

Texas Board of Criminal Justice
193rd Meeting



Minutes

August 25, 2017
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

**Omni Hotel at Southpark – Ballrooms D, E, F, Southpark Room
4140 Governor’s Row
Austin, Texas 78744**

**August 25, 2017
12:00 – 2:45 PM**

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ)

I. Regular Session – Ballrooms D, E, F

A. Recognitions

B. Consideration of Approval of Consent Items

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. 192nd TBCJ Meeting Minutes
4. Excused Absences

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

D. Report from the Chairman, TBCJ – Closure of Four Correctional Facilities

E. Discussion, Consideration, and Possible Action Regarding the Proposed Fiscal Year 2018 Annual Audit Plan

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

G. Discussion, Consideration, and Possible Action Regarding the TDCJ Fiscal Year 2018 Proposed Operating Budget

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

1. 151.8, Advisory Committees
2. 152.51, Authorized Witnesses to the Execution of an Offender Sentenced to Death
3. 152.61, Emergency Response to Law Enforcement Agencies or Departments and Non-Agent Private Prisons or Jails
4. 159.1, Substance Abuse Felony Punishment Facilities Eligibility Criteria

- I. Discussion, Consideration, and Possible Action Regarding a Proposed Land Transaction Request for Sale of 296 Acres at the Ramsey Unit in Brazoria County, Rosharon, Texas
- J. Discussion, Consideration, and Possible Action Regarding Facilities Division Construction Projects
 - 1. Request to Install Fire Alarm System at the Byrd Unit in Walker County, Huntsville, Texas
 - 2. Request to Replace Exterior Lighting at the Estelle Unit in Walker County, Huntsville, Texas
 - 3. Request to Replace Gas and Water Distribution Systems at the Scott Unit in Brazoria County, Angleton, Texas
 - 4. Request to Replace Service Entrance at the Terrell Unit in Brazoria County, Rosharon, Texas
- K. Public Comments

Reconvene TBCJ

II. Executive Session – Southpark 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. 193**

The Texas Board of Criminal Justice (TBCJ) convened on Friday, August 25, 2017, in regular session at 12:02 p.m. in Ballrooms D, E, F at the Omni Hotel at Southpark, Austin, Texas. The TBCJ recessed from regular session at 12:43 p.m., reconvened in executive session in the Southpark Room at 1:16 p.m., and adjourned at 3:02 p.m.

TBCJ MEMBERS PRESENT:

Hon. Dale Wainwright, Chairman
Terrell McCombs, Vice Chairman
Eric Gambrell, Secretary
E.F. "Mano" DeAyala
Tom Fordyce
Larry Miles
Patrick O'Daniel
Derrellynn Perryman
Thomas P. Wingate

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE (TDCJ)**

Bryan Collier, Executive Director

STAFF PRESENT:

Jeff Baldwin	Frank Inmon
Mike Bell	Sherry Koenig
Rudolph Brothers	Bobby Lumpkin
Christopher Cirrito	Angie McCown
Jason Clark	Jerry McGinty
Lorie Davis	Ron Steffa
Marie Freeland	Bruce Toney
Sharon Howell	Carey Welebob

OTHERS PRESENT:

Honorable Judge Dale Spurgin, Jones County; and Janice Rankin, House Correction Committee Clerk, Representative James White's office.

Convene the Texas Board of Criminal Justice

Chairman Dale Wainwright convened the 193rd meeting of the TBCJ on Friday, August 25, 2017, at 12:02 p.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 TBCJ would be conducting business from the agenda posted in the *Texas Register*.

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." Two speaker registration cards were received for public comments prior to the deadline. The presentations will be heard later in the meeting.

Recognitions

Chairman Wainwright recognized the TDCJ employees who have dedicated 25, 30, 35, 40, and 45 years of service to the state of Texas during the months of July and August 2017. During this time, 93 employees attained 25 years of service, 38 employees attained 30 years of service, 17 employees attained 35 years of service, one employee attained 40 years of service, and one employee attained 45 years of service. He stated these individuals represent the strong commitment of the TDCJ staff systemwide. On behalf of the TBCJ and Mr. Collier, he expressed deepest gratitude for the continued service of these employees.

