

Texas Board of Criminal Justice
149th Meeting



Minutes

June 17, 2010
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

**Omni Austin Hotel at Southpark
4140 Governor's Row
Austin, Texas 78744
Omni A,B,C**

**June 17, 2010
1:30 – 2:00 PM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session

A. Recognitions

B. Discussion, Consideration, and Possible Action Regarding Consent Items

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. Sale or Disposal of Surplus Goods and Agricultural Personal Property
4. 148th TBCJ Meeting Minutes
5. Excused Absences

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

D. Report from the Chairman, Judicial Advisory Council (JAC)

E. Report from the Executive Director, Texas Department of Criminal Justice (TDCJ) – Fiscal Challenges

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

1. Spend Forward Authority
2. HB 4586 Update
3. State Audit
4. Reduction in Force Letters and Plans to Reduce the Fiscal Year 2010-11 Shortfall
5. Update on Meeting with Legislative Budget Board Staff

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

- H. Report from the Chairman, TBCJ
 - 1. Chairman's Fitness Challenge, 4th Quarter
 - 2. Mental Health Month (May)
 - 3. TDCJ Correctional Officer Training Academies
- I. Internal Audit Status Report for Fiscal Years 2009-2010
- J. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million
- K. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy, BP-14.02, "Internal Audit Division Policy Statement"
- L. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Title 37 Texas Administrative Code
 - 1. §159.1, Substance Abuse Felony Punishment Facilities Eligibility Criteria
 - 2. §159.15, GO KIDS Initiative
- M. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Title 37 Texas Administrative Code §159.17, Employment Referral Services for Offenders – Memorandum of Understanding
- N. Discussion, Consideration, and Possible Action Regarding Prison Industry Enhancement (PIE) Program Operations at the Coffield Unit in Anderson County, Tennessee Colony, Texas
- O. Discussion, Consideration, and Possible Action Regarding Proposed Land Transactions
 - 1. Request for a Water Pipeline Easement to the Trinity River Authority at the Polunsky Unit in Polk County, Livingston, Texas
 - 2. Request for Renewal of Petroleum Pipeline Easement to the Shell Pipeline Company, LP at the Stiles Unit in Jefferson County, Beaumont, Texas
- P. Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Projects
 - 1. Request to Replace Water Line in Main Building at the Ellis Unit in Walker County, Huntsville, Texas
 - 2. Request to Replace Roof on Cannery at the Terrell Unit in Brazoria County, Rosharon, Texas

Adjourn

The TBCJ may discuss and/or take action on any of the items posted on this meeting agenda. The TBCJ may also convene into Executive Session on any of these matters when attorney-client privilege is warranted.

MINUTES OF THE TEXAS BOARD OF CRIMINAL JUSTICE

Meeting No. 149

The Texas Board of Criminal Justice (TBCJ) convened in regular session on Thursday, June 17, 2010, Omni Austin Hotel at Southpark, Austin, Texas, at 1:55 p.m., adjourned into executive session at 3:22 p.m., and finally adjourned at 4:03 p.m.

TBCJ MEMBERS PRESENT:

Oliver Bell, Chairman
Tom Mechler, Vice Chairman
Leopoldo (Leo) Vasquez, III, Secretary
Eric Gambrell
Janice Harris Lord
Terrell McCombs
J. David Nelson
Carmen Villanueva-Hiles

TBCJ MEMBERS ABSENT:

Pastor C.L. Jackson

TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ)

STAFF PRESENT:

Brad Livingston, Executive Director
Bryan Collier, Deputy Executive Director
Jeff Baldwin Angie McCown
Mike Bell Jerry McGinty
Melinda Bozarth Susan McHenry
Celeste Byrne John Moriarty
Matt Demny Madeline Ortiz
Jackie Edwards Raymond Pyeatt
C. F. Hazlewood Ron Steffa
Frank Inmon Rick Thaler
Stuart Jenkins Jan Thornton
Sherry Koenig Kim Vernon
Lannette Linthicum, M.D. Carey Welebob
Michelle Lyons Dee Wilson

OTHERS PRESENT:

Kyle Mitchell, Office of the Governor; Robert Hamilton, Office of the Lieutenant Governor; Kevin Robnett, Office of the Speaker of the House; Angela Isaack, Legislative Budget Board (LBB); Marsha McLane, staff member from the office of Representative Madden; and Travis Sampley, Committee Clerk, House Corrections Committee; Dr. James D. Griffin, Chairman, Correctional Managed Health Care Committee; the Honorable Allen Hightower, Executive Director, Correctional Managed Health Care Committee; Debbie Roberts, Superintendent of Windham School District; and members of the media.

