
TEXAS BOARD OF CRIMINAL JUSTICE
DoubleTree Austin Hotel
Austin, Texas

August 14, 2008

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**SUMMARY OF THE MINUTES FOR
TEXAS BOARD OF CRIMINAL JUSTICE**

Meeting No. 138

Convene – Texas Board of Criminal Justice

Chairman Oliver Bell convened the 138th Meeting of the Texas Board of Criminal Justice (TBCJ or Board) on Wednesday, August 13, 2008, at 3:12 p.m. and stated that a quorum was present. He announced that the Board would adjourn the meeting into executive session, which is closed to the public in accordance with the Texas Government Code, Sections 551.071 and 551.074. Chairman Bell reconvened the 138th Meeting of the Board on Thursday, August 14, 2008, at 9:20 a.m., stated that a quorum was present and declared the meeting open in accordance with Chapter 551, Texas Government Code, the Open Meetings Act. Chairman Bell noted that during the regular session, the Board would conduct business from the agenda posted in the Texas Register.

Recognitions

Chairman Bell recognized Christina Melton Crain, former Board Chairman, for her valuable service, exemplary leadership and notable contributions to the State of Texas.

Chairman Bell yielded the floor to Lieutenant Governor Dewhurst, who praised Ms. Crain for her leadership of the Board, which put Texas first and made certain that the system protected all the citizens of Texas as well as the offenders and employees of the Texas Department of Criminal Justice (TDCJ or Agency). Chairman Bell thanked Lieutenant Governor Dewhurst for his comments. Chairman Bell yielded the floor to the Honorable Jerry Madden, State Representative, who recognized Ms. Crain for her outstanding leadership and contributions to the citizens of Texas. Chairman Bell thanked Mr. Madden for his comments.

Chairman Bell stated that the magnitude of Ms. Crain's reputation in government as a sound and effective leader was evident given the number of the certificates and letters from federal and state leaders expressing their respect and congratulations. Chairman Bell read the letter from the Honorable George W. Bush, President of the United States, honoring Ms. Crain's dedicated service while serving as the Chairman of the Board.

Brad Livingston, Executive Director of the TDCJ. Mr. Livingston stated that it had been his honor to work with Ms. Crain, who has been a tremendous leader and a good friend. He commended and thanked Ms. Crain for her inquiries and focus on the issues at hand, as well as her passion for the Agency.

Chairman Bell stated that in appreciation for Ms. Crain's service, the Board, the Agency and the WSD wished to commend her publicly by presenting her with a framed Resolution of Commendation, as well as other items honoring her service to the State of Texas. He yielded the floor to Ms. Crain. Ms. Crain thanked the Board and Mr. Livingston for their kind words. She stated that her life was changed through her association with the Agency and its staff, and contact with the offenders and their families. She emphasized the importance of the work that staff do for the Agency and to the State of Texas. Ms. Crain expressed her gratitude to Mr. Livingston, the TDCJ staff and the Board. She recognized and thanked the Board office staff for their hard work, loyalty and dedication. Chairman Bell thanked Ms. Crain for her service on the Board.

Renaming of TDCJ Facilities

APPROVED

Chairman Bell stated that there would be a deviation from the agenda posted in the Texas Register with the item for Renaming of TDCJ Facilities being moved forward on the order of business. In recognition of Ms. Crain and her outstanding service to the Agency and the citizens of Texas, Chairman Bell recommended that the Board rename the TDCJ Gatesville Unit to the Christina Melton Crain Unit.

Recognitions (continued)

Chairman Bell recognized Charles Marsh upon his retirement from the position of Chief Financial Officer and read a Resolution of Commendation highlighting Mr. Marsh's career and outstanding achievements while serving the TDCJ. Mr. Livingston praised Mr. Marsh for his management and leadership skills, noting that an outstanding leader leaves his position better than he found it. Chairman Bell, on behalf of the full Board, thanked Mr. Marsh for his services to the Agency and to the State of Texas. Mr. Marsh stated that it had been an honor and a privilege to have served the Board and the Agency for the past 12 years.

