

Texas Board of Criminal Justice
210th Meeting



Minutes

June 26, 2020
Austin, Texas

TEXAS BOARD OF CRIMINAL JUSTICE

Via Zoom Video Conference

June 26, 2020
10:30 AM – 11:30 AM

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
 - 1. Hazardous Duty Pay Authorization Requests
 - 2. Personal Property Donations
 - 3. 209th TBCJ Meeting Minutes
 - 4. Excused Absences
- C. Election of Officers
- D. Report from the Executive Director, Texas Department of Criminal Justice (TDCJ)
- E. Report from the Chairman, Texas Board of Criminal Justice (TBCJ)
- F. Prison Rape Elimination Act (PREA) Presentation
- G. Internal Audit Status Report for Fiscal Years 2019 – 2020
- H. Discussion, Consideration, and Possible Action Regarding Purchases and Contracts over \$1 Million
- I. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy, BP-02.43, “Equal Employment Opportunity”
- J. Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Personnel Directive, PD-12 “Equal Employment Opportunity”

- K. Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rules Title 37 Texas Administrative Code Sections
 - 1. 163.33, "Community Supervision Staff"
 - 2. 163.35, "Supervision"

- L. Discussion, Consideration, and Possible Action Regarding Proposed Land Transactions
 - 1. Request for Gas Pipeline Easement at the Clemens Unit in Brazoria County, Brazoria, Texas
 - 2. Request for Electrical Transmission Line Easement at the Clemens Unit in Brazoria County, Brazoria, Texas
 - 3. Request for Renewal of Pipeline Easement at the Stiles Unit in Jefferson County, Beaumont, Texas
 - 4. Request for Renewal Transfer of Beneficial Use of Land at the Houston Regional Parole Office, Harris County, Houston, Texas

Recess

II. Executive Session

- A. The TBCJ may convene into Executive Session.

- B. Discussion of personnel matters relating to the Board of Criminal Justice, 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 or to hear a complaint or charge against an employee (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. Discussion regarding security assessments or deployments relating to information resources technology, confidential network security information, or the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices (closed in accordance with Section 551.089, Government Code).

- E. 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

The TBCJ may discuss and/or take action on any of the items posted on this meeting agenda.

**MINUTES OF THE
TEXAS BOARD OF CRIMINAL JUSTICE
Meeting No. 210**

The Texas Board of Criminal Justice (TBCJ) convened on Friday, June 26, 2020, in regular session at 10:37 a.m. via Zoom and adjourned at 12:04 p.m.

TBCJ MEMBERS PRESENT:

Patrick O’Daniel, Chairman
Derrelenn Perryman, Vice-Chairman
Larry Miles
E.F. “Mano” DeAyala
Judge Molly Francis
Judge Faith Johnson
Sichan Siv
Eric Nichols
Rodney Burrow, M.D.

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE STAFF
PRESENT:**

Bryan Collier, Executive Director
Oscar Mendoza, Deputy Executive Director
Bobby Lumpkin
Ron Steffa
Kristen Worman

TBCJ STAFF PRESENT:

Chris Cirrito
Jill Durst
Lynne Sharp

Convene the Texas Board of Criminal Justice

Chairman Patrick O’Daniel convened the 210th meeting of the Texas Board of Criminal Justice (TBCJ) on Friday, June 26, 2020, at 10:37 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 TBCJ would be conducting business from the agenda posted in the *Texas Register*.

Chairman O’Daniel stated that the TBCJ is committed to providing the opportunity for public presentations on posted agenda topics as provided in accordance with Board Rule 151.4, “Public Presentations and Comments to the Texas Board of Criminal Justice.” No speaker registration cards were received for public comments prior to the deadline.

Recognitions

Chairman O’Daniel introduced Dr. Rodney Burrow as a new board member appointed by Governor Greg Abbott and highlighted his background.

