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Chairman Oliver Bell convened the 144th Meeting of the Texas Board of Criminal Justice (TBCJ) on Friday, August 21, 2009, at 9:07 a.m., adjourned into executive session, and then reconvened in open meeting at 10:14 a.m.

**Recognitions**

Chairman Bell recognized former TBCJ vice chairman, Gregory S. Coleman, and presented Mr. Coleman with a Resolution of Commendation, which highlighted his accomplishments while serving on the TBCJ. Mr. Coleman thanked the TBCJ and the Texas Department of Criminal Justice (TDCJ or agency) for their friendship and support during his tenure on the TBCJ. He praised the TBCJ and the TDCJ staff for their commitment to excellence and professionalism in corrections in Texas. Kim Vernon, Director for the State Counsel for Offenders, presented Mr. Coleman with a set of jailhouse keys, which represent his sharing of knowledge, wisdom, and guidance for the past six years.

Chairman Bell recognized Brad Livingston, Executive Director of the TDCJ, as the recipient of the Texas Public Employees Association’s (TPEA) “2009 Executive Administrator of the Year” award, which honors excellence in public service and leadership in achieving goals benefiting state government, state employees, and retirees. Mr. Livingston, who also received the 2007 award, is the only individual honored twice as TPEA’s recipient of this award. Chairman Bell explained the TPEA role as a non-profit representative of state employees before the legislature. He noted that this award speaks volumes about Mr. Livingston’s leadership, dedication, commitment to excellence, and devotion to achieving the best possible benefits for TDCJ employees. Mr. Livingston leads the TDCJ in developing the leadership and striving for the “next” best practices in corrections. Chairman Bell congratulated Mr. Livingston on receiving this prestigious award.

Chairman Bell recognized Nathaniel Quarterman, former Director of the Correctional Institutions Division (CID) on his retirement after 26 years of outstanding service with the State of Texas. He read and presented Mr. Quarterman with a Resolution of Commendation, which highlighted his career and accomplishments. Mr. Livingston stated that Mr. Quarterman had been a key member of his leadership team for a number of years. He praised Mr. Quarterman’s strong and solid leadership as typifying the leadership needed throughout the TDCJ. Mr. Livingston thanked him for his contributions over the span of his career and wished him the best in his future endeavors. Mr. Quarterman thanked the TBCJ and Mr. Livingston for the honor bestowed upon him, noting that Mr. Livingston was an excellent boss who supported him during his tenure as the CID director. He also thanked the TBCJ members for their interest and visits to the CID facilities, which has meant a lot to CID staff.

Mr. Livingston recognized Rick Thaler as the newly appointed Director of the CID, whose experience in corrections spans decades. Mr. Thaler’s commitment to excellence in corrections, integrity, professionalism, work ethic, and sound judgment are critical to today’s leadership in TDCJ. Mr. Thaler thanked the TBCJ and Mr. Livingston for honoring and entrusting him with the responsibility of leading the CID.

Mr. Livingston recognized C.F. Hazlewood as the Director of the Manufacturing and Logistics Division. He praised Mr. Hazlewood as an integral part of his team. Mr. Hazlewood thanked Mr. Livingston for the opportunity to lead the Manufacturing and Logistics Division.

Chairman Bell recognized the Honorable Steve Ogden, Texas Senate and chairman of the Senate Finance Committee, as a guest of the TBCJ. Chairman Bell yielded the floor to Senator Ogden. Senator Ogden thanked the TBCJ members for their voluntary service to the state. Senator Ogden expressed his satisfaction that TDCJ had good outcomes from the recent legislative session. Mr. Livingston’s candor assisted legislators in treating TDCJ as fairly as possible. Noting that legislators wanted to provide a bigger pay increase for correctional officers (CO), Senator Ogden stated that in the context of the budget the COs received the largest percentage increase of any broad group of state employees. He stressed the importance of the COs to Texas and that the pay increase was recognition by the legislature of that importance. The Senate Finance Committee continues to monitor correctional managed health care, which was funded at a level necessary to fulfill the necessary requirements. The legislature is also exploring alternatives to incarceration, such as more treatment, rehabilitation, and other efforts to keep people out of prison forever. He said he was interested in the TBCJ’s view on how well those initiatives are going. Senator Ogden advised the TBCJ that debate continues in the legislature if the efforts started in the recent legislative session will have success. Due to the economy, the next biennium budget will be tighter and more restrictive. Senator Ogden
requested that the TBCJ keep the legislature advised if future emergency funds might be needed. He stated that he would be pleased to entertain questions from the TBCJ.