Convene Texas Board of Criminal Justice

Chairman Oliver Bell, convened the 149th Meeting of the TBCJ on Thursday, June 17, 2010, at 1:55 p.m., noted that a quorum was present, and declared the meeting open in accordance with Texas Government Code, Chapter 551, the *Open Meetings Act*. The TBCJ conducted business from the agenda posted in the Texas Register.

Chairman Bell requested that cell phones or pagers be placed on the silent or vibrate mode.

Chairman Bell acknowledged the attendance of staff representatives Kyle Mitchell, Office of the Governor; Robert Hamilton, Office of the Lieutenant Governor; Kevin Robnett, Office of the Speaker of the House; Angela Isaack, Legislative Budget Board (LBB); Marsha McLane, staff member from the office of Representative Madden; and Travis Sampley, Committee Clerk, House Corrections Committee.

Chairman Bell stated that the TBCJ is committed to providing the opportunity for public presentations on topics posted on the meeting agenda or public comments on topics within its jurisdiction in accordance with Board Rule 151.4, "Public Presentations and Comments to the Texas Board of Criminal Justice." He reviewed the requirements for speaker registration. TBCJ staff received no speaker registration cards prior to the required deadline; therefore, no public presentations would be heard on posted agenda topics.

Recognitions

Chairman Bell noted that the Fort Worth Commission for Women recognized Janice Harris Lord as the recipient of the 2010 Outstanding Women Who Volunteer Award in the field of women's issues and advocacy. He congratulated Ms. Lord on this prestigious honor.

Chairman Bell mentioned that often times it has been said that prisons are the dumping grounds for the mentally challenged and mentally ill. He stated that he wanted to let people know that the neither TBCJ nor TDCJ staff feels that way. In that spirit, last year the Promotion of Positive (POP) Mental Health Award was created to recognize an individual or group for their contributions in the field of mental health as it related to the TDCJ. Dee Wilson, Director of the Reentry and Integration Division, recognized Judge Susan Hawk as the recipient of the 2010 POP Award for her work with the ATLAS Mental Health Court. This court is operated by Judge Hawk and a team of criminal justice professionals in Dallas to help individuals who are diagnosed with mental illness and have cases in the criminal justice system. Judge Hawk thanked the TBCJ for this honor, stating it was a privilege to work with this population of offenders.

Brad Livingston, TDCJ Executive Director, recognized Rick Thaler, Director of the Correctional Institutions Division, on receiving his 30-year service award from the State of Texas.

Mr. Livingston recognized Jan Thornton, Director of the Human Resources Division, on receiving her 25-year service award from the State of Texas.

Mr. Livingston recognized Kirk Moss as the TDCJ's incident manager.

Chairman Bell recognized Marie Freeland, Executive Assistant to the TBCJ, on receiving her 20-year service award from the State of Texas.

Chairman Bell recognized Susan McHenry, Executive Assistant to the TBCJ Chairman, on receiving her 25-year service award from the State of Texas.

Ms. Thornton recognized Patty Garcia as the manager of the Employment and Support Services Section of the Human Resources Division.

Frank Inmon, Director of the Facilities Division, recognized Mike Bowling as the director of Maintenance and Tommy Vian as the deputy director of Maintenance.

Chairman Bell recognized the TDCJ employees who have achieved 25, 30, 35, and 40 or more years of service with the State of Texas during the months of April 2010 and May 2010. The TBCJ, along with Mr. Livingston, expressed their deepest gratitude for the continued service of these employees who represent the commitment of the TDCJ's staff. To each of these employees, the TBCJ 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 TBCJ certificate along with a personal letter of gratitude.