Chairman O’Daniel recognized the TDCJ employees who have dedicated 25, 30, 35, 40, and 50 years of service to the state of Texas during the months of March, April, May, and June 2020. During this time, 259 employees attained 25 years of service, 51 employees attained 30 years of service, 50 employees attained 35 years of service, nine employees attained 40 years of service, and one employee attained 50 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.

(Attachment A – Employee Names)

Consideration of Approval of Consent Items

- 1. Hazardous Duty Pay Authorization Requests**
- 2. Personal Property Donations**
- 3. 209th TBCJ Meeting Minutes**
- 4. Excused Absences**

Chairman O’Daniel stated the consent items include an excused absence for Larry Miles for the February meeting due to personal business, and asked if there were any amendments, abstentions, or objections to the proposed consent items. Hearing none, the consent items were approved.

Election of Officers

Chairman O’Daniel stated in accordance with Board Rule 151.3 the Texas Board of Criminal Justice shall elect a Vice-Chairman and Secretary each odd-numbered year or when those positions become vacant. This election will fill the vacancy of the Secretary.

Chairman O’Daniel asked for a nomination for the Secretary of the Board.

E.F. “Mano” DeAyala nominated Pastor Larry Miles as the Secretary.

Judge Faith Johnson seconded the nomination, which unanimously passed when called to a vote.

Report from the Executive Director, Texas Department of Criminal Justice

COVID-19

Mr. Collier stated at the time of the February TBCJ meeting, we were watching the spread of COVID-19, mostly through Europe and other foreign locations, with only a very small number

of cases in the United States. The first COVID-19 related death in the United States occurred on February 29, 2020, and things began to change in our world shortly thereafter. We began discussing our plans to deal with this pandemic and taking steps to clean and disinfect our facilities above and beyond our normal levels, a practice that continues today. We inventoried our protective gear, began purchases for additional gear, developed plans for isolating and restricting offenders, and our health care division and university partners finalized their plans to address the pandemic at all levels. We activated our command center on March 16, 2020, and focused full attention and efforts on managing the pandemic to the best of our ability. On March 19, 2020, we had our first positive COVID-19 employee, a contract employee at the Jester I Unit, and on March 24, 2020, our first positive offender, at the Lychner State Jail. During late March and throughout the month of April, we saw the virus spread to over 38 units, with over 1,200 positive cases by the end of April. During the past two months, we saw our daily symptomatic positive cases range from an average of 48 positives per day between April 16th and May 15th, to an average of 14 new cases per day between May 15th and June 15th. We created strike testing teams and began mass testing in the facilities based on risk factors in early May. Since we started mass testing, we have tested approximately 130,000 in total; more than 102,000 offenders and 26,000 staff. This large-scale testing has helped us to further attack the virus spread by identifying those individuals who are asymptomatic and separating them from those who are negative. This week we began conducting follow-up testing on units that had recent symptomatic positives to further identify asymptomatic cases. This process will continue for the next several months as we deal with the virus.

Unfortunately, COVID-19 has taken many lives during this event. We have had an unprecedented number of offender deaths during this time. Many of the offenders who fell to COVID-19 were from our elderly population, many of whom have chronic medical conditions that make them even more vulnerable during a pandemic. We continue to have their families in our thoughts and prayers. COVID-19 has also attacked our staff and has taken the lives of eight staff members: Kevin Wilcher, a correctional officer assigned to the Estelle Unit; Jonathan Goodman, a correctional officer assigned to the Bill Clements Unit; Akbar Shabazz, a chaplain assigned to the Wynne Unit; Coy Coffman Jr., a correctional officer assigned to the Telford Unit; James Coleman, a correctional officer assigned to the Middleton Unit; Maria Mendez, a correctional officer assigned to the Wynne Unit; Jesse Bolton, a correctional officer assigned to the Eastham Unit; and Thomas Ogungbire, a correctional officer assigned to the Hutchins State Jail. All of these employees lost their battle with COVID-19; however, they will never be forgotten for their bravery and commitment to public safety, and for their ultimate sacrifice. We pray for their families and co-workers who still mourn each of these losses and will honor each of them later this year in our fallen officer service.