Bryan Collier, TDCJ Executive Director, recognized Lorie Davis, Correctional Institutions Division Director, for 30 years of service. He highlighted her career with the state of Texas and thanked her for her dedication.

(Attachment A – Employee Names)

Consideration of Approval of Consent Items

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. 192nd TBCJ Meeting Minutes**
- 4. Excused Absences**

Chairman Wainwright abstained from taking action due to his firm representing items listed on the personal property donations list. Eric Gambrell abstained from taking action due to his firm representing the San Antonio Food Bank listed on the personal property donations list. Excused absences include Larry Miles and Eric Gambrell from the April 6, 2017, meeting due to personal business. Chairman Wainwright acknowledged the abstentions and, hearing no further questions, the consent items were approved.

Report from the Executive Director, Texas Department of Criminal Justice

TDCJ Budget Process

Mr. Collier discussed the complex process involved in compiling a proposed budget for an agency as large as the TDCJ. He thanked Jerry McGinty, Chief Financial Officer; Ron Steffa, Deputy Chief Financial Officer; Sherry Koenig, Budget Director; and Jennifer Gonzales, Budget Deputy Director, for the numerous hours spent working on this project. He expressed gratitude to the Chairman and TBCJ members for individually discussing the proposed budget and supporting the budget team throughout the process.

Report from the Chairman, TBCJ

Closure of Four Correctional Facilities

Chairman Wainwright discussed the historical significance of the 85th Legislature making the decision to close four facilities, bringing the total closures to eight over the past six years. He attributed the ability to close the facilities to legislative efforts made toward reducing the number of people who serve time, TDCJ efforts aimed at successful reentry, and falling crime rates. The Chairman commended everyone involved for their part in this monumental accomplishment for the state of Texas and significant operational achievement for the TDCJ.

Discussion, Consideration, and Possible Action Regarding the Proposed Fiscal Year 2018 Annual Audit Plan

Christopher Cirrito, Internal Audit Division Director, referred to his committee presentation of the proposed FY 2018 Annual Audit Plan. He asked the board if they had any questions or concerns, and if none, he recommended board approval.

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

Patrick O'Daniel moved that the Texas Board of Criminal Justice approve the Internal Audit Plan for Fiscal Year 2018 and authorize the internal audit director to perform audit work outside of the audit plan if the director deems deviations are warranted, documented as required by the Texas Internal Auditing Act, and presented to the board at its next scheduled meeting.

Tom Fordyce seconded the motion which prevailed unanimously when called to a vote.

(Attachment B – Texas Department of Criminal Justice Internal Audit Division Proposed Fiscal Year 2018 Annual Audit Plan)

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 Texas Tech University and the University of Texas 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 stated all six contracts are biennial contracts. Item 1 is a renewal contract for residential and outpatient substance abuse treatment services for FY18-19. Item 2 is an interagency contract through the Department of Information Resources to provide data center services. Item 3 is for vehicles to provide transportation needs. Item 4 is a renewal contract for hospital and medical services for offenders at Huntsville Memorial Hospital for FY18-19. Item 5 is for medical and mental health services for offenders at the University of Texas Medical Branch for FY18-19. Item 6 is for medical and mental health services for offenders at Texas Tech University Health Sciences Center for FY18-19.

Mr. McCombs asked for any questions, comments, or abstentions. Patrick O'Daniel abstained from taking action due to his firm representing University of Texas and Texas Tech.

Mr. McCombs acknowledged the abstentions and, hearing no further questions, he called for a motion and a second.

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

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

Discussion, Consideration, and Possible Action Regarding the TDCJ Fiscal Year 2018 Proposed Operating Budget

Mr. McGinty referred to the earlier presentation during the Business and Financial Operations Committee meeting of the FY 2018 Proposed Operating Budget. He stated the overall budget is \$3.302 billion and reaffirmed the TDCJ will remain in communication with the LBB regarding funding, if unforeseen needs arise.

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

Eric Gambrell moved that the Texas Board of Criminal Justice approve the Texas Department of Criminal Justice Fiscal Year 2018 Operating Budget as presented, and authorize the executive director of the Texas Department of Criminal Justice to make transfers as necessary and as authorized through the General Appropriations Act and other applicable laws.