(Attachment A – Employee Names)

Discussion, Consideration, and Possible Action Regarding Consent Items

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property**
- 4. 148th TBCJ Meeting Minutes**
- 5. Excused Absences**

Chairman Bell noted that the consent items include excused absences for Pastor Jackson and for himself, as they were both unable to attend the April meeting. The approval also includes an amendment to the April TBCJ Minutes, found on page 10; the attachment should read as follows: "*(Attachment D)*." Chairman Bell asked if there were any further amendments to the consent items. Eric Gambrell stated that his firm does pro bono work for the San Antonio Food Bank and as there are personal property donations from the food bank brought before the TBCJ for approval, he would abstain from voting on the consent items. Seeing no further objections, Chairman Bell stated the consent items stand approved, noting for the record that Mr. Gambrell abstained from voting on the items.

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

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

Report from the Chairman, Judicial Advisory Council (JAC)

Honorable Larry Gist, Chairman of the JAC, had no report.

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

Mr. Livingston reviewed the fiscal challenges for the remainder of the 2010-2011 biennium and the upcoming biennium. In January 2010, all state agencies were instructed to prepare a 5% budget reduction plan, impacting their fiscal year (FY) 2010-2011 budgets. As part of the 5% plan submission, the TDCJ requested a reduction to the total 5% amount, from \$294 million to \$50 million, to avoid impacting critical agency operations. On May 17, 2010, the exemption was substantially approved by the state's leadership.

Mr. Livingston advised the TBCJ that the upcoming Legislative Appropriations Request (LAR) and legislative session would prove to be very challenging due to the tough fiscal climate. The exemptions that were approved in May will be back up for discussion during the budget process. Staff intends to justify and document the importance of those items. State agencies were directed to provide different scenarios in their budgets that would outline an additional 10% reduction in 5% increments. The two scenarios will specify reductions and justify continued funding of key items within the TDCJ's operations. Mr. Livingston pledged that the executive staff would be good stewards of the state's resources and be fiscally prudent and operationally focused during the budget process. While the Office of the Governor and the legislature deliberate the statewide budget, the TDCJ will have an opportunity to make its case of the importance of its operations as evidenced by the budget process of the current biennium. Discussions with the state's policy makers regarding fiscal issues, who also share a commitment to the TDCJ's mission, are ongoing. Mr. Livingston noted that this is the beginning of a long budget process, and it is too early to predict outcomes and decisions. He assured the TBCJ that the TDCJ has an experienced, competent, and creditable team that will continue to have dialogue with necessary policy makers and are committed to the mission of the TDCJ. Mr. McGinty will present the LAR for the TBCJ's approval on August 16, 2010. Mr. Livingston provided a schedule of events involving the LAR before the legislative session, which convenes January 11, 2011, and adjourns May 30, 2011.

Chairman Bell extended an early thank you to Mr. Livingston and the TDCJ finance team for their expertise on financial issues. He applauded their ability to create a partnership with the senate and house finance teams by providing prompt, reliable, and accurate information.

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

Allen Hightower, Executive Director of the CMHCC, thanked Ms. Lord and David Nelson for their participation in the CMHCC meetings. The following are highlights of Mr. Hightower's report:

- **Spend Forward Authority:** At its March 9, 2010, meeting, the CMHCC voted to request approval from the LBB and the Office of the Governor to transfer \$18 million from FY 2011 to FY 2010 to help the University of Texas Medical Branch (UTMB) alleviate its FY 2010 projected shortfall. The request was sent to the LBB and the Office of the Governor on April 23, 2010, and as of this date, no action has been taken.
- **HB 4586 Report:** The report was submitted April 30, 2010, to the LBB and the Office of the Governor.
- **Office of the State Auditor (SAO) Meeting:** The CMHCC staff met the state auditors on May 5, 2010, for the entrance conference. Chairman Griffin participated by phone. The audit objectives include examining the deficit reported by the committee for the FY 2010-2011 biennium, and any projected shortfall reported in the CMHCC legislative appropriations request for FY 2012-2013. Additionally, the state auditors will follow up on selected recommendation in the SAO's Report No. 07-17 (March 2007), an audit report on CMHC funding requirements. The audit has begun and should be completed in October. The report should be issued in November 2010.
- **LBB Staff and UTMB Meeting:** CMHCC staff met with the LBB and UTMB staff on May 12, 2010. A lengthy discussion was held regarding projections, special appropriations request, numbers of full time employees (FTE's), and other cost related items.
- **UTMB "Reduction in Force" letters and each item UTMB plans to initiate to reduce the FY 2010-2011 shortfall:** At the June 8, 2010, CMHCC meeting, most of the discussion centered on a reduction-in-force for the nursing care model and dental program. UTMB and TDCJ representatives met with the executive director of the Texas Board of Nursing and her staff on June 10, 2010. TDCJ provided an overview of the CMHCC contract, facilities, patients, and the clinical services provided to the offenders. UTMB followed with a description of the methodology used to create the proposed nursing practice model and the resultant staffing modifications. Both entities emphasized the need to provide appropriate nursing care to TDCJ patients and to ensure that staff did not knowingly place any of the nursing employees at risk of practicing outside the scope of their license. The Board of Nursing did not commit to a response or a timeline on any action.

