

Texas Board of Criminal Justice
176th Meeting



Minutes

December 5, 2014
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

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

**December 5, 2014
1:30 PM**

ORDER OF BUSINESS

Call to Order

Reconvene Texas Board of Criminal Justice (TBCJ)

I. Regular Session

A. Recognitions

B. Consideration of Approval of Consent Items (*pages 1-4*)

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property
4. 175th TBCJ Meeting Minutes
5. Excused Absences

C. Report from the Presiding Officer, Texas Board of Pardons and Paroles – Overview of the Texas Board of Pardons and Paroles Fiscal Year 2013 Annual Review

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

E. Report from the Chairman, TBCJ

F. Discussion, Consideration, and Possible Action Regarding the Selection of the Prison Rape Elimination Act Ombudsman

G. Internal Audit Status Report for Fiscal Years 2014 – 2015

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

I. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rule Title 37 Texas Administrative Code Section 151.77, Purchasing and Contracting with Historically Underutilized Businesses (*page 5-6*)

- J. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code Section 163.37, Reports and Records (*pages 7-11*)

- K. Discussion, Consideration, and Possible Action Regarding a Proposed Land Transactions
 - 1. Request to Amend and Combine Electrical Line Easements at the Eastham/Ferguson units in Houston/Madison Counties, Lovelady/Midway, Texas (*page 12-13*)
 - 2. Request Electrical Line Easements at the Eastham/Ferguson units in Houston/Madison Counties, Lovelady/Midway, Texas (*page 14-15*)
 - 3. Request Pipeline Easements at the Eastham/Ferguson units in Houston/Madison Counties, Lovelady/Midway, Texas (*pages 16-17*)

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. 176

The Texas Board of Criminal Justice (TBCJ or board) convened in regular session on Friday, December 5, 2014, at 1:38 p.m. at the DoubleTree Hotel, Austin, Texas. The board adjourned at 2:13 p.m.

BOARD MEMBERS PRESENT: Oliver Bell, Chairman
Leopoldo (Leo) Vasquez, III, Secretary
Eric Gambrell
Judge Larry Gist
Carmen Villanueva-Hiles
Janice Harris Lord
Larry Miles

BOARD MEMBERS ABSENT: Terrell McCombs
Thomas P. Wingate

TDCJ STAFF PRESENT: Brad Livingston, Executive Director
Bryan Collier, Deputy Executive Director
Jeff Baldwin Sherry Koenig
Rudolph Brothers Angie McCown
Jason Clark Jerry McGinty
Matt Demny Ron Steffa
Marie Freeland William Stephens
Patty Garcia Bruce Toney
Sharon Howell Carey Welebob
Frank Inmon April Zamora
Stuart Jenkins

OTHERS PRESENT: The Honorable Judge Dale Spurgin, Jones County; and members of the media.

Convene Texas Board of Criminal Justice

Chairman Oliver Bell convened the 176th meeting of the TBCJ on Friday, December 5, 2014, at 1:38 p.m. He noted that a quorum was present and declared the meeting open in accordance with Chapter 551, Texas Government Code, the *Open Meetings Act*. He stated that during the regular session, the board would conduct business from the agenda posted in the *Texas Register*.

Chairman Bell recognized The Honorable Judge Dale Spurgin, Jones County; and members of the media.

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 registration cards were received by board staff, no comments were heard.

Recognitions

Brad Livingston, executive director of the Texas Department of Criminal Justice (TDCJ or agency) recognized Jeff Baldwin for his 30 years of service with the TDCJ. He acknowledged Mr. Baldwin's experience with the Texas Legislature and thanked him for his sound advice. Chairman Bell added comments regarding Mr. Baldwin's remarkable professionalism. Mr. Baldwin thanked them for their kind words.

Chairman Bell recognized Mr. Livingston for his 10 years of excellent leadership as the executive director of the TDCJ. He said Mr. Livingston has promoted staff development, fiscal stewardship, operational effectiveness, treatment and diversion programming, and has been honored by his peers. Judge Gist added thanks on behalf of the criminal judiciary and community supervision corrections departments of Texas, for providing them with necessary resources for success. Mr. Livingston returned appreciation to the board for their support, and recognized the quality leadership team and employees of the TDCJ.

