

Texas Board of Criminal Justice
175th Meeting



Minutes

October 9, 2014
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

**Radisson Hotel – Riverside South
111 Cesar Chavez at Congress
Austin, Texas 78701**

**October 9, 2014
11:45 AM – 1:00 PM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session

A. Recognitions

B. Consideration of Approval of Consent Items (*pages 1-5*)

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property
4. 174th TBCJ Meeting Minutes
5. Excused Absences

C. Election of Officers

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

E. Report from the Chairman, TBCJ

F. Internal Audit Status Report for Fiscal Years 2013 - 2015

G. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts Over \$1 Million (*page 6*)

H. Discussion, Consideration, and Possible Action Regarding Annual Review of Board Policy BP-14.01, "Texas Department of Criminal Justice Investment Policy," and Resolution Adopting the Investment Policy (*pages 7-32*)

- I. Discussion, Consideration, and Possible Action Regarding Annual Review of Board Policy BP-01.01, “Texas Board of Criminal Justice Responsibilities” *(pages 33-47)*
- J. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rule Title 37 Texas Administrative Code Section 159.15, “GO KIDS” *(pages 48-50)*
- K. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Personnel Directives
 - 1. PD-13, “Sexual Harassment and Discourteous Conduct of a Sexual Nature” *(pages 51-76)*
 - 2. PD-31, “Discrimination in the Workplace” *(pages 77-102)*
- L. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to the “TDCJ Offender Visitation Plan” *(pages 103-155)*
- M. Discussion, Consideration, and Possible Action Regarding a Proposed Land Transaction for a Renewal of Valve Site and Electrical Easement at the Scott Unit in Brazoria County, Angleton, Texas *(pages 156-157)*

Recess/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. 175

The Texas Board of Criminal Justice (TBCJ or board) convened in regular session on Thursday, October 9, 2014, at 11:48 a.m. at the Radisson Hotel, Austin, Texas. The board adjourned at 12:47 p.m.

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

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

OTHERS PRESENT: The Honorable Judge Dale Spurgin, Jones County; Mario Cicconetti, Office of Senator Joan Huffman; and members of the media.

Convene Texas Board of Criminal Justice

Chairman Oliver Bell convened the 175th meeting of the TBCJ on Thursday, October 9, 2014, at 11:48 a.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; Mario Cicconetti, Office of Senator Joan Huffman; 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

Chairman Bell introduced the newest board member, Pastor Larry Miles, from Amarillo. Governor Rick Perry appointed Pastor Miles to serve a term to expire February 1, 2017, filling the position previously held by Thomas Mechler.

Chairman Bell recognized Ralph Bales for his career with the Texas Department of Criminal Justice (TDCJ or agency), noting he was the first person to serve as the ombudsman for the Prison Rape Elimination Act compliance. He presented Mr. Bales with a Resolution of Commendation and thanked him for his service to the TDCJ and to the board. Mr. Livingston commended Mr. Bales for 28 years of service to the state and wished him well. Mr. Bales thanked the board members, Mr. Livingston, and the staff of the TDCJ.

Chairman Bell recognized Thomas Mechler for his remarkable accomplishments as a member of the TBCJ, and expressed appreciation for his high level of support as vice-chairman, especially as a sounding board for new ideas. He assured Mr. Mechler he will be missed. Ms. Carmen Villanueva-Hiles, Ms. Janice Harris Lord, and Mr. Terrell McCombs shared their sentiments and wished him well in his future endeavors. Brad Livingston, Executive Director of the TDCJ thanked Mr. Mechler for his excellent support. Mr. Mechler thanked the board, TDCJ administration, and staff for their excellence and commitment to faith based initiatives, which positively impact prison culture through spiritual transformation.

Chairman Bell recognized Judge Larry Gist as the annual recipient of the Judicial Lifetime Achievement Award, given in September by the judicial section of the state bar of Texas, for his life time commitment to judicial excellence. Historically, the award has been given only to chief justices. Chairman Bell congratulated Judge Gist and stated it was an honor to have a gentleman of this caliber on the board.

Mr. Livingston recognized Dr. Lannette Linthicum, TDCJ Health Services Division Director, and president elect of the American Correctional Association (ACA). She voiced her gratitude to the board and the TDCJ for their support, and admitted she was honored to be the first medical director, in the ACA's 144 year tradition, to be elected president. Chairman Bell congratulated Dr. Linthicum.

Sharon Howell, TDCJ General Counsel, recognized Carla Willis as the new deputy general counsel. Ms. Willis thanked the board for the challenge. Chairman Bell welcomed Ms. Willis.

April Zamora, Reentry and Integration Division Director, recognized Lisa Howard as the new deputy director for the Reentry and Integration Division. Ms. Howard thanked Ms. Zamora and the board for the opportunity to serve.

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 August and September 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. 174th TBCJ Meeting Minutes**
- 5. Excused Absences**

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

Election of Officers, TBCJ

Chairman Bell announced that in accordance with Board Rule 151.3, “Texas Board of Criminal Justice Operating Procedures,” the board elects a vice-chairman, who presides in the chairman’s absence. With the resignation of Mr. Mechler in August, the TBCJ must elect a new vice-chairman. He asked for a nomination. Ms. Lord nominated Terrell McCombs. Chairman Bell asked if there were any comments. Seeing none, he asked for a motion and second.