Chairman Bell stated it was an honor to have Senator Ogden speak before the TBCJ. On behalf of the TBCJ and TDCJ senior executives, he expressed appreciation for all the efforts Senator Ogden put forth during the session. During the unit visits over the past year, the TBCJ spoke with many COs regarding the budget process, what the TBCJ was striving to achieve, and the support it had from the legislature, particularly from House Appropriations Committee and the Senate Finance Committee. Chairman Bell advised Senator Ogden that the TBCJ and executive staff would safeguard the state’s resources. The TBCJ promises that the legislature will be given early warnings if problems arise. He also stated many of the initiatives approved by the legislature have already begun implementation. Mr. Livingston expressed his gratitude for the legislature’s support, noting that Senator Ogden’s help was very important to the agency. Leo Vasquez expressed his gratitude for all the assistance Senator Ogden has given to the agency. Tom Mechler thanked Senator Ogden for all his help during the session and offered the TBCJ’s assistance regarding any questions or information that he may need. Chairman Bell presented Senator Ogden with the Chairman’s Coin in tribute to the Senator’s contributions to the TDCJ.

Mr. Thaler recognized Oscar Mendoza as the Deputy Director for CID Management Operations and William (Bill) Stephens as the Deputy Director for Support Operations. Chairman Bell congratulated them on their promotions.

Stuart Jenkins, Director of the Parole Division, recognized Jacqueline Dickerson as the new Parole Region II Director. He also recognized Jay Patzke who is retiring after 32 years of service with the state. Chairman Bell congratulated Ms. Dickerson on her promotion and thanked Mr. Patzke for his years of service.

Chairman Bell recognized the TDCJ employees who have achieved 25, 30, 35 and 40 or more years of service with the State of Texas during the months of June and July 2009. The TBCJ, along with Mr. Livingston, expressed their deepest gratitude for the continued service of these employees who represent the commitment of the agency’s staff. To each of these employees, the TBCJ offered congratulations and thanks for their unwavering loyalty and dedication to the citizens of Texas. As a symbol of appreciation, these individuals will receive a TBCJ certificate along with a personal letter of gratitude.

Chairman Bell recognized the deaths of Correctional Officer Julio Reuble-Caba and Dr. Lane Murray. He requested a moment of silence. Officer Reuble-Caba died in an automobile accident on his way home from work at the Montford Unit. Chairman Bell read a biography on Officer Caba, noting that he had been a former Marine who served in Iraq as part of Operation Enduring Freedom. Chairman Bell noted the passing of Dr. Lane Murray, former Superintendent of the Windham School District (WSD). In 1969, Dr. Murray pioneered the school district concept within a prison system, and is credited as the founding superintendent of the Windham School System for the Texas Department of Corrections, a position she held for more than two decades. Dr. Murray recognized the need for a non-traditional approach to education. With no model to follow, she identified and implemented a non-grade competency based approach within a prison environment. Under her leadership, the WSD grew from eight instructors in 1969 to its current structure, which has over 1,300 employees, of which more than 800 are certified teachers. The WSD is the largest school system in the state by geographic boundary and in 2008 it led the state’s school districts in awarding General Equivalency Diplomas (GED). Chairman Bell noted the WSD Board of Trustees will be honoring Dr. Murray at the October meeting. He also noted the newly renamed WSD Teacher of the Year Award, the Dr. Lane Murray Excellence in Teaching Award, will also be awarded at that meeting.

Discussion, Consideration and Possible Action Regarding Consent Items

APPROVED

1. Hazardous Duty Pay Authorization Requests
2. Personal Property Donations
3. Sale or Disposal of Surplus Agricultural Goods and Agricultural Personal Property
4. 143rd TBCJ Meeting Minutes
5. Excused Absences

Chairman Bell asked if there were any amendments or objections to the proposed Consent Items. Eric Gambrell stated that his firm does pro bono work for the San Antonio Food Bank, and as there are personal property donations from that food bank up for approval, he would abstain from voting on the Consent Items.

Chairman Bell asked if there were any further objections. Seeing none, he stated that the Consent Items as posted in the Texas Register stand approved, noting Mr. Gambrell’s abstention.
Report from the Presiding Officer, Texas Board of Pardons and Paroles (BPP)

Rissie Owens, Presiding Officer of the BPP, had no report.

Report from the Chairman, Judicial Advisory Council (JAC)

Judge Larry Gist, Chairman of the JAC, thanked Mr. Livingston for appointing Carey Welebob as the Director of the Community Justice Assistance Division (CJAD). He stated that there were four members of the JAC whose terms expire on September 1, 2009, noting that all four individuals (Judge Bramlett, Judge Wilborn, Judge Cosper, and District Attorney Turner) have asked for reappointment. The Sentencing Conference, which is scheduled for November 2009, is an excellent way to discuss “what works” in the probation field. The recidivism rate from the front end (probation) is going down, since the management of offenders has become more efficient. Judge Gist encouraged all TBCJ members to visit the CSCDs, which have very innovative initiatives in place. He thanked the TBCJ and Mr. Livingston for their support of the pay increases for corrections employees. Judge Gist advised the TBCJ that one-third of probation officers leave for better paying jobs. He expressed his hope more efforts could be put forth to retain probation officers and the senior probation officials.

