

**Texas Board of Criminal Justice**  
***159th Meeting***



**Minutes**

**February 10, 2012**  
**Austin, Texas**

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**TEXAS BOARD OF CRIMINAL JUSTICE**

**Crowne Plaza Hotel – Salons E-H  
6121 North IH-35  
Austin, Texas 78752**

**February 10, 2012  
2:00 PM**

**ORDER OF BUSINESS**

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*Call to Order*

*Reconvene Texas Board of Criminal Justice (TBCJ)*

I. Regular Session

A. Recognitions

B. Consideration of Approval of 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. 158th TBCJ Meeting Minutes
5. Excused Absences

C. Report from the Executive Director, Texas Department of Criminal Justice (TDCJ) –  
Update on Offender Health Care

D. Report from the Chairman, TBCJ

1. Update on Offender Health Care
2. Importance of Employee Engagement
3. Chairman's Olympic Fitness Challenge

E. Internal Audit Status Report for Fiscal Years 2011-2012

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

G. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board  
Policy – 03.46, “Standards for the Use of Force”

H. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to the  
TDCJ Use of Force Plan

- I. Discussion, Consideration, and Possible Action Regarding Adoption of Board Rules Title 37 Texas Administrative Code
  - 1. 159.13, Educational Services to Released Offenders/Memorandum of Understanding
  - 2. 195.81, Temporary Housing Assistance
  - 3. Chapter 152 Subchapter A, Missions and Admissions
  - 4. Chapter 152 Subchapter B, Correctional Capacity
  
- J. Discussion, Consideration, and Possible Action Regarding Adoption of Repeals Title 37 Texas Administrative Code
  - 1. 152.29, Standards for Functional Areas
  - 2. 152.31 – 152.37, Addition to Unit Capacities
  
- K. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rules Title 37 Texas Administrative Code
  - 1. 151.3, Texas Board of Criminal Justice Operating Procedures
  - 2. 151.4, Public Presentations and Comments to the Texas Board of Criminal Justice
  - 3. 155.31, Establishing Procedures for Resolving Contract Claims and Disputes
  
- L. Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Projects
  - 1. Request to Replace Roof on Main Building at the Eastham Unit in Houston County, Lovelady, Texas
  - 2. Request to Replace Fire Alarm System at the Duncan Unit in Angelina County, Diboll, Texas

*Adjourn TBCJ*

*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. 159

The Texas Board of Criminal Justice (TBCJ or board) convened in regular session on Friday, February 10, 2012, at 2:34 p.m. at the Crowne Plaza Hotel in Austin, Texas, and adjourned at 3:52 p.m.

### **TBCJ MEMBERS PRESENT:**

Oliver Bell, Chairman  
Tom Mechler, Vice Chairman  
Leopoldo (Leo) Vasquez, III, Secretary  
Eric Gambrell  
Judge Larry Gist  
Janice Harris Lord  
J. David Nelson

### **TBCJ MEMBERS ABSENT:**

Terrell McCombs  
Carmen Villanueva-Hiles

### **TEXAS DEPARTMENT OF CRIMINAL JUSTICE STAFF PRESENT:**

Brad Livingston, Executive Director  
Bryan Collier, Deputy Executive Director  
Jeff Baldwin  
Mike Bell  
Melinda Bozarth  
Rudolph Brothers  
Jackie Edwards  
Scott Hornung  
Frank Inmon  
Stuart Jenkins  
Sherry Koenig  
Lannette Linthicum, M.D.  
Angie McCown  
Jerry McGinty  
Susan McHenry  
Madeline Ortiz  
Ron Steffa  
Rick Thaler  
Bruce Toney  
Carey Welebob  
Dee Wilson

### **OTHERS PRESENT:**

The Honorable Dale Spurgin, Jones County Judge; Chelsea Buchholtz, Office of the Governor; Chloe Lieberknecht, Sunset Commission staff; 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 159th meeting of the Texas Board of Criminal Justice (TBCJ) on Friday, February 10, 2012, at 2:34 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 the board would be conducting business from the agenda posted in the Texas Register.

