

**Texas Board of Criminal Justice**  
***155th Meeting***



**Minutes**

**June 10, 2011**  
**Austin, Texas**

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**TEXAS BOARD OF CRIMINAL JUSTICE**

**Doubletree Hotel  
6505 North IH-35  
Austin, Texas 78752  
Phoenix North**

**June 10, 2011  
12:00 – 1:00 PM**

**ORDER OF BUSINESS**

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*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 Agricultural Goods and Agricultural Personal Property
  - 4. 154<sup>th</sup> TBCJ Meeting Minutes
  - 5. Excused Absences
- C. Election of Officers
- D. Report from the Presiding Officer, Texas Board of Pardons and Paroles (BPP)
- E. Report from the Chairman, Judicial Advisory Council (JAC)
  - 1. Fiscal Years 12-13 Appropriations
  - 2. Community Supervision Outcomes
  - 3. Collaboration with Community Supervision Stakeholders
- F. Report from the Executive Director, Texas Department of Criminal Justice (TDCJ) – Update on the 82nd Legislative Session
- G. Report from the Executive Director, Correctional Managed Health Care Committee (CMHCC) – Update on the Second Quarter FY 2011 Financial Report

- H. Report from the Chairman, Advisory Committee on Offenders with Medical or Mental Impairments (ACOOMMI)
- I. Report from the Chairman, TBCJ
  - 1. Update on Board Member Visits to Probation, Parole, and Prison Facilities
  - 2. Budget and Good Stewardship
  - 3. Chairman's Fitness League
- J. Internal Audit Status Report for Fiscal Years 2010-2011
- K. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million
- L. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Title 37 Texas Administrative Code Section 163.40, Substance Abuse Treatment
- M. Discussion, Consideration, and Possible Action Regarding Land Transactions
  - 1. Request for Oxygen Pipeline Easement at the Darrington Unit in Brazoria County, Rosharon, Texas
  - 2. Request for Two Acre Compressor Site Lease at the Eastham Unit in Houston County, Lovelady, Texas
  - 3. Request for Gas Pipeline Easement at the Eastham Unit in Houston County, Lovelady, Texas
  - 4. Request for Fiber Optic Cable Easement at the Jester Unit in Fort Bend County, Richmond, Texas
- N. Discussion, Consideration, and Possible Action Regarding a Facilities Division Construction Project to Replace Structural Framework in Cellblocks at the Darrington 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. 155

The Texas Board of Criminal Justice (TBCJ) convened in regular session on Friday, June 10, 2011, at 12:17 p.m. at the Doubletree Hotel, Austin, Texas. The meeting adjourned into executive session at 1:38 p.m. and finally adjourned at 2:29 p.m.

**TBCJ MEMBERS PRESENT:** Oliver Bell, Chairman  
Tom Mechler, Vice Chairman  
Leopoldo (Leo) Vasquez, III, Secretary  
Eric Gambrell  
Judge Larry Gist  
Terrell McCombs  
J. David Nelson  
Carmen Villanueva-Hiles

**TBCJ MEMBER ABSENT:** Janice Harris Lord

**TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE STAFF  
PRESENT:** Brad Livingston, Executive Director  
Bryan Collier, Deputy Executive Director  
Jeff Baldwin Michelle Lyons  
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 Kim Vernon  
Sherry Koenig Carey Welebob  
Lannette Linthicum, M.D. Dee Wilson

**OTHERS PRESENT:** Chelsea Buchholtz, Advisor, Office of the Governor; Marsha McLane, Office of Representative Madden; Angela Isaack, Legislative Budget Board; the Honorable Dale Sturgeon, Jones County Judge; the Honorable Sharon Keller, Texas Court of Criminal Appeals; David Gutierrez, Board of Pardons and Paroles member; Mary Anne Wiley, Deputy General Counsel, Office of the Governor; Debbie Roberts, Superintendent of the Windham School District; and members of the media.

