

Texas Board of Criminal Justice
154th Meeting



Minutes

April 8, 2011
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

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

**April 8, 2011
11:00 AM – 12:00 PM**

ORDER OF BUSINESS

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. 153rd TBCJ Meeting Minutes
5. Excused Absences

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

D. Report from the Chairman, Judicial Advisory Council (JAC)

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

F. Report from the Executive Director, Correctional Managed Health Care Committee (CMHCC) – Update on the First Quarter FY 2011 Financial Report

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

H. Report from the Chairman, TBCJ

1. Fiscal Responsibility
2. Ongoing Security Efforts
3. Chairman's Fitness Challenge Update

- I. Internal Audit Status Report for Fiscal Years 2010-2011
- J. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million
- K. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy 11.76, “Benefit Policy”
- L. Discussion, Consideration, and Possible Action Regarding Proposed New Board Policy 02.09, “Prison Rape Elimination Act Ombudsman Policy Statement”
- M. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Title 37 Texas Administrative Code
 - 1. §163.34, Carrying of Weapons
 - 2. §163.46, Allocation Formula for Community Corrections Program
 - 3. §195.61, Method of Payment for Parole Supervision and Administrative Fees
 - 4. §§195.71 – .78, Testing for Controlled Substances Relating to Parole
- N. Discussion, Consideration, and Possible Action Regarding Land Transactions
 - 1. Request for Electrical Transmission Line Easement at the Dalhart Unit in Hartley County, Dalhart, Texas
 - 2. Request for Renewal of Valve Site Easement at the Montford Unit in Lubbock County, Lubbock, Texas
 - 3. Request for Renewal of Cathodic Protection Site and Electrical Line Easements at the Ramsey Unit in Brazoria County, Rosharon, Texas
- O. Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Projects
 - 1. Request to Install High Mast Lighting at the Coffield Unit in Anderson County, Tennessee Colony, Texas
 - 2. Request to Replace Locking System at the Ferguson Unit in Madison County, Midway, Texas
 - 3. Request to Replace Fire Alarm System at the Garza West Unit in Bee County, Beeville, Texas
- P. Public Comments

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. 154

The Texas Board of Criminal Justice (TBCJ or board) convened in regular session on Friday, April 8, 2011, at 11:12 a.m. and adjourned at 12:25 p.m. at the Crowne Plaza Hotel, Austin, Texas.

TBCJ MEMBERS PRESENT:

Oliver Bell, Chairman
Tom Mechler, Vice Chairman
Leopoldo (Leo) Vasquez, III, Secretary
Judge Larry Gist
Janice Harris Lord
Terrell McCombs
J. David Nelson
Carmen Villanueva-Hiles

TBCJ MEMBER ABSENT:

Eric Gambrell

TEXAS DEPARTMENT OF CRIMINAL JUSTICE STAFF PRESENT:

Brad Livingston, Executive Director
Bryan Collier, Deputy Executive Director
Mike Bell
Melinda Bozarth
Matt Demny
Jackie Edwards
C.F. Hazlewood
Frank Inmon
Stuart Jenkins
Sherry Koenig
Lannette Linthicum, M.D.
Michelle Lyons
Angie McCown
Jerry McGinty
Susan McHenry
John Moriarty
Madeline Ortiz
Raymond Pyeatt
Ron Steffa
Rick Thaler
Jan Thornton
Kim Vernon
Carey Welebob
Dee Wilson

OTHERS PRESENT:

Angela Isaack, Legislative Budget Board; Marsha McLane, Representative Madden's office; the Honorable Dale Sturgeon, Jones County Judge; the Honorable Allen Hightower, Executive Director, Correctional Managed Health Care Committee (CMHCC); David McNutt, CMHCC Chief Financial Officer; Debbie Roberts, Superintendent, Windham School District; and members of the media.

Convene Texas Board of Criminal Justice (TBCJ)

Chairman Oliver Bell convened the 154th meeting of the TBCJ on Friday, April 8, 2011, at 11:12 a.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 Angela Isaack, staff representative from the Legislative Budget Board (LBB); Marsha McLane, staff representative from Representative Madden's office; and the Honorable Dale Sturgeon, Jones County Judge. Chairman Bell also recognized Nathaniel Quarterman, former director of the Correctional Institutions Division of the Texas Department of Criminal Justice (TDCJ or agency).

