

**Texas Board of Criminal Justice**  
***160th Meeting***



**Minutes**

**April 19, 2012**  
**Austin, Texas**

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## TEXAS BOARD OF CRIMINAL JUSTICE

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

**April 20, 2012  
9:00 AM**

### 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. 159th TBCJ Meeting Minutes
5. Excused Absences

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

1. *Texas Progressive Interventions and Sanctions Bench Manual*
2. Officer of the Year Awards
3. Overview of "Effective Supervision Strategies" by Dr. Jason Clark-Miller

D. Report from the Executive Director, Texas Department of Criminal Justice (TDCJ) – Strategic Planning and Budget Process

E. Report from the Chairman, TBCJ

1. Crime Victims' Rights Week
2. Importance of Risk Management
3. Chairman's Fitness Challenge Update

F. Internal Audit Status Report for Fiscal Years 2011 and 2012

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

- H. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy 03.81, “Offender Access to the Courts, Counsel, and Public Officials Rules”
- I. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to “Disciplinary Rules and Procedures for Offenders”
- J. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rules, Title 37 Texas Administrative Code
  - 1. 151.52, Sick Leave Pool
  - 2. 155.23, Site Selection Process for the Location of Additional Facilities
  - 3. 163.25, Community Justice Councils, Task Forces and Plans
  - 4. 163.42, Substantial Noncompliance
- K. Discussion, Consideration, and Possible Action Regarding Readoption of Board Rule Title 37 Texas Administrative Code Section 151.25, Texas Department of Criminal Justice Tobacco Policy
- L. Discussion, Consideration, and Possible Action Regarding Adoption of 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
- M. Discussion, Consideration, and Possible Action Regarding Land Transactions
  - 1. Request for Pipeline Easement at the Clemens Unit in Brazoria County, Brazoria, Texas
  - 2. Request for Pipeline Valve Site Easement at the Montford Unit in Lubbock County, Lubbock, Texas
- N. Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Project to Install a Fire Alarm System at the Scott Unit in Brazoria County, Angleton, Texas
- O. 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. 160

The Texas Board of Criminal Justice (TBCJ or board) convened in regular session on Thursday, April 19, 2012, at 11:03 a.m. at the Crowne Plaza Austin, in Austin, Texas, and adjourned at 12:13 p.m. The board reconvened in regular session on Friday, April 20, 2012, at 9:07 a.m. at the Crowne Plaza Austin, and finally adjourned at 10:15 a.m.

**BOARD MEMBERS PRESENT:** Oliver Bell, Chairman  
Tom Mechler, Vice Chairman  
Leopoldo (Leo) Vasquez, III, Secretary  
Judge Larry Gist  
Terrell McCombs  
Carmen Villanueva-Hiles

**BOARD MEMBERS ABSENT:** Eric Gambrell  
Janice Harris Lord  
J. David Nelson

**TDCJ STAFF PRESENT:**

Brad Livingston, Executive Director	
Bryan Collier, Deputy Executive Director	
Mike Bell	Jerry McGinty
Melinda Bozarth	Susan McHenry
Matt Demny	Madeline Ortiz
C.F. Hazlewood	Ron Steffa
Scott Hornung	Rick Thaler
Stuart Jenkins	Bruce Toney
Sherry Koenig	Dee Wilson

**OTHERS PRESENT:** The Honorable Carol Vance, former TBCJ chairman; Grove Norwood, Founder and Chief Executive Officer of The Heart of Texas Foundation; Debbie Roberts, Superintendent of Windham School District; and members of the media.

## **Convene Texas Board of Criminal Justice**

Chairman Oliver Bell convened the 160th meeting of the Texas Board of Criminal Justice (TBCJ or board) on Thursday, April 19, 2012 at 11:03 a.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.