## **Convene the Texas Board of Criminal Justice**

Chairman Oliver Bell convened the 155th meeting of the TBCJ on Friday, June 10, 2011, at 12:17 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*. He stated that the TBCJ would conduct 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. He recognized Chelsea Buchholtz, Advisor-Budget, Planning, and Policy, Office of the Governor; Marsha McLane, Office of Representative Madden; Angela Isaack, Legislative Budget Board; and the Honorable Dale Sturgeon, Jones County Judge.

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. As no registration cards were received prior to the required deadline, the TBCJ did not hear public presentations on posted agenda topics.

## **Recognitions**

Noting Ms. Lord's absence, Chairman Bell requested a moment of silence for Dick and Janice Lord and their family during a sad and tiring time. The Lord's daughter-in-law has been terminally ill and has just recently taken a turn for the worse.

Chairman Bell yielded the floor to Brad Livingston, Executive Director of the Texas Department of Criminal Justice (TDCJ), who recognized Lannette Linthicum, M.D., Director of the Health Services Division as the recipient of the E.R. Cass Award, the American Correctional Association's (ACA) most prestigious award. Dr. Linthicum will officially receive the award at the ACA's Summer Convention. Additionally, Dr. Linthicum is the recipient of an award from the Coalition of Correctional Health Authorities (CCHA), an adjunct association of the ACA. The CCHA consists of all 50 states and their directors of health services. Dr. Linthicum recently received the CCHA award for outstanding leadership by a correctional health authority. The CCHA also chose to designate this award in future years as the Lannette Linthicum Outstanding Leadership Award to a correctional health authority. Mr. Livingston congratulated Dr. Linthicum on receiving these honors, noting her hard work, diligence, excellence in the best correctional health care practices, and the highest professional standards. Mr. Livingston yielded the floor to Dr. Linthicum. Dr. Linthicum thanked Mr. Livingston for his kind words and confidence in her. She also thanked her Savior, Jesus Christ, for these blessings and for her labor of love in the agency for the past 25 years. Dr. Linthicum expressed her feelings about her patients, stating she will always advocate for a better health care delivery system for them. She also expressed her gratitude for the recognition given to her at the meeting. Applause followed. Chairman Bell thanked Dr. Linthicum for her leadership and professionalism within the TDCJ.

Chairman Bell recognized Mr. Livingston as the recipient of the State of Texas 20 Year Service Award. He highlighted Mr. Livingston's career in state government, noting that he has just completed his fourth legislative session with the TDCJ. Chairman Bell expressed the TBCJ's gratitude for Mr. Livingston's strong solid leadership that has guided the TDCJ through a challenging legislative session, which resulted in a budget that is operationally sound with all mission essential components in place. Chairman Bell presented Mr. Livingston with his 20 Year Service Award. Applause followed.

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 and May 2011. 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.

Chairman Bell stated the board's final recognition, the presentation of the Promotion of Positive (POP) Mental Health Award, would be deferred until later in the meeting.

*(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. 154<sup>th</sup> TBCJ Meeting Minutes**
- 5. Excused Absences**

Chairman Bell noted that the proposed consent items include the excused absence of Carmen Villanueva-Hiles who was unable to attend the February 2011 meeting, and Eric Gambrell who was unable to attend the April 2011 meeting. Both absences were due to personal business. He asked if there were any amendments or objections to the proposed 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.

## **Election of Officers**

Chairman Bell yielded the floor to Terrell McCombs for a motion.

*Mr. McCombs made a motion that the TBCJ approve the nomination of Tom Mechler as the Vice-Chairman of the TBCJ.*

*He further moved that the TBCJ approve the nomination of Leopoldo Vasquez, III, as the Secretary of the TBCJ.*

Chairman Bell noted that with the election of officers every two years, the TBCJ does have the option to continue with the officers in place. Mr. McCombs has come forward with a motion on the floor to continue with officers in place. Chairman Bell called for a second.

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

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

Ms. Rissie Owens, BPP presiding officer, had no report.