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 would not hear public presentations on posted agenda topics or public comment during the meeting.

Recognitions

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 February and March 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 that the month of April has several observances he would like to note as well as the divisions and offices in the TDCJ which work on these vital issues: National Sexual Assault Awareness Month, Ralph Bales, the PREA Ombudsman; National Crime Victims' Rights Week, April 10-16, 2011, Angie McCown, Victim Services Division Director; and National Volunteer Week, April 10-16, 2011. Chairman Bell recognized the 20,000 volunteers who work with the TDCJ and the Windham School District (WSD). Chairman Bell also recognized Madeline Ortiz and wished her happy birthday. He led the board in singing a variation of the Happy Birthday song.

(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. 153rd TBCJ Meeting Minutes**
- 5. Excused Absences**

Chairman Bell asked if there were any amendments or objections to the proposed consent items. Seeing none, the consent items posted for this meeting stand approved.

Chairman Bell recognized and welcomed new board member, the Honorable Larry Gist. He also welcomed and thanked Mrs. Terrell McCombs for attending the meeting.

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

Rissie Owens, Presiding Officer of the BPP, had no report.

Report from the Chairman, Judicial Advisory Council (JAC)

Judge Larry Gist, JAC Chairman, had no report. Chairman Bell asked Judge Gist if he would continue in his position as the JAC chairman. Judge Gist responded that he had resigned from the JAC, adding that the Chief Justice and the Presiding Judge of the Court of Criminal Appeals would appoint a JAC chairman in the near future.

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

Brad Livingston, TDCJ Executive Director, provided an update on the major milestones in the legislative session. The House version of the appropriations bill passed. The Senate Finance Committee is still working on the Senate version of the budget, although substantial tentative markup decisions for the TDCJ budget were made. Mr. Livingston explained the reconciliation process of the House and Senate budgets, which could take through the month of May to obtain a budget agreement.

Mr. Livingston noted the following legislative items of interest:

- Neither chamber has taken action at this time on the correctional health care funding, which is a significant portion of the TDCJ budget.
- The House Appropriations Committee increased TDCJ funding by roughly \$350 million, which will keep TDCJ treatment programs viable.
- The House and Senate appropriations bills restored funding for the TDCJ Victim Services Division.
- The House and Senate appropriations bills restored funding for the TDCJ chaplaincy department.
- The House and Senate appropriations bills provide substantial funding increases for the continued operations of TDCJ facilities and parole offices. Both budgets fund projected offender increases in parole supervision programs and functions.
- The House appropriations bill assumes the Central Unit is closed, which has a capacity of just under 1,100 beds. It does not fund 2,800 privately operated beds, which leaves approximately 4,000 beds unfunded. Both of these items are funded in the Senate appropriations bill.
- The House appropriations bill adds back \$75 million in the probation function, but the starting point was lower than the Senate appropriation bill. The two chambers remain approximately \$56 million apart on probation, with the Senate bill funding roughly \$56 million more for probation than the House appropriations bill. In both chambers, there has been substantial upward movement in the funding for the probation area. The viability of the probation supervision function and the resources necessary on the front end of the criminal justice system are looking better in the House and Senate budgets.
- In terms of facilities infrastructure, TDCJ had originally sought funding for \$80 million in bond funds to continue projects within the agency that address the ongoing infrastructure needs. The Senate and the House appropriations bills have provided \$50 million from the funding source for that item.

Mr. Livingston assured the board that he and the executive staff would work diligently with the legislative committees to answer any questions and provide the required information throughout the session.

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

David McNutt, Chief Financial Officer of the CMHCC, thanked board members David Nelson and Janice Lord for their participation at the March 8, 2011, meeting of the CMHCC. He provided an update on the First Quarter of the CMHCC Fiscal Year (FY) 2011 Financial Report. The average daily population served by the correctional health care program increased to 152,386 compared to 151,551 of the first quarter of FY 2010. The number of offenders in the service population aged 55 or older increased to 12,410, which is an increase of 836 or 7.2% from one year ago. The overall HIV population remained stable at 2,403 or about 1.6% of the

population served. The two mental health caseload measures remained relatively stable. The mental health outpatient number was 20,025 or 13.1% of the population.