As we transition into a “new normal,” we are taking small steps to resume intake of offenders into our system in a manner that does not cause the spread of COVID-19. Also, the agency is moving offenders into programs that they have not yet started. The mass testing that was conducted has provided us with the information to make safer decisions.

Mr. Collier publicly commended the employees of the TDCJ and stated it has been most remarkable to see the thousands of men and women of this agency bravely take on a faceless enemy. Each day, staff performed their duties in an outstanding fashion, many times while wearing layers of protective gear, from strike team members to correctional officers, to clerical staff and others who pitched in to keep operations going during this pandemic. They are truly

heroes. Our leadership team has performed flawlessly and the lines that separate divisions have disappeared. Division directors and staff have worked together to ensure we meet our mission. Mr. Collier stated in all of his career, this has been the biggest challenge ever faced and it has been a great privilege to be part of a team that has done so well with such a difficult issue. He stated he will forever be indebted to the employees and leadership team for all the sacrifices they made during the pandemic to keep the agency on track to meet our mission to provide public safety. He thanked the TBCJ chairman and members for their ongoing support and regular conference calls. Moving forward, we will be dealing with COVID-19 for the foreseeable future and much of what we do will look and feel different. Mr. Collier stated he is confident the agency will continue to weather the storm and will be successful in the end.

5% Budget Reduction

Mr. Collier stated in late May, the TDCJ and other state agencies were instructed by state leadership to submit a plan to identify savings of general revenue by 5% for the 2020-2021 biennium. The TDCJ received several exemptions, such as correctional security operations and correctional managed health care, as well as behavioral health programs. The items within the budget that were not exempted provide that a 5% reduction would total 122.9 million dollars. The TDCJ provided a plan to reduce funding by 5% to state leadership offices on June 15, 2020. There have been significant discussions with state leadership to provide details on the impact of the reductions. The TDCJ provided options on the plan to give state leadership choices based on the potential impact of the reductions. Once further instruction on our plan is received, an update will be provided. Additionally, instructions for the Legislative Appropriations Request (LAR) will be received soon and it is anticipated that these instructions will require further reductions. The TDCJ will continue to work closely with state leadership offices as we prepare for the upcoming session and will work as creatively as possible to reduce the negative impacts of reductions to our agency.

Report from the Chairman, TBCJ

TBCJ Tributes

Chairman O'Daniel stated he was reminded of something President Calvin Coolidge said long ago, "The nation which forgets its defenders will itself be forgotten." The men and women of TDCJ who tragically lost their lives since our last meeting in February have not been forgotten. We will not forget the incredible sacrifice of the men and women who work for this agency. St. Paul, writing to the Romans, in chapter eight, verse eighteen, tells us, "For I reckon that the sufferings of this present time are not worthy to be compared with the glory which shall be revealed to us." In other words, in our suffering, there is glory because we know that suffering produces perseverance, perseverance produces character, and character produces hope. We have hope because the individuals we honor today did not die in vain. Their lives mattered.

Correctional Officer Kelvin Wilcher was a dedicated, loyal, and dependable employee of the agency who did not mind setting someone straight or speaking his mind in order to make sure his co-workers were safe while doing their jobs. Wilcher was professional in everything that he did. He had a commanding presence whenever he spoke that quickly got your attention. His impact on the personnel at the Estelle Unit lead to many of them considering him a father-figure, as well

as a mentor. He upheld the agency's core values to the fullest and his dedication will not be forgotten. Officer Wilcher was the first employee to lose the battle against the coronavirus on April 7, 2020.