## **Report from the Chairman, Judicial Advisory Council (JAC)**

- 1. Fiscal Years 12-13 Appropriations**
- 2. Community Supervision Outcomes**
- 3. Collaboration with Community Supervision Stakeholders**

Chairman Bell related that Judge Mary Anne Bramblett, JAC Chairman, was unable to attend the board meeting. He noted that Judge Bramblett had sent a letter expressing her commitment to community corrections as well as her appreciation to the board and to Mr. Livingston for their support during these tough economic times.

## **Report from the Executive Director, Texas Department of Criminal Justice (TDCJ) Update on the 82nd Legislative Session**

Mr. Livingston provided an update on the 82nd Legislative Regular Session, which adjourned at the end of May. He noted the legislature was meeting in special session at the current time, which could affect some budgetary decisions concerning the TDCJ. He assured the board that his expectations were that the budget decisions the legislature made for the TDCJ and other

agencies would most likely stand through the special session. Mr. Livingston noted the board had received a detailed handout of the budget decisions from the chief financial officer. The board would also receive a detailed summary of legislation affecting the TDCJ. Mr. Livingston stated that his review would highlight a few of the budgetary items, which follow below:

As the TDCJ moved into the 82nd legislative session last fall, the fiscal circumstances were bleak. Agencies were directed by the state's leadership to decrease their spending and reduce their budgets. When the session began, the TDCJ's recommended budget was \$500 plus million below current spending levels, which was obviously a starting point. Staff worked with the state leadership and the other stakeholders to understand the needs of the TDCJ within the criminal justice community for the upcoming biennium. The funding for the 2012-2013 biennium is approximately \$100 million less than the current biennium funding levels; the most significant reduction is in the correctional managed health care, which accounts for \$75 million of that \$100 million. It is important to note a couple of things about the process. Some of the biggest issues dealt with an over \$225 million proposed reduction to correctional managed health care. Also, the proposed budget in the House of Representatives left unfunded roughly 4,000 beds within the TDCJ's capacity and in total would have significantly reduced TDCJ's ability to manage the incarceration, health care, probation, parole, and treatment functions. As the TDCJ has moved through the process, it is both fair and appropriate to say that all of the agency's functions are funded at a level that is appropriate and operationally sound.

Mr. Livingston emphasized that there was an obligation and an opportunity to continue the effective management and leadership of this agency and its functions. Mr. Livingston stressed that the staff will monitor spending with respect to the key elements of the agency, in terms of treatment, probation, parole, diversion programs, and security. He assured the board that the TDCJ was in good shape to face the new biennium. It is fair to say the decisive steps that TDCJ management took early in this process to ensure the fiscal year (FY) 2011 budget would work, helped this biennium process be successful. This success was based on the willingness to be innovative, to be focused on the commitment to change where change made sense, and to never sit back and rest on one's laurels. There is a lot to be pleased with on the funding levels, but there is an immense responsibility surrounding it. Mr. Livingston stated this responsibility was significant and the TDCJ leadership team was ready to implement all the decisions the legislature made. Mr. Livingston advised the board that he was extremely proud of his senior team for a number of reasons, especially for how each of them stepped up during a very difficult legislative session and fiscally challenging time. He stated his belief that the TDCJ is emerging stronger and more resilient. Mr. Livingston noted one of the key areas of challenge going forward is health care. The legislature approved an overall budget that is \$100 million below current funding levels, \$75 million of that number is health care. The legislature has taken several steps to clarify and solidify the partnership TDCJ has with the universities. Staff is working with the universities in terms of scoping the services to ensure there is a responsible health care system that delivers health care to the offender population and one that does so within the funding levels, which is consistent with the clear message that the TDCJ and the universities received during session.

Based on legislative action, the TDCJ will be closing the Central Unit this summer. Mr. Livingston noted when stabilizing or decreasing offender populations allow the policy makers

the ability to close a unit, it is an indicator that the diversion programs (incarceration, probation, and parole) are working. Implementation of a plan to reassign offenders from that facility has been initiated. Mr. Livingston stated the Central Unit correctional staff would have the opportunity to transfer to vacancies in nearby units.