Sharon Howell, General Counsel, recognized Tracy Dingman as the new director of legal affairs. She summarized Ms. Dingman's experience and stated she was pleased to have her. Ms. Dingman thanked Ms. Howell for the opportunity.

Chairman Bell recognized the TDCJ employees who have dedicated 25, 30, and 35 plus years of service with the state of Texas during the months of October and November 2014. The TBCJ, along with Mr. Livingston, expressed their deepest gratitude for the continued service of these employees.

(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. 175th TBCJ Meeting Minutes**
- 5. Excused Absences**

Chairman Bell noted the excused absences of Carmen Hiles and Janice Lord from the August meeting. He asked if there were any amendments, objections, or abstentions to the proposed consent items. Mr. Gambrell abstained from the vote due to his firm's representation of the San Antonio Food Bank. He asked if there were any further objections or abstentions. Seeing none, the consent items stand approved.

Report from the Executive Director, Texas Department of Criminal Justice (TDCJ) – Upcoming Legislative Session

Mr. Livingston reported, since the November 2014 elections, members of the legislature have been filing bills for consideration by committees. He explained the executive administration will closely monitor any bills impacting the TDCJ, adding that legislative committees are usually assembled by late January or early February, with the major focus being on the appropriations process. Mr. Livingston said the 84th Legislative Session begins January 13, 2015, and the TDCJ staff stands prepared.

Chairman Bell encouraged board members to contact the appropriate staff member directly with any questions during the session.

Report from the Chairman, TBCJ

1. Holiday and End of Year Message

Chairman Bell expressed the board's support for the dedicated TDCJ employees, with respect and appreciation for all they do. He wished them all happy holidays, and all the best for the coming year.

2. Chairman's Fitness Challenge

Chairman Bell reported the 2015 "First Quarter Football Frenzy" was a great success. The next challenge, "Countdown to the Super Bowl," will begin after the first of the year, and will emphasize continued health maintenance and exercise. Chairman Bell invited participants to meet the Chairman's platinum challenge of 2,500 points per week, and urged all employees to commit to regular physical activity for improved overall health.

3. Upcoming Legislative Session

Chairman Bell echoed Mr. Livingston's message on the upcoming 84th Legislative Session. He stated the board approved a fiscally responsible Legislative Appropriations Request at the August meeting, which would facilitate the budget and policy-making process. Chairman Bell thanked the staff for providing accurate and timely information to legislators as they make decisions that will shape the future of Texas.

Discussion, Consideration, and Possible Action Regarding the Selection of the Prison Rape Elimination Act Ombudsman

Chairman Bell introduced Ms. Lynne Sharp, the chosen candidate for the position of Prison Rape Elimination Act (PREA) Ombudsman. He explained the board's selection process, and highlighted Ms. Sharp's work experience, noting her role in bringing the agency to compliance with PREA standards. Ms. Sharp thanked the board for the opportunity.

Mr. Gambrell moved that the Texas Board of Criminal Justice approve the selection of Lynne Sharp, as the Prison Rape Elimination Act Ombudsman, as presented.

Pastor Miles seconded the motion, which prevailed unanimously when called to a vote.

Internal Audit Status Report for Fiscal Years 2014 – 2015

Lynda Brackett, Internal Audit Deputy Division Director, reviewed the Internal Audit Status Report for Fiscal Years 2014 – 2015. She provided the following updates:

- **1411 – Correctional Institutions Division, Correctional Training and Staff Development:** Status has moved from draft report to a proposed final report.
- **1412 – Parole Division, Release Certificates:** Status has moved to draft report.

Chairman Bell asked if there were questions. Seeing none, he thanked Ms. Brackett for her presentation.