Chairman Bell stated that the TBCJ would remain supportive of the CSCDs as much as possible. He assured Judge Gist that the TBCJ was visiting the CSCDs.

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

Mr. Livingston provided an overview of the reentry initiative as it relates to an action item that appears later on the agenda. TDCJ currently operates one of the world’s largest criminal justice systems, with over 650,000 offenders on probation, parole or incarcerated in prison. The need for successful offender reentry is critical to the TDCJ’s public safety efforts. Successful offender transition and reentry requires a comprehensive and coordinated effort. Responsibility for transitional planning and assistance resides in several divisions, most prominently the Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI) and the Parole Division.

Mr. Livingston identified the specific ways in which the TDCJ is enhancing its reentry efforts, which include a creation of the statewide reentry council; collaboration with other state agencies to develop a process for identification documents for offenders prior to release; and the employment of 64 reentry specialists to provide pre- and post-release transitional planning for offenders released from incarceration. He explained that it was important to understand that successful reentry is a cross cutting function. Leveraging the skills, expertise and perspective from both internal and external stakeholders will be the key to success. This level of coordination is a core business skill in TCOOMMI. As the TDCJ expands its reach with transitional and reentry services, it is important to leverage these skills.

Mr. Livingston announced that the next step for effectively focusing the TDCJ’s reentry efforts was to create a new Reentry and Integration Division. He stated that the new division will be responsible for the coordination and oversight for reentry activities within TDCJ; serve as the lead division in collaborating with external reentry stakeholders; supervise and manage the 64 new reentry coordinators; assume responsibility of Project RIO; and include TCOOMMI in its organizational structure.

Report from the Executive Director, Correctional Managed Health Care Committee (CMHCC)

Allen Hightower, Executive Director of the CMHCC, reviewed the population indicators for fiscal year (FY) 2009 through May. The average daily population served was 150,746, a slight decrease from one year ago. All other population indicators remain as previously reported during the past several meetings. The overall health care costs totaled $382.7 million. This amount is above overall revenues earned by the university providers by $24,227,756 or 6.7 percent. The total cost per offender per day for all health care services statewide through May 2009 was $9.31.

Chairman Bell asked if there were any questions. Mr. Mechler requested an explanation why the costs for University of Texas Medical Branch (UTMB) were higher than Texas Tech University Health Sciences Center’s (TTUHSC) costs. Mr. Hightower noted that the specialty clinics were located at Hospital Galveston and the UTMB sector has more critical care patients than TTUHSC. Additionally, TTUHSC does not qualify for 340b drug pricing while UTMB does receive this drug pricing benefit. Mr. Mechler stated that it was his understanding the sickest offenders are placed within the UTMB oversight. Mr. Mechler asked how the university partners are making up the shortfall from the revenue received and the expenditures
made. Mr. Hightower responded that the TDCJ would submit a supplemental appropriations request to the legislature to pay the difference to the universities, noting that there is no guarantee of payment.

Janice Harris Lord expressed her appreciation for the role of the CMHCC. She noted that the TDCJ Health Services was assuming more responsibility for the quality of care monitoring. Ms. Lord requested that Mr. Hightower begin reporting the quality of care findings. Mr. Hightower agreed.

Terrell McCombs asked why the TTUHSC does not qualify for the 340b drug pricing. Mr. Hightower responded that the 340b drug pricing is based on disproportionate care giving, meaning that the TTUHSC does have enough disproportionate costs to qualify for this federal benefit because it does not own a hospital.

Ms. Lord inquired why Hospital Galveston was not American Correctional Association (ACA) accredited. Mr. Hightower responded that it might be better to ask the question to UTMB, since his expertise did not extend to that area. He noted that less than a year after Hurricane Ike, Hospital Galveston was operating at a quicker pace and bringing offenders into programs faster. Ms. Lord suggested that perhaps Dr. Murray, Chairman of the CMHCC, might speak before the Health Care Committee in the future.

Chairman Bell concurred with Ms. Lord’s suggestion to add the quality of care to the CMHCC report. He noted that the legislature provided a rider for a joint study on health care for offenders, and suggested a comment also be added to the report regarding this area. He thanked Mr. Hightower for keeping the TBCJ informed. Mr. Hightower stated that the joint study is required to provide its findings by May 2010, noting he hoped a stakeholders meeting would be scheduled for October.

**Report from the Chairman, Advisory Committee on Offenders with Medical or Mental Impairments (ACOOMMI)**

John Bradley, Chairman of ACOOMMI, had no report.

