

Texas Board of Criminal Justice
189th Meeting



Minutes

December 9, 2016
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

**DoubleTree Hotel Austin – Phoenix South, Robertson Room
6505 North IH 35
Austin, Texas 78752**

**December 9, 2016
11:45 AM – 1:45 PM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session – Phoenix South

A. Recognitions

B. Consideration of Approval of Consent Items

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. 188th TBCJ Meeting Minutes
4. Excused Absences

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

D. Report from the Chairman, TBCJ

E. Internal Audit Status Report for Fiscal Years 2015 – 2017

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

G. Discussion, Consideration, and Possible Action Regarding Revisions to Board Policy BP-03.85, “Offender Visitation”

H. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Personnel Directive PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees”

I. Discussion, Consideration, and Possible Action Regarding Proposed Amendments to Board Rules Title 37 Texas Administrative Code

1. 151.71, Marking of State Vehicles of the Department of Criminal Justice
2. 151.73, Texas Department of Criminal Justice Vehicle Assignments
3. 155.23, Site Selection Process for the Location of Additional Facilities
4. 163.21, Administration

- J. Discussion, Consideration, and Possible Action Regarding Readoption of Amendments to Board Rule Title 37 Texas Administrative Code Section 163.46, Allocation Formula for Community Corrections Program

- K. 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. 151.6, Petition for the Adoption of a Rule
 - 3. 151.52, Sick Leave Pool
 - 4. 155.21, Naming of a Texas Department of Criminal Justice Owned Facility
 - 5. 161.21, Role of the Judiciary Advisory Council
 - 6. 163.5, Waiver to Standards

- L. Discussion, Consideration, and Possible Action Regarding Proposed Land Transactions
 - 1. Request to Renew Gas Pipeline Easement at the Coffield Unit in Anderson County, Tennessee Colony, Texas
 - 2. Request for Electrical Easement at the Eastham Unit in Houston County, Lovelady, Texas

II. Executive Session – Robertson Room

- A. The TBCJ may convene into Executive Session.

- B. Discussion of Personnel Matters Relating to the Executive Director, the Inspector General, the Director of the Internal Audit Division, the Director of the State Counsel for Offenders, and the Prison Rape Elimination Act Ombudsman (Closed in accordance with Section 551.074, Government Code).

- C. Discussion Regarding Deployment of Security Personnel, Devices, or Security Audits (Closed in accordance with Section 551.076, Government Code).

- D. Consultation with Legal Counsel Regarding Pending or Contemplated Litigation or Settlement Offers; to Receive Legal Advice on Items Posted on this Agenda; or Consultation on a Matter Where the TBCJ Seeks the Advice of its Attorney as Privileged Communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Closed in accordance with Section 551.071, Government Code).

Adjourn

**MINUTES OF THE
TEXAS BOARD OF CRIMINAL JUSTICE
Meeting No. 189**

The Texas Board of Criminal Justice (TBCJ) convened on Friday, December 9, 2016, in regular session at 11:45 a.m. in the Phoenix South room at the DoubleTree Hotel, Austin, Texas. The TBCJ recessed from regular session at 12:57 p.m., reconvened in executive session in the Robertson room at 1:24 p.m., and adjourned at 2:14 p.m.

TBCJ MEMBERS PRESENT:

Hon. Dale Wainwright, Chairman
Terrell McCombs, Vice Chairman
Leopoldo (Leo) Vasquez, III, Secretary
Eric Gambrell
Larry Miles
Derrellynn Perryman

TBCJ MEMBERS ABSENT:

Tom Fordyce
Judge Larry Gist
Thomas P. Wingate

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE (TDCJ)
STAFF PRESENT:**

Bryan Collier, Executive Director
Oscar Mendoza, Deputy Executive Director
Rudolph Brothers Sherry Koenig
Christopher Cirrito Dr. Linthicum
Jason Clark Bobby Lumpkin
Lorie Davis Angie McCown
Matt Demny Jerry McGinty
Patty Garcia Madeline Ortiz
Marie Freeland Kelvin Scott
Cody Ginsel Ron Steffa
Sharon Howell Pam Thielke
Frank Inmon Bruce Toney
Carey Welebob

OTHERS PRESENT:

Honorable Judge Dale Spurgin, Jones County; and Preston Streufert, Governor Abbott's office.

Convene the Texas Board of Criminal Justice

Chairman Dale Wainwright convened the 189th meeting of the TBCJ on Friday, December 9, 2016, at 11:45 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 Wainwright recognized the Honorable Judge Dale Spurgin, Jones County, and Preston Streufert, Governor Abbott's office.