(Attachment B – Texas Department of Criminal Justice Internal Audit Division Fiscal Years 2014-2015 Status Report as of 11/25/14)

Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rule Title 37 Texas Administrative Code Section 151.77, Purchasing and Contracting with Historically Underutilized Businesses

Ms. Howell, presented the proposed amendments to Board Rule 151.77, Purchasing and Contracting with Historically Underutilized Businesses, stating that during the August board meeting the board authorized the rule to be published in the *Texas Register*. It was published in the September 5, 2014, issue and received no public comments. Ms. Howell asked the board to move forward with formal adoption.

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

Mr. Vasquez moved that the Texas Board of Criminal Justice adopt Title 37 Texas Administrative Code Section 151.77, regarding Purchasing and Contracting with Historically Underutilized Businesses, as published in the Texas Register, and that the chairman sign the order to this effect.

Ms. Hiles 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 163.37, Reports and Records**

Ms. Howell presented the proposed amendments to Board Rule 163.37, Reports and Records. She explained this rule falls under the Community Justice Assistance Division's standards and was reviewed as required periodically by state law. She reviewed the proposed changes, which clarify certain procedures regarding the creation and submission of reports. Ms. Howell asked the board for authorization to publish the changes in the *Texas Register*.

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 for publication in the Texas Register, the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 163.37, regarding Reports and Records, to receive public comment, as presented.

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

Chairman Bell thanked Ms. Howell for her presentations.

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

1. Request to Amend and Combine Electrical Line Easements at the Eastham/Ferguson units in Houston/Madison Counties, Lovelady/Midway, Texas

Matt Demny, Agribusiness, Land and Minerals Director, presented the request from Houston County Electric Cooperative, Inc. (HCEC) to amend an existing electrical easement at the Eastham Unit. HCEC requested to add an area of 8.02 acres of land, for installation of an electrical line to connect two existing lines serving Eastham and Ferguson units, to provide a secondary power source. Additionally, they requested to replace three existing electrical easements located on Eastham and Ferguson by combining them with this easement as amended. They have agreed to pay \$16,040.00 for the amendment with all other terms and provisions of the easement to remain in effect. Mr. Demny recommended the board approve the request.

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

Ms. Hiles moved that the Texas Board of Criminal Justice approve the request to amend and combine electrical line easements at the Eastham Unit in Houston County, Lovelady, Texas, and the Ferguson Unit in Madison County, Midway, Texas, as presented.

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

2. Request Electrical Line Easements at the Eastham/Ferguson units in Houston/Madison Counties, Lovelady/Midway, Texas

Mr. Demny presented the request from SEM Operating Company, LLC, for easements at the Eastham and Ferguson units, for a combined area of 83.85 acres to install 17 separate electrical lines servicing 40 SEM well sites. SEM agreed to pay \$167,700.00 for the easement, each with a 10 year term. Mr. Demny recommended the board approve the request.

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

Ms. Lord moved that the Texas Board of Criminal Justice approve the request for utility easements at the Eastham Unit in Houston County, Lovelady, Texas, and the Ferguson Unit in Madison County, Midway, Texas, as presented.

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

3. Request Pipeline Easements at the Eastham/Ferguson units in Houston/Madison Counties, Lovelady/Midway, Texas

Mr. Demny presented the request from SEM Operating Company, LLC, to install a new oil pipeline at the Eastham and Ferguson units. SEM requested 31.25 acres and agreed to pay \$1,100,028.00, with a 10 year term. Mr. Demny recommended the board approve the request.

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

Pastor Miles moved that the Texas Board of Criminal Justice approve the request for pipeline easements at Eastham Unit in Houston County, Lovelady, Texas, and the Ferguson Unit in Madison County, Midway, Texas, as presented.

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

Chairman Bell thanked Mr. Demny for his presentations.

Chairman Bell thanked everyone for attending, and announced the next meeting of the TBCJ would be Friday, February 20, 2015, at the Omni Hotel Downtown in Austin.

Adjournment

There being no further business for the regular session, Chairman Bell adjourned the 176th meeting of the Texas Board of Criminal Justice at 2:13 p.m.

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Chairman

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Secretary

** Signature on file*

Referenced attachments are available upon request from Executive Services, the office of record.