The overall health care costs through the first quarter of FY 2011 were \$133.1 million. This was above overall revenue earned by the university providers by \$5,077,039 or 4.0%. The University of Texas Medical Branch's (UTMB) total revenue was \$101.4 million. Their expenditures totaled \$105.8 million resulting in a loss of \$4.4 million. UTMB earned \$9.21 in revenue per day but expended \$9.61 resulting in a net loss of \$0.40 per offender per day. The Texas Tech University Health Sciences Center (TTUHSC) total revenue was \$26.7 million. Expenditures totaled \$27.3 million resulting in a net loss of \$643,336. TTUHSC earned \$9.33 in revenue per day but expended \$9.56 resulting in a net loss of \$0.23 per offender per day. The total cost per offender per day for all health care services through the first quarter of FY 2011 was \$9.60. The cost per day for FY 2010 was \$9.88.

Mr. McCombs stated that the Oklahoma's Department of Corrections' correctional health care costs were very impressive. He asked if the CMHCC had examined Oklahoma's correctional health care system. Mr. McNutt replied that Oklahoma's costs were provided in the cost analysis at the December board meeting, but those costs did not include mental health costs. Mr. McNutt stated that he would research Mr. McComb's request and provide an answer to the board.

With respect to the expenditures and revenue figures, Tom Mechler inquired who provided the data. Mr. McNutt responded that the university partners provide the data each month for the financial report prepared by the CMHCC staff office. This report is required by the Sunset legislation to be posted on the CMHCC website, reported to the CMHCC at its meetings, and to the TBCJ at its regular meetings. Mr. Mechler inquired if Mr. McNutt's office conducts a financial audit of the receipts. Mr. McNutt verified that the CMHCC does spot-check the university partners' expenditures to ensure that they are within the terms of the contract. Allen Hightower, CMHCC Executive Director, noted that there are a number of categories that are spot checked for accuracy, accountability, and validity under general revenue, and how it may be spent under those guidelines. He assured the board that when mistakes occur the money is wired back to correctional health care accounts. Mr. Hightower stated that in the next four or five weeks the legislature would most likely change the way the money streams from one line item to another, the way the money will be spent, and the purposes for which it will be spent. Mr. Mechler commented that in his tenure on the board of over five years he had not heard a report from the CMHCC that did not include losses from the university partners. He stated he did not understand how that could be the case. Mr. Hightower replied that he felt the same frustration from time to time. He explained that each month he and his staff visit the accountants and review the accounts to verify the rate that is being charged. He stated that the outcome from the legislative session would probably answer most of the board's concerns regarding how the money is reported or the total amount that is available to be spent.

Janice Lord asked if the contracts identify the difference between direct health care costs and the educational component that is being charged to the TDCJ by the universities. Mr. Hightower responded that allowing for the length and breadth of the contract, he did not think there was a clause regarding the educational component and health care costs. He did acknowledge that in original legislation and general law the state did agree to pay a portion of the contract into the

residents' salaries of the universities education programs. Ms. Lord commented that she thought it would be interesting to see the breakdown of the educational component costs from the health care costs. Mr. Hightower stated that until now there had not been a requirement, request, or recommendation to do so.

David Nelson commented that the TBCJ's scope of responsibility goes beyond the approval of the CMHCC contracts; it also includes the monitoring of the university partners and their contractors, in addition to the quality and delivery of health care. With regard to the State Auditor's Office (SAO) audit, Mr. Nelson inquired if the CMHCC executive staff's procedures for spot-check audits changed. Mr. Hightower responded that there have been no changes to the spot-check audit or what the audit review. He explained that a previous Sunset Commission Review had stipulated that the CMHCC should audit for the validity of spending according to general revenue statutes. Mr. Hightower explained the limitations of the CMHCC by legislation and by contract regarding the education component of the university partners. While these discrepancies were noted by the SAO audit report, the CMHCC did not have the authority to manage the business side of how the university partners administer medicine, pay employees, determine salary schedules, and so forth. Mr. Hightower stated that it was his belief that based on several reports and findings, the legislature would change the structure of the correctional managed health care system.