## **17th Annual Governor's Criminal Justice Volunteer Service Awards Ceremony**

Chairman Bell welcomed all honored guests joining the TBCJ for the 17th Annual Governor's Criminal Justice Volunteer Service Awards Ceremony. He read a quote from Dr. Martin Luther King, Jr. "Everybody can be great because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You don't have to know the second theory of thermal dynamics in physics to serve. You only need a heart full of grace, a soul generated by love." Chairman Bell added that the volunteers being recognized have that heart and that soul, praised their dedication and commitment and said they help the offenders and their families have a chance for a better life, impacting generations to come. 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, and a statement from the Honorable Joe Straus, III, Speaker of the House of Representatives. (*Attachment A – Letter from Governor Perry and Statement from Representative Straus*)

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 and expressed his gratitude to the volunteers for their service to the agency. He said the volunteer workforce has become an essential component of the TDCJ's rehabilitative program, and noted that the partnership between TDCJ and the volunteers has positively impacted the recidivism rate. Mr. Livingston acknowledged that volunteers support the TDCJ mission and stated his vision for future partnerships is that volunteers will accept the challenge to pioneer in many other exciting volunteer positions. He also recognized the importance and success of the volunteer effort in chaplaincy and the faith based programs, and extended an invitation to all present to build volunteer programs in other key areas and continue to leverage the relationship of energy, innovation, and success that volunteers bring to the table.

Additionally, Mr. Livingston recognized the Texas Board of Criminal Justice as a special group of volunteers serving this state and the TDCJ. He concluded by saying volunteerism and the service mind set is what makes this state and nation great and said TDCJ volunteers have the agency's highest respect and admiration for their efforts.

Chairman Bell introduced Grove Norwood, Founder and Chief Executive Officer of The Heart of Texas Foundation, as the keynote speaker. He described how the Heart of Texas took the lead in

establishing a four year fully accredited seminary at a Texas maximum security prison. Chairman Bell extended a warm welcome to Mr. Norwood and thanked him for attending the ceremony for the criminal justice volunteers.

Mr. Norwood thanked Chairman Bell for his kind invitation to participate as the keynote speaker for the award ceremony honoring the criminal justice volunteers. Mr. Norwood spoke about grace and forgiveness regardless of the deeds of the individual, and said volunteers of the faith based ministries teach and demonstrate unconditional love, forgiveness, charity, and hope to those people in need of divine grace.

Chairman Bell thanked Mr. Norwood for his remarks, commenting the volunteers show unconditional love to the offenders.

Chairman Bell yielded the floor to Terrell McCombs, Master of Ceremonies. Mr. McCombs stated that the individuals being recognized are tireless and dedicated, representing the high caliber of volunteers who make a difference in the lives of those individuals that the TDCJ supervise. He said their assistance is wide reaching and includes helping staff, teaching criminal justice professionals, and improving communities throughout the state. Mr. McCombs acknowledged the Rehabilitation Programs Division staff and the TBCJ office staff who worked collectively on this ceremony to honor the volunteers. Mr. McCombs stated that it was his honor to read the names of the award recipients and then advised them of the award procedures. The following individuals and organizations were recognized:

Rodney and Jean Still, *Chaplaincy Department*  
Eugenia Rust, *Correctional Institutions Division*  
Stephanie E. McComb, *Private Facility Contract Monitoring/Oversight Division*  
Reverend Albert Lucio, *"Nancy Hees" Award-Parole Division*  
Narvin "Butch" Waller, *Religious Service*  
Golden Eagle Ministries, *Religious Service*  
Gordon Don Zercher, *Substance Abuse Treatment Program*  
Michaela Burns, *"Pathfinder" Award-Victim Services Division*  
Carolyn Fox, *"Judy Burd" Award-Windham School District*  
C.O.O.L. Ministries, *Restorative Justice*  
The Grace House, *"Susan Cranford" Award-Female Offender Program*  
Operation Rebound, *Most Innovative Program*  
Austin/Travis County Reentry Roundtable, *Community Service*  
Day with Dad, *Best Family Program*  
Lawrence Alwin, *Leonard Davis Award for Most Hours Served*  
Roger Reno, *Extensive Travel*  
Vernell Houska, *TDCJ Employee Volunteer*  
Brenda Chaney, *Criminal Justice Administrator*

Mr. McCombs yielded the floor to Mr. Vance who presented Doris Zercher with the "*Carol S. Vance" Volunteer of the Year Award for 2012.*

Mr. McCombs closed the award ceremony by honoring the award recipients and the thousands of volunteers who help enrich lives.