Chairman Bell asked if there were any questions. Mr. Nelson requested that Dr. James Griffin please stand and be recognized. Chairman Bell invited him to advance to the podium. Chairman Bell welcomed Dr. Griffin, noting that as the CMHCC Chairman, he was a key component in the health care delivery system. He thanked Dr. Griffin for his leadership of the health care partnership, which provides quality care to offenders. Dr. Griffin thanked Chairman Bell for his kind words. He also thanked TBCJ Members, Mr. Nelson and Ms. Lord, for their participation in the CHMCC. He thanked Dr. Lannette Linthicum, TDCJ Director of Health Services, Dr. Robert Williams, Deputy Director of Health Services, and Bryan Collier, TDCJ Deputy Executive Director, who play pivotal roles in the correctional managed health care system. He noted that

nothing is more important than the health of every one who walks the earth. In recognition of Dr. Griffin's efforts, Chairman Bell presented him with a Chairman's Coin.

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

John Bradley, Chairman of ACOOMMI, had no report.

Report from the Chairman, TBCJ

- **Chairman's Fitness Challenge, Fourth Quarter:** Chairman Bell stated that the "Walk the Beaches of Texas" starts June 21, 2010. TDCJ teams will have six weeks in which to walk the equivalency (624 miles) of the Texas coastline. The effort is to keep people fit, work on life style awareness, and upgrade the standard for TDCJ employees. Chairman Bell encouraged all employees to join a team and keep the momentum going forward for better physical health.
- **Mental Health Month (May):** Chairman Bell noted that earlier in the meeting the POP Mental Health Award went to Judge Susan Hawk, which was the second annual presentation of the award. In the promotion of mental health and awareness, the award will be expanded to recognize individuals and organizations in several categories to include promotion of mental health week among TDCJ's employees. The establishment of a nomination process by which individuals from the field can submit candidates for consideration is being formulated.
- **TDCJ Correctional Officer Training Academies:** Chairman Bell stated that there have been many new enhancements and initiatives that have taken place over the past year in the pre-service, in-service, and specialized training programs for TDCJ correctional staff and unit based staff. He reviewed the training components for each training program. Chairman Bell emphasized that many of the training initiatives were in direct response to correcting an area that was defined as a deficiency. He noted that searching for contraband, firearms accuracy, physical agility testing, and defensive tactics are important training components for security personnel. He emphasized that public safety, security, and staff safety are primary concerns of the TDCJ. Mr. McCombs commented that the correctional officers do a remarkable job protecting the citizens of Texas.

Internal Audit Status Report for Fiscal Years 2009-2010

Raymond Pyeatt provided the following revision to the handout of the Internal Audit Status Report for the Fiscal Years 2009-2010:

- **1009 – Parole Division, Annual Reporting Status and Early Release from Supervision:** The draft report was released on June 17, 2010.

Chairman Bell reminded TBCJ members that Mr. Pyeatt's status report would from this time forward be a handout so that they could receive the most current information. He asked if there were any questions; there were none. (*Attachment B – Internal Audit Status Report*)

Discussion, Consideration, and Possible Action **Regarding Purchases and Contracts Over \$1 Million**