Chairman Bell advised the board that the questions had gone beyond the scope of the posted topic. He thanked Mr. McNutt and Mr. Hightower for their report. Chairman Bell stated that there were challenges with the correctional managed health care system. He expressed his hope that at the end of session that there would be a clear-cut understanding of what is allocated on the revenue side, what the costs are on the expenditure side, and that it all balances so that offenders receive care, Texans get service, and the money is not wasted.

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

John Bradley, Chairman of the ACOOMMI, had no report.

Report from the Chairman, TBCJ

1. Fiscal Responsibility

Chairman Bell noted that there are approximately 50 days remaining in the legislative session. The leadership of each branch of government is experiencing challenging times. The House and Senate committees are striving to create a fiscally sound budget. Chairman Bell pledged the board's support to any executive or legislative office in terms of providing information to make decisions about the future of the criminal justice system in Texas. No matter the outcome of the appropriations process, the board is dedicated to fulfilling its mission, with the allocated

resources. Chairman Bell emphasized that nothing is sacred in this process, all operations and processes are being examined for more efficient ways to accomplish the tasks. He further emphasized that the board and the TDCJ will respect the taxpayer's dollars without risking the public's safety.

2. Ongoing Security Efforts

Chairman Bell stressed that the essential core function of TDCJ's mission is security within the prisons as well as the supervision of offenders within the communities. The TDCJ has implemented a number of initiatives to enhance unit security measures. The agency continues to research additional methods to eliminate contraband and other security threats. Chairman Bell recognized John Moriarity, Inspector General, and his staff for their outstanding work during a recent escape. He also recognized the partners in the Joint Task Force.

3. Chairman's Fitness Challenge Update

Chairman Bell stated that TDCJ is in the final week of the Chairman's Fitness Challenge Round Three, which involved 30 minutes of exercise each day for five days a week. He encouraged all TDCJ employees to participate in the fourth quarter segment of the Chairman's Fitness Challenge Round Four. The 30 minutes of exercise each day contributes to the physical well being of each participant and encourages a healthy life style.

Internal Audit Status Report for Fiscal Years 2010-2011

Raymond Pyeatt, Director for the Internal Audit Division, provided the following revision to the handout of the Internal Audit Status Report for the Fiscal Years 2010-2011:

- **1105 - Community Justice Assistance Division, Community Supervision Tracking System:** Deferred due to audit by SAO. The Internal Audit Division will add a follow up audit to the FY 2012 Audit Plan.
Information Technology Division, Correction Tracking System: Deferred due to audit by SAO. The Internal Audit Division will add a follow up audit to the FY 2012 Audit Plan.
- **1110 - Reentry and Integration Division, Project Re-Integration of Offenders:** The audit was deleted due to the elimination of the program.
- **1012 - Parole Division, Warrants Section:** The final report was issued on April 6, 2011.
- **1104 - Business and Finance Division, Payroll Processing:** The draft report was issued on April 6, 2011.
- **1119 - Parole Division, Specialized Programs:** The draft report was issued on April 6, 2011.

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

(Attachment B – Internal Audit Status Report)

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

Jerry McGinty reviewed the purchases and contracts over \$1 million, which are increases to two current contracts for design professional services and an increase to an existing contract for nonfat dry milk. The nonfat dry milk is a food service menu modification included in the FY 2011 funding reductions, and replaces the cartons of milk on all the facilities.

Mr. Mechler inquired what services the first two contracts provided and why they are being increased. Mr. McGinty responded that design professional services are architectural and engineering firms who have blanket contracts used by the TDCJ Facilities Division. There are approximately 12 design professional firms under contract to TDCJ. These two companies have been used frequently and require an increase to their contract.

Mr. Mechler made a motion that the TBCJ approve the purchases and contracts over \$1 million to include a 10% price variance for nonfat dry milk, as presented.

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

Discussion, Consideration, and Possible Action
Regarding Proposed Revisions to Board Policy 11.76, "Benefit Policy"

Mr. McGinty reviewed the proposed revisions to Board Policy (BP) 11.76, "TDCJ Benefit Policy." He noted that the primary revision is based on housing. TDCJ has been in discussion with state leadership as it relates to TDCJ employee housing. For many years, TDCJ has been able to offer unit based, primarily ranking correctional officers reduced housing rates. In light of fiscal times, the state leadership requested that TDCJ examine and develop a cost recovery model. An appropriations rider mandates that the board shall have a benefits policy specifically as it relates to laundry services and meals. In consultation with the TDCJ general counsel and others, it is the agency's recommendation that the board policy be limited to laundry services and meals. Mr. McGinty referred to Executive Directive (ED) 11.77 (rev.5), "State-Owned Employee Housing and Mobile Home Spaces," page 8, Section V. Housing/Utility Rates, Effective September 1, 2011. He reviewed the rates that would be effective after September 1, 2011. The revenue generated from the change in housing rates is projected to be equivalent to utilities and maintenance necessary to maintain the houses.

