

Texas Board of Criminal Justice
169th Meeting



Minutes

October 10, 2013
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

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

**October 10, 2013
11:45 AM – 1:00 PM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session

A. Recognitions

B. Consideration of Approval of Consent Items (*pages 1-6*)

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property
4. 168th TBCJ Meeting Minutes
5. Excused Absences

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

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

E. Report from the Chairman, TBCJ

F. Internal Audit Status Report for Fiscal Years 2013 – 2014

G. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million (*page 7*)

H. Discussion, Consideration, and Possible Action Regarding Annual Review of Board Policy 14.01, “Investment Policy,” and Resolution Adopting the Investment Policy (*pages 8-33*)

I. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy, 10.05, “Delegation of Authority for Facility Projects” (*pages 34-38*)

- J. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rule Title 37 Texas Administrative Code Section 151.51, Custodial Officer Certification and Hazardous Duty Pay Eligibility Guidelines (*pages 39-43*)
- K. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code (*pages 44-54*)
 - 1. Section 159.9, Firearms Proficiency Training for Supervision Officers
 - 2. Section 163.43, Funding and Financial Management

Recess 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. 169

The Texas Board of Criminal Justice (TBCJ or board) convened in regular session on Thursday, October 10, 2013, at 11:49 a.m. at the Crowne Plaza Austin, in Austin, Texas and adjourned at 1:00 p.m.

TBCJ MEMBERS PRESENT:

Oliver Bell, Chairman
Tom Mechler, Vice Chairman
Eric Gambrell
Judge Larry Gist
Janice Harris Lord
Terrell McCombs
Carmen Villanueva-Hiles
Thomas P. Wingate

TBCJ MEMBERS ABSENT:

Leopoldo (Leo) Vasquez, III, Secretary

TDCJ STAFF PRESENT:

Brad Livingston, Executive Director
Bryan Collier, Deputy Executive Director
Jeff Baldwin Dr. Lannette Linthicum
Rudolph Brothers Bobby Lumpkin
Jason Clark Angie McCown
Marie Freeland Jerry McGinty
Patty Garcia Oscar Mendoza
Sharon Howell Ron Steffa
Frank Inmon William Stephens
Stuart Jenkins Bruce Toney
Sherry Koenig April Zamora

OTHERS PRESENT:

Jared Staples Office of the Governor; Lesley French, Office of the Governor; John Newton, Legislative Budget Board; Tulsi Oberbeck, Senate Finance Committee; Sam Carlson, Office of Senator Joan Huffman; Rissie Owens, Presiding Officer, Texas Board of Pardons and Paroles; the Honorable Judge Dale Spurgin, Jones County; and members of the media.

Convene the Texas Board of Criminal Justice

Chairman Oliver Bell convened the 169th meeting of the Texas Board of Criminal Justice (TBCJ or board) on Thursday, October 10, at 11:49 a.m., noted 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 Jared Staples, Office of the Governor; Lesley French, Office of the Governor; John Newton, Legislative Budget Board; Tulsi Oberbeck, Senate Finance Committee; Sam Carlson, Office of Senator Joan Huffman; and the Honorable Judge Dale Spurgin, Jones County.

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." As no speaker registrations cards were received, no public comments on the posted agenda topics were heard.

Recognitions

Chairman Bell recognized Susan McHenry and presented her with a resolution of commendation, for her 28 years of service to the state of Texas, spent primarily as the assistant to the board chairman. Brad Livingston, Executive Director, Texas Department of Criminal Justice (TDCJ or agency), echoed words of gratitude and best wishes, followed by kind words from each board member. Ms. McHenry thanked them, stating she was proud to work with the board and the TDCJ staff.

Mr. Livingston recognized C.F. Hazlewood on his retirement after 30 years of service to the state of Texas. He presented a resolution of commendation highlighting Mr. Hazlewood's career and achievements while serving the state. Chairman Bell, Mr. Mechler, Mr. McCombs, and Ms. Lord added personal commendations. Mr. Hazlewood returned thanks to the board and Mr. Livingston, for the opportunity to advance to positions of leadership during his career.