Chairman Bell recognized the Honorable Dale Spurgin, Jones County Judge, Chelsea Buchholtz, Office of the Governor, and Chloe Lieberknecht, Sunset Commission staff, thanking them for their interest in the board. Chairman Bell introduced his sister, Ms. Olivia Bell and his mother, Ms. Rosetta Bell.

Chairman Bell stated that the TBCJ is committed to providing the opportunity for public presentations on topics posted on the meeting agenda 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 would not hear public presentations on posted agenda topics during the meeting.

### **Recognitions**

Chairman Bell recognized Janice Harris Lord as the recipient of the 2011 inaugural Pettigrew Award bestowed by the Trauma Support Services of North Texas. The presentation of this award acknowledges Ms. Lord as a special leader and honors her for her philanthropic service to North Texas. The award is named for Robert Pettigrew, a successful wheat farmer whose legacy has benefited the Trauma Support Services Organization. He was also Ms. Lord's father. After Mr. Pettigrew's passing, Ms. Lord honored her father by donating part of his legacy to create the Trauma Support Services of North Texas. The receipt of this award speaks to the humbleness and unpretentiousness of Ms. Lord's nature. Ms. Lord thanked Chairman Bell for his kind words. She stated that the award was really about the services for trauma survivors, which was possible through the contributions of her father.

Brad Livingston, Executive Director, Texas Department of Criminal Justice (TDCJ), recognized Jerry McGinty, Chief Financial Officer (CFO), on obtaining 20 years service with the state of Texas. Mr. Livingston presented Mr. McGinty with his 20-year service award. 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 December 2011 and January 2012. 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. As a symbol of appreciation, these individuals will receive a TBCJ certificate along with a personal letter of gratitude.

*(Attachment A – Employee Names)*

## Consideration of Approval of 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. **158th TBCJ Meeting Minutes**
5. **Excused Absences**

Chairman Bell asked if there were any amendments or objections to the proposed consent items. Eric Gambrell stated that as his firm represents Wal-Mart, and as there are personal donations from Wal-Mart, he would abstain from taking part in the approval of the consent items. Chairman Bell asked if there were any other objections or amendments. Seeing none, he stated the consent items were approved, noting that the record should reflect Mr. Gambrell's abstention.

### Report from the Executive Director, Texas Department of Criminal Justice (TDCJ) Update on Offender Health Care

Mr. Livingston stated that there is continuing dialogue with the University of Texas Medical Branch in Galveston (UTMB) concerning the health care contract. Involved in those discussions are the other health care partners, the Office of the Governor, and the offices of the state's legislative leadership. Staff continues to work through outstanding issues with the health care contract for Fiscal Year (FY) 2013, which begins September 1, 2012. The TDCJ made a commitment to the state's leadership and UTMB to expedite those discussions in order to have the FY 2013 contract resolved by January 31, 2012. Mr. Livingston advised the board that the contract is not finalized. He assured the board there is time to have the contract in place before FY 2013 begins. He stated his belief that it is best to get the contract right the first time rather than try to meet an artificial deadline. Mr. McGinty will be presenting the Huntsville Memorial Hospital contract for approval later today. The contract is consistent with the dialogue and discussion that staff has had with the board over the last several months. It represents a change with respect to the agency partnership composition. TDCJ staff continues to explore other opportunities while staying in constant dialogue with the state's leadership. Mr. Livingston paused for questions. There were no comments or questions from the board.

### Report from the Chairman, TBCJ

#### **1. Update on Offender Health Care**

Chairman Bell stated that TDCJ staff has been in the process of developing separate, direct contracts for hospital and clinical care. Utilizing some established hospitals in a regionalized concept, TDCJ can maximize their use while reducing health care expenditures to the state.

Mr. McGinty will be presenting an item under the purchases over \$1 million for the board's consideration, which represents the first of these contract services, a contract for hospital services with Huntsville Memorial Hospital. This is the first of several such contracts that the board will see from TDCJ staff. Chairman Bell expressed his confidence in the ongoing efforts taken by the agency, the university providers, and the state's leadership that will ensure effective and appropriate health care continues to be provided to the incarcerated offender population.

## **2. Importance of Employee Engagement**

Chairman Bell stressed that engaged active leadership requires that supervisors be in touch with the perspective and opinions of their employees. TDCJ, with a workforce of nearly 40,000 is a large agency by any standard. The staff and leadership make it strong.