Jerry McGinty, Chief Financial Officer (CFO), recognized Ron Steffa as the Deputy Chief Financial Officer, and Sheila Gaskins as the Director of Contracts and Procurement.

Nathaniel Quarterman, Director, Correctional Institutions Division (CID), thanked Chairman Bell and Mr. Livingston for the opportunity to present the American Correctional Association (ACA) accreditations. Rodney Cooper, Deputy Director, Prison and Jail Operations, presented the following units with their ACA accreditations:

Initial Accreditation:

Lyncher/Kegans State Jails - Warden Troy Simpson
Travis State Jail - Warden Edward Howell
Byrd Unit - Warden Cody Ginsel
Clements Unit - Warden John Adams
Beto Unit - Warden Chuck Biscoe
Stiles Unit - Warden Brenda Chaney

Reaccreditation:

Johnston Substance Abuse Felony Punishment Facility (SAFPF) - Warden Kenneth Karl
Daniel Unit - Warden Stacy Jackson
Formby/Wheeler Unit - Warden David Cole
Glossbrenner SAFPF - Warden Linda Carranza

Mr. Cooper stated that the TDCJ's partnership with Texas Tech University Health Science Center (TTUHSC) and the University of Texas Medical Branch (UTMB) have been invaluable in the ACA accreditation process. He noted that 81 units have received ACA accreditation. Additionally, five (5) units have gone through the ACA hearing process to obtain future accreditation.

Chairman Bell recognized the TDCJ employees who have achieved 25, 30 and 35 plus years of service with the State of Texas during the months of June and July 2008. The Board, along with Mr. Livingston, expressed their deepest gratitude for the continued service of these employees who represent the commitment of the Agency's staff. To each of these employees, the Board offered congratulations and thanks for their unwavering loyalty and dedication to the citizens of Texas. As a symbol of appreciation, these individuals will receive a board certificate along with a personal letter of gratitude.

Discussion, Consideration and Possible Action Regarding Consent Items

APPROVED

Chairman Bell noted that the approval of the Consent Items includes a correction to the cover of the 137th Meeting Minutes of the Board. The date of the minutes should reflect May 20, 2008. The approval also includes additional Multiple Employments as provided on the handout in the members' folders.

1. Hazardous Duty Pay Authorization Requests
2. Multiple Employment Authorizations
3. Personal Property Donations
4. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property
5. 137th TBCJ Meeting Minutes
6. Excused Absences

Report from the Presiding Officer, Texas Board of Pardons and Paroles (BPP)

Ms. Rissie Owens, Presiding Officer of the BPP, had no report.

Report from the Chairman, Judicial Advisory Council (JAC)

Judge Larry Gist, Chairman of the JAC, had no report. Chairman Bell stated that there was one (1) registered public presentation on this topic. He called Rhonda Taylor, reminding her that she had three (3) minutes for her presentation.

Ms. Taylor stated that the JAC was established in 1989 upon the creation of the TDCJ. Ms. Taylor reviewed the JAC's responsibilities as identified in House Bill 335, 71st Legislative Session, Chapter 785, Section 1.12. She alleged that after receiving information concerning Ms. Taylor's legal guardianship, Judge Gist refused to inform the TDCJ's attorney Kim Koogan as to the liability and validation of Ms. Taylor's guardianship and the necessary legal actions the Agency needs to take to terminate her powers and duties according to the Texas guardianship laws. The appropriate legal process is covered under the Probate Code, Chapter 13, Guardianships, which is governed by the Texas Department of Aging and Disability Services. Ms. Taylor expressed her hope that TDCJ and UTMB obey the Texas Guardianship Laws, noting that as her son's legal guardian it was her duty to protect her son's mental health rights. She emphasized that TDCJ is not following the legal process to take that guardianship from her. Ms. Taylor advised the Board that in addition to its duty to protect the communities and victims from harm, it should also help those offenders with mental illness. Ms. Taylor asserted that, according to the Mental Health Laws and Texas Guardianship Laws, the Board has failed the community. Chairman Bell thanked Ms. Taylor for her presentation.