Mr. Livingston informed the board that the budget is not without some challenge and some pain and that tough decisions will have to be made in the coming weeks. A significant amount of the “heavy lifting” on those difficult decisions has been made. Mr. Livingston stated he would be pleased to answer any questions.

Chairman Bell asked if there were any questions. There were none.

**Report from the Executive Director,**  
**Correctional Managed Health Care Committee (CMHCC)**  
**Update on the Second Quarter FY 2011 Financial Report**

David McNutt, CMHCC Chief Financial Officer, provided an update on the Second Quarter FY 2011 Financial Report. He reviewed the population indicators. The number of offenders in the service population age 55 or older increased by 8% from one year ago. The overall HIV population remained stable at 1.57% of the population served. The two mental health caseload measures remained relatively stable.

Mr. McNutt reviewed the health care costs through the second quarter of FY 2011, which were \$268.1 million. This amount was above overall revenues earned by the university providers by \$13.3 million or 5.21%. The University of Texas Medical Branch’s (UTMB) total revenue was \$201.6 million. Their expenditures totaled \$213.2 million resulting in a loss of \$11.6 million. UTMB earned \$9.14 in revenue per day but expended \$9.66 resulting in a net loss of \$0.52 per offender per day. Texas Tech University Health Sciences Center (TTUHSC) total revenue was \$53.2 million. Expenditures totaled \$54.9 million resulting in a net loss of \$1.7 million. TTUHSC earned \$9.30 in revenue per day but expended \$9.60 in resulting in a net loss of \$0.30 per offender per day. The total cost per offender per day for all health care services through the second quarter of FY 2011 was \$9.65. The cost per day for FY 2010 was \$9.88.

Chairman Bell asked if there were any questions or comments. There were none.

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

John Bradley, ACOOMMI Chairman, had no report.

Chairman Bell noted he would like, at this time, to proceed with the presentation of the Promotion of Positive (POP) Mental Health Award. This award is given to those individuals or

group of individuals who promote or establish programs to address mental health issues for offenders under TDCJ's supervision and to insure they receive proper treatment and housing. Dee Wilson, the Director of the Reentry and Integration Division, recognized this year's POP Mental Health Award recipient, the Chief Justice Led Mental Health Task Force, established by the Honorable Sharon Keller, Presiding Judge, Texas Court of Criminal Appeals. This task force led the nation in developing the first identification system for the mentally ill upon entry into the criminal justice system. Present for the award were task force members Judge Keller, David Gutierrez, BPP member, and Mary Anne Wiley, Deputy General Counsel, Office of the Governor. Judge Keller thanked the members of the task force, and Ms. Wilson who did invaluable amounts of work in supporting the task force's efforts. She also thanked Dr. Tony Fabelo, Council of State Government, and the late Jason Brill for the role they played in assisting the task force. Chairman Bell presented the POP Mental Health Award to Judge Keller, Mr. Gutierrez and Ms. Wiley. Applause followed.

Mr. Nelson commented that it was his pleasure to have known Ms. Wiley and Mr. Gutierrez when they were residents of Lubbock County. He praised them as professionals of unequalled stature in their respective fields.

## **Report from the Chairman, TBCJ**

### **1. Update on Board Member Visits to Probation, Parole, and Prison Facilities**

Chairman Bell stated that in June 2009 the TBCJ had met its goals to visit all prison facilities. The board expanded its visitations to community supervision and correction departments (CSCDs) and parole offices. These visits give the TBCJ insight into the day-to-day operations of the agency as well as heighten morale among the employees and gives them an opportunity to share thoughts and concerns with the TBCJ. The TBCJ has logged 188 visits to prison facilities, 27 visits to parole facilities, and 21 CSCD visits. The Chairman stated that in the past month he has visited facilities in Brownwood, Snyder, Dalhart, Amarillo, Pampa, and Bridgeport, with all visits unannounced. These board member visits include talking with staff and offenders, inspecting programs and equipment as well as visiting medical facilities and treatment programs. Chairman Bell encouraged TBCJ members to continue visiting TDCJ facilities in their area of responsibility. He noted that Mr. McCombs leads the TBCJ in visiting the prison, parole and CSCD facilities in his area of responsibility.