Chairman Wainwright stated that the TBCJ is committed to providing the opportunity for public presentations on posted agenda topics as well as public comments on issues within its jurisdiction as provided in accordance with Board Rule 151.4, "Public Presentations and Comments to the Texas Board of Criminal Justice." Since no speaker registration cards were received, no public comments were heard.

Recognitions

Bryan Collier, TDCJ Executive Director, recognized Dr. Lannette Linthicum for 30 years of service with the TDCJ. She began her career with the TDCJ in 1986, came here through the United States Public Health Service after graduating medical school, and had a 4 year commitment. However, she chose to stay as she had a passion for working in corrections. She has served as medical director of the TDCJ Health Services Division since 1998. She is board certified in internal medicine and has an advanced certificate in correctional health care. She is a fellow of the American College of Physicians and serves on the board of directors for several correctional associations including the American Correctional Health Services Association and the Society of Correctional Physicians. She is also the president elect of the American Correctional Association (ACA) and will be sworn into office in January 2017. She has received numerous prestigious awards: Best in the Business by American Correctional Association, ER Cass Achievement Award, and the John Phillips Award presented by the trustees of the Phillips Exeter Academy in New Hampshire. Mr. Collier stated we are fortunate to have someone of her caliber, expertise, and passion.

Dr. Linthicum thanked God for her journey with the TDCJ. Dr. Linthicum stated she was proud of the tremendous work done in the TDCJ, especially the premier health care system, and it was a collaborative effort of all the division directors and colleagues that led to all of the accomplishments. She expressed gratitude to have the opportunity to serve in the capacity as medical director for the TDCJ.

Chairman Wainwright asserted that Dr. Linthicum is probably the premier expert in the health care system in corrections. He conveyed the TBCJ is fortunate and pleased to have her as the TDCJ medical director.

Vice-Chairman Terrell McCombs expressed that it is monumental for Dr. Linthicum to be president of the ACA, and the TBCJ is very proud.

Mr. Collier recognized Kelvin Scott, Administrative Review and Risk Management (ARRM) Division Director, for 30 years of service with the TDCJ. He highlighted Mr. Scott's career and educational background, and stated he is a key member of the executive leadership team.

Mr. Collier recognized Angela Moore for 29 years of service with the TDCJ. She served as the senior executive assistant in the executive director's office since 2004 and has been directly involved in every board meeting for the last 15 years. Mr. Collier stated she is a very strong leader and helped ensure the office of the executive director ran effectively each and every day. He highlighted her career with the TDCJ and made special mention of the 19 years spent working for Mr. Livingston, the former TDCJ executive director. Mr. Collier expressed gratitude for her dedication, loyalty, and constantly going above and beyond the call of duty to serve the agency. He congratulated her on a well-deserved retirement.

Lorie Davis, Correctional Institutions Division (CID) Director, recognized Billy Hirsch, Deputy Director for Prison and Jail Operations, for 30 years of service to the TDCJ. She highlighted his career as he promoted through the ranks in the CID. Ms. Davis stated he is one of the most well respected leaders in the field and has a keen sight for detail.

Mr. Collier congratulated Mr. Hirsch, and stated Mr. Hirsch has one of the toughest jobs in the TDCJ. He expressed gratitude to Mr. Hirsch for doing a fantastic job.

Dr. Lannette Linthicum introduced Dr. Daniel Krall as the new director of mental health monitoring and liaison for the Health Services Division, and highlighted his career and educational background. She stated Dr. Krall's extensive experience in adult and child psychology and his leadership skills will serve the TDCJ well.

Cody Ginsel, Private Facility Contract Monitoring/Oversight Division (PFCMOD) Director, introduced Sheila Moore as new deputy director of compliance monitoring for the Private Facility Contract Monitoring/Oversight Division, and highlighted her career and educational background.

Pamela Thielke, Parole Division Director, introduced Lela Smith as the new director for the Warrants section of the Parole Division, and highlighted her career and educational background.

Kelvin Scott, ARRM Division Director, introduced Rene Hinojosa as the new deputy director for ARRM Division, and highlighted his career and educational background. Mr. Scott introduced Cassandra McGilbra as the new ombudsman V coordinator for the ARRM Division, and highlighted her career with the TDCJ.