Chairman Bell presented Mr. Norwood with a Chairman's Coin, thanking him for his attendance.

Chairman Bell noted that National Volunteer's Week is May 14-20, 2012, and this year's theme is "Volunteers – Everyone Counts." He stated that every volunteer makes an invaluable contribution to the betterment of our community. Chairman Bell quoted from *Corinthians, Holy Bible*, "The eye hath not seen, the ear hath not heard, nor has it entered into the heart of man what God has prepared for those that love Him."

There being no further business at this time, Chairman Bell adjourned the 160th meeting of the TBCJ. He advised that the board would reconvene in committee meetings and continue with regular business beginning at 1:30 p.m. The time was 12:13 p.m.

*(Attachment B – Program for 17th Annual Governor's Criminal Justice Volunteer Service Awards)*

# MINUTES OF THE TEXAS BOARD OF CRIMINAL JUSTICE

## Meeting No. 160

The Texas Board of Criminal Justice (TBCJ or board) reconvened in regular session on Friday, April 20, 2012, at 9:07 a.m. at the Crowne Plaza Austin, Austin, Texas, and finally adjourned at 10:15 a.m.

**BOARD 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

**BOARD MEMBERS ABSENT:** Eric Gambrell

**TDCJ STAFF PRESENT:** Brad Livingston, Executive Director  
Bryan Collier, Deputy Executive Director  
Mike Bell Jerry McGinty  
Melinda Bozarth Susan McHenry  
Rudolph Brothers Ron Steffa  
Jason Clark Rick Thaler  
Matt Demny Bruce Toney  
Scott Hornung Carey Welebob  
Frank Inmon Dee Wilson  
Sherry Koenig

**OTHERS PRESENT:** The Honorable Mary Anne Bramblett, Chair of the Judicial Advisory Council; the Honorable Dale Spurgin, Jones County Judge; Bryan Grimes, Mayor, City of Anson; Keith Gilbert, Mayor Pro-Tem, City of Anson; Chelsea Buchholtz, Office of the Governor; John Newton, Legislative Budget Board; Joseph Reed, Sunset Commission; and members of the media.

## **Reconvene Texas Board of Criminal Justice**

Chairman Bell reconvened the regular session of the 160th meeting of the TBCJ on Friday April 20, 2012, at 9:07 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 the board would be conducting 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 the Honorable Dale Spurgin, Jones County Judge; Bryan Grimes, Mayor of the City of Anson; Keith Gilbert, Mayor Pro-Tem, City of Anson; Chelsea Buchholtz, Office of the Governor; John Newton, Legislative Budget Board; and Joseph Reed from the Sunset Advisory Commission, thanking them for their interest in the board.

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 stated that two speaker registration cards had been received for public comment. The review of the rules for presentations and comments to the board would take place before the public comment portion of the meeting.

## **Recognitions**

Chairman Bell recognized the Texas Department of Criminal Justice (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 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. 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.

*(Attachment C – 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. 159th TBCJ Meeting Minutes**
- 5. Excused Absences**

Chairman Bell called for any amendments or objections to the proposed consent items. Seeing none, the consent items were approved as posted for this meeting's agenda.

## **Report from the Chairman, Judicial Advisory Council (JAC)**

### **1. *Texas Progressive Interventions and Sanctions Bench Manual***

Judge Mary Anne Bramblett, Chairman of the JAC, stated that the *Texas Progressive Interventions and Sanctions Bench Manual* has been delayed for an inclusion of a chapter on the interstate compact rules.

### **2. Officer of the Year Awards**

Judge Bramblett reported that line officer awards were given to probation officers in five community supervision and corrections departments (CSCD). The line officer awards recipients are Joshua Paul, Travis County CSCD; Jody Lang, Kerr County CSCD; Lisa Paige, Angelina County CSCD; Jennifer Forrest, Denton County CSCD; and Katie Bliss, Comal County CSCD.