All TDCJ employees have recently been asked to participate in the Survey of Employee Engagement, a survey conducted every two years to help measure TDCJ employees' assessment of the working climate within TDCJ. Self-evaluation is an important tool in the continued strength and refinement of the agency. Chairman Bell encouraged all employees to participate in the survey and let their opinions count.

## **3. Chairman's Olympic Fitness Challenge**

Chairman Bell noted that "Training for Gold," the first quarter of the FY 2012 Chairman's Olympic Fitness Challenge was a great success. Within TDCJ, the following department and units achieved the top three ranks:

Division 1 – the Board of Criminal Justice/Austin Executive Administration earned the gold. The Parole Division Specialized Program department earned the silver, and Security Systems Operations for the Correctional Institutions Division (CID) earned the bronze.

Division 2 – the Internal Audit Division received the gold medal. The Office of General Counsel received the silver. The Parole Division Region III Office received the bronze.

Division 3 – the gold medal was awarded to the Facilities Division. The silver medal was awarded to the Houston III District Parole Office. The bronze medal was awarded to the Administrative Review and Risk Management Division.

Division 4 – the Havins Unit earned the gold medal, the Glossbrenner Unit earned the silver medal, and the Fort Stockton Unit earned the bronze medal.

Division 5 – the Cole State Jail received the gold medal, Classification and Records earned the silver medal, and the Hobby Unit received the bronze medal.

Division 6 – the gold medal was awarded to the Lyncher and Kegans State Jail Complex, the silver medal was awarded to the Manufacturing and Logistics Division, and the Garza West Unit earned the bronze medal.

Within the Windham School District, the North Texas Region reigned, receiving their division's gold medal.

Chairman Bell congratulated all winning departments and units. He advised that the second quarter of the FY 2012 Fitness Challenge "Winter Olympics" kicked off February 6, 2012. Chairman Bell encouraged all employees to continue to incorporate some physical activity into the daily schedule, which has proven to help promote a healthier mind and body.

### **Internal Audit Status Report for Fiscal Years (FY) 2011-2012**

Scott Hornung, Director of the Internal Audit Division, provided the following revisions to the handout of the Internal Audit Status Report for the FY 2011 and 2012:

- **1112 Correctional Institutions Division, Unit Mailrooms:** The exit meeting was held February 3, 2012. Staff responses to the report are pending.
- **1113 Parole Division, Restitution and Supervision Fees:** The exit meeting was held February 8, 2012. Staff responses to the report are pending.

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

*(Attachment B – Internal Audit Status Report for Fiscal Years 2011-2012)*

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

Mr. McGinty reviewed the purchases and contracts over \$1 million. Items 1 and 2 are extensions to two service contracts for design professional services, which are used for facility projects such as roofing and fire alarm installations. These are increases to the current contracts, since both are anticipated to be utilized with the FY 2012-2013 bond appropriation. Items 3-5 are term contract increases to food items, which include a price index increase of 10%. Item 6 is an increase to a current contract for modular panel systems installed by Texas Correctional Industries. Item 7 is the health services contract with Huntsville Memorial Hospital for medical services for offenders. The contract is for three and one-half years for \$13.4 million per year for a total contract amount of \$46,830,000. This will allow for nine inpatient beds within the facility, emergency room services at the hospital, imaging, and day surgery procedures. It also includes physicians services provided through the hospital. Mr. McGinty stated that he would be pleased to answer any questions.

Chairman Bell asked if there were any questions or comments. Leo Vasquez inquired about the length of the contract for Item 7. Mr. McGinty responded that the contract would begin as soon as it is signed and would run through the end of the 2014-2015 biennium. Seeing no more questions, Chairman Bell called for a motion and a second.

*Tom Mechler made a motion that the Texas Board of Criminal Justice approve the purchases and contracts over \$1 million, as presented.*

*David Nelson seconded the motion.*

Mr. Nelson petitioned the chair for the floor. Chairman Bell yielded the floor to Mr. Nelson. Mr. Nelson stated that the approval of the health care contract with Huntsville Memorial Hospital will reduce the cost of health care to those offenders incarcerated in the TDCJ, and represents a landmark decision for the taxpayers of Texas. He explained the significance of the board's decision to allow a private health care provider to deliver health care to offenders. This contract will save money, engages health care providers, and expands the pool of health care providers. It will benefit the agency, those offenders being provided the health care, and the taxpayers of this state. Mr. Nelson encouraged staff to bring more of these contracts to the board extending them to the full array of offender health care. Chairman Bell thanked Mr. Nelson for his comment. He called for a vote on the motion.