Terrell McCombs 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 151.8, “Advisory Committees”

Sharon Howell, TDCJ General Counsel, requested the adoption of amendments to Board Rule 151.8, “Advisory Committees,” as proposed and authorized at the June 30, 2017, TBCJ meeting. She explained the amendments appeared in the July 21, 2017, 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.

E.F. “Mano” DeAyala moved that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 151.8, regarding Advisory Committees, as published in the Texas Register, and that the chairman sign the order to this effect.

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

2. Section 152.51, “Authorized Witnesses to the Execution of an Offender Sentenced to Death”

Ms. Howell requested the adoption of amendments to Board Rule 152.51, “Authorized Witnesses to the Execution of an Offender Sentenced to Death,” as proposed and authorized at the June 30, 2017, TBCJ meeting. She explained the amendments appeared in the July 21, 2017, 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.

Tom Fordyce moved that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 152.51, regarding Authorized Witnesses to the Execution of an Offender Sentenced to Death, as published in the Texas Register, and that the chairman sign the order to this effect.

E.F. “Mano” DeAyala seconded the motion, which prevailed unanimously when called to a vote.

3. Section 152.61, “Emergency Response to Law Enforcement Agencies or Departments and Non-Agent Private Prisons or Jails”

Ms. Howell requested the adoption of amendments to Board Rule 152.61, “Emergency Response to Law Enforcement Agencies or Departments and Non-Agent Private Prisons or Jails,” as proposed and authorized at the June 30, 2017, TBCJ meeting. She explained the amendments appeared in the July 21, 2017, 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.

Tom Wingate moved that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 152.61, regarding Emergency Response to Law Enforcement Agencies or Departments and Non-Agent Private Prisons or Jails, as published in the Texas Register, and that the chairman sign the order to this effect.

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

4. Section 159.1, “Substance Abuse Felony Punishment Facilities Eligibility Criteria”

Ms. Howell requested the adoption of amendments to Board Rule 159.1, “Substance Abuse Felony Punishment Facilities Eligibility Criteria,” as proposed and authorized at the June 30,

2017, TBCJ meeting. She explained the amendments appeared in the July 21, 2017, 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.

Patrick O'Daniel moved that the Texas Board of Criminal Justice adopt amendments to Title 37 Texas Administrative Code Section 159.1, regarding Substance Abuse Felony Punishment Facilities Eligibility Criteria, 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.

Discussion, Consideration, and Possible Action Regarding Proposed Land Transaction Request for Sale of 296 Acres at the Ramsey Unit, Brazoria County, in Rosharon, Texas

Bobby Lumpkin, Director of the Manufacturing, Agribusiness and Logistics Division, presented the request for the sale of 296 acres at the Ramsey Unit, Brazoria County, Rosharon, Texas. He stated HB 3402, as passed by the 85th Legislature, directs the TBCJ to sell 296 acres of land located in Brazoria County for the fair market value of the property. The legislation requires the sale to exclude the mineral interests in and under the subject property. Additionally, the deed must contain a provision reserving the state's interest in and right to remove all minerals in and under the property. As authorized by state law, the TBCJ may sell state owned real property under the TBCJ's management and control, and the General Land Office negotiates and closes a transaction on behalf of the TBCJ. Proceeds from this transaction shall be deposited consistent with the statutory requirements. Mr. Lumpkin 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.

Terrell McCombs moved that the Texas Board of Criminal Justice approve the request for the sale of 296 acres at the Ramsey Unit in Brazoria County, in Rosharon, Texas, as presented.

Larry Miles 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 Fire Alarm System at the Byrd Unit in Walker County, Huntsville, Texas

Frank Inmon, Director of the Facilities Division, presented a new project for board consideration requesting to install a fire alarm system at the Byrd Unit, Walker County, Huntsville, Texas. The project includes installing new control panels, annunciators, smoke detectors, horns, and other components. The new system will comply with all current codes and standards. If approved, the work will be performed by A-1 Fire and Security Equipment Company, with a total cost of \$2,107,900. Mr. Inmon 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.

E.F. "Mano" DeAyala moved that the Texas Board of Criminal Justice approve a not-to-exceed budget of \$2,107,900 to install a fire alarm system at the Byrd Unit located in Walker County, Huntsville, Texas, as presented.