Mr. Livingston recognized Jan Thornton on her retirement after 28 years of service to the state of Texas, presenting her with a resolution of commendation. Ms. Thornton thanked the board, especially for the appointment as division director, stating it was the highlight of her career.

Mr. Livingston recognized Bobby Lumpkin and introduced him as the new director of the Manufacturing and Logistics Division. Mr. Lumpkin thanked Mr. Livingston and the board for the opportunity to advance.

Mr. Livingston recognized Patty Garcia and introduced her as the new director of the Human Resources Division. Ms. Garcia thanked Mr. Livingston and the board for the opportunity to serve as director.

Mr. Livingston recognized and introduced Jason Clark as the new public information officer. He expressed appreciation for Mr. Clark's patience and willingness to step into the role. Mr. Clark thanked the board, Chairman Bell, and Mr. Livingston.

Chairman Bell voiced the enthusiasm of the board as they observe the emergence of new leaders.

William Stephens, Correctional Institutions Division (CID) Director, introduced two new directors within the CID. Paul Morales promoted to Deputy Director of Management Operations, overseeing the functional areas of Security Threat Group Management Office, the Fusion Center, the Safe Prisons and PREA Compliance Office, as well as Correctional Training and Staff Development. Lori Davis advanced to Director of Correctional Training and Staff Development.

Mr. Stephens also presented two new CID regional directors. Kelvin Scott promoted to director of Region II, comprised of 13 units in the northeast area of the state, and Leonard Echessa promoted to director of Region III, located predominately in southeast Texas.

Stuart Jenkins presented three new administrators in the Parole Division. Ervin Toliver moved to the position of Deputy Director of Management Operations; Lisa Howard promoted to the position of Deputy Director of Support Operations, and Marcus Ramirez became the Parole Division Region III Director.

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 August and September 2013. 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.

(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. 168th TBCJ Meeting Minutes**
- 5. Excused Absences**

Chairman Bell asked if there were any amendments, objections, or abstentions to the consent items as presented. Seeing none, the consent items stand approved as posted in the meeting agenda.

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

Rissie Owens, Presiding Officer of the BPP, reviewed the annual report, explaining the voting options and noting ratios on parole considerations to releases. Chairman Bell questioned whether

the discretionary mandatory considerations were a subset of the total parole considerations. Ms. Owens explained that the mandatory supervision considerations were in addition to the parole considerations. Following the presentation, Ms. Owens introduced the following guests from the BPP: Tim McDonnell, Board Administrator, Kyle Britt, Budget Director, and Harry Battson, Public Information Director. Chairman Bell thanked Ms. Owens for the presentation.

Chairman Bell announced the omission of the customary report from the executive director.

Report from the Chairman, TBCJ

1. Public Awareness Corrections Today (PACT) Conference

Chairman Bell discussed the PACT conference held on Saturday, October 5, 2013. He defined the purpose of the recurring day-long public information event, stating that it is coordinated by the TDCJ Ombudsman Office and hosted by the Sam Houston State University's George J. Beto Criminal Justice Center. The event brought together agency staff, offender families, volunteers, and advocates for a series of presentations on agency operations, policies, and procedures. Chairman Bell thanked the TDCJ staff for their participation and congratulated them for the success of the event.

2. State Employee Charitable Campaign (SECC)

Chairman Bell stated the 19th Annual SECC began in September and will continue through the end of October. Last year, agency staff donated more than \$900,000. He voiced appreciation for the agency's outstanding workforce, and their willingness to give generously to others.