Chairman Bell stated that the simple summary is that there is no cost to the state for a TDCJ employee living in state housing. Mr. McGinty responded affirmatively.

Mr. Nelson voiced his support for the swift and immediate response of staff to the concerns of state leadership. He inquired how fair market value was determined. Mr. McGinty responded that there are general provisions in the Appropriations Bill that specify that the General Land Office provides the fair market value for all state housing to agencies every two years. TDCJ

would use that instrument. Mr. Nelson noted that the authorized meal component is not revised. Mr. McGinty affirmed that was correct, since there was not a change in the General Appropriations Act, Article V, Rider 10 relating to meals. Mr. Nelson requested that Mr. McGinty share with the board why that is appropriate and necessary. Mr. McGinty responded that the correctional facilities are large complexes and providing meals to correctional staff helps with efficient use of staff time and eliminates contraband issues that could be brought in any food by staff entering the facility.

Mr. Mechler asked if it was beneficial to the state of Texas to have correctional staff living in state housing in the event of an emergency. Mr. McGinty responded affirmatively and noted that about one third of correctional facilities had state housing.

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

Mr. Vasquez made a motion that the TBCJ approve the revisions to Board Policy 11.76, "TDCJ Benefit Policy," as presented.

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

(Attachment C - ED-11.77 (rev.5), "State-Owned Employee Housing and Mobile Home Spaces")

Discussion, Consideration, and Possible Action
Regarding Proposed New Board Policy 02.09,
"Prison Rape Elimination Act Ombudsman Policy Statement"

Melinda Bozarth, General Counsel, stated that the Prison Rape Elimination Act (PREA) ombudsman had informed the Correctional Institutions Committee that he would bring forward a PREA Ombudsman Policy Statement for the board to adopt. She reviewed the duties and responsibilities of the PREA ombudsman as outlined in the policy.

Chairman Bell inquired if there were any questions or comments. He noted that Texas is ahead of every state on the PREA issue. Chairman Bell praised Mr. Bales on his efforts to establish the PREA Office, the interdivisional relationships, investigations, and so forth. He called for a motion and a second.

Carmen Villanueva-Hiles made a motion that the TBCJ approve the proposed new Board Policy 02.09, "Prison Rape Elimination Act Ombudsman Policy Statement," as presented.

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

Discussion, Consideration, and Possible Action
Regarding Adoption of Amendments to Title 37 Texas Administrative Code

1. §163.34, Carrying of Weapons

Ms. Bozarth stated that the rule was published in the February 25, 2011, issue of the Texas Register. No comments were received during the public comment period. She requested that the board adopt the rule as presented.

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

Mr. McCombs made a motion that the TBCJ adopt Title 37 Texas Administrative Code Section 163.34, as published in the Texas Register, regarding Carrying of Weapons, and that the Chairman sign the order to this effect.

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

2. §163.46, Allocation Formula for Community Corrections Program

Ms. Bozarth stated that the amendments to the rule were published in the February 25, 2011, issue of the Texas Register. No comments were received during the public comment period. Ms. Bozarth requested the board adopt amendments to the rule as presented.

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

Judge Gist made a motion that the TBCJ adopt Title 37 Texas Administrative Code Section 163.46, as published in the Texas Register, regarding Allocation Formula For Community Corrections Program, and that the Chairman sign the order to this effect.

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

3. §195.61, Method of Payment for Parole Supervision and Administrative Fees

Ms. Bozarth stated that the amendments to the rule were published in the February 25, 2011, issue of the Texas Register. No comments were received during the public comment period. Ms. Bozarth requested the board adopt the amendments to the rule as presented.

Chairman Bell inquired 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 adopt Title 37 Texas Administrative Code Section 195.61, as published in the Texas Register, regarding Method of Payment for Parole Supervision and Administrative Fees, and that the Chairman sign the order to this effect.