Consideration of Approval of Consent Items

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. 188th TBCJ Meeting Minutes**

4. Excused Absences

Chairman Wainwright stated there is an excused absence for Judge Larry Gist due to personal business. He asked if there were any amendments, abstentions, or objections to the proposed consent items. Board Member Eric Gambrell abstained from taking action due to his firm representing two entities listed on the personal property donations list. Chairman Wainwright acknowledged the abstention and, hearing no further questions, the consent items were approved.

Report from the Executive Director, Texas Department of Criminal Justice

PREA Audit Update

Mr. Collier presented an update on the progress of the TDCJ's Prison Rape Elimination Act (PREA) audit process. The PREA audit began in 2014 and includes prison units, intermediate sanction facilities (ISF), halfway houses, and community residential treatment centers. Since 2014, a total of 95 facilities have been through the PREA audit process, of which 90 have completely passed the PREA audit. The remaining five facilities have completed their audits and are awaiting the final report. It is expected these locations will pass their audit. During calendar year 2017, the first PREA audit cycle will be completed and it is expected that all facilities will be completely PREA compliant. Mr. Collier thanked Lorie Davis and CID staff, Cody Ginsel and PFCMOD staff, and Kelvin Scott and ARRM staff for all the work that was done before and during the audit to ensure compliance with requirements.

85th Legislative Session Preparations

Mr. Collier stated the 85th Legislative Session preparations have begun. Over the past few months, the TDCJ has had several productive meetings with legislative offices to discuss the upcoming session, our agency budget, and the agency's needs over the 2018 and 2019 biennium. The pre-filing of bills began on November 14, 2016. Jeff Baldwin, Chief of Staff, and his staff have been monitoring that process. The session will officially begin on January 10, 2017, and will continue for 140 days until May 29, 2017. The TDCJ is looking forward to working with legislative leadership over the next few months and are committed to continue the TDCJ's successful track record in the legislative process.

Mr. Collier wished all TDCJ families a safe and happy holiday season. He asked everyone, as we enjoy time with family over the holiday season, to take time to reflect on the many blessings received and to remember there will be thousands of TDCJ employees who are on the job dedicated to providing public safety. He expressed appreciation for the hard work and dedication those TDCJ employees provide every day.

Thank you and Merry Christmas!

Report from the Chairman, TBCJ

TBCJ - Diversity

Chairman Wainwright stated the Merriam Webster dictionary defines diversity as the condition of having or being composed of different elements, especially the inclusion of different types of people, different races, and different cultures in a group or organization. He explained that the TDCJ is committed to equal employment opportunity, operates with a zero tolerance policy against all forms of discrimination and has a diversity policy which is predicated on more than just compliance with state or federal law. He said the TBCJ recognizes that diversity within the workplace is a valuable asset because it enhances the TDCJ's ability to accomplish its mission and enriches employees both professionally and personally, and that while the TDCJ's policy predates his appointment to the TBCJ, its founding principle that diversity contributes to the success of the agency as well as the growth of the individual is very much in line with his own views on the subject. Chairman Wainwright added that we often we talk about diversity as a goal to be obtained, when it is actually a way to accomplish the goals the TDCJ wishes to achieve. When people from different backgrounds, genders, and races come together to solve problems, they bring with them different information, different opinions, and different perspectives. This diversity allows the TDCJ to benefit from the wide range of experiences and perspectives employees bring to the workplace, and it improves the TDCJ's ability to deal with the multitude of different challenges encountered every day. The workforce diversity also benefits individual employees who learn and grow from gaining new insights and different perspectives from interacting with coworkers. Individuals who have experience dealing with diversified ideas and opinions are better prepared to meet the challenges they encounter in the workplace and other facets of their lives. He said the task before all state servants is to govern in a manner worthy of this great state, and thanked Executive Director Bryan Collier, senior staff, and every TDCJ employee for striving to make an already challenging work environment more positive for everyone. He stated the TDCJ does its job well, however, we are not treading water and still seeking to improve every day.

Internal Audit Status Report for Fiscal Years 2015 - 2017

Christopher Cirrito, Director for the Internal Audit Division, provided the following updates to the handout of the November 29, 2016, Internal Audit Division Status Report for the Fiscal Years (FY) 2015 - 2017:

- **1609 – Administrative Review and Risk Management Division, Offender Grievance:** Audit has moved to report writing.
- **1614 – Information Technology Division, Software Licensing:** Audit has moved to draft report.
- **1704 – Human Resources Division, Position Classification Review Follow up:** Audit is complete.
- **1705 – Information Technology Division, Information Systems Security – Texas Administrative Code Chapter 202:** Audit has been assigned.
- **1706 – Executive Administration, Ethics Programs:** Audit has been assigned.