Chairman Bell stated that he had recently visited the Jordan Unit and spoke at the unit's chapel dedication. The chapel was made possible by a coordinated volunteer effort. The Jordan Chapel Builders envisioned the building's existence 10 years ago. It was through community spirit and hard work that a chapel was constructed for offenders as a place to come for worship and education. Chairman Bell expressed his pride in being part of the criminal justice system and a citizen of Texas.

## **2. Budget and Good Stewardship**

Chairman Bell stated that all state agencies are being challenged fiscally. The legislature has provided funding that will allow TDCJ to continue to be operationally sound. These resources will be managed well. Chairman Bell recognized Mr. Livingston for his proactive, future focused leadership in management as he leads for both the long term and the short term. Mr. Livingston and his staff examine every operational, personnel, and fiscal issue that must be dealt with before going forward. They are humble and carry on these activities away from the lime light without bringing attention to themselves. The staff's normal business routine examines the TDCJ's needs in security, health care, training, industry, agriculture, faith based programs, reentry programs, rehabilitation programs, probation programs, and parole programs. Mr. Livingston as the current executive director provides long-term leadership and focus on the future due to his extensive history and senior leadership positions in the agency and his tenure as executive director. As Mr. Livingston already has a future focused management structure in place, it is appropriate to acknowledge it. The proactive and decisive operational steps Mr. Livingston and his team took during these challenging fiscal times set the stage for the TDCJ's future success. Chairman Bell stated that he was aware that Mr. Livingston did not view these steps as one-time events. He emphasized that no activity was sacred in terms of how it must operate, noting that everything is open to review and restructuring if and when it makes sense. The activities must be done well, but how TDCJ structures them, analyzes their cost, and evaluates their effectiveness are (and shall be) an ongoing way of management. In some cases, agency leadership will clearly determine the current approaches are best practices as many other states have when looking at Texas' criminal justice system. In other areas of operations, TDCJ will change because that is what will make the agency stronger, more cost efficient, and guarantee the success of the TDCJ's mission. Mr. Livingston will insure that the agency will remain responsive to the governor, legislature, and the people of Texas. TDCJ will continue to look at how the agency performs its number one operation, which is security. The Correctional Institutions Division (CID) continually provides input on how the agency should operate, what can be changed, and how TDCJ can improve the prison facilities' security measures. Security is by no means TDCJ's only contribution to public safety but it is one of the agency's most visible and direct contributions and as such must continue to remain second to none in terms of staff's priorities. TDCJ will examine health care operations. The recent changes enacted by the legislature provide TDCJ a more active role and enhanced monitoring and reporting requirements. Some of the activities are already in place, but now there is a more formal structure to reinforce some of these activities. As the agency moves forward over the next two years, the delivery of health care to the offender population will be an ongoing challenge. The funding levels of health care will demand ongoing innovation. The TDCJ, CMHCC, and the university partners are committed to making the health care delivery system work. Clearly, the TDCJ has a challenge with health care costs. However, the TDCJ's partners at UTMB and TTUHSC oversee one of the lowest cost and most effective care delivery models for correctional health care programs in the country. The TDCJ and the CMHCC will have to look for more opportunities to create an even more cost efficient system in the long run. Working with the health care partners, the TDCJ will determine if the current mix of services is affordable or if better options are available within the appropriated funding levels. The agency is very fortunate to have Dr. Linthicum with her leadership and experience in correctional health care as part of the TDCJ team.