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

4. §§195.71 – .78, Testing for Controlled Substances Relating to Parole

Ms. Bozarth stated that the amendments to the rule were published in the February 25, 2011, issue of the Texas Register. No comments were received during the public comment period. Ms. Bozarth requested the board adopt the amendments to the rule as presented.

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

Ms. Lord made a motion that the TBCJ adopt Title 37 Texas Administrative Code Sections 195.71-.78, as published in the Texas Register, regarding Testing for Controlled Substances Relating to Parole, and that the Chairman sign the order to this effect.

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

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

1. Request for Electrical Transmission Line Easement at the Dalhart Unit in Hartley County, Dalhart, Texas

Matt Demny, Director of the Agribusiness, Land and Minerals Department, noted that the request from Xcel Energy was discussed at the Business and Financial Operations Committee meeting. The easement at the Dalhart Unit is for the installation of a new electrical transmission line, which is necessary to meet the increased demand for electricity by the City of Dalhart and surrounding communities. Based on the appraised value, Xcel Energy has agreed to pay \$2,905 for the easement for a ten-year term.

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

Mr. Mechler made a motion that the TBCJ approve the request for an electrical transmission line easement at the Dalhart Unit in Hartley County, Dalhart, Texas, as presented.

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

2. Request for Renewal of Valve Site Easement at the Montford Unit in Lubbock County, Lubbock, Texas

Mr. Demny stated that MarkWest Power Tex, L.L.C. requests to renew an existing easement on the Montford Unit for continued use as a pipeline valve site. He reviewed the easement's history. Based on the TDCJ's fee schedule, MarkWest Power Tex, L.L.C. has agreed to pay \$1,000 for this valve site with a five-year term.

Chairman Bell inquired 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 renewal of a valve site easement at the Montford Unit in Lubbock County, Lubbock, Texas, as presented.

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

3. Request for Renewal of Cathodic Protection Site and Electrical Line Easements at the Ramsey Unit in Brazoria County, Rosharon, Texas

Mr. Demny noted that as discussed in the Business and Financial Operations Committee, Phillips Texas Pipeline, Ltd., requests to renew two existing easements on the Ramsey Unit. These easements will be for continued use as a pipeline cathodic protection site and its supporting electrical service line. Based on the TDCJ's fee schedule and appraised land value, Phillips Texas Pipeline, Ltd. has agreed to pay \$1,500 for these easements, both with a ten-year term.

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

Mr. McCombs made a motion that the TBCJ approve the request for the renewal of cathodic protection site and electrical line easements at the Ramsey Unit in Brazoria County, Rosharon, Texas, as presented.

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

Discussion, Consideration, and Possible Action
Regarding Facilities Division Construction Projects

1. Request to Install High Mast Lighting at the Coffield Unit in Anderson County, Tennessee Colony, Texas

Frank Inmon, Director of the Facilities Division, stated that he detailed at the Business and Financial Operations Committee the request to install the high mast lighting at the Coffield Unit. He requested the board's approval for the project for a total cost of \$3,140,700.

Chairman Bell inquired 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 a not to exceed budget of \$3,140,700 to install high mast lighting at the Coffield Unit in Anderson County, Tennessee Colony, Texas, as presented.

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

2. Request to Replace Locking System at the Ferguson Unit in Madison County, Midway, Texas

Mr. Inmon noted that he had briefed the Business and Financial Operations Committee regarding the replacement locking system request at the Ferguson Unit. He requested the board's approval for the project for a total cost of \$2,099,000.

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

Ms. Lord made a motion that the TBCJ approve a not to exceed budget of \$2,099,000 to replace the locking system at the Ferguson Unit in Madison County, Midway, Texas, as presented.

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

3. Request to Replace Fire Alarm System at the Garza West Unit in Bee County, Beeville, Texas

Mr. Inmon stated that the Business and Financial Operations Committee received a briefing on the request to replace the fire alarm system at the Garza West Unit. He requested the board's approval for the project for a total cost of \$1,030,200.

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

Judge Gist made a motion that the TBCJ approve a not to exceed budget of \$1,030,200 to replace the fire alarm system at the Garza West Unit in Bee County, Beeville, Texas, as presented.