### **3. Overview of “Effective Supervision Strategies” by Dr. Jason Clark-Miller**

Judge Bramblett stated that the study in Tarrant County supported the theory that the number of probation officers that supervise an offender over his probation term affects revocation rates. The correlation is that the higher the turnover of probation officers assigned to an offender during his probation term, the higher the likelihood of revocation. Conversely, when fewer or constant probation officers are assigned to an offender, there are good probation outcomes. Judge Bramblett suggested that an improved working environment and enhanced incentives to stabilize the probation officer workforce will positively affect probation outcomes.

## **Report from the Executive Director, Texas Department of Criminal Justice (TDCJ) Strategic Planning and Budget Process**

Mr. Livingston reported that the Office of the Governor and the Legislative Budget Board have issued instructions regarding the state agency strategic plans. The state’s goal in implementing a strategic planning and budgeting process focuses on the relationships between funding and performance, and between spending and results. He informed the board that the agency’s strategic focus is investment in the probation and parole systems in addition to continued and expanded reentry initiatives and treatment programs within the incarcerated setting. The strategic focus also includes technology within the security systems and the delivery of offender healthcare within the TDCJ. Mr. Livingston said his remarks represented a brief big picture summary of the strategic plan which will eventually be used in developing the TDCJ’s legislative appropriation request for fiscal years (FY) 2014-2015.

## Report from the Chairman, TBCJ

### **1. Crime Victims' Rights Week**

Chairman Bell stated that next week is National Crime Victims' Rights Week, April 30-May 5, 2012. He said this year's theme, "Extending the Vision: Reaching Each Victim" celebrates the vision behind the nation's progress in advancing victims' rights and the vision to serve every victim of crime. He reviewed the importance of the observance of this week, which is the understanding of the realities of crime victimization and the importance of supporting crime victim's rights and services. Chairman Bell encouraged all employees to join in this national observation by attending a memorial service or a local event.

### **2. Importance of Risk Management**

Chairman Bell noted that in addition to public safety, one of the agency's highest priorities is staff and offender safety. He reviewed the mission of the TDCJ Risk Management, which helps provide a safe and healthful work environment for staff and offenders through identifying hazards, assessing risks, and establishing effective methods for accident prevention. Chairman Bell commended the TDCJ risk managers and agency staff on working together to provide the safest work environment possible.

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

Chairman Bell reported that the second quarter of the 2012 Chairman's Fitness Challenge has concluded. The top three leaders in each divisional category are as follows:

- **Division 1:** TBCJ/Executive Administration placed first; Parole Division Central Headquarters placed second; and Parole Division Specialized Programs placed third.
- **Division 2:** Internal Audit Division placed first; Office of the General Counsel placed second; and the Houston V Parole Office placed third.
- **Division 3:** Facilities Division placed first; Houston VII Parole Office placed second; and Houston III Parole Office third.
- **Division 4:** Havins Unit placed first; Tulia Unit placed second; and Information Technology Division placed third.
- **Division 5:** Cole State Jail placed first; Stevenson Unit placed second; and Classification and Records placed third.
- **Division 6:** Lychner-Kegans State Jail placed first; Huntsville Unit placed second; and Goree Unit placed third.
- **Division 7:** Windham School District North Texas Region placed first.

Chairman Bell noted that the third quarter of the Chairman's 2012 Olympic Fitness Challenge began earlier in the week. He encouraged all employees to incorporate physical activity into their daily lifestyle.

## **Internal Audit Status Report for Fiscal Years 2011 – 2012**

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

- **1206 – Parole Division, Billing Section:** The proposed final report has been prepared for release within the next five to 10 business days.

