerprint from a high profile rape case from 34 years ago. David Maxwell is one of the best in the nation, and deserves to be commended.*

#### V. NEW BUSINESS

##### A. Presentation to Trooper James Hicks of Waco

*Deputy Director, Lamar Beckworth, asked Trooper James Hicks of Waco to come forward with San Antonio Regional Commander Louis Gonzalez. Commander Gonzalez stated that on May 16, 2011, Trooper Hicks stopped a rental vehicle near Waco that had two male occupants. Noting sever indicators of criminal activity during his interview of the subjects, Trooper Hicks received permission to search the vehicle and found a*

*black bag containing 91 Rolex watches and other assorted diamond jewelry. 10 ½ hours earlier in a McAllen mall, a*

*jewelry store was the victim of a smash and rob by four men. All items stolen were recovered by Trooper Hicks, which amounted to approximately \$1.5 million dollars. Trooper Hicks accepted a \$5,000 check donation to the DPS Memorial Fund from Steve Konezke of Roach, Howard, Smith & Burton Insurance Company.*



Gary Chandler, Pete Peterson, James Hicks, and Steve Konezke



##### B. Discharge Appeal Hearing and possible action regarding DPS employee Phillip Frear

*Mr. Frear has suffered a catastrophic situation, and at his attorney’s request, Chairman Alan Polunsky postponed his hearing until April, 2012.*

##### C. Report, discussion and possible action regarding Driver License Transformation Program update

*Assistant Director Davio – No formal action is required – this transformation is more than the 6 mega centers that are key to this Program. It began in 2011 with a \$63 million biennial budget increase to transform the DL experience statewide. The Department was awarded \$63 million by the legislature for this very ambitious project. This \$63 million represents a 40% increase in the Drivers License Division’s budget. The Project consists of 5 components:*



Assistant Director Rebecca Davio

1. *Facilities – 6 mega centers, 2 in D/FW metroplex, 2 in Houston, 1 in San Antonio, and 1 in Austin. We also will be doing a facelift of several other facilities. Mega centers are defined as facilities with*
2. *Staffing and Training – We have to hire and train employees. We have changed the job description. We will also be rewarding good employees.*
3. *Business Processes – reviewing and updating our processes to improve efficiency.*
4. *Technology – improving technology resources to enhance efficiency*
5. *Communication – updating all involved, including the legislature*

*FY2012 - \$27,181,210 will be used to:*

- *Increase salaries of existing employees*
- *Provide 3 months salaries for 361 new employees*
- *Purchase of equipment to improve flow and efficiency*
- *\$3 million for implementation of new technology*

*FY2013 - \$35,818,790 will be used to:*

- *Salaries for existing employees*
- *Continuation of salaries for 361 new employees*
- *Continue implementation of technologies*

*Success will be evaluated based on:*

*Customer Service – Reduced transaction times*

*Customer Service – Reduced contact center calls*

*Customer Service – Customer satisfaction feedback*

*Safety & Security – Fraud prevention of counterfeit cards*

*Timeline – September of 2012, we hope to open our Megacenters, which is 62 weeks for notification of funding approval.*

**D.** Report, discussion and possible action on amendments to Commercial Driver License Rule for publication: Rule 16.2, 37 TAC 16.2, concerning Commercial Motor Vehicles and Licensing Definitions

*AD Davio – The Federal Government delegates the responsibility to issue Commercial Driver Licenses to the states. We are therefore subject to their rules. This is meant to clarify definitions, and I'm asking for a motion to publish the rule. Motion by Steen, second by Brown, passed unanimously.*

**E.** Report, discussion and possible action regarding FY 2012 Internal Operating Budget

*Assistant Director Hudson – Operations – Briefly discussed issues with 2012 budget. She stated that Fund 6 is the largest funding source for DPS, and that it has an annual budget of \$7.6 billion, of which DPS has \$527 Million or 7% of the Fund 6 budget. DPS's second largest source of funding is from Federal funds.*

*AD Davio laid out a proposal to use DPS's federally allocated seized funds to purchase:*

- *1 helicopter*
- *1 airplane*
- *vests (part of a 5 year replacement schedule)*
- *replacement of tri-band hand held radios*

- *disposal of hazardous materials*
- *Recruit schools (3 to be paid with seized funds and 1 with general funds)*
- *Technical unit recruiting costs*