Report from the Executive Director, Texas Department of Criminal Justice (TDCJ)

Mr. Livingston noted that on August 13, 2008, during a Business and Financial Operations Committee meeting, Mr. McGinty presented the Budget and the Legislative Appropriations Request (LAR). Mr. Livingston highlighted the significant shortage of correctional officers statewide; emphasizing it was the Agency's most critical operational challenge over the next biennium. Earlier in the year, the Board approved the adjustment to the entry-level salary for correctional staff as well as applicants who have a bachelor's degree or military background. A recruitment bonus was added for staff or applicants willing to go to the Agency's significantly under-staffed units. Mr. Livingston reported that those steps have made a difference. In September 2007, the vacancy numbers peaked at just under 4,000. Staff have worked hard to bring that number down to 3,000 vacant correctional officer positions. He advised the Board that salary adjustments can and do matter. Mr. Livingston stated that the budgeted number in the LAR for the salary adjustments was large, over \$450 million, and represents a 20% salary increase for the front line correctional staff. He further advised the Board that he felt it was important to put this request to the legislature and have a solid discussion and dialogue with the State policy makers about adjusting the career ladder in a substantial and meaningful way to bring the Agency's correctional staffing shortage down. He indicated that this request would place the correctional officer staffing and career ladder on solid footing for the long term. This package also includes a similar pay raise for the parole staff throughout the state. The attrition rate for parole officers stands at about 19%, and is higher in some metropolitan areas. Mr. Livingston emphasized that the corner stone in the budget request is an investment in those individuals who provide front line day-to-day public safety for the State of Texas. He pledged that staff will work vigorously for this pay package along with the other items in the LAR. Mr. Livingston expressed his gratitude for the Board's continued support.

Report from the Executive Director, Correctional Managed Health Care Committee (CMHCC)

Allen Hightower, Executive Director of the CMHCC, provided an update on the activities of the CMHCC during the past quarter. Through April of FY 2008, the correctional health care program remained essentially stable in the overall offender population served by the program. The number of offenders age 55 and over has continued to increase steadily. The HIV+ population has remained stable. The two (2) mental health caseload measures have also remained stable.

Mr. Hightower reported that the overall health costs though April 2008 totaled \$313.8 million. UTMB had a net loss during this quarter of \$6.1 million. TTUHSC reported a net loss of \$0.6 million. He updated the Board on the exact expenditures of the health care costs. The total cost per offender per day for all health care services statewide through April 2008 was \$8.51, which is an increase of 10.5% from one (1) year ago. CMHCC's review of revenues and expenditures for FY 2008 indicates that UTMB has a total shortfall of \$6,052,055 and TTUHSC has a total shortfall of \$563,973 through April 2008. He noted

that the detailed transaction level data from both providers is being tested on a monthly basis to verify reasonableness, accuracy and compliance with policies and procedures.

Mr. Hightower advised the Board that the managed health care partners have to pay competitive salaries to attract and retain the needed licensed professionals, such as doctors and nurses, especially in the rural areas. He further advised the Board that there will be significant challenges during the next legislative session, due to rising medical costs, notably in the contracts for outpatient care in the rural areas. Regarding the Best Practices in Correctional Managed Health Care document provided to the Board, he stated an expert from each of the health care partners could be requested to speak to this issue at a future Board meeting. Chairman Bell expressed the Board's interest in this area and suggested that staff follow up to arrange a time for the necessary professionals to meet with the Board to discuss best practices.

In relation to the rising outpatient costs, Chairman Bell asked if these costs were considered reimbursable or comparably paid for through Medicare or Medicaid and if those costs were going up at the same rate or paid under a different reimbursable structure. Mr. Hightower explained that the contracts for outpatient care are different in different locations. He also explained the contract process, noting that contract payments can go into negotiations, which are conducted by the medical health care partners separately in their geographical area.

Terrell McCombs thanked the CMHCC for all the work that is done. He stressed it was imperative in the correctional environment that the Board and the CMHCC compare the Texas correctional managed health care system with other states' programs. He noted that this was a critical area, nearly a program in crisis, and that all ideas should be sought and compared with the Texas program model. Mr. McCombs emphasized that even if this study takes a year or so, it needs to be thorough and efforts made to lower the costs of the correctional medical health care delivery system for the State of Texas. Mr. Hightower assured the Board that the CMHCC was committed to researching and finding ways to lower the medical delivery costs.