- **1707 – Reentry and Integration Division, Continuity of Care:** Audit has been assigned.

Vice-Chairman Terrell McCombs asked if the Internal Audit Division was now fully staffed. Mr. Cirrito replied yes.

Chairman Wainwright asked if there were any other questions. There were none.

(Attachment A – Internal Audit Division Status Report, Fiscal Years 2015-2017)

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

Chairman Wainwright abstained from voting on the purchases and contracts over \$1 million due to his firm representing 3M included in this item. Mr. Terrell McCombs facilitated the handling of this matter.

Jerry McGinty, Chief Financial Officer, reviewed the purchases and contracts over \$1 million. He presented seven purchase items for approval. Item 1 is an increase to an existing electronic monitoring contract for an increase in services. Items 2 through 6 are FY16-17 increases to existing contracts for Residential and/or Outpatient Substance Abuse Treatment services due to an increase in services. Item 7 is an increase to an existing contract for Substance Abuse Felony Punishment Facility/In-Prison Therapeutic Community/Driving While Intoxicated at the Ney Unit.

Leo Vasquez asked to confirm these were due to changes in volume, and not rates. Mr. McGinty confirmed that it was due to additional services at different locations and the rates were the same.

Mr. McCombs asked if there were any questions or comments. Hearing none, he called for a motion and a second.

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

Derrelynn Perryman seconded the motion which prevailed unanimously when called to a vote.

Discussion, Consideration, and Possible Action Regarding Revisions to Board Policy BP-03.85, “Offender Visitation”

Sharon Howell, TDCJ General Counsel, presented BP-03.85, “Offender Visitation,” for periodic review. The proposed changes are non-substantive, except for the signature authority and addition of citations in the authority section.

Vice-Chairman Terrell McCombs asked what prompts the change for grammatical effect. Ms. Howell replied it is to have consistency, accuracy, and clarity within all policies.

Chairman Wainwright asked Ms. Howell to provide a general overview of the process when the policies are reviewed. Ms. Howell replied that it used to be all policies were reviewed every 2 years, however, it is not necessary from a legal standpoint. She explained the policies are staffed out from Executive Services, every 4-5 years, to every division within the TDCJ. Each policy has a proponent, however, every division replies with comments. The policy is then prepared for review by executive management and the TBCJ chairman. Ms. Howell explained board rules must be reviewed every 4 years per statute.

Chairman Wainwright stated after that process, policies and rules are submitted to him 2-3 weeks before the board meeting containing approvals and modifications from executive management. He stated that if he has questions, it goes back for further consideration, otherwise it will go on the board agenda. Chairman Wainwright stated all of the material comes out before the board meeting so board members have a chance to look at it ahead of time to be prepared to ask questions and vote on it.

Chairman Wainwright asked if there were any other questions or comments. Hearing none, he called for a motion and a second.

Eric Gambrell moved that the Texas Board of Criminal Justice approve the revisions to Board Policy 03.85, "Offender Visitation," as presented.

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

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Personnel Directive PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees"

Sharon Howell, TDCJ General Counsel, presented PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees," proposed revisions. She explained there are small substantive changes and a big substantive change. The big substantive change provides a section that identifies the charging officials' responsibilities when preparing an employee offense report. Previously, all the guidance contained in the new section was scattered throughout the policy and, therefore, made the charging official responsible for looking in a number of different places to figure out what their duties are when preparing an employee offense report. Now it is consolidated in one place, providing the charging official with guidance for charging an employee with a single violation or multiple violations arising out of a single incident.

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

Terrell McCombs moved that the Texas Board of Criminal Justice approve the revisions to Personnel Directive PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees," as presented.

Larry Miles 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. Section 151.71, "Marking of State Vehicles of the Department of Criminal Justice"

Sharon Howell, TDCJ General Counsel, presented the proposed amendments to Board Rule 151.71, "Marking of State Vehicles of the Department of Criminal Justice." She explained the proposed amendments are necessary to update formatting. Ms. Howell requested the TBCJ approve the amended rule for publication in the *Texas Register*.

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

Larry Miles moved that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendments to Board Rule Title 37 Texas Administrative Code section 151.71, regarding Marking of State Vehicles of the Department of Criminal Justice, to receive public comment, as presented.

Derrelynn Perryman seconded the motion, which prevailed unanimously when called to a vote.