Jerry McGinty, Chief Financial Officer, reviewed the purchases and contracts over \$1 million. Items 1-4 are increases to FY 2010 contracts previously approved at the June 2009 board meeting; staff are seeking a 10% variance. Item 5 is an increase to the FY 2010 beef trim contract for products used for offender consumption. Item 6 is an increase to a FY 2010 service contract for halfway house beds. Items 7-9 are increases to FY 2010-2011 contracts for outpatient substance abuse treatment services, which are aftercare services provided to offenders that have gone through the substance abuse felony punishment program. Item 10 is a replacement contract for outpatient substance abuse treatment services provided through Dallas County. Item 11 is a new contract for the installation of a comprehensive video security surveillance system at the Darrington Unit. Item 12 is a FY 2011 contract renewal for bulk fuel; staff are requesting a 10% variance. Items 13-18 are FY 2011 contract renewals for agriculture operations. Items 19-24 are FY 2011 contract renewals for materials for use by Texas Correctional Industries (TCI). Items 25-32 are FY 2011 contract renewals for the operation of the substance abuse felony punishment facility/in-prison therapeutic community substance abuse treatment program. Item 33 is the FY 2011 contract renewal for food services at the Hamilton Unit. Items 34-35 are the FY 2011 purchase orders for items to be sold in the unit commissaries; staff are seeking a 10% variance. Items 36-37 are replacement contracts for agriculture operations. Items 38-39 are contracts for materials produced by TCI. Item 40 is the FY 2011 food services contract for Kegans State Jail. Items 41-42 are FY 2011 contracts related to TDCJ's information technology support. Item 43 is a FY 2011-2012 contract renewal for halfway house services in El Paso. Items 44-45 are FY 2011-2013 contracts for the operation and management of the Bridgeport Correctional Center and the Kyle Correctional Center, which if approved would be awarded to the Management Training Corporation (MTC). Item 46 is the FY 2011-2013 contract for the operation and management of the South Texas Intermediate Sanction Facility (ISF) in Houston, which if approved would be awarded to MTC. Item 47 is a FY 2011-2013 contract for substance abuse treatment services at the South Texas ISF, which if approved would be awarded to the Gateway Foundation. The FY 2011 Food Purchases contract was coordinated with Food Services and Agribusiness, Land and Minerals to ensure that TDCJ maximizes its agricultural and internal resources in deciding what is purchased and how it is served in unit kitchens. Mr. McGinty requested that the TBCJ approve a 10% variance not to exceed dollar amounts for the food purchases.

Chairman Bell asked if there were any questions. Mr. McCombs inquired if the food quantities were approximately the same as in past years. Mr. McGinty responded that there was very little change in the FY 2011 food contracts from the FY 2010 food contracts. At times the quantity changes when substitutes are used for a better value or when agriculture increases crop production and less food needs to be ordered. Mr. McCombs asked how, considering all economic factors, these prices compared to prices over the past several terms. Mr. McGinty responded that TDCJ did not experience price increases in food services in FY 2010. Leo Vasquez stated that there was a difference between Items 5 and 17 regarding beef trimmings of over one million dollars. He asked if the chief financial officer would request additional funds later in the year to increase the contracts. Mr. McGinty responded that the beef market fluctuates throughout the year, and he did not anticipate any increases.

Mr. Vasquez noted that Items 44-46 would be awarded to MTC. He asked how many of the private facility contracts have been awarded to MTC. Mr. McGinty explained that there are a number of private facilities operated by different vendors and that MTC has six of those contracts. Chairman Bell further explained that during his tenure on the TBCJ, these vendors have changed numerous times. He also mentioned that the interdisciplinary review team ensured that contracts are awarded using a fair and unbiased system. Mr. McGinty assured the TBCJ that the TDCJ received the best value for the money on the contract award. Mr. McCombs complimented Mr. McGinty and his staff on their excellent work. Tom Mechler also thanked Mr. McGinty.

Seeing no further questions, Chairman Bell called for a motion and a second.

Mr. McCombs made a motion that the TBCJ approve the purchases and contracts over \$1 million, as presented.

Mr. Mechler seconded the motion.

Chairman Bell asked if there were any abstentions or objections. Mr. Gambrell abstained from the vote on the purchases over \$1 million as his firm represents 3M Corporation, Management Training Corporation, and John Deere. Mr. Vasquez abstained from the vote on the purchases over \$1 million, as one of the commissary items listed is coffee/cappuccino and he has an affiliation with major coffee companies operating in Texas.

The motion passed unanimously when called to a vote (Mr. Gambrell and Mr. Vasquez abstained.)