*AD Hudson also showed a chart that illustrated that the Highway Patrol Division is the largest part of the 2012 budget at 31% of the funds and 36% of the FTEs, while Drivers License Division is second with 16% of the funds and 20% of the FTEs. It was reported that they are trying for 80 recruits per class. The current class started this month with 75 students, and is currently at 72.*

*Motion made by Comm. Barth and seconded by Comm. Leon. Four votes in favor, 1 against, Commissioner Steen.*

*Comm. Steen raised concerns that the request did not include funding for added security at the DPS HQ campus that he has been advocating for since he has been on the Commission. Director McCraw stated that this had been discussed before and that it was determined that Federal seized funds could not be used for “brick and mortar”. Comm. Steen read part of the “approved uses for seized federal funds” and stated that his interpretation is that these seized funds could be used for “law enforcement and criminal detention facilities”. He stated that it is a matter of setting priorities and that the safety of those that work at the HQ facilities should be a higher priority than a helicopter. He asked General Council Adkins said he would review the rule and report back. There was additional discussion of DPS possibly receiving 40% of state seized fund that may not have the same restrictions as to use. It was agreed that if there was any excess funds remaining from the Federal seized funds it would first be used for HQ campus security. They also discussed using state seized funds for this purpose.*

- F.** Report, discussion and possible action on proposed new Capitol Access Pass Rules for publication: Rules 2.1 – 2.13, 37 TAC Secs. 2.1 – 2.13, concerning the establishment of rules for Capitol Access Pass

*Assistant Director Renearl Bowie and Regional Commander Jose Ortiz – Capitol Region. We are asking for approval of the online process for the Capitol Access Pass with a \$100 fee (mirrors the CHL licensing). Motion by Comm. Barth, second by Comm. Brown. Passed Unanimously.*

- VI. 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 12:19 pm.  
Reconvened at 2:30 pm.*

**VII. ONGOING BUSINESS**

Reports, discussion and possible action regarding the following:

- A.** Report, discussion and possible action regarding the appointment, promotion, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team

*Commissioner Barth took over the Chair, while Chairman Polunsky asked to make a motion recognizing Deputy Director Lamar Beckworth. Chairman Polunsky stated that Lt. Col. Beckworth is retiring, with this meeting being his last official duty for DPS. He said that DD Beckworth began his career with DPS on May 24, 1978 when he was assigned to the Drivers License Division in Irving. He discussed several of his assignments and promotions including being named Assistant Chief of HP in 2002. On September 1, 2008, Lt. Col. Beckworth was named Interim Director while the PSC searched for a permanent Director.*

*Chairman Polunsky stated that he considers Lamar Beckworth is the “essence” of DPS, a professional visionary who love DPS. He personifies everything that is good about DPS. He is a living legend that I am proud to know. His 33 years of dedication and service to the Department is exemplary.*

*Chairman Polunsky made a motion for the Commission to retroactively remove Lt. Col. Beckworth's title of Interim Director during that period and permanently replace it with the title of Director, and bestow all of the honor and privileges that that title entails. He will now, and forever more join the other 12 Directors of the DPS in a place of distinction.*

*Comm. Brown seconded the motion, and the motion passed unanimously.*

*Commissioner Steen said that Col. Beckworth is one of the finest people that he has ever known.*



**Chairman Polunsky and Director Beckworth presents the photo that will hang beside the other 12 Directors**

- 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

*Commissioner Barth made a motion to name HP Chief David Baker to be the Deputy Director for Law Enforcement. The motion was seconded and approved unanimously. Congratulations were given by everyone.*



**Gary Chandler, Deputy Director David Baker, and Jimmy Jackson**

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

*Chairman Polunsky said that the PSC received an update in executive session from Commander Ortiz. Commissioner Barth asked that all state seized funds should be used as is appropriate, as well as any excess ceased funds beyond the already approved appropriations of federal seized funds.*

*Motion to do so was made by Barth and seconded by Steen. Passed unanimously.*

- D.** Status Report and discussion regarding HB 2131 the development of rules for eligibility, application, approval, issuance, and renewal for a Capitol Access Card.