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

2. Request to Replace Exterior Lighting at the Estelle Unit in Walker County, Huntsville, Texas

Mr. Inmon presented a new project for board consideration requesting to replace exterior lighting at the Estelle Unit, Walker County, Huntsville, Texas. The project includes installing an LED lighting system to include 21 high mast towers, 118 exterior wall fixtures, and a standby generator to provide emergency power during outages. If approved, the work will be performed by C.F. McDonald Electric, Inc., with a total cost of \$3,639,800. Mr. Inmon 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.

Tom Fordyce moved that the Texas Board of Criminal Justice approve a not-to-exceed budget of \$3,639,800 to replace exterior lighting at the Estelle Unit located in Walker County, Huntsville, Texas, as presented.

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

3. Request to Replace Gas and Water Distribution Systems at the Scott Unit in Brazoria County, Angleton, Texas

Mr. Inmon presented a new project for board consideration requesting to replace gas and water distribution systems at the Scott Unit, Brazoria County, Angleton, Texas. The project includes replacing approximately 25,434 linear feet of gas lines and 30,856 linear feet of water lines. The new distribution system will include new joint valves and fire hydrants. If approved, the work will be performed by Huff and Mitchell, Inc., with a total cost of \$4,533,700. Mr. Inmon 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.

Larry Miles moved that the Texas Board of Criminal Justice approve a not-to-exceed budget of \$4,533,700 to replace gas and water distribution systems at the Scott Unit located in Brazoria County, Angleton, Texas, as presented.

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

4. Request to Replace Service Entrance at the Terrell Unit in Brazoria County, Rosharon, Texas

Mr. Inmon presented a new project for board consideration requesting to replace service entrance at the Terrell Unit, Brazoria County, Rosharon, Texas. The project includes replacing over 10,000 square yards of concrete pavement at the backgate and stabilization of the existing subgrade soil. Additionally, a new drainage system consisting of 110 linear feet of storm drain pipes and a 50 linear foot box culvert beneath the perimeter road will be installed. If approved, the work will be performed by Allbrite Constructors of Texas, Inc., with a total cost of \$2,197,864. Mr. Inmon 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.

Derrelynn Perryman moved that the Texas Board of Criminal Justice approve a not-to-exceed budget of \$2,197,864 to replace service entrance at the Terrell Unit located in Brazoria County, Rosharon, Texas, as presented.

Tom Fordyce seconded the motion which prevailed unanimously when called to a vote.

Public Comments

Chairman Wainwright presented the format for receiving public comments. The first presenter was Ann Putnam regarding issues concerning inmates in TDCJ and the diligent participation program for state jail offenders. She thanked the TBCJ members for their time and stated she met with Tracy Bailey before the meeting, who will take care of several items on bullet points one and two from the email she sent. Chairman Wainwright interjected that Ms. Putnam provided written comments regarding her topic via email to the TBCJ prior to the meeting and all members now have a copy of the email. Ms. Putnam continued by stating she feels TDCJ needs to look at how inmates are being transported and moved around. Her husband spent approximately 15-21 days within a three week period of time on the road at 15 different facilities, allegedly for the purpose of seeking better medical treatment. This is one issue that was addressed and Ms. Bailey who will look into it and follow-up with Ms. Putnam. She stated she also had the opportunity to meet with Cassandra McGilbra before the meeting, who will address issues regarding her husband's personal property and other concerns about conditions at the Dominguez Unit. She stated she also has plans to meet with the warden there, who has had open communication with her. She expressed gratitude for the wardens who have been receptive to her concerns. The last thing she addressed, although possibly not in the TBCJ's jurisdiction, was that the TBCJ could probably close more facilities if something was done about encouraging judges to participate in the diligent participation program within state jail facilities.

Chairman Wainwright thanked her for her comments and called the next presenter, Frances Vaughn, who was not present.

Chairman Wainwright thanked everyone for coming, and announced that the next meeting of the TBCJ will be Thursday, October 19, 2017, at the Wyndham Garden Hotel in Austin.

Adjournment

There being no further business, Chairman Wainwright adjourned the 193rd meeting of the Texas Board of Criminal Justice at 3:02 p.m.

Chairman*

Secretary*

*Signature on File