Report from the Chairman, Advisory Committee on Offenders with Medical or Mental Impairments (ACOOMMI)

Judy Briscoe, Chairman of ACOOMMI, reported the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) statutory provisions require a comprehensive plan for creating a continuum of care for offenders with special needs, beginning at the time of arrest throughout the criminal justice continuum. Ms. Briscoe reviewed the flow chart regarding TCOOMMI's sharing of offender information with other entities. TCOOMMI is the only entity in the United States to have the capacity that the Agency has to share information among and between entities to provide the kind of services, contracts, and memoranda of understanding that are available in Texas.

Ms. Briscoe reviewed the new continuity of care activity that pertains to the CID, which is the intake process. There is a daily cross-referencing of all new offender admission with the statewide mental health services database. Health Services forwards those matches to the intake unit's medical staff and TCOOMMI, which contacts the mental health provider to obtain the most recent diagnostic and treatment information. Once TCOOMMI receives this information, it is forwarded to the managed health care providers, who electronically scan the information into the medical records system. The unit medical staff is notified of psychiatric information that will assist them in the diagnostic and treatment process. Ms. Briscoe stated that the anticipated outcomes for this process are a decreased duplication of diagnostic activities, an increased identification of offenders with serious mental illnesses, as well as improved timelines and appropriateness of treatment response by the medical providers.

Janice Lord requested information on how the TCOOMMI handles mentally ill offenders who are outside the Mental Health Mental Retardation (MHMR) system. Ms. Briscoe responded if an offender does not have a recorded history in the MHMR care system prior to arrest then it would be up to the TDCJ diagnostic process to recognize the offender's illness. Dee Wilson, Executive Director of TCOOMMI, advised the Board that TCOOMMI has been working with the Texas Jail Commission on a new intake process. This process will include mental health screening with all identified offenders in or outside of the MHMR care system reported to TCOOMMI. This process will assist in early identification of mental health and medical issues by the jail while the offender is in its custody. Ms. Lord asked if the jails were complying with the new process. Ms. Wilson responded that the larger metropolitan jails with medical staff on duty 24-hours, seven (7) days a week can comply with the pen packet requirement, however, small jails may take longer. Health Services is performing a quality assurance check of all the uniform health status forms to ensure appropriate individuals are identified as having a mental health issue. The notice is sent to the Jail Commission, which in turn sends it to the appropriate jail to improve its record.

Report from the Chairman, TBCJ

Chairman Bell noted that this particular report from the Board Chairman is a new standing agenda item. The purpose of the Chairman's report is to update the Board, staff and public on key issues inside the Agency and to offer the Board and other stakeholders a perspective on the overall progress in a number of areas. Chairman Bell reviewed some of the following initiatives:

- *Board Member Site Visitation:* Mr. Quarterman was requested to develop a regional rotation for Board members to visit TDCJ facilities in addition to the WSD facilities co-located with the units. Each Board member has been assigned ten (10) to 15 CID sites to visit with a goal for each facility to be visited by a Board member. The purpose of the visit is that each facility will have the opportunity to explain how the unit operates, the successes that have taken place and the areas for improvement. Since early May, the Board has made 30 visits to 27 facilities or about a fourth of the facilities in the CID. The Board member may visit the unit at any time of the day or night. The visit may be announced or unannounced, as the Board member believes necessary. The Board member may report on any areas as necessary. The Parole Division and the Community Justice Assistance Division, for the community supervision and corrections departments (CSCDs), have been asked to develop a rotation schedule for the Board members to visit those facilities as well.
- *Facilities:* Chairman Bell has requested Mr. Livingston to monitor long-term initiatives for facility maintenance and rotation, which can aid the Board in its recommendations to the state leadership to improve, modify or adjust facilities in the future.
- *Treatment Programs:* The Board will try to fully implement those initiatives directed by statute and create a number of innovative treatment initiatives. Included among those are the "In-Prison DWI (Driving While Intoxicated) Recovery Program" and the drug rehabilitation programs. While these programs are some of the best in the nation, the Board remains committed to improvement in all areas.
- *Mental Health Initiatives:* The Chairman noted that TCOOMMI and ACOOMMI have worked very diligently, but while much work has been done, there is more to do. Chairman Bell stated that one (1) area to be developed is a strategy to recognize and promote the Agency's ongoing initiatives. He encouraged Ms. Wilson to continue to travel and promote these areas. Chairman Bell requested that Ms. Wilson create a campaign to promote TDCJ mental health initiatives during next year's Mental Health Month.
- *Office of the Inspector General:* Chairman Bell stated that TDCJ has the premiere Inspector General function in the nation, noting that the Executive Director and the Inspector General have an effective working relationship. The Office of Inspector General (OIG) has a strong staff, which validates certain processes and protects the Agency from misdeeds.
- *Safe Prisons Initiatives:* Chairman Bell stated that inappropriate sexual activity within the prisons is always a concern. The Agency continues to promote immediate reporting of offenses so they will be promptly investigated. This is a critical area wherein it is difficult to obtain information because of the nature of the crime. To further the Board's oversight in this area, interviews will take place to fill the new Safe Prison Program Ombudsman position, which will be hired by and report directly to the Board. Once the position is filled, the Board will continue to develop strategies to improve the Agency's performance in this area. Chairman Bell expressed his confidence in the current system, but added improvements can always be made. The Board and the entire Agency's senior staff are committed to success in this area.
- *Phones:* Later in this meeting, the Board will receive a recommendation on a vendor for the new proposed offender phone system. The Agency's selection team was comprised of senior staff leaders. The Board and the Executive Director allowed this team to operate and make the selection based on their professional assessment of TDCJ's operational needs for security, appropriate use of the future system and protection of the public's safety. Properly implemented, the new system will be a national model. One of the ancillary benefits will be the money generated that will be forwarded to the state victims' assistance fund.
- *Management Retreat:* A portion of the Board's September meeting will be in a form of a management retreat. During this meeting, the use of breakout groups will allow Board committee chairs and staff coordinators to interface and discuss key issues and management strategies to help the Agency move forward. During the retreat, the Board will not vote or conduct Board business. The Board will discuss priorities and management strategies to ensure there is a mutual understanding between the staff and the Board on leadership priorities. The Board Chairman and the Executive Director will facilitate the main portion of the meeting. During the breakouts, committee chairs will facilitate discussion on topics such as victim services and internal audits in

addition to discussing effective leadership strategies to continue to enhance the Agency's operations. The ultimate goal is the strategic alignment of all leaders on the Agency's overall direction.

- *Employee Pay:* Chairman Bell credited the Executive Director and his team for an exceptional job in designing a pay proposal for submission as part of the LAR. He stated that this comprehensive program addresses recruitment, retention and professional development. The Board and the Agency's senior leaders continue to be good stewards in using the state's resources and are committed to do more and perform better with less taxpayer resources than similarly sized systems.
- *Public Relations:* At future Board meetings, efforts will be made to highlight the TDCJ's positive efforts in Texas communities. The Board will also periodically recognize employees and let them know the Board appreciates their efforts, in particular the gallant acts performed by staff in security operations and during interagency cooperation when TDCJ may be called upon to assist state and local law enforcement. Efforts will also continue to highlight the activities of some of the creative public private partnerships that have been developed with different volunteer organizations, which enhance the Agency's overall operations and help in accomplishing its mission.

Chairman Bell thanked the staff for their excellent work and delivery of services, acknowledging that the Agency is doing very well.

Discussion, Consideration and Possible Action Regarding the Fiscal Year 2009 Annual Audit Plan *APPROVED*

Raymond Pyeatt, Director of the Internal Audit Division, stated that he had fully briefed the Audit and Review Committee on August 13, 2008, on the FY 2009 Annual Audit Plan. Mr. Pyeatt asked if there were any questions on the proposed plan, there were none.