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

Mr. McGinty reviewed the purchases and contracts over \$1 million. He explained the items as follows. Items 1-2 are increases to current contracts. Items 3-17 are term contract increases to food items, which include a variance increase of 10%. Item 18 is a term contract increase, which also include a 10% variance for boots, shoes, and clothing through the commissary for offenders. Items 19-23 are renewals of existing contracts. Items 24-25 are FY 2013 contracts for the agriculture operations. Item 26 is a FY 2013 contract for modular panel systems that are used by the Texas Correctional Industries for resale. Item 27 is a FY 2013 contract with a 10% variance for pork trimmings. Item 28 is calendar year 2013 contract to provide electricity services to various units, in deregulated market areas. Item 29 is a FY 2013-14 contract renewal for 200 halfway house beds in El Paso for placement of parolees lacking residential resources.

Mr. McGinty paused for questions. Chairman Bell asked if there were any questions or comments. David Nelson inquired about the use of wind farms to help defray the cost of utilities. Mr. McGinty explained that the electricity contract is procured through the Council on Competitive Government. Mr. Nelson encouraged staff to investigate the use of wind farms to save money and Mr. McGinty agreed to do so. Terrell McCombs stated that it was his understanding that at this point of development, wind farms are not as profitable a venture as coal or natural gas. Mr. McGinty responded that contracts established with the Council on Competitive Government are based on bids from different vendors and the lowest qualified provider wins the bid, regardless of the source. Chairman Bell noted that wind farm vendors have approached the TDCJ for placement of wind farm equipment on TDCJ property, noting that there were many variables that would need to be considered before any agreement could be reached. Chairman Bell stated that the best price was the best option regardless of the vendor.

On a recent trip to units in south Texas, Chairman Bell related how he observed the preservation process of donated food items and items from the unit gardens, which included herbs and spices. He added that all these efforts help lower the food costs throughout the prison system.

Seeing no other questions or comments, 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.*

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

**Discussion, Consideration, and Possible Action Regarding  
Proposed Revisions to Board Policy 03.81,  
“Offender Access to the Courts, Counsel, and Public Officials Rules”**

Melinda Bozarth, General Counsel, reviewed substantive changes within the policy. Section I.A.1. adds language referencing the Intra-Law Library Loan Program. Section V.A. adds language that a warden may extend an attorney visit past 5:00 p.m. in cases where there is a compelling circumstance. Section V.C. states that the employees of the Office of the Attorney General do not have to complete the form required for attorneys needing to access a prison. Section V.K. clarifies the procedures that an offender must use to access a consular official in his native country, clarifying it with forms and phone numbers to assist the unit to ensure that contact occurs.

Judge Gist asked if terminals with Westlaw computer disks (CDs) were available for use in prison law libraries. Ms. Bozarth responded that the use of Westlaw technology has been implemented in unit law libraries.

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

*Judge Gist made a motion that the Texas Board of Criminal Justice approve the revisions to Board Policy 03.81, “Offender Access to the Courts, Counsel, and Public Officials Rules,” as presented.*

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

**Discussion, Consideration, and Possible Action Regarding  
Proposed Revisions to “Disciplinary Rules and Procedures for Offenders”**

Ms. Bozarth reviewed the addition of violation 5.0, Court Prohibited Contact with a Victim, to the TDCJ “Disciplinary Rules and Procedures for Offenders.” House Bill 1028, which passed in the 82nd Legislative Session, allows a judge to impose as part of the sentence that the offender is prohibited from having contact with the victim. If that has been entered in the judgment and the sentence and the offender contacts the victim, it is a rule violation and the offender will be subject to a loss of good time. Ms. Bozarth requested that the board approve this modification to the Disciplinary Rules as presented.

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

*Leo Vasquez made a motion that the Texas Board of Criminal Justice approve the revisions to “Disciplinary Rules and Procedures for Offenders,” as presented.*

*Judge Gist 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. 151.52, Sick Leave Pool**

Ms. Bozarth stated that one revision was being added to 151.52, Sick Leave Pool, that proposes no limitation for the frequency of donations to the sick leave pool. She requested that the board approve the rule for publication in the Texas Register to receive public comment.