*The motion prevailed unanimously when called to a vote.*

### **Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy – 03.46, “Standards for the Use of Force”**

Melinda Bozarth, TDCJ General Counsel, stated that the authority section of the policy has been updated.

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 Texas Board of Criminal Justice approve the revisions to Board Policy 03.46, “Standards for the Use of Force,” as presented.*

*Janice Harris Lord seconded the motion, which prevailed unanimously when called to a vote.*

### **Discussion, Consideration, and Possible Action Regarding Proposed Amendments to the TDCJ Use of Force Plan**

Ms. Bozarth provided a historical perspective of the “TDCJ Use of Force Plan,” and she reviewed the some of the substantive revisions to the plan. There will no longer be a distinction between major and minor use of force. All investigations will be conducted using the same protocol regardless of the level of force used. Language has been revised concerning hand restraints for pregnant offenders pursuant to legislation passed in the 81st Legislative session. Language concerning reporting procedures for privately operated units has been added. In section III.B.3, language has been added to include the current requirement to attempt to de-

escalate a hostile situation between an offender and a staff member. Ms. Bozarth noted that in section III.D.4. the sentence will be corrected to read “Excessive pressure shall not be applied.” Language stating that some injuries do not require the reporting of a use of force has been added. Language concerning the decontamination of an individual when chemical agents have been deployed has been added. A use of force can be referred to the Office of Inspector General at any point if there is a violation of policy. Ms. Bozarth noted there is a handout, Employee Participant Statement, which replaces page 78 of the board packet.

Chairman Bell asked if there were any questions or comments. He thanked Rick Thaler, CID Director, for his leadership in this area. Chairman Bell called for a motion and a second.

*Mr. Gambrell made a motion that the Texas Board of Criminal Justice approve the proposed amendments to the Texas Department of Criminal Justice Use of Force Plan, as presented.*

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

### **Discussion, Consideration, and Possible Action Regarding Adoption of Board Rules Title 37 Texas Administrative Code**

#### **1. 159.13, Educational Services to Released Offenders/Memorandum of Understanding**

Ms. Bozarth stated that the amendments to 159.13, Educational Services to Released Offenders/Memorandum of Understanding were published in the December 23, 2011, issue of the Texas Register for public comment. No comments were received. Ms. Bozarth recommended that the board proceed with the final adoption of this rule.

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

*Ms. Lord made a motion that the Texas Board of Criminal Justice adopt Title 37 Texas Administrative Code Section 159.13, regarding Educational Services to Released Offenders/Memorandum of Understanding as presented, and that the chairman sign the order to this effect.*

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

#### **2. 195.81, Temporary Housing Assistance**

Ms. Bozarth stated that the amendments to 195.81, Temporary Housing Assistance were published in the December 23, 2011, issue of the Texas Register for public comment. No comments were received. Ms. Bozarth recommended that the board proceed with the final adoption of this rule.

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

*Mr. Nelson made a motion that the Texas Board of Criminal Justice adopt Title 37 Texas Administrative Code Section 195.81, regarding Temporary Housing Assistance as presented, and that the chairman sign the order to this effect.*

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

### **3. Chapter 152 Subchapter A, Missions and Admissions**

Ms. Bozarth noted that the amendments to Chapter 152 Subchapter A, Missions and Admissions were published in the December 23, 2011, issue of the Texas Register for public comment. No comments were received. Ms. Bozarth recommended that the board proceed with the final adoption of this rule.