Internal Audit Status Report for Fiscal Years 2013-2014

Lynda Brackett, TDCJ Internal Audit Deputy Director, reviewed the October 2, 2013, Internal Audit Division status report, noting the following updates:

- **1318 - Correctional Institutions Division**, *Tool Control Follow Up: Audit has been issued as a draft report.*
- **1402 - Business and Finance Division**, *Windham School District, Public Funds Investment Act: Audit has been assigned.*

(Attachment C – Internal Audit Status Report, Fiscal Years 2013-2014, Status as of 10/02/13)

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

Jerry McGinty, TDCJ Chief Financial Officer, provided a briefing on the purchases and contracts over \$1 million. These included a blanket purchase order by the comptroller's office for furniture parts and accessories at \$9 million for manufacturing through Texas Correctional Industries production, and a security surveillance system consisting of approximately 1,100

cameras installed at the Allred Unit for \$3.3 million. Chairman Bell asked if there were any questions or comments. Seeing none, he called for a motion and a second.

Mr. McCombs moved that the Texas Board of Criminal Justice approve the purchases and contracts over \$1 million, as presented.

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

**Discussion, Consideration, and Possible Action Regarding
Annual Review of Board Policy 14.01, “Investment Policy,” and
Resolution Adopting the Investment Policy**

Mr. McGinty presented the proposed revision to BP-14.01, “Investment Policy,” and resolution to adopt, noting that it closely mirrors Chapter 2256 of the Public Funds Investment Act which requires the agency to have a board policy regarding investments, and also requires an annual review. Although no substantive changes were made to the policy, the authority section was revised to include the Texas Administrative Code.

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

Mr. Mechler moved that the Texas Board of Criminal Justice approve the resolution adopting the investment policy, as presented, and that the chairman and secretary sign the resolution adopting the policy.

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

**Discussion, Consideration, and Possible Action Regarding Proposed Revisions
to Board Policy, 10.05, “Delegation of Authority for Facility Projects”**

Sharon Howell, TDCJ General Counsel, presented the proposed revision to BP-10.05, “Delegation of Authority for Facility Projects,” noting only one substantive change. Texas law requires each job task or purchase order exceeding \$500,000 that relates to a construction project procured by the job order method be approved by the governing body of the government agency. Although the TDCJ does not use the job order method, a statement requiring board approval was added, to ensure compliance should the method ever be used.

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

Judge Gist moved that the Texas Board of Criminal Justice approve the revisions to Board Policy 10.05, “Delegation of Authority for Facility Projects,” as presented.

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

**Discussion, Consideration, and Possible Action Regarding Adoption of
Amendments to Board Rule Title 37 Texas Administrative Code
Section 151.51, Custodial Officer Certification and Hazardous Duty Pay
Eligibility Guidelines**

Ms. Howell presented Board Rule 151.51, “Custodial Officer Certification and Hazardous Duty Pay Eligibility Guidelines,” noting that it had been posted as required in the Texas Register for review, with only one comment, which was resolved by consulting state law.

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

Mr. Gambrell moved that the Texas Board of Criminal Justice adopt Title 37 Texas Administrative Code Section 151.51, Custodial Officer Certification and Hazardous Duty Pay Eligibility Guidelines, 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 Board Rule Title 37 Texas Administrative Code**

1. 159.9, Firearms Proficiency Training for Supervision Officers

Chairman Bell, confirming with Ms. Howell, announced that discussion of Board Rule 159.9 “Firearms Proficiency Training for Supervision Officers” would be postponed.

2. 163.43, Funding and Financial Management

Ms. Howell presented Board Rule 163.43 “Funding and Financial Management,” indicating only grammatical and formatting changes.

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

Ms. Lord moved that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendments to Title 37 Texas Administrative Code section 163.43, regarding Funding and Financial Management, as presented.

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

Ms. Lord moved that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendments to Title 37 Texas Administrative Code section 163.43, regarding Funding and Financial Management, as presented.

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

Chairman Bell thanked everyone for attending and announced the next meeting of the Texas Board of Criminal Justice will be December 12, 2013, at the Crowne Plaza Hotel in Austin.

Adjournment

There being no further business for the regular session, Chairman Bell adjourned the 169th meeting of the Texas Board of Criminal Justice at 1:00 p.m.

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Chairman

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Secretary

*Signature on file

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