2. Section 151.73, "Texas Department of Criminal Justice Vehicle Assignments"

Ms. Howell presented the proposed amendments to Board Rule 151.73, "Texas Department of Criminal Justice Vehicle Assignments." She explained the proposed amendments are necessary to update formatting. Ms. Howell requested the TBCJ approve the amended rule for publication in the *Texas Register*.

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

Derrelynn Perryman moved that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 151.73, regarding Texas Department of Criminal Justice Vehicle Assignments, to receive public comment, as presented.

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

3. Section 155.23, “Site Selection Process for the Location of Additional Facilities”

Ms. Howell presented the proposed amendments to Board Rule 155.23, “Site Selection Process for the Location of Additional Facilities.” She explained the proposed amendments are necessary to update formatting. Ms. Howell requested the TBCJ approve the amended rule for publication in the *Texas Register*.

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

Terrell McCombs moved that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 155.23, regarding Site Selection Process for the Location of Additional Facilities, to receive public comment, as presented.

Derrelynn Perryman seconded the motion, which prevailed unanimously when called to a vote.

4. Section 163.21, “Administration”

Ms. Howell presented the proposed amendments to Board Rule 163.21, “Administration.” She explained the proposed amendments are necessary to update formatting. Ms. Howell requested the TBCJ approve the amended rule for publication in the *Texas Register*.

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

Larry Miles moved that the Texas Board of Criminal Justice approve for publication in the Texas Register, the proposed amendments to Board Rule Title 37 Texas Administrative Code Section 163.21, regarding Administration, to receive public comment, as presented.

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

Discussion, Consideration, and Possible Action Regarding Readoption of Amendments to Board Rule Title 37 Texas Administrative Code Section 163.46, “Allocation Formula for Community Corrections Program”

Sharon Howell, TDCJ General Counsel, presented Board Rule 163.46, “Allocation Formula for Community Corrections Program.” The rule was published in the November 4, 2016 issue of the

Texas Register, with no suggested amendments. Thirty days passed and no public comments were received. Ms. Howell asked the board to move forward with readoption of the rule.

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

Leo Vasquez moved that the Texas Board of Criminal Justice readopt Board Rule Title 37 Texas Administrative Code Section 163.46 regarding Allocation Formula for Community Corrections Program, as presented, and that the Chairman sign the order to this effect.

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

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

1. Section 151.3, “Texas Board of Criminal Justice Operating Procedures”

Sharon Howell, TDCJ General Counsel, requested the adoption of amendments to Board Rule 151.3, “Texas Board of Criminal Justice Operating Procedures,” as proposed and authorized at the August 18, 2016, TBCJ meeting. She explained the amendments appeared in the September 2, 2016, issue of the *Texas Register*. Thirty days passed and no public comments were received. Ms. Howell asked the board to move forward with final adoption of the rule.

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

Eric Gambrell moved 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.

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

2. Section 151.6, “Petition for the Adoption of a Rule”

Ms. Howell requested the adoption of amendments to Board Rule 151.6, “Petition for the Adoption of a Rule,” as proposed and authorized at the October 18, 2016, TBCJ meeting. She explained the amendments appeared in the November 4, 2016, issue of the *Texas Register*. Thirty days passed and no public comments were received. Ms. Howell asked the board to move forward with final adoption of the rule.

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

Derrellynn Perryman moved that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 151.6, regarding Petition for the Adoption of a Rule, as published in the Texas Register, and that the chairman sign the order to this effect.

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

3. Section 151.52, “Sick Leave Pool”

Ms. Howell requested the adoption of amendments to Board Rule 151.52, “Sick Leave Pool,” as proposed and authorized at the August 18, 2016, TBCJ meeting. She explained the amendments appeared in the September 2, 2016, issue of the *Texas Register*. Thirty days passed and no public comments were received. Ms. Howell asked the board to move forward with final adoption of the rule.

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

Terrell McCombs moved that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 151.52, regarding Sick Leave Pool, as published in the Texas Register, and that the chairman sign the order to this effect.

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

4. Section 155.21, “Naming of a Texas Department of Criminal Justice Owned Facility”

Ms. Howell requested the adoption of amendments to Board Rule 155.21, “Naming of a Texas Department of Criminal Justice Owned Facility,” as proposed and authorized at the October 18, 2016, TBCJ meeting. She explained the amendments appeared in the November 4, 2016, issue of the *Texas Register*. Thirty days passed and no public comments were received. Ms. Howell asked the board to move forward with final adoption of the rule.

