

Texas Board of Criminal Justice
170th Meeting



Minutes

December 12, 2013
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

Crowne Plaza Austin – Salons A-D
6121 North IH-35
Austin, Texas 78752

December 12, 2013
12:30 – 1:30 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. 169th TBCJ Meeting Minutes
5. Excused Absences

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

D. Report from the Chairman, TBCJ

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

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

G. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rules Title 37 Texas Administrative Code (*pages 8-22*)

1. Section 159.19, Continuity of Care and Service Program for Offenders who are Elderly and Offenders with Physical Disabilities or Significant or Terminal Illnesses
2. Section 163.43, Funding and Financial Management
3. Section 195.51, Sex Offender Supervision

H. Discussion, Consideration, and Possible Action Regarding a Proposed Land Transaction to Amend a Utility Easement at the Scott Unit in Brazoria County, Angleton, Texas (*pages 23-24*)

Recess

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. 170

The Texas Board of Criminal Justice (TBCJ or board) convened in regular session on Thursday, December 12, 2013, at 12:54 p.m. at the Crowne Plaza Austin, in Austin, Texas and adjourned at 1:28 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
Terrell McCombs
Carmen Villanueva-Hiles
Thomas P. Wingate

TDCJ STAFF PRESENT:

Brad Livingston, Executive Director
Bryan Collier, Deputy Executive Director
Rudolph Brothers Sherry Koenig
Celeste Byrne Bobby Lumpkin
Jason Clark Angie McCown
Matt Demny Oscar Mendoza
Marie Freeland Madeline Ortiz
Scott Hornung Ron Steffa
Sharon Howell William Stephens
Frank Inmon Bruce Toney
Stuart Jenkins Carey Welebob
April Zamora

OTHERS PRESENT:

John Newton, Legislative Budget Board; Jared Staples, Office of the Governor; the Honorable Judge Dale Spurgin, Jones County; and members of the media.

Convene the Texas Board of Criminal Justice

Chairman Oliver Bell convened the 170th meeting of the TBCJ on Thursday, December 12, 2013, at 12:54 p.m. He 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 the following guests: John Newton, Legislative Budget Board; Jared Staples, Office of the Governor; 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 J. David Nelson for his dedicated service to the state of Texas as a member of the TBCJ for six years. He presented him with a resolution of commendation and a wooden shield from the state of Texas. Brad Livingston, Executive Director, Texas Department of Criminal Justice (TDCJ or agency), commended Mr. Nelson for his service and offered best wishes. Ms. Hiles, Mr. McCombs, Mr. Mechler, and Ms. Lord added their expressions of gratitude for the honor of working with him. Mr. Nelson thanked Chairman Bell, the board, the staff of Windham, and the TDCJ, stating he was honored to serve with them.

Mr. Livingston recognized Carey Welebob for 25 years of service to Texas state government, especially her excellent leadership as director of the Community Justice Assistance Division. He noted that her unique talent and skills played a major role in building solid programs and a stronger working relationship between the TDCJ and probation departments.

Celeste Byrne, Director of the Private Facility Contract Monitoring and Oversight Division, introduced and presented the division's two new deputy directors: Kenneth Gaston, Director of Operations, and Stephen Fox, Director of Programs.

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 October and November 2013. The TBCJ, along with Mr. Livingston, expressed their deepest gratitude for the dedicated 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. 169th TBCJ Meeting Minutes**
- 5. Excused Absences**

Chairman Bell noted the excused absence of Leo Vasquez from the October meeting, due to personal business. He asked if there were any amendments or objections to the other consent items as presented. Seeing none, the consent items stand approved as presented.

Report from the Executive Director, Texas Department of Criminal Justice

Mr. Livingston discussed the Veterans' Reentry Initiative. Due to recent legislation, the TDCJ will receive access to the Federal Veterans Administration database through the Department of State Health Services. This will help the agency accurately identify and serve all veterans in TDCJ custody. Approximately 11,000 offenders within the TDCJ claim past military service. Historically the TDCJ has facilitated visits from representatives of the Veterans Integrated Service Network. During the intake process, offenders will view a new video including an overview of Veterans Administration services for incarcerated offenders. Mr. Livingston reported current discussions with volunteer groups to provide programming and support for incarcerated veterans. As part of the ongoing expansion of services for release planning, veterans will receive assistance in obtaining copies of discharge papers and other military records, as well as medical and educational records. The TDCJ will connect veterans to opportunities for higher education by linking the offender to the veteran representative at the college of choice.

Chairman Bell thanked Mr. Livingston for the presentation, voicing approval of ongoing programming and support for veterans.

Report from the Chairman, TBCJ

Chairman's Fitness Challenge

Chairman Bell commended the employees of the TDCJ for the success of the first quarter of the 2014 Chairman's Fitness Challenge. The points accumulated so far exceed 18 million, reflecting an increase of three million from the first quarter of last year. Chairman Bell encouraged participating staff to continue surpassing personal goals, and for all staff to consider some level of participation. The challenge's theme this year is "Getting Fit Along the Road to Sochi 2014" with a goal of 200 points per week minimum, 1,000 points per week for the Gold Challenge, and 2,500 points weekly for the Platinum Challenge.