Other core functions such as reentry initiatives and rehabilitation programs passed in the previous session continue to evolve. There is extensive cooperation between TDCJ divisions and public and private entities to improve offender reentry efforts. Chairman Bell stated that the TDCJ has done an exceptional job in these areas, noting his comments serve three purposes. First, to thank staff for their work to date; second, to increase staff's awareness of these forward management practices that have been implemented under Mr. Livingston's leadership; and lastly, to remind staff these efforts are not out of the ordinary. Forward planning, alternative evaluations, and contingency planning are ingrained qualities in the TDCJ. Chairman Bell expressed his interest in the periodic updates from all areas within the TDCJ on various activities and the opportunity to identify the agency's future best practices whether they are a continuation of existing activities or a complete departure from these activities as the TDCJ seeks to improve. He also voiced this board's interest in working within the TBCJ committees and the TDCJ by interacting with its partners to seek solutions. Staff and the TBCJ will continue to concentrate on core functions and essential business keeping efficiency and cost effectiveness on the forefront while maintaining a safe and sound criminal justice system.

### **3. Chairman's Fitness League**

Chairman Bell reported that the Chairman's Fitness League for the Third Quarter Challenge concluded in May 2011. The top ranking teams in each division are as follows: (1) Division One: Championship-Texas Board Pardons and Paroles with 7,858 points, 2nd Place-Specialized Programs, Parole Division, and 3rd Place-TBCJ; (2) Division Two: Championship-State Counsel for Offenders with 15,832, 2nd Place-Accounting and Business Services, 3rd Place-Contracts and Procurement; (3) Division Three: Championship-Walker Sayle Unit with 38,619 points, 2nd Place-Ft. Stockton Unit, and 3rd Place-Glossbrenner Unit; (4) Division Four: Championship-Hobby Unit with 47,772, 2nd Place-Central Unit, and 3rd Place-C. Moore Unit; (5) Division Five: Championship-Jester IV Unit with 33,368 points, 2nd Place-Parole Division Region III, and 3rd Place-Manufacturing and Logistics Division; and (7) Division Seven: Championship-WSD Administration with 9,369 points. Chairman Bell extended his congratulations to all the ranking teams and to the challenge participants. The fourth quarter challenge, which began June 6, will be a five-week physical activity program similar to the past quarter with the activities being logged and converted into miles.

### **Internal Audit Status Report for Fiscal Years 2010 – 2011**

Raymond Pyeatt, director of the Internal Audit Division, stated there were no changes to the internal audit status report.

Chairman Bell asked if there were any questions or comments. There were none.

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

Jerry McGinty, Chief Financial Officer, reviewed the following purchases and contracts over \$1 million:

- Items 1-10: Increases to current year contracts. Notably Items 5 (bulk fuel), 8 (food), 9 (food), and 10 (food) have a 10% variance in contract price.
- Items 11-18: Contract renewals for agribusiness operations. Items 15 (pork trimming) and 16 (beef trimmings) have a 10% variance in contract price.
- Items 19-25: FY 2012 contract renewals for Texas Correctional Industries Operations. Item 24 (bulk fuel) has a 10% variance in contract price.
- Item 26: FY 2012 contract renewal for food service at the Hamilton Unit.
- Item 27: FY 2012 contract renewal for operation of in prison therapeutic community (IPTC) and substance abuse treatment program services at the Havins Unit.
- Items 28-29: FY 2012 contract renewals for services at the East Texas Treatment Facility.
- Items 30-36: FY 2012 contract renewals for IPTC and substance abuse felony punishment services on seven units (Estelle, Hackberry, Jester I, Glossbrenner, Halbert, Kyle, and Sayle units).
- Items 37-38: FY 2012 contract renewals for information technology support services.
- Item 39: FY 2012 contract for commissary items, which is approximately a 2.5% increase from the FY 2011 contract.
- Item 40: FY 2012 contract for coffee and cappuccino to be sold in the commissaries. This has a 10% variance in contract price.
- Items 41-42: FY 2012 new contracts for Texas Correctional Industry use.
- Item 43: FY 2012 food contract for Kegans State Jail.
- Item 44: Calendar Year (CY) 2012 contract for electricity for 49 units, which has a 10% price variance in contract price.
- Items 45-50: FY 2012-2013 contract renewals for halfway house services for the placement of parolees lacking residential resources.
- Items 51-73: FY 2012-2013 contract renewals for residential and outpatient substance abuse treatment services.
- Items 74-78: FY 2012-2013 contract renewals of five of the seven correctional centers (private prisons). The dollar amounts of some may appear to be larger than the others, such as on Item 74 and Item 75, which are 1,000 bed facilities compared to the three other facilities, which are 520 bed facilities.
- Items 79-80: FY 2012-2013 contract renewals for electronic monitoring services.
- Food Purchases: All items require a 10% variance in contract price.
- Item 81: FY 2012 contract renewal for the operation of the state jail substance abuse program at six state jails.
- Items 82-84: FY 2012-2012 contract to West Texas/Brownfield for the operation and management of an intermediate sanction facility, Minerals Wells for the operations and management of a pre-parole transfer facility, and Bridgeport for the operation and management of the pre-parole transfer facility.