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

*Mr. Vasquez made a motion that the Texas Board of Criminal Justice adopt Title 37 Texas Administrative Code Chapter 152 Subchapter A, Missions and Admissions as presented, and that the chairman sign the order to this effect.*

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

### **4. Chapter 152 Subchapter B, Correctional Capacity**

Ms. Bozarth noted that the amendments to Chapter 152 Subchapter B, Correctional Capacity were published in the December 23, 2011, issue of the Texas Register for public comment, and were posted on the units affected by the changes in capacity. Comments were received from 132 offenders, eight citizens, four petitions with 374 offender signatures, and two anonymous letters. Ms. Bozarth reviewed the primary concerns of the offenders and the citizens, noting the concerns and agency responses could be found in the Adoption Amendment Preamble. Ms. Bozarth also reviewed some of the suggestions, which involved early parole of offenders to help capacity issues, of which neither the TBCJ nor the TDCJ has authority to approve. Ms. Bozarth recommended that the final adoption of the amendments to the rule be approved as published, with one exception. She noted that at the last board meeting there had been an error in the rule to the Estelle Unit capacity, which should be 3,144.

Chairman Bell asked if there were any comments or questions. Ms. Lord inquired if the increase to any of the units required an increase to the number of health care staff. Ms. Bozarth responded negatively. It was the opinion of the Health Services Division that the units would not be adversely impacted by the increases to capacity. Chairman Bell asked if there were any other questions. Seeing none, he called for a motion and a second.

*Mr. Gambrell made a motion that the Texas Board of Criminal Justice adopt Title 37 Texas Administrative Code Chapter 152 Subchapter B, Correctional Capacity as presented, and that the chairman sign the order to this effect.*

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

## **Discussion, Consideration, and Possible Action Regarding Adoption of Repeals Title 37 Texas Administrative Code**

### **1. 152.29, Standards for Functional Areas**

Ms. Bozarth stated that the notice of the proposed repeal of 152.29, Standards for Functional Areas, was published in the December 23, 2011, issue of the Texas Register for public comment. No comments were received. She recommended that the board proceed with the final adoption of the repeal of the rule.

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

*Ms. Lord made a motion that the Texas Board of Criminal Justice adopt the repeal of Title 37 Texas Administrative Code Section 152.29, Standards for Functional Areas, 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. 152.31 – 152.37, Addition to Unit Capacities**

Ms. Bozarth noted that the notice of the proposed repeal of sections 152.31 – 152.37, Addition to Unit Capacities, was published in the December 23, 2011, issue of the Texas Register for public comment. No comments were received. She recommended that the board proceed with the final adoption of the repeal of the four rules.

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

*Judge Gist made a motion that the Texas Board of Criminal Justice adopt the repeal of Title 37 Texas Administrative Code Sections 152.31 – 152.37, Addition to Unit Capacities, as published in the Texas Register, and that the chairman sign the order to this effect.*

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

## **Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rules Title 37 Texas Administrative Code**

### **1. 151.3, Texas Board of Criminal Justice Operating Procedures**

Ms. Bozarth reviewed the proposed amendments to 151.3, Texas Board of Criminal Justice Operating Procedures, pursuant to the state law that requires each state agency to review rules every four years. The proposed amendments are necessary to clarify existing procedures. Section b(2) adds that the chairman or secretary may execute any necessary documents. In section c(2), language was added concerning video conferencing. Ms. Bozarth paused to answer any questions.

Chairman Bell asked if there were any questions or comments. Mr. Nelson inquired if the amendments to section c(4), dealing with the agenda for committee meetings, changes who makes the agenda for the committee meetings. Ms. Bozarth responded the proposed revision to this particular paragraph incorporates the existing process. Under the existing process, the TBCJ chairman approves committee agenda items and items for the full board meeting. Mr. Nelson asked if there had been an expression of a compelling necessity for this change. Chairman Bell responded that the amendment is not a change; it complies with the current practice.

Ms. Lord said she was unaware that the chairman approved committee agendas. Chairman Bell acknowledged that while they may never have spoken on the topic, he would confer with the board committee chair if he had concerns. If he had no concerns, he would approve the agenda.

Mr. Mechler spoke in support of the amendment, stating that he had always followed the proposed procedure during his six years on the board. Mr. Nelson expressed his dissatisfaction with the current practice, which he stated can limit open discussion among the board especially in committee.

Following further discussion, Chairman Bell called for a motion and a second.