Correctional Officer Jonathon Goodman was known as one of the good guys by his co-workers at the Clements Unit, as well as by the offenders incarcerated there. He could always be counted on to do the right thing regardless of the obstacles he faced in his line of work. Goodman was a veteran employee with more than 10 years with the agency. His attendance record was exemplary, and he was cross trained to work almost anywhere on the unit. He had a contagious laugh which helped see him and others through the good and bad times. He was an avid Dallas Cowboys fan and was also a big fan of the Caped Crusader, Batman. Throughout the halls, his co-workers can be overheard telling their favorite stories about him and can be seen checking on his wife Kimberly, who also works at the Clements Unit. Officer Goodman died from the coronavirus on April 21, 2020.

Taylor Holbert was the kind of employee that every manager or supervisor hopes to have working for them someday. A contagious smile and a positive attitude that could motivate or encourage anyone he met were just two of his greatest qualities. Taylor worked in the Manufacturing, Agribusiness and Logistics Division and was assigned to the Wynne Unit. No matter what the situation or the occasion was, he always had a story for it. He could brighten up the staff and push them to be better than they were the day before with tales of his adventures. His favorite topic of discussion was his girlfriend, Brooke. Any talk of her would light him up like a Christmas tree.

Brooke Ivy was passionate about her work with the agency and it showed in how she cared about the needs of the customers she interacted with in her job as a Contract Specialist in the Contracts and Procurement Department. An extremely bright person, Brooke loved coming to work because of the people she worked with and they, in turn, enjoyed being around her. She excelled at customer service and was able to handle any assignment she was given. Her caring nature was infectious, and it was evident both on and off the job.

Taylor and Brooke were sweethearts and had begun making a life together. They both died when a tornado struck their residence in Onalaska on April 22, 2020.

Chaplain Akbar Shabazz began his work in the agency over four decades ago when he volunteered to help implement Islam into the prison system. He was the Regional Area Muslim Chaplain. Affectionately known as "Lynn" by his brothers and sisters, Chaplain Shabazz was a dedicated employee of the agency who worked diligently to help and encourage others no matter where they were in their life's journey. One of his co-workers said that Chaplain Shabazz's insight was invaluable while his knowledge and experience was unsurpassed. A mentor to many, Chaplain Shabazz was well-known for his passion for his ministry. He would travel anywhere within the state to serve the needs of the Islamic community inside the TDCJ. He was a man of courage, integrity, and high morals. As another co-worker said, "The life he lived spoke for itself." Chaplain Akbar Shabazz died from the coronavirus on April 23, 2020.

Correctional Officer Coy Coffman never met a stranger while working at the Telford Unit in New Boston. He was always willing to share his wealth of knowledge about the agency from his 10 years of experience. Coffman had officers from all walks of life flocking to him to learn from

his experiences. He never hesitated to talk enthusiastically with his co-workers about what he had learned on the job over the years. Coffman was a family man, so during the last two years of his assignment at Telford, he worked part-time for weekend visitation in order to spend more time with them. He took this assignment seriously and was passionate about his role in completing the agency's mission. His absence is felt deeply at the Telford Unit. Officer Coffman died from the coronavirus on April 17, 2020.

Correctional Officer Jorge Martinez was the kind of co-worker you wanted on your side when things got tough. His fellow officers at the Estelle Unit have used such adjectives as relentless, tireless, devoted, and dependable to describe him. Martinez taught so many the knowledge of how to run a prison correctly and efficiently. He knew the challenges that this difficult job had and would just look it square in the face and say, "Bring it!" There are many stories about Martinez at the Estelle Unit that his co-workers now cherish and will tell to keep his memory alive. Officer Martinez died when a tree fell on his home during high winds on April 29, 2020.

Correctional Officer James Coleman will forever be known as "Jimmy" by his co-workers at the Middleton Unit. A 22-year veteran of the agency, his radiant smile and candid humor were uplifting to anyone who knew him. Officer Coleman was always willing to help his co-workers by either working overtime because of a staffing shortage or lending a hand to someone who was moving into a new residence. Despite health issues in his later years, he exhibited fortitude, courage, commitment, and perseverance to get the job done without complaining. Officer Coleman died from the coronavirus on April 29, 2020.