*(Attachment B – Handout Purchases Over \$1 Million Items 81-84)*

Chairman Bell opened the floor for questions. Judge Gist asked if the outcomes of the rehabilitative programs such as the substance abuse felony punishment programs are considered in the contracting process. Mr. McGinty responded affirmatively, noting that the TDCJ works closely with the Legislative Budget Board regarding the recidivism rates of offenders who complete the substance abuse and IPTC programs. Judge Gist inquired if the studies reflect which vendors may have a higher recidivism rate than others. Mr. McGinty stated that recidivism impact is looked at on a global level. He assured the TBCJ that staff from the Rehabilitation Programs Division and the Private Facility Contract Monitoring and Oversight Division will ensure that the quality of programming is met contractually and is consistent among all the facilities. Judge Gist stated that his question about the quality of the programming is “is it working?” Mr. McGinty said he could provide Judge Gist with additional information regarding the agency’s monitoring of the substance abuse treatment program.

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

*Tom Mechler made a motion that the TBCJ approve the purchases and contracts over \$1 million to include a 10% price variance for food items, bulk fuels, and electricity, as presented.*

*Carmen Villanueva-Hiles seconded the motion.*

Chairman Bell asked if there were any conflicts.

Mr. Vasquez stated that he wished to abstain from the vote on the purchases and contracts over \$1 million, as one of the commissary items listed is coffee/cappuccino. He currently has an affiliation with the coffee industry and to prevent the slightest suggestion of impropriety he respectfully abstained from voting on this item.

Mr. Gambrell stated that he would also abstain from voting on the purchases and contracts over \$1 million as his firm represents Jacobs Engineering Group, Inc., 3M Corp., Corrections Corporation of America, and Cornell Companies, Inc.

Chairman Bell called for a vote.

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

**Discussion, Consideration, and Possible Action Regarding  
Proposed Amendments to Title 37 Texas Administrative Code  
Section 163.40, Substance Abuse Treatment**

Melinda Bozarth, TDCJ General Counsel, stated that the proposed amendments to Section 163.40, Substance Abuse Treatment, have been reviewed by the JAC and the Probation Advisory Council. Ms. Bozarth reviewed the substantive revisions, noting changes were being recommended to the definition of “Counselor Intern” with a similar revision to the definition of “Graduate.” She further noted that under section (p)(2) a clarification was proposed regarding the criteria for removing an offender who has been inappropriately placed in a program or who is unable to participate in a program. A new section, (x)(10), is also proposed that provides an offender’s progress in treatment shall be assessed regularly by the clinical staff to help determine the length and intensity of the program.

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

*Judge Gist made a motion that the TBCJ approve for publication in the Texas Register, the proposed amendments to Board Rule 163.40, regarding Substance Abuse Treatment, to receive public comment, as presented.*

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

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

**1. Request for Oxygen Pipeline Easement at the Darrington Unit in Brazoria County, Rosharon, Texas**

Matt Demny, Director for Agribusiness, Land and Minerals Department, stated the Business and Financial Operations Committee had received a briefing on the four following easements earlier in the day.