Discussion, Consideration and Possible Action Regarding the TDCJ Fiscal Year 2009 Operating Budget and Fiscal Years 2010-2011 Legislative Appropriations Request (LAR) *APPROVED*

Mr. McGinty summarized the Exceptional Items of the LAR. The FY 2010-2011 total budget request of \$6.85 billion includes \$926 million for the Exceptional Items that will be above the Agency's anticipated base funding level. The corner stone of the budget is the correctional officer and parole officer pay raises and retention bonuses. Mr. McGinty explained that the budget cycle actually begins in the spring with the budget structure and the strategic plan. The CFO and staff will work closely with the legislature and state leadership during the upcoming session. Mr. McGinty recognized Sherry Koenig, Budget Director, and Allison Dunbar, Assistant Budget Director, for their work on the budget and LAR.

Discussion, Consideration and Possible Action Regarding Purchases and Contracts Over One (1) Million Dollars *APPROVED*

Mr. McGinty reviewed the purchases and contracts over one (1) million dollars. The first three (3) items were for additional services on existing facilities, one (1) of which is the special needs at the Estelle SAFPF, while the other two (2) items were for halfway house services in Houston and Fort Worth. Item Four (4) is the FY 2009 renewal on the contracted temporary capacity based on current FY 2008 per diem rates. Item Five (5) is fertilizer used in agricultural operations. Item Six (6) is a four (4) year contract for an identification card and mug shot system to provide ID cards for both employees and offenders.

Discussion, Consideration and Possible Action Regarding the Offender Telephone System Contract *APPROVED*

Mr. Steffa presented the contract for the offender telephone system for the Board's approval and award. He noted that the Board members had been individually briefed on the request for proposal (RFP) process and the telephone system requirements. Mr. Steffa provided a history of this action, noting that Senate Bill (SB) 1580 as passed by the 80th Legislative Session required that a contract for telephone services be awarded by September 1, 2008. Policies were revised to include the eligibility criteria in procedures for the offender telephone system. An RFP was drafted that included all the requirements of SB 1580 as well as the requirements of Agency policy. The RFP was reviewed by appropriate TDCJ divisions to ensure that all statutory, policy and operational requirements were met for a safe and secure telephone system. Proposals from three (3) companies were received. Mr. Steffa explained the composition of the Technical Evaluation Team, which conducted a thorough review of the each proposal. The consensus of the Technical Evaluation Team was to recommend that the Embarq Corporation be awarded the telephone contract. Embarq was chosen as their technology was superior to other lower proposals

and would provide the best value to the State of Texas. Mr. Steffa advised the Board that the initial term of the contract would be for seven (7) years with two (2) additional two (2) year renewal options. The state will receive 40% of the gross billable revenues. Of that amount, the first ten (10) million dollars annually will go to the crime victims' compensation fund with all revenues beyond that amount divided equally between the crime victims' compensation fund and the General Revenue Fund.

Discussion, Consideration and Possible Action Regarding Proposed Revisions to Board Policy, BP-01.01, Texas Board of Criminal Justice Responsibilities

APPROVED

Melinda Bozarth, General Counsel, stated that the proposed revisions to Board Policy, BP-01.01, Texas Board of Criminal Justice Responsibilities, reference the new position of the Safe Prison Program Ombudsman/Liaison; the removal of the Board's annual review of BP-14.67, "Purchasing and Contracting with Historically Underutilized Businesses"; removal of certain personnel policies from the Board's review and approval in II.B.31; removal of the annual review requirements for the remaining personnel policies, making approval required only with amendments; and the relocation of Section II.B.32 to another section of the policy.

Discussion, Consideration and Possible Action Regarding Adoption of Amendments to Board Rules

Ms. Bozarth noted that at its May meeting, the Board authorized proposed amendments to the following three (3) rules be published in the June 13, 2008, issue the Texas Register. No comments were received. Ms. Bozarth requested that the Board move forward with the adoption of the three (3) amended rules.