For over a decade, Correctional Officer Jesse Bolton sought additional responsibilities and volunteer opportunities as a dedicated employee of the agency. Early in his career, he earned the nickname "Speedy" because of his ability to think and act quickly in any situation. Officer Bolton was compassionate about his work when talking with his supervisors, co-workers, and support staff. He wanted you to know that he could be counted on in any situation, both on and off the job. He genuinely cared about people and it showed in everything that he did. When not at work at the Eastham Unit, "Speedy" worked on his farm and collected memorabilia from the Texas Department of Criminal Justice. Officer Bolton died from the coronavirus on May 9, 2020.

Correctional Officer Mendez was the person who had the task of searching all supervisors, co-workers, and visitors. Your title did not matter to her. If you had an item in your possession that was not permitted inside the unit, she quickly and politely told you that you were not going any further unless you took the item back to your car. Her co-workers at the Wynne Unit considered her a mother, a sister, and a best friend because she created a unique working relationship with everyone. Officer Mendez died from the coronavirus on May 9, 2020.

Joyous, polite, and humble are just a few of the adjectives used to describe Correctional Officer Thomas Ogungbire who was assigned to the Hutchins State Jail. He enjoyed working with the other staff members at the facility and greeted everyone with a smile and a kind word that would brighten your day. Those that knew him best describe him as generous and loveable. He was not only a great co-worker but also a true friend. Ogungbire took his relationship with the Lord seriously. A 10-year employee with the agency, his last assignment was in the Food Services Department at the Hutchins State Jail. He touched the hearts of everyone he worked with and

they will always remember him with fondness. Officer Ogungbire, age 54, died from the coronavirus on June 11, 2020.

It is normal to feel some sadness as we reflect on those who passed away. They deserve more than our sorrow because, from now on, their hands are now your hands and the way you live your life now reflects on how they lived their lives then. They deserve our pride in the lives they led, our hope for the future, and our continued dedication to their work of making the state of Texas safer. May God watch over and protect every one of us, may He bless you all, and may He continue to bless the great state of Texas.

Prison Rape Elimination Act (PREA) Presentation

Lynne Sharp, PREA Ombudsman, presented an overview of the PREA Ombudsman Office. In 2007, the 80th Legislature established the appointment of an ombudsman to coordinate the TDCJ's efforts to eliminate sexual assaults in correctional facilities. The PREA Ombudsman reports directly to the TBCJ Chairman. There are two governing policies: Board Policy, BP-02.09, "Prison Rape Elimination Act Ombudsman Policy Statement," and Executive Directive, ED-02.10, "Prison Rape Elimination Act Complaints and Inquiries." The responsibilities of the PREA Ombudsman Office include monitoring TDCJ PREA policy; overseeing staff and offender PREA education; processing PREA complaints and inquiries; overseeing administrative investigations; collecting PREA related statistics; and providing reports of statistics. The PREA Ombudsman Office has the authority to perform independent administrative investigations, collect evidence, and interview employees and offenders. This office has the right to full and unrestricted access to facilities and makes recommendations for improvement. Additionally, the PREA Ombudsman Office engages in preventative activities and attends TDCJ PREA meetings. The structure of the PREA Ombudsman office includes a Manager III – PREA Ombudsman; Program Supervisor IV; Regional PREA Compliance Managers in the field; Program Specialists; Administrative Assistant; and a Clerk. Allegations of sexual abuse and staff-on-offender sexual harassment reported on TDCJ facilities are submitted to the Emergency Action Center (EAC). The initial report is made available to the PREA Ombudsman Office, Office of the Inspector General, and Safe Prisons/PREA Management Office. The unit warden completes an administrative investigation and review of the incident, and forwards that to the EAC. The PREA Ombudsman Office reviews every allegation and investigation to ensure all are PREA compliant. All criminal violation allegations of sexual abuse are referred to the OIG for review. The OIG determines if the elements of the Texas Penal Code are met and will open a criminal case, if warranted. The PREA Ombudsman and TDCJ officials remain informed of the case status. The administrative investigation will continue until completed. The PREA Ombudsman coordinates the collection of sexual abuse and sexual harassment data from the TDCJ and the OIG. The data is used to respond to state and federal surveys, public requests, and reports required under Texas Gov't Code § 501.175 and PREA standards. The PREA Ombudsman collects statistical data for the Safe Prisons/PREA Annual Report, Bureau of Justice Statistics – Survey of Sexual Victimization, and the PREA Ombudsman Activity Report to the TBCJ. The Department of Justice (DOJ) conducts PREA audits on facilities at least once during a three-year audit cycle. The TDCJ began in August 2014. At least one-third of each facility type, including private facilities, is audited each year and is conducted using the standardized audit tool developed by the PREA Resource Center and the DOJ. In the first three-year cycle, the TDCJ was found to be PREA compliant on all TDCJ and privately contracted facilities. The second three-year cycle is near completion. Several audits were postponed due to the COVID-19 pandemic. The final