Mr. Demny reported that HSC Pipeline Partners Limited, LLC has requested an easement at the Darrington Unit for the installation of one new gas pipeline. The easement will be 30 feet wide and approximately 5.2 miles (27,488.67 feet) long. The request includes several temporary workspaces totaling 39.04 acres of land for use during pipeline construction and installation. HSC Pipeline Partners Limited, LLC has agreed to pay \$181,198 for this easement with a 10-year term. Mr. Demny mentioned that all the easements presented today include the “most favored nation” clause to insure that the state is receiving the best deal possible.

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

*Mr. Vasquez made a motion that the TBCJ approve the request for an oxygen pipeline easement at the Darrington Unit in Brazoria County, Rosharon, Texas, as presented.*

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

## **2. Request for Two Acre Compressor Site Lease at the Eastham Unit in Houston County, Lovelady, Texas**

Mr. Demny reviewed the request from Navidad Resources, LLC for a surface lease at the Eastham Unit. The easement consists of 2.0 acres of land to locate and operate a compressor and accessory equipment to facilitate the collection of natural gas from both state and off site sources. Navidad Resources, LLC has agreed to pay \$8,000 per year for this surface lease with a 10-year term.

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

*Mr. Gambrell made a motion that the TBCJ approve the request for a two acre compressor site lease at the Eastham Unit in Houston County, Lovelady, Texas, as presented.*

*Judge Gist seconded the motion, which prevailed unanimously when called to a vote.*

## **3. Request for Gas Pipeline Easement at the Eastham Unit in Houston County, Lovelady, Texas**

Mr. Demny stated that Navidad Resources, LLC has requested an easement at the Eastham Unit for a new gas pipeline. The easement will consist of two segments, each being 20 feet wide and totaling approximately 6,478.01 feet in length. It includes a temporary workspace of 2.88 acres for use during pipeline construction and installation. Navidad Resources, LLC has agreed to pay \$45,020 for this easement for a 10-year term.

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

*Ms. Villanueva-Hiles made a motion that the TBCJ approve the request for a gas pipeline easement at the Eastham Unit in Houston County, Lovelady, Texas, as presented.*

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

#### **4. Request for Fiber Optic Cable Easement at the Jester Unit in Fort Bend County, Richmond, Texas**

Mr. Demny stated that Southwestern Bell Telephone Company requested an easement at the Jester Unit totaling 1.189 acres. The easement, consisting of two segments both being 10 feet in width and adding up to approximately 5,186 feet in length, will be used for the installation of a 4" fiber optic cable. Based on appraised value, Southwestern Bell Telephone Company has agreed to pay \$46,460.64 for the easement with a 10-year term.

*Mr. Vasquez made a motion that the TBCJ approve the request for a fiber optic cable easement at the Jester Unit in Fort Bend County, Richmond, Texas, as presented.*

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

#### **Discussion, Consideration, and Possible Action Regarding a Facilities Division Construction Project to Replace Structural Framework in Cellblocks at the Darrington Unit in Brazoria County, Rosharon, Texas**

Frank Inmon, Director of the Facilities Division, noted that the Business and Financial Operations Committee had received a briefing of the proposed construction project at the Darrington Unit earlier in the day. The project is to replace structural framework in 36 shower cells, in cellblocks A, B, C, D, E, and F of the Darrington Unit. Mr. Inmon explained the responsibilities for the contractor, which included the removal of the existing shower cell fronts, shower cell doors, frames, and locks. One bid was received and negotiated for this project. If approved, the work will be performed by The Nay Company, with a portion of the work being completed by Texas Correctional Industries. The project cost is \$2,165,600.

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

*Mr. Nelson made a motion that the TBCJ approve a not to exceed budget of \$2,165,600 to replace structural framework in cellblocks at the Darrington Unit in Brazoria County, Rosharon, Texas, as presented.*

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

## Adjournment

There being no further business, Chairman Bell adjourned the regular session of the Texas Board of Criminal Justice into executive session at 1:38 p.m. The TBCJ finally adjourned at 2:29 p.m.

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Chairman

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Secretary

\*Signature on file.

*Note: Referenced attachments for the approved minutes are available upon request from the Office of Executive Services.*