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy, BP-14.02, "Internal Audit Division Policy Statement"

Melinda Bozarth, TDCJ General Counsel, reviewed the revisions to the policy. The substantive revision was to Section II. Mission, which added language addressing the Institute of Internal Auditor's International Professional Practices Framework's definition of internal auditing. All other revisions were for consistency with current policy format or grammatical and language updates. Ms. Bozarth requested that the TBCJ approve the revisions as presented.

Chairman Bell asked if there were any questions. Seeing none, he called for a motion and a second.

Mr. Mechler made a motion that the TBCJ approve the proposed revisions to Board Policy 14.02, "Internal Audit Division Policy Statement," as presented.

Mr. Vasquez seconded the motion, which prevailed unanimously when called to a vote.

Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Title 37 Texas Administrative Code

1. §159.1, Substance Abuse Felony Punishment Facilities Eligibility Criteria

Ms. Bozarth stated that the TBCJ approved amendments to this rule were published in the April 23 2010, issue of the Texas Register. One comment was received from a director of a community supervision and corrections department (CSCD), who requested an exception that would allow some sex offenders to be placed in the program. TDCJ recommends, based upon the one comment, that the rule not be revised and the TBCJ move forward with adopting the amendments as published in the Texas Register.

Chairman Bell asked if there were any questions. Seeing none, he called for a motion and a second.

Ms. Lord made a motion that the TBCJ adopt amendments to Board Rule 159.1 Substance Abuse Felony Punishment Facilities Eligibility Criteria, as published in the Texas Register and that the chairman sign the order to this effect.

Mr. Nelson seconded the motion, which prevailed unanimously when called to a vote.

2. §159.15, GO KIDS Initiative

Ms. Bozarth stated that the rule was published for public comment in the April 23, 2010, issue of the Texas Register. No comments were received. Ms. Bozarth recommended that the rule be adopted.

Chairman Bell asked if there were any questions. Seeing none, he called for a motion and a second.

Carmen Villanueva-Hiles made a motion that the TBCJ adopt the amendments to Board Rule 159.15 regarding the GO KIDS Initiative, as published in the Texas Register and that the chairman sign the order to this effect.

Mr. McCombs seconded the motion, which prevailed unanimously when called to a vote.

Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Title 37 Texas Administrative Code §159.17 Employment Referral Services for Offenders – Memorandum of Understanding

Ms. Bozarth stated that recently the TDCJ shifted the responsibility of the Project RIO Program from the Windham School District to the newly formed Reentry and Integration Division. The proposed amendments to this board rule reflect that change. In addition, the memorandum of

understanding (MOU) between TDCJ, the Texas Workforce Commission, and the Texas Youth Commission expires on August 31, 2010. With the final adoption of the board rule, the MOU would be renewed for a four-year period.

Chairman Bell asked if there were any questions. Seeing none, he called for a motion and a second.

Mr. Nelson made a motion that the TBCJ approve for publication in the Texas Register the proposed amendments to board rule 159.17 regarding Employment Referral Services for Offenders – Memorandum of Understanding for public comment, as presented.

Ms. Villanueva-Hiles seconded the motion, which prevailed unanimously when called to a vote.

**Discussion, Consideration, and Possible Action Regarding
Prison Industry Enhancement (PIE) Program Operations
at the Coffield Unit in Anderson County, Tennessee Colony, Texas**

C.F. Hazlewood, Director of the Manufacturing and Logistics Division, requested the undesignation of the Atrium Companies, Inc. as a cost accounting center to the Coffield Unit located at Tennessee Colony, Texas. He advised the TBCJ that the Undesignation Form officially notifies the Bureau of Justice Assistance that the Atrium Companies, Inc. cost accounting center will no longer be operative.

Chairman Bell inquired if this particular operation was going away or was being moved. Mr. Hazlewood responded that because of the economy, Atrium Companies, Inc. decided to consolidate their operations and save free world jobs by shutting down the prison operations. Chairman Bell stated that Atrium Companies Inc. is no longer part of the PIE Program and all operations at the Coffield Unit are shut down. Mr. Hazlewood responded affirmatively, noting the operations have been shut down since January 2010.

Chairman Bell called for a motion and a second.

Mr. Vasquez made a motion that the TBCJ undesignate Atrium Companies at the Coffield Unit in Anderson County, Tennessee Colony, Texas, as a cost accounting center under the Private Sector Prison Industry Enhancement Program, as presented.