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| 1. §151.21, Weapons Policy (37 TAC §151.21) | <i>APPROVED</i> |
| 2. §151.73, Texas Department of Criminal Justice Vehicle Assignments (37 TAC §151.73) | <i>APPROVED</i> |
| 3. §152.61, Emergency Response to Municipal, County, State or Federal Law Enforcement Agencies and Non-Agent Private Prisons/Jails (37 TAC §152.61) | <i>APPROVED</i> |

Discussion, Consideration and Possible Action Regarding Proposed Amendments to Board Rules

Board approval of the following three (3) items authorizes publication in the Texas Register for public comment.

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| 1. §151.51, Custodial Officer Certification and Hazardous Duty Pay Eligibility Guidelines (37 TAC §151.51) | <i>APPROVED</i> |
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Ms. Bozarth explained that staff recommended the deletion of Section (E), as no Agency employees are in those referenced positions. The revision will conform with Personnel Directive, PD-85 "Custodial Officer Certification and Hazardous Duty Pay Eligibility Guidelines."

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| 2. §155.21, Naming of TDCJ Owned Facilities (37 TAC §155.21) | <i>APPROVED</i> |
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Ms. Bozarth noted amendments to this rule add clarity and improve the written word; they do not change procedures under which the Board has been operating.

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| 3. §159.9, Firearms Proficiency Training for Supervision Officers/Memorandum Of Understanding (37 TAC §159.9) | <i>APPROVED</i> |
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Ms. Bozarth stated that Michael McManus, Deputy General Counsel, negotiated this Memorandum of Understanding with the Office of the Attorney General.

Discussion, Consideration and Possible Action Regarding Repeal of Board Rule 151.53, Multiple Employments with the State (37 TAC §151.53)

APPROVED

Ms. Bozarth noted that state law requires a governing body to review board rules every four (4) years to determine if the rule remains applicable. During the review of BR-151.53, "Multiple Employments with the State," it was determined that state law does not require the Board to approve multiple employments with the state. Ms. Bozarth further noted that she discussed the subject with other agencies' General Counsels, and no other state agency requires Board approval for multiple employments with the State of Texas. Ms. Bozarth proposed that Agency management review multiple employments for approval. She also noted that Personnel Directive PD-81, "Multiple Employments with the State," will be revised to incorporate the new approval process. Board approval will authorize publication in the Texas Register for public comment.

Discussion, Consideration and Possible Action Regarding Proposed Land Transactions

1. Amendment to the Sewer Easement to Include Fiber Optic Conduit at the Wynne Unit in Walker County, Huntsville, Texas

APPROVED

C.F. Hazlewood, Director of Agribusiness, Land and Minerals, recommended that the Board approve an amendment to the City of Huntsville Sewer Easement to include a four (4) inch fiber optic conduit on the Wynne Unit in Walker County, as discussed during the meeting of the Business and Financial Operations Committee on August 13, 2008.

2. Drainage Easement at the Central Unit in Fort Bend County, Sugar Land, Texas

Chairman Bell passed on any discussion or action of the item.

Discussion, Consideration and Possible Action Regarding Facilities Division Construction Projects

1. Repair and Replace Roofs on Multiple Buildings at the Goree Unit in Walker County, Huntsville, Texas

APPROVED

Frank Inmon, Director, Facilities Division, requested that the Board approve the repair and replacement of roofs on multiple buildings at the Goree Unit as presented during the meeting of the Business and Financial Operations Committee on August 13, 2008. The total project amount requested was \$1,635,700.

2. Replace Boilers at Packing Plant at the Michael Unit in Anderson County, Tennessee Colony, Texas

APPROVED

Mr. Inmon requested that the Board approve the replacement of boilers in the packing plant at the Michael Unit as presented during the meeting of the Business and Financial Operations Committee on August 13, 2008. The total project amount requested was \$2,859,200.

Renaming of TDCJ Facilities

Discussion and action of this item was moved to an earlier time in the meeting.

Public Comments

No registration cards were received, and as such, no comments were heard.

Chairman Bell thanked everyone for attending the meeting and announced that the next meeting of the Board would be September 26, 2008, at the DoubleTree Hotel in Austin.

Adjournment

There being no further business, Chairman Bell adjourned the regular session of the 138th meeting of the Board at 11:55 a.m.