Ms. Lord moved that the board approve the nomination of Mr. Terrell McCombs as vice-chairman of the Texas Board of Criminal Justice.

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

Chairman Bell congratulated Mr. McCombs and acknowledged he was looking forward to working with the new vice-chairman. Mr. McCombs thanked the board and said he was honored to serve.

Report from the Chairman, TBCJ

Chairman’s Fitness Challenge

Chairman Bell announced the FY 2015 theme, “From Touchdown to World Series.” He said the theme for the first two quarters would be related to football, and for the third and fourth quarters, baseball themes were chosen. For successful completion of each quarter, participants must earn a minimum of 200 points per week, for six weeks. He invited employees to meet the chairman’s special platinum challenge by achieving 2,500 points per week, or the chairman’s gold challenge

with the goal of 1,000 points per week. He thanked last year's participants, encouraged their continued support, and mentioned he enjoyed receiving special reports of fitness activities during the challenges.

State Employees' Charitable Campaign

Chairman Bell recognized the TDCJ workforce for their participation in the State Employees' Charitable Campaign since 1993, and for their generosity in donating more than \$9 million to charities during 2013. He noted last year was the 20th year of the campaign and encouraged employees to continue this year in their commitment to help others.

Internal Audit Status Report for Fiscal Years 2013 - 2015

Scott Hornung, Internal Audit Division Director, noted one change to the list of audits for FY 2013 – 2015. The audit of diversion program grants for the Community Justice Assistance Division was assigned and the project was placed in the background phase.

Chairman Bell asked if there were any questions. Seeing none, he thanked Mr. Hornung for his presentation.

(Attachment B – Texas Department of Criminal Justice Internal Audit Division Fiscal Years 2013-2015 Status Report as of 10/02/14)

Discussion, Consideration, and Possible Action Regarding the Annual Review of Board Policy BP-14.01, "Texas Department of Criminal Justice Investment Policy," and Resolution Adopting the Investment Policy

Jerry McGinty, Chief Financial Officer, explained that the TDCJ is required to review the investment policy each year. This year, the policy was reviewed and no changes were recommended.

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

Mr. Vasquez acknowledged completion of the annual review of Board Policy 14.01, and moved that the Texas Board of Criminal Justice approve the resolution adopting the investment policy as presented, and that the chairman and secretary sign the resolution adopting the policy.

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

Discussion, Consideration, and Possible Action Regarding Annual Review of Board Policy BP-01.01, “Texas Board of Criminal Justice Responsibilities”

Ms. Howell presented proposed revisions to BP-01.01, “Texas Board of Criminal Justice Responsibilities.” She explained the addition of one duty, required by legislature, which calls for the board to approve construction projects exceeding \$500,000 if they were procured through the job order method. Although that method has not been used in years, the language was added, should the method be used in the future. She stated the revised policy contains improved formatting for clarity, but no changes in procedure.

Chairman Bell noted that Ms. Howell had discussed the policy’s formatting with him, and there were no substantive changes in procedure. He asked if there were questions. Seeing none, he asked for a motion and second.

Judge Wingate moved that the Texas Board of Criminal Justice approve the revisions to Board Policy 01.01, “Texas Board of Criminal Justice Responsibilities,” as presented.

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 159.15, “GO KIDS”

Ms. Howell presented the proposed amendment to Board Rule 159.15, GO KIDS, stating the only change was an update to the current web address.

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

Ms. Lord moved that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendment to Board Rule Title 37 Texas Administrative Code Section 159.15, regarding “GO KIDS,” to receive public comment, as presented.

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

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Personnel Directives

1. PD-13, “Sexual Harassment and Discourteous Conduct of a Sexual Nature”

Ms. Howell presented PD-13, “Sexual Harassment and Discourteous Conduct of a Sexual Nature.” She stated this is the policy that governs how the agency processes complaints regarding gender discrimination, including sexual harassment. The revised policy clarified

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

Mr. Gambrell moved that the Texas Board of Criminal Justice approve the revisions to the TDCJ Offender Visitation Plan, as presented.

Mr. Vasquez 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 a Proposed Land Transaction for a Renewal of Valve Site and Electrical Easement at the Scott Unit in Brazoria County, Angleton, Texas

Matt Demny, Agribusiness, Land and Minerals Director, presented the SouthTex 66 Pipeline Company's request to renew an existing easement for continued use as a valve site and electrical line at the Scott Unit. The company agreed to pay \$4,000.00 for this easement with a 10 year term. Mr. Demny recommended board approval of the request.

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

Mr. McCombs moved that the Texas Board of Criminal Justice approve the request for a renewal of valve site and electrical easement at the Scott Unit in Brazoria, County, Angleton, Texas, as presented.

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

Chairman Bell thanked Mr. Demny for his presentation.

Chairman Bell thanked everyone for attending, and announced the next meeting of the Texas Board of Criminal Justice would be Friday, December 5, 2014, at the DoubleTree Hotel in Austin.

Adjournment

There being no further business for the regular session, Chairman Bell adjourned the 175th meeting of the Texas Board of Criminal Justice at 12:47 p.m.

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Chairman

Secretary

**Signature on file*

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