*Mr. Mechler made a motion that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendments to Title 37 Texas Administrative Code Section 151.3, regarding Texas Board of Criminal Justice Operating Procedures, to receive public comment, as presented.*

*Mr. Vasquez seconded the motion.*

*Mr. Nelson called for a point of order. He moved to amend the motion.*

*Mr. Nelson moved that revisions to c(4) not be incorporated.*

Mr. Nelson noted the proposed changes would prevent the discussion of topics that may be vital to the purpose of the committee and the board, and have the potential to unnecessarily restrict discussion of important issues by the department and the board.

If an amendment has been made, Chairman Bell noted a second was needed on that amendment.

*Ms. Lord seconded the amendment.*

Mr. Nelson continued to explain his concerns, stating the importance of having a free exchange of ideas and discussion rather than a potential ban on relevant issues that come before a committee. He noted the board chair already appoints the chairpersons for these committees and has control over items placed on the full board agenda, and that the proposal could limit individual member's contributions to the board and their freedom of speech. Mr. Nelson recommended the passage of the amendment and with the amendment the passage of the main motion, saying the current language has worked for years and there is no urgent necessity to change it.

*Mr. Vasquez moved to the previous question.*

Chairman Bell called for a vote on the amendment.

*The amendment was defeated by a majority vote (four votes in opposition and two votes in favor).*

Chairman Bell called for a vote on the original motion.

*The motion passed with a majority vote (four votes in favor and two votes in opposition).*

Chairman Bell thanked everyone for their comments. He reminded the board that the public comment period is open to anyone who wishes to express concerns regarding the rule.

## **2. 151.4, Public Presentations and Comments to the Texas Board of Criminal Justice**

Ms. Bozarth noted that the significant addition to 151.4, Public Presentations and Comments to the Texas Board of Criminal Justice, was f(5) which denotes signs and placards shall not be carried or displayed in the meeting room.

Chairman Bell asked if there were any comments or questions. Ms. Lord asked if this kind of incident had ever happened. Ms. Bozarth responded yes, that is why the statement was added to the rule. Chairman Bell called for a motion and a second.

*Ms. Lord made a motion that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendments to Title 37 Texas Administrative Code Section 151.4, regarding Public Presentations and Comments to the Texas Board of Criminal Justice, to receive public comment, as presented.*

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

### **3. 155.31, Establishing Procedures for Resolving Contract Claims and Disputes**

Ms. Bozarth stated that the proposed amendments to 155.31, Establishing Procedures for Resolving Contract Claims and Disputes were non-substantive in nature. The four year review is pursuant to state law.

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

*Judge Gist made a motion that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendments to Title 37 Texas Administrative Code Section 155.31, regarding Establishing Procedures for Resolving Contract Claims and Disputes, to receive public comment, 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**

#### **1. Request to Replace Roof on Main Building at the Eastham Unit in Houston County, Lovelady, Texas**

Frank Inmon, Director of the Facilities Division, noted that the Business and Financial Operations Committee received a detailed status briefing of the roofing project on the main building at the Eastham Unit in Houston County, Lovelady, Texas. He recommended that the board approve the project for \$2,757,000.

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 Texas Board of Criminal Justice approve a not to exceed budget of \$2,757,000 to replace roof on main building at the Eastham Unit in Houston County, Lovelady, Texas, as presented.*

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

**2. Request to Replace Fire Alarm System at the Duncan Unit in Angelina County, Diboll, Texas**

Mr. Inmon reminded the board that the Business and Financial Operations Committee received a thorough update on the replacement of the fire alarm system project at the Duncan Unit. He recommended that the board approve the project budget for \$1,070,500.

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

*Mr. Mechler made a motion that the Texas Board of Criminal Justice approve a not to exceed budget of \$1,070,500 to replace fire alarm system at the Duncan Unit in Angelina County, Diboll, Texas, as presented.*

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

Chairman Bell thanked everyone for attending the meeting, and announced that the next meeting of the TBCJ will be April 19-20, 2012, at the Crowne Plaza Hotel, in Austin.

**Adjournment**

There being no further business, the 159th meeting of the Texas Board of Criminal Justice adjourned at 3:52 p.m.

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Chairman

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Secretary

***\*Signature on File***

*Note: Attachments for the minutes are available upon request from the Office of Record, Executive Services.*