PREA audit report will be published on the TDCJ website. The Safe Prisons/PREA Automated Network System (SPPANS) is the application used to document and track incident workflows for the Safe Prisons Program Management office. The system is utilized by unit-level staff, PREA users, regional PREA managers, Safe Prisons/PREA leadership, and other divisions with oversight, to monitor offender-on-offender and staff-on-offender incidents. The system may be used to generate reports and statistics and contains offender/employee/third-party profiles and scanned evidence, which can be linked to an incident. The system is split into two sections, one where allegations are documented and Offender Protection Investigations (OPIs) and staff-on-offender PREA investigations can be generated, the other covering the PREA assessments functions. The PREA Ombudsman is a key stakeholder in the development of SPPANS. PREA Ombudsman staff utilize this system daily as an added measure of oversight by reviewing PREA workflows for compliance. SPPANS generates reports for the collection of statistical data that is used for a variety of reports and publications. SPANNS was deployed to TDCJ regions and privately operated facilities in phases beginning January 2020. Thousands of users were trained prior to the rollout. By April 2020, SPPANS was fully implemented on all facilities. Ms. Sharp closed by sharing a quote from PREA Auditor Jennifer Feicht, “This system is one of, if not the best, data collection systems this auditor has seen anywhere in the corrections systems in the United States.”

Chairman O’Daniel thanked Ms. Sharp for a very thorough and illuminating presentation.

Derrellynn Perryman thanked Ms. Sharp for her dedication and passion as the PREA Ombudsman.

(Attachment B – PREA Ombudsman Presentation)

Internal Audit Status Report for Fiscal Years 2019 - 2020

Chris Cirrito, Internal Audit Division Director, stated the only update to the handout of the June 9, 2020, Internal Audit Division Status Report for Fiscal Years (FY) 2019 – 2020, is that six projects on the plan have been canceled. Additionally, he stated the appropriate authorities have been notified and the modified plan will be posted on the website after the meeting.

Derrellynn Perryman thanked Mr. Cirrito and his staff for going out to the units holding signs of encouragement to express gratitude for correctional staff persevering through the COVID-19 pandemic.

Chairman O’Daniel asked if there were any questions. There were none.

(Attachment C – Internal Audit Division Status Report, Fiscal Years 2019-2020)

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

Chairman O’Daniel and Eric Nichols abstained from taking action on this item due to their firms representing entities listed. Vice-Chair Derrellynn Perryman handled the facilitation of this matter.