Ms. Lord seconded the motion, which prevailed unanimously when called to a vote.

**Discussion, Consideration, and Possible Action
Regarding Proposed Land Transactions**

Matt Demny, Director for Agribusiness, Land and Minerals stated that the following land transactions were presented to the Business and Financial Operations Committee earlier in the day.

1. Request for a Water Pipeline Easement to the Trinity River Authority at the Polunsky Unit in Polk County, Livingston, Texas

Mr. Demny reviewed the request from the Trinity River Authority (TRA) for an easement consisting of 2.018 acres of land for the installation of one 20-inch water line. The easement is located at the Polunsky Unit along and adjacent to F.M. 350. TRA is seeking the easement to deliver drinking water to the City of Livingston. The TRA has agreed to pay \$10,000 for the easement with a 50-year term.

Chairman Bell asked if there were any questions. Seeing none, he called for a motion and a second.

Mr. Gambrell made a motion that the TBCJ approve the request for a water pipeline easement to the Trinity River Authority at the Polunsky Unit in Polk County, Livingston, Texas, as presented.

Ms. Lord seconded the motion, which prevailed unanimously when called to a vote.

2. Request for Renewal of Petroleum Pipeline Easement to the Shell Pipeline Company, LP at the Stiles Unit in Jefferson County, Beaumont, Texas

Mr. Demny stated that Shell Pipeline Company, LP has requested a renewal of a petroleum pipeline easement at the Stiles Unit in Jefferson County, containing one 20-inch pipeline, which extends 5,679.96 feet. He noted that the map in the agenda booklet should denote a petroleum pipeline instead of a water line. Shell Pipeline Company, LP has agreed to pay \$68,848 for the renewal with a 10-year term.

Chairman Bell asked if there were any questions. Seeing none he called for a motion and a second.

Mr. Vasquez made a motion that the TBCJ approve the renewal of a petroleum pipeline easement to Shell Pipeline Company, LP at the Stiles Unit in Jefferson County, Beaumont, Texas, as presented.

Mr. Nelson seconded the motion, which prevailed unanimously when called to a vote.

**Discussion, Consideration, and Possible Action Regarding
Facilities Division Construction Projects**

Mr. Inmon advised the TBCJ that the following construction projects had been presented to the Business and Financial Operations Committee earlier in the day.

1. Request to Replace Water Line in Main Building at the Ellis Unit in Walker County, Huntsville, Texas

Mr. Inmon stated that the replacement of the water distribution lines to the main offender housing area and the connection to the existing fire line at the Ellis Unit has a total project cost of \$1,010,100.

Chairman Bell asked if there were any questions. Seeing none, he called for a motion and a second.

Mr. Mechler made a motion that the TBCJ approve a not to exceed budget of \$1,010,100 to replace the water line in the main building at the Ellis Unit in Walker County, Huntsville, Texas, as presented.

Mr. McCombs seconded the motion, which prevailed unanimously when called to a vote.

2. Request to Replace Roof on Cannery at the Terrell Unit in Brazoria County, Rosharon, Texas

Mr. Inmon stated that the project cost for the replacement of the roof on the Texas Correctional Industries' cannery at the Terrell Unit is \$1,342,800. He requested that the TBCJ approve this amount.

Chairman Bell asked if there were any questions. Seeing none, he called for a motion and a second.

Mr. McCombs made a motion that the TBCJ approve a not to exceed budget of \$1,342,800 to replace the roof on the cannery at the Terrell Unit in Brazoria County, Rosharon, Texas, as presented.

Mr. Mechler seconded the motion, which prevailed unanimously when called to a vote.

Chairman Bell thanked all who were in attendance and reminded them that the next meeting of the TBCJ will be August 16, 2010, at the Crowne Plaza Hotel, in Austin, Texas.

Adjournment

At 3:22 p.m., Chairman Bell adjourned the regular session into executive session, which is closed to the public in accordance with the Texas Government Code Sections 551.071 and 551.074. There being no further business, Chairman Bell finally adjourned the Texas Board of Criminal Justice at 4:03 p.m.

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Chairman

Secretary

* Signatures on file

Referenced attachments for the minutes are available upon request from the Office of Record, Executive Services.