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

*Janice Harris 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 151.52, Sick Leave Pool, to receive public comment, as presented.*

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

**2. 155.23, Site Selection Process for the Location of Additional Facilities**

Ms. Bozarth stated that the revision in 155.23, Site Selection Process for the Location of Additional Facilities, was the deletion of section (c)(4)(E-G), to conform to state law. She requested that the board approve the rule for publication in the Texas Register to receive public comment.

Chairman Bell asked if there were any questions or comments. Mr. Vasquez inquired if the list was limiting the scope of the consideration of the site selection. Ms. Bozarth responded it was not a limited list but reflects the intent of the legislature. Seeing no further questions or comments, Chairman Bell called for a motion and a second.

*Mr. Nelson 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 155.23, Site Selection Process for the Location of Additional Facilities, to receive public comment, as presented.*

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

### **3. 163.25, Community Justice Councils, Task Forces and Plans**

Ms. Bozarth noted that the revisions to 163.25, Community Justice Councils, Task Forces and Plans are in response to House Bill 3691 passed during the 82nd Legislative Session. Section (c) (1)(C) and (D) add language that the community justice plan shall include a description of the programs and services the CSCD provides or intends to provide. On October 13, 2011, the proposed revisions were reviewed by the JAC, which recommended that the TBCJ move forward with the revisions. Ms. Bozarth requested that the board approve the rule for publication in the Texas Register to receive public comment.

Chairman Bell asked if there were any questions or comments. 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 163.25, Community Justice Councils, Task Forces and Plans, to receive public comment, as presented.*

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

### **4. 163.42, Substantial Noncompliance**

Ms. Bozarth stated that revisions to 163.42, Substantial Noncompliance were not substantive in nature. The JAC reviewed the revisions at their October 13, 2011, meeting and recommended that the TBCJ move forward with the revisions. Ms. Bozarth requested that the board approve the rule for publication in the Texas Register to receive public comment.

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

*Carmen Villanueva-Hiles 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 163.42, Substantial Noncompliance, to receive public comment, as presented.*

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

**Discussion, Consideration, and Possible Action Regarding Readoption of  
Board Rule Title 37 Texas Administrative Code Section 151.25,  
Texas Department of Criminal Justice Tobacco Policy**

Ms. Bozarth stated there were no revisions to the rule, which was posted in the Texas Register on February 3, 2012. No comments were received as a result of that notice. Ms. Bozarth requested that the TBCJ move forward with readopting this rule as presented.

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 readopt Board Rule Title 37 Texas Administrative Code Section 151.25 regarding the Texas Department of Criminal Justice Tobacco Policy, 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  
Adoption of Title 37 Texas Administrative Code  
Section 151.3, Texas Board of Criminal Justice Operating Procedures**

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

Ms. Bozarth advised the board that proposed amendments to 151.3, Texas Board of Criminal Justice Operating Procedures were posted in the Texas Register on February 24, 2012. No comments were received regarding the amendments. Ms. Bozarth recommended that the board adopt the amendments as presented.

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 adopt amendments to Title 37 Texas Administrative Code Section 151.3, regarding Texas Board of Criminal Justice Operating Procedures as published in the Texas Register, and that the chairman sign the order to this effect.*

*Ms. Lord seconded the motion, which prevailed when called to a vote (six votes in favor and one vote in opposition).*

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

Ms. Bozarth stated that proposed amendments to 151.4, Public Presentations and Comments to the Texas Board of Criminal Justice were posted in the Texas Register on February 24, 2012.

She advised the board that staff suggested that in subsections c.5., d.3., and d.7, the word “where” be changed to “when.”

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

*Ms. Lord made a motion that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 151.4, regarding Public Presentations and Comments to the Texas Board of Criminal Justice as presented, and that the chairman sign the order to this effect.*

*Mr. McCombs 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 amendments to 155.31, Establishing Procedures for Resolving Contract Claims and Disputes were published in the Texas Register on February 24, 2012. No comments were received regarding the amendments. Ms. Bozarth recommended that the TBCJ move forward with the final adoption of the rule as presented.