Ron Steffa, Chief Financial Officer, reviewed the purchases and contracts over \$1 million. He presented 25 purchase items for consideration. Items 1 and 2 are transportation purchases for FY20. Item 3 is to install cabling for security surveillance systems for FY20-21. Item 4 is for the Corrections Information Technology System (CITS) project awarded to Microsoft Corporation for FY20-23. Item 5 is a renewal for manufacturing of modular panel systems for resale in FY21. Item 6 is a renewal to provide maintenance and repair of TDCJ John Deere Tractor Parts for FY21. Item 7 is the food service contract for Kegans State Jail for FY21. Items 8 through 10 are for meat products for offender consumption in FY21. Item 11 is for canning of agribusiness-produced vegetables for offender consumption for FY21. Item 12 is to fertilize field and vegetable crops to maximize production for FY21. Item 13 is for commissary items for FY21 and includes a 10% variance. Item 14 is a renewal for bulk fuel for FY21 and includes a 10% variance. Item 15 is for multiple food service items for FY21 with a 10% variance. Item 16 is for cellular equipment and service through AT&T for FY21. Items 17 and 18 are for feed for livestock for FY21. Items 19 through 23 are for raw materials for our manufacturing products for FY21. Item 24 is for services for eligible offenders in the care of their newborn infants for FY21. Item 25 is for opioid treatment services for pre-release offenders for FY21-22.

Vice-Chair Perryman asked for any questions, comments, or other abstentions. Hearing none, she called for a motion and a second.

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

Judge Faith Johnson seconded the motion, which unanimously passed when called to a vote.

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Board Policy, BP-02.43, "Equal Employment Opportunity"

Kristen Worman, TDCJ General Counsel, presented the proposed revisions to BP-02.43, "Equal Employment Opportunity." She stated the only revision to the policy is an update to the signature authority. She recommended the TBCJ approve the revision.

Chairman O'Daniel 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 revisions to board policy BP-02.43, "Equal Employment Opportunity," as presented.

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

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Personnel Directive, PD-12, "Equal Employment Opportunity"

Ms. Worman presented the proposed revisions to PD-12, "Equal Employment Opportunity." She stated the revisions add definitions for employees and other individuals, and revised the

definition of retaliation. Language was added throughout the directive for other individuals in reference to Equal Employment Opportunities. Additionally, grammatical and formatting updates were made.

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

Sichan Siv moved that the Texas Board of Criminal Justice approve revisions to personnel directive, PD-12, "Equal Employment Opportunity," as presented.

E.F. "Mano" DeAyala seconded the motion, which unanimously passed when called to a vote.

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

1. Section 163.33, "Community Supervision Staff"

Ms. Worman requested the adoption of amendments to Board Rule 163.33, "Community Supervision Staff," as proposed and authorized at the February 2020 TBCJ meeting. She explained the amendments appeared in the March 20, 2020, issue of the *Texas Register*. Thirty days passed and no public comments were received. Ms. Worman asked the board to move forward with final adoption of the rule.

Chairman O'Daniel 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 Board Rule Title 37 Texas Administrative Code Section 163.33, regarding Community Supervision Staff, as published in the Texas Register, and that the chairman sign the order to this effect.

Sichan Siv seconded the motion, which unanimously passed when called to a vote.

2. Section 163.35, "Supervision"

Ms. Worman requested the adoption of amendments to Board Rule 163.35, "Supervision," as proposed and authorized at the February 2020 TBCJ meeting. She explained the amendments appeared in the March 20, 2020, issue of the *Texas Register*. Thirty days passed and no public comments were received. Ms. Worman asked the board to move forward with final adoption of the rule.

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

Judge Molly Francis moved that the Texas Board of Criminal Justice adopt amendments to Board Rule Title 37 Texas Administrative Code Section 163.35, regarding Supervision, as published in the Texas Register, and that the chairman sign the order to this effect.

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

Discussion, Consideration, and Possible Action **Regarding Proposed Land Transaction**

Chairman Patrick O’Daniel abstained from taking action on all four proposed land transactions.