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

Public Comments

As mentioned earlier in the meeting, no registration cards for public comments were received. No public comments were heard.

Chairman Bell thanked all in attendance and invited them to attend the 16th Annual Governor's Criminal Justice Volunteer Service Awards Ceremony at 1:00 p.m.

Chairman Bell announced that the next meeting of the board would be June 9-10, 2011, at the Doubletree Hotel in Austin, Texas.

Chairman Bell declared that the 154th meeting of the Texas Board of Criminal Justice would adjourn until 1:00 p.m; it was 12:25 p.m.

MINUTES OF THE TEXAS BOARD OF CRIMINAL JUSTICE

Meeting No. 154

The Texas Board of Criminal Justice (TBCJ) reconvened in regular session on Friday, April 8, 2011, at 1:04 p.m., at the Crowne Plaza Hotel, Austin, Texas, adjourned into executive session at 2:05 p.m., and finally adjourned at 3:22 p.m.

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

TBCJ MEMBER ABSENT: Eric Gambrell

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE STAFF
PRESENT:** Brad Livingston, Executive Director
Bryan Collier, Deputy Executive Director
Mike Bell Jerry McGinty
Melinda Bozarth Susan McHenry
Matt Demny John Moriarty
Jackie Edwards Madeline Ortiz
C.F. Hazlewood Raymond Pyeatt
Frank Inmon Ron Steffa
Stuart Jenkins Rick Thaler
Sherry Koenig Jan Thornton
Lannette Linthicum, M.D. Kim Vernon
Michelle Lyons Carey Welebob
Angie McCown Dee Wilson

OTHERS PRESENT: Major Chris Flanagan, Area Commander, Salvation Army Greater Houston Area Command; Angela Isaack, Legislative Budget Board; the Honorable Carol Vance, former TBCJ chairman; Debbie Roberts, Superintendent, Windham School District; and members of the media.

Reconvene Texas Board of Criminal Justice

Chairman Oliver Bell reconvened the 154th Meeting of the Texas Board of Criminal Justice (TBCJ) on Friday, April 8, 2011, at 1:04 p.m. He stated that during the regular session, the board would conduct business from the agenda posted in the Texas Register. Chairman Bell noted that a quorum was present and declared the meeting open in accordance with Chapter 551, Texas Government Code, the *Open Meetings Act*.

Chairman Bell requested that cell phones or pagers be placed on the silent or vibrate mode.

16th Annual Governor's Criminal Justice Volunteer Service Awards Ceremony

Chairman Bell welcomed all honored guests joining the TBCJ for this important ceremony. He emphasized that the individuals recognized at this event represent the dedication and commitment of thousands of volunteers who turn lives around on a daily basis. Volunteers give unselfishly by helping offenders and their families have an opportunity for a better life. Chairman Bell read a greeting from Governor Rick Perry, who could not be present for the ceremony due to the many demands on his schedule. (*Attachment D – Letter from Governor Perry*)

Chairman Bell yielded the floor to Brad Livingston, Executive Director of the Texas Department of Criminal Justice (TDCJ or agency). Mr. Livingston welcomed the honored guests to the 16th Annual Governor's Criminal Justice Volunteer Service Awards. He expressed his gratitude to the volunteers for their service to the TDCJ. He personally thanked the volunteers for entering into a partnership with the TDCJ to benefit the offender population. Mr. Livingston noted that the volunteers' gracious contributions of time, energy, and experience deeply affect thousands of offenders in addition to TDCJ employees. TDCJ's enormous task would be difficult without the dedicated assistance of volunteers. He noted that more than 18,500 volunteers contributed over 500,000 hours of time that could have been spent elsewhere. Volunteers have played an enormous part in the success of the TDCJ's reentry component. Mr. Livingston credited the volunteer effort in helping the TDCJ maintain one of the lowest recidivism rates in the country. He acknowledged that during these challenging economic times volunteers will be called upon more than before to help in any way possible. The rehabilitation, reentry, and educational components are areas that can flourish with additional partnerships and assistance from volunteers. Mr. Livingston highlighted how the volunteer workforce has become an integral part of the TDCJ and its role in making Texas a safer place to live. He expressed his gratitude to each volunteer for filling the critical need in this area. Mr. Livingston acknowledged that volunteers promote positive change in those offenders presently incarcerated and in those who have been released to their communities. He praised the volunteers who give selflessly to the state of Texas; TDCJ is grateful for their gracious generosity and contributions to the mission of the agency.