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

Eric Gambrell moved that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 155.21, regarding Naming of a Texas Department of Criminal Justice Owned Facility, as published in the Texas Register, and that the chairman sign the order to this effect.

Derrellynn Perryman seconded the motion, which prevailed unanimously when called to a vote.

5. Section 161.21, “Role of the Judicial Advisory Council”

Ms. Howell requested the adoption of amendments to Board Rule 161.21, “Role of the Judicial Advisory Council,” as proposed and authorized at the October 18, 2016, TBCJ meeting. She explained the amendments appeared in the November 4, 2016, issue of the *Texas Register*. Thirty days passed and no public comments were received. Ms. Howell asked the board to move forward with final adoption of the rule.

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

Leo Vasquez moved that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 161.21, regarding the Role of the Judicial Advisory Council, as published in the Texas Register, and that the chairman sign the order to this effect.

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

6. Section 163.5, “Waiver to Standards”

Sharon Howell, TDCJ General Counsel, requested the adoption of amendments to Board Rule 163.5, “Waiver to Standards,” as proposed and authorized at the October 18, 2016, TBCJ meeting. She explained the amendments appeared in the November 4, 2016, issue of the *Texas Register*. Thirty days passed and no public comments were received. Ms. Howell asked the board to move forward with final adoption of the rule.

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

Larry Miles moved that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 163.5, regarding Waiver to Standards, as published in the Texas Register, and that the chairman sign the order to this effect.

Derrellynn Perryman seconded the motion, which prevailed unanimously when called to a vote.

Discussion, Consideration, and Possible Action Regarding Proposed Land Transactions

Chairman Wainwright abstained from taking action on the next agenda item due to his firm representing Enbridge Pipelines (East Texas), L.P. Mr. McCombs facilitated the handling of this agenda item.

1. Request to Renew Gas Pipeline Easement at the Coffield Unit in Anderson County, Tennessee Colony, Texas

Matt Demny, Director of the Agribusiness, Land and Minerals Department, presented the request from Enbridge Pipelines (East Texas), L.P. to renew an easement at the Coffield Unit in Anderson County, Tennessee Colony, Texas, in order to continue to provide transportation of natural gas liquids. The easement is comprised of three segments totaling 33.61 acres of land being a combined area of 29,248 feet long by 50 feet wide. The original easement was granted in December 2006. Enbridge Pipelines (East Texas), L.P. has agreed to pay \$354,524.00 for the renewal with another ten-year term. Mr. Demny recommended the TBCJ approve the request.

Terrell McCombs asked if there were any questions or comments. Hearing none, he called for a motion and a second.

Derrelynn Perryman moved that the Texas Board of Criminal Justice approve the request to renew the gas pipeline easement at the Coffield Unit in Anderson County, Tennessee Colony, Texas, as presented.

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

Chairman Wainwright resumed facilitating the handling of the remaining agenda items.

2. Request for Electrical Easement at the Eastham Unit in Houston County, Lovelady, Texas

Mr. Demny presented the request from Houston County Electric Cooperative, Inc. for an easement at the Eastham Unit in Houston County, Lovelady, Texas, in order to provide a power source to customers in the area. The easement consists of an area of 0.91 acre of land being approximately 2,471.25 feet long by 16 feet wide for one electrical transmission line. They have agreed to pay \$1,820.00 for the easement with a ten-year term. Mr. Demny recommended the TBCJ approve the request.

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

Eric Gambrell moved that the Texas Board of Criminal Justice approve the request for an electrical easement at the Eastham Unit in Houston County, Lovelady, Texas, as presented.

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

Chairman Wainwright thanked the staff in the chairman's office for putting together materials for the meetings and all the work they do. He thanked everyone for coming, and announced that

the next meeting of the TBCJ will be Friday, February 10, 2017, at the DoubleTree Hotel in Austin.

The TBCJ recessed from regular session at 12:57 p.m. and reconvened in executive session at 1:24 p.m.

Reconvene Texas Board of Criminal Justice

Chairman Wainwright reconvened in the executive session of the 189th meeting of the TBCJ on Friday, December 9, 2016, at 1:24 p.m., which is closed to the public in accordance with Texas Government Code Sections 551.074, 551.076, and 551.071, the *Open Meetings Act*.

Adjournment

There being no further business, Chairman Wainwright adjourned the 189th meeting of the Texas Board of Criminal Justice at 2:14 p.m.

Chairman*

Secretary*

*Signature on File

Note: Attachments to the minutes can be obtained by contacting the Office of Record, Executive Services.