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 adopt amendments to Title 37 Texas Administrative Code Section 155.31 regarding Establishing Procedures for Resolving Contract Claims and Disputes as published in the Texas Register, and that the chairman sign the order to this effect.*

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

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

### **1. Request for Pipeline Easement at the Clemens Unit in Brazoria County, Brazoria, Texas**

Matt Demny, Director for Agribusiness, Land and Minerals, reviewed the request for a pipeline easement at the Clemens Unit in Brazoria County by Chevron Phillips Chemical Company, LP. This is a renewal on an existing pipeline easement on a combined area of 3.32 acres of land which was granted in June 1992. Chevron Phillips Chemical Company, LP has agreed to pay \$180,000 for this easement with a 10 year term.

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

*Mr. McCombs made a motion that the Texas Board of Criminal Justice approve the request for a pipeline easement at the Clemens Unit in Brazoria County, Brazoria, Texas, as presented.*

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

## **2. Request for Pipeline Valve Site Easement at the Montford Unit in Lubbock County, Lubbock, Texas**

Mr. Demny noted that as discussed in the Business and Financial Operations Committee, the MarkWest Pinnacle, LLC is requesting to renew an existing easement at the Montford Unit consisting of .028 acre of land. The current surface easement was granted in May 2007 with a five year term. MarkWest Pinnacle, LLC has agreed to pay \$11,600 for this easement for a 10 year term.

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

*Ms. Hiles made a motion that the Texas Board of Criminal Justice approve the request for a pipeline valve site easement at the Montford Unit in Lubbock County, Lubbock, Texas, as presented.*

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

## **Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Project to Install a Fire Alarm System at the Scott Unit in Brazoria County, Angleton, Texas**

Frank Inmon, Director of Facilities Division, stated that the fire alarm system installation project at the Scott Unit in Brazoria County was discussed during the Business and Financial Operations Committee meeting on Thursday, April 19, 2012. He requested that the board approve a total project cost of \$1,053,300.

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

*Mr. McCombs made a motion that the Texas Board of Criminal Justice approve a not to exceed budget of \$1,053,300 to install a fire alarm system at the Scott Unit in Brazoria County, Angleton, Texas, as presented.*

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

### **Public Comments**

Chairman Bell stated that the TBCJ is committed to providing the opportunity for public presentations 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 in accordance with the *Open Meetings Act*.

Chairman Bell called Brent Justice from Via Transco Support Services. Mr. Justice noted he was speaking to the TBCJ at the direction of Senator Whitmire and his staff regarding problems with the TDCJ bus voucher process. Mr. Justice outlined his business dealings with TDCJ and Greyhound over the past 20 years. He said he lost his market share when TDCJ began issuing bus vouchers exclusively with the Greyhound Bus Company. Mr. Justice petitioned the board to review his request to participate in the market share of transporting offenders being released from prison.

Chairman Bell called Lance Lowry from American Federation of State, County, and Municipal Employees (AFSCME). Mr. Lowry spoke about correctional employee stress. He noted that according to his research the life expectancy of a correctional officer is 58 years old and correctional officers have the highest suicide rate and the highest divorce rate. Mr. Lowry suggested several ways the TDCJ could reduce stress as an occupational hazard, including psychological screening and overhauling the disciplinary and grievance processes. Ms. Lord asked Mr. Lowry what were the citations for his statistics. Mr. Lowry responded his statistics were from actuary tables from Metropolitan Life and studies from the Department of Justice. Mr. Lowry stated he would provide his citations and reports to the board office.

Chairman Bell requested that Mr. Lowry give his regards to Brian Olsen and Toby Tobias of AFSCME. He told Mr. Lowry the board would review and consider his information.

Chairman Bell thanked everyone for coming to the meeting and announced that the next meeting of the TBCJ will be June 15, 2012, at the Radisson Hotel & Suites, in Austin.

### **Adjournment**

There being no further business for the regular session, Chairman Bell adjourned the 160th meeting of the Texas Board of Criminal Justice at 10:15 a.m.

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Chairman

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Secretary