*Nothing further to report.*

- E.** Report, discussion and possible action on the Fiscal Year 2011 Operating Budget  
*AD Denise Hudson - 2011 Update on the Budget, and stated that there are currently 355 vacancies for commissioned positions.*

- F.** Report, discussion and possible action regarding purchases using seized funds  
*Previously discussed.*

- G.** Update Report, discussion and possible action regarding recruitment

*DAD Frank Woodall – Started a new recruit school on August 17, and we had 75 recruits report; two have been injured and one was not mentally ready, so we are now down to 72. Chairman Polunsky noted that it sounded like an improvement over previous schools initial attrition. DAD Woodall said that he is cautiously optimistic at this point. All recruits passed the PRT. 1/3 of the recruit class are former military, and 2 of the 5 females are*

*former military.*

*AD Hudson stated that there are currently 355 unfilled vacancies in the commissioned ranks.*

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

*General Council Phil Adkins provided a report and awaits feedback.*

- I.** Follow-up report, discussion and possible action regarding creation of a foundation to benefit the Texas Department of Public Safety

*Nothing reported.*

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

*Referred to September Meeting.*

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

*Chief (and now Deputy Director) David Baker – we are still holding at about 29% of our requested crossovers have been completed. We expect progress after September 1, new budget year.*

- L.** Follow up report, discussion and possible action on Chief Auditors Office Open Issues – aging and corrective action

- M.** Report, discussion and possible action on North Texas Toll Authority contract including ensuring the Department is receiving full compensation for service provided

*Assistant Director Steve Goodson – Audit of tollway authority – we determined that DPS was not reimbursement of our direct costs due to a billing irregularity. Billing irregularities with TxDOT resulted in \$21,538.61 in unbilled vehicle operating expenses for the CTT service period reviewed. Because neither contract allows for recovery of indirect costs, DPS, in effect, paid \$1,051,085 for these contractual relationships. This Contract is up at the end of this month and we are negotiating corrections.*

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

### **Addressed in executive session.**

- O.** Report, discussion and possible action regarding the adoption of proposed amendments to Rule 15.25, 37 TAC Sec. 15.25, concerning the review of residential addresses for state-issued driver licenses and identification cards

*AD Davio, we are asking for the PSC's approval of the above rules as posted in the Texas Register. Motion by Steen, second by Brown to approve proposed rules. Motion passed unanimously.*

## **VIII. REPORTS**

- A.** Commission member reports and discussion

- B.** Finance Report

- C.** Chief Auditors Office Report

- D.** Division status reports on activities and action

- *Administration – Nothing further to add to my report*
- *CID – Nothing further to add to my report*
- *Drivers License – AD Davio – L1 Card Production Contract – L1 is the contractor that provides our*

DL and ID cards. They have issued a letter of acceptance that L1 has fulfilled the contract provision of mailing out the cards within the 3 day time frame for 30 consecutive days. Chairman Polunsky asked why this was not an actionable item. GC Adkins stated that this is an administrative function on an existing contract and I didn't recommend it for action. Commissioner Barth asked that Director McCraw, DD McBride, AD Davio and GC Adkins watch this performance very carefully and provide a report in six months.

- 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 – Nothing further to add to my report
- Law Enforcement Support – Nothing further to add to my report
- 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

## **IX. CONSENT ITEMS**

- A.** 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: Israel J. Barrera, Randall J. Boysen, William R. Brazzil, James B. Camp, Teofilo Garcia Jr., John Reney Jr., Glenn M. Scales, Timothy T. Thompson, Tracey L. Tullis; Special Texas Ranger: Brad K. Harmon, Gary S. Henderson, and Frankie L. Waller

*Motion by Barth, second by Leon. Passed unanimously.*

**B.** Donations:

1. Lease of two Harley-Davidson Motorcycles for Capitol Complex (Cowboy Harley-Davidson)
2. Lease of five Honda DN'01 Motorcycles for Motorcycle Safety Unit (Motorcycle Safety Foundation)

*Motion by Barth, second by Steen. Passed unanimously. (Leases are for \$1 per month per motorcycle).*

## **X. ITEMS FOR FUTURE AGENDA XI.**

*None offered.*

## **DATE FOR FUTURE MEETINGS.**

*September 27, 2011 is the scheduled date for the next PSC Meeting.*

*Commissioner Leon asked the Chairman to consider holding the January 2012 PSC Meeting in Weslaco where we can showcase the new Regional HQ which opens next month.*

## **XII. ADJOURN**

*Chairman Polunsky adjourned the meeting at 3:20 pm.*

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 governmental 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