Chairman Bell commented that the 500,000 hours donated by the volunteers is priceless. He introduced the keynote speaker for the ceremony, Major Chris Flanagan, Area Commander, Salvation Army Greater Houston Area Command. Chairman Bell extended a warm welcome to Major Flanagan and thanked him for attending the ceremony for the criminal justice volunteers.

Major Flanagan related that success in the lives of offenders means that they will not return to prison. It is through the work of the volunteers that give these offenders the hope and spiritual guidance to return to society. Transitioning into society is the greatest test these spiritually challenged men and women will ever face. Major Flanagan told a story from *Samuel II, Old Testament*, in which a crippled, outcast boy was accepted at King David's table, never to be an outcast again. Volunteers provide the warmth, light, experience, and knowledge that help these individuals gain the skills to reenter their communities. He compared this training as preparation for acceptance at "King David's table." Major Flanagan stated that it was a great honor to work with the TDCJ volunteers to help transition offenders into their communities as productive men and women.

Chairman Bell presented Major Flanagan with the Chairman's Coin in recognition of the Salvation Army's volunteer work with the TDCJ. Applause followed.

Chairman Bell yielded the floor to Leo Vasquez, Master of Ceremonies. Mr. Vasquez thanked everyone for attending the ceremony. He noted that the Governor's Volunteer Awards was his favorite meeting of the year, since it highlighted the numerous inspirational aspects within the TDCJ. Mr. Vasquez praised volunteers whose work lighten the burden of offenders, give them hope, provide them an opportunity for a better life, and help them strengthen family relationships. Volunteer assistance includes helping staff, teaching criminal justice professionals, and improving communities throughout the state. Mr. Vasquez acknowledged the Rehabilitation Programs Division staff (Madeline Ortiz, Becky Price, Debbie Van Dyke, Lisa Langley, and Marvin Dunbar) and the TBCJ office staff (Susan McHenry) who worked collectively on this ceremony to honor the volunteers. Applause followed. The individuals recognized in the ceremony are the epitome of volunteerism, whose service unselfishly exceeds all expectations. Mr. Vasquez stated that it was his honor to read the names of the award recipients. The following individuals and organizations were recognized:

Jordan Chapel Builders, *Chaplaincy Department*
Robert Crenshaw, *Correctional Institutions Division*
Kenneth "Ken" Hale, *Private Facility Contract Monitoring and Oversight Division*
Ministry of the Third Cross, *Nancy Hees Award, Parole Division*
Robert Magott, *Religious Service*
Edna Walker, *Religious Service*
A.C.T.S., *Substance Abuse Treatment Program*
Lana Norris, *Pathfinder Award, Victim Services Division*
Judith Dullnig, *Judy Burd Award, Windham School District*
Donna Haggard, *Restorative Justice*
Patriot Paws, *Susan Cranford Award, Female Offender Program*
RUTH, *Most Innovative Program*
The ARKGroup, Inc., *Community Service*

Texas SKIP, *Best Family Program*
Paula Alwin, *Leonard Davis Award for Most Hours Served*
Hazel Crivelli, *Extensive Travel*
Richard Lopez, *TDCJ Employee Volunteer*
Wilhelmenia S. Howard, *Criminal Justice Administrator*

Mr. Vasquez yielded the floor to Mr. Vance, former TBCJ chairman, who presented John “Zeke” Young with the *Carol S. Vance Volunteer of the Year Award for 2010*.

Mr. Vasquez closed the award ceremony by recognizing and honoring the families of award recipients. Applause followed.

Chairman Bell thanked the honored guests, their families, and loved ones for attending the ceremony.

(Attachment E – Program for 16th Annual Governor’s Criminal Justice Volunteer Service Awards. Editor’s note: Within program, correct spelling for Robert Maggot is Magott and “are ex-felons who” should be omitted from narrative for Ministry of the Third Cross.)

Adjournment

There being no further business, Chairman Bell adjourned the regular session of the Texas Board of Criminal Justice into executive session at 2:05 p.m. The TBCJ finally adjourned at 3:22 p.m.

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Chairman

Secretary

*Signature on File

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