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

Bobby Lumpkin, Director of the Manufacturing, Agribusiness and Logistics Division, stated that the requests he is presenting today include indemnification language, the most-favored nation clause, and additional insurance in the amount of at least \$2,000,000. He presented the request for a gas pipeline easement at the Clemens Unit, in Brazoria County, Brazoria, Texas, and stated that Praxair, Inc. is requesting an easement consisting of an area of approximately 8.19 acres of land being 11,903.36 feet long by 30 feet wide for one hydrogen gas pipeline. This request includes temporary workspace totaling 14.74 acres for use during construction and installation. Praxair, Inc. has agreed to pay \$551,383.00 for this easement with a 10-year term. Mr. Lumpkin recommended the TBCJ approve the request.

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

Judge Faith Johnson moved that the Texas Board of Criminal Justice approve the request for a gas pipeline easement at the Clemens Unit in Brazoria County, Brazoria, Texas, as presented.

Judge Molly Francis seconded the motion, which unanimously passed when called to a vote.

2. Request for Electrical Transmission Line Easement at the Clemens Unit, in Brazoria County, Brazoria, Texas

Mr. Lumpkin presented the request for an electrical transmission line easement at the Clemens Unit, in Brazoria County, Brazoria, Texas, and stated that CenterPoint Energy Houston Electric, LLC is requesting an easement consisting of an area of approximately 35.18 acres of land being 15,132.36 feet long by variable width for a new electrical transmission line. CenterPoint Energy Houston Electric, LLC has agreed to pay \$193,851.00 for this easement with a 30-year term. Mr. Lumpkin recommended the TBCJ approve the request.

Sichan Siv asked Mr. Lumpkin to explain the most-favored nation clause. Mr. Lumpkin explained that if another land owner other than the TDCJ negotiates a higher rate than what we negotiated with the corporation, the corporation is responsible to come back to the TDCJ and pay us the amount that is different than what we negotiated.

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

Eric Nichols moved that the Texas Board of Criminal Justice approve the request for an electrical transmission line easement at the Clemens Unit in Brazoria County, Brazoria, Texas, as presented.

Judge Molly Francis seconded the motion, which unanimously passed when called to a vote.

3. Request for Renewal of Pipeline Easement at the Stiles Unit, in Jefferson County, Beaumont, Texas

Mr. Lumpkin presented the request for a renewal of pipeline easement at the Stiles Unit, in Jefferson County, Beaumont, Texas, and stated that Zydeco Pipeline Company, LLC is requesting the renewal of a pipeline easement consisting of an area of approximately 3.91 acres of land being 5,679.96 feet long by 30 feet wide for one petroleum pipeline. Zydeco Pipeline Company, LLC has agreed to pay \$172,120.00 for this easement renewal with a 10-year term. Mr. Lumpkin recommended the TBCJ approve the request.

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

Sichan Siv moved that the Texas Board of Criminal Justice approve the request for renewal of pipeline easement at the Stiles Unit in Jefferson County, Beaumont, Texas, as presented.

Eric Nichols seconded the motion, which unanimously passed when called to a vote.

4. Request for Renewal Transfer of Beneficial Use of Land at the Houston Regional Parole Office, in Harris County, Houston, Texas

Mr. Lumpkin presented the request for the renewal transfer of beneficial use of land at the Houston Regional Parole Office, in Harris County, Houston, Texas, and stated that the City of Houston is requesting the renewal transfer of beneficial use of land consisting of an area of approximately 431 square feet of land that serves as access to the City of Houston's communication tower. This lease was first approved by the TBCJ in May 2010. The City of Houston has agreed to pay an annual rent of \$741.60 with an escalation of 3% each five-year period throughout a 20-year term lease. Mr. Lumpkin recommended the TBCJ approve the request.

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

Rodney Burrow moved that the Texas Board of Criminal Justice approve the request for renewal transfer of beneficial use of land at the Houston Regional Parole Office in Harris County, Houston, Texas, as presented.

Judge Faith Johnson seconded the motion, which unanimously passed when called to a vote.

Adjournment

There being no further business, Chairman O'Daniel recessed the 210th meeting of the Texas Board of Criminal Justice at 12:04 p.m.


Chairman


Secretary