Internal Audit Status Report for Fiscal Years 2013-2014

Scott Hornung, TDCJ Internal Audit Division Director, reviewed the December 4, 2013, Internal Audit Division status report, noting the following updates:

- **1318 - Correctional Institutions Division, Tool Control Follow Up: Audit status moved to a proposed final.**

Mr. Hornung also reported a change in the Fiscal Year 2014 plan regarding audits for the Texas Board of Pardons and Paroles (BPP). By agreement, the Internal Audit Division has been serving as auditor for the BPP; two audits were scheduled in the 2014 plan, with TBCJ approval last August. In October, 2013, the BPP voted not to have any audits performed. Mr. Hornung said he will remove them from the plan and no longer include them in the status reports. Mr. Bell asked if there were questions. Mr. McCombs asked what would be the next step. Mr. Hornung replied that he reports progress of audits to the state auditor's office annually, and he must notify them of any modifications to the approved plan throughout the year. Now that the board has been informed, he will send them notification. Mr. McCombs thanked Mr. Hornung. for his answer.

(Attachment B – Internal Audit Status Report, Fiscal Years 2013-2014, Status as of 12/04/13

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

Ron Steffa, TDCJ Deputy Chief Financial Officer, provided a briefing on the purchases and contracts over \$1 million. He presented two items for consideration: a \$300,000 increase to an existing contract, funded through a grant from the Criminal Justice Division of the Governor's Office, to provide increased reentry services in Dallas County, for a total of \$1,200,000. He also presented a new \$2,690,865 purchase for installation of a comprehensive video security surveillance system at the Telford Unit in New Boston.

Chairman Bell asked if there were any questions or comments. Mr. Mechler asked for confirmation that the increase reflected grant funding. Mr. Steffa assured him it was an increase in the grant, to provide more services. Seeing no other questions, he called for a motion and a second.

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

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

**Discussion, Consideration, and Possible Action Regarding Adoption of
Amendments to Board Rules Title 37 Texas Administrative Code
Section 159.19, Continuity of Care and Service Program for Offenders who
are Elderly and Offenders with Physical Disabilities or Significant or
Terminal Illnesses**

Sharon Howell, TDCJ General Counsel, presented Board Rule 159.19, “Continuity of Care and Service Program for Offenders who are Elderly and Offenders with Physical Disabilities or Significant or Terminal Illnesses,” noting that, as approved at the August meeting, the proposed revisions of the rule were posted in the Texas Register. After thirty days, no public comments were received. Ms. Howell recommended the board adopt the rule.

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 adopt Title 37 Texas Administrative Code section 159.19, regarding Continuity of Care in Service Programs for Offenders who are Elderly and Offenders with Physical Disabilities or Significant or Terminal Illnesses, as published in the Texas Register, and that the chairman sign the order to this effect.

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 163.43, Funding and Financial Management**

Ms. Howell presented Board Rule 163.43, “Funding and Financial Management,” noting that it had been posted as required in the Texas Register for review, with no public comment within the 30 day time frame. She recommended the board adopt the rule.

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 adopt Title 37 Texas Administrative Code section 163.43, regarding Funding and Financial Management, as published in the Texas Register, and that the chairman sign the order to this effect.

Mr. Mechler 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
Section 195.51, Sex Offender Supervision**

Ms. Howell presented Board Rule 195.51 “Sex Offender Supervision” for adoption, noting that the board approved revision was posted in the Texas Register, with no public comments.

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

Ms. Hiles moved that the Texas Board of Criminal Justice adopt Title 37 Texas Administrative Code section 195.51, regarding Sex Offender Supervision, as published in the Texas Register, 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 a Proposed Land
Transaction to Amend a Utility Easement at the Scott Unit in Brazoria
County, Angleton, Texas**

Matt Demny, Director of the TDCJ Agribusiness, Land, and Minerals Department, presented one land transaction for consideration. CenterPoint Energy Houston Electric, LLC is requesting to amend an existing utility easement at the Scott Unit by adding 1.27 acres of land to expand an electrical substation. The original easement, granted August 27, 1952, was 40’ by 40.’ The new easement would total 1.31 acres. The company has agreed to pay \$9,550 for the easement while all other terms and provisions of the easement will remain in full force and effect.

Terrell McCombs moved that the Texas Board of Criminal Justice approve the request to amend a utility easement at the Scott Unit in Brazoria County, Angleton, Texas, as presented.

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

Chairman Bell thanked everyone for attending, wished all a happy holiday, and announced the next meeting of the TBCJ will be February 21, 2014, at the Crowne Plaza Hotel in Austin, Texas.

Adjournment

There being no further business for the regular session, Chairman Bell adjourned the 170th meeting of the Texas Board of Criminal Justice at 1:28 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.