**Report from the Chairman, TBCJ**

The following are highlights from Chairman Bell’s report:

Leadership – Employee Communication: All TDCJ employees are encouraged to talk with their leadership. The flow of communication can always be improved. Communication is an important component of leadership.

TBCJ Member Tour Initiative: The TBCJ continues to visit units, CSCDs and parole offices. To date, seven more units have been visited and 16 parole office visits have taken place. The professionalism and courtesy of the employees met during these visits is appreciated.

Chairman’s Fitness Challenge: The kickoff of the new FY 2010 Chairman’s Fitness Challenge for TDCJ employees was announced. This program will encourage the incorporation of fitness and healthy choices for all levels of TDCJ employees into their daily lives. A brief explanation of the four quarterly challenges for the year was provided.

Update on Substance Abuse Treatment Efforts – Waitlist Ends: The waiting list for substance abuse treatment beds has ended. There is no waiting period for offender placement in the program. This is in large part due to legislative actions occurring two years ago. The program has expanded and the backlog has ended. Receiving treatment before release assures that offenders will have a better opportunity for a successful reentry into the communities.

Key Legislative Items:

Pay raise

The agency’s top priority going into the 81st Legislative Session was a substantial, targeted pay increase for correctional and parole officers. Although the fiscal climate was somewhat bleak, the legislature partially funded the request for a targeted pay increase for not only these correctional and parole officers but for all unit-assigned staff, by providing an average pay increase of 3.5 percent for FY 2010 and a pay increase for 3.5 percent for 2011. By the end of the biennium, these positions will receive an average 7 percent increase to their current salary.

Correctional staffing levels for the agency continue to improve. Over the past 12 months, the number of correctional officer vacancies has decreased from 3,428 to 1,262.
Security Equipment

The legislature’s approval of $10 million for correctional security equipment will allow the TDCJ to make significant security enhancements, such as extensive contraband screening at entry points and comprehensive surveillance systems focused on the few units that are responsible for the vast majority of the contraband activity.

Reentry Programming

The agency received funding for 64 new positions that will focus on offender reentry. It is the first time in the TDCJ’s history that it will have specific staff that focus solely on helping offenders transition to the community. While the TDCJ already has many reentry components in place, the addition of the new positions will significantly enhance the agency’s ability to focus on areas, such as identification documents, housing and employment preparation, family reunification, and coordination of services for the offender population.

Chairman Bell reviewed the standards for the new correctional officer uniforms that include a polo shirt and cargo uniform pants. He noted that the reason the board wore the uniform shirts during their meetings on June 18 was to show respect and support for the correctional staff on the frontend of the prison operations. Additionally, the board recognizes the frontline correctional staff for their important role in the agency and its mission.

**Discussion, Consideration, and Possible Action Regarding the Fiscal Year 2010 Annual Audit Plan**

Raymond Pyeatt, Director for the Internal Audit Division, noted that the Audit and Review Committee received a detailed briefing of the FY 2010 Annual Audit Plan on August 20, 2009.

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

Jerry McGinty, Chief Financial Officer, provided a review of the four purchases and contracts over $1 million. Two contracts were increases to current biennial contracts for outpatient substance abuse treatment services and halfway house services. The last two purchases were for swine feed for agricultural purposes, and a bleaching and preshrinking fabric for use by the Texas Correctional Industries (TCI).

**Discussion, Consideration, and Possible Action Regarding the Interagency Contract for Correctional Managed Health Care**

Mr. McGinty reviewed the correctional managed health care contract. A comparison of the FY 2008-09 / FY 2010-11 Contracts was provided. He noted that the 81st Legislature provided the correctional managed health care a supplement appropriation of $48.1 million for the requested FY 2008-09 operational shortfalls. For FY 2010-11 funding will be transferred to the CHMCC based on the appropriations that the legislature provided.

**Discussion, Consideration, and Possible Action Regarding the TDCJ Fiscal Year 2010 Proposed Operating Budget**

Mr. McGinty highlighted the budget, noting that the TBCJ received an in-depth briefing at the Business and Financial Operations Committee meeting on August 20, 2009. The budget is $3,034,408,068 based upon the legislative appropriations. It provides targeted pay increases for COs, parole officers, other unit assigned staff, and probation officers. It addresses the population projections provided by the Legislative Budget Board in the areas of probation, parole, and contracted temporary capacity. It fully funds the continuation of the substance abuse felony punishment facilities and the intermediate sanction facilities. Additional funds were provided for Project RIO. Funds were provided for the 64 reentry coordinator positions and 40 additional positions for the Office of Inspector General. The funding also provides for 96.4 percent of the staffing plan for correctional officer positions, with no overtime. Mr. McGinty noted that there might be some operational and fiscal challenges for FY 2010, but also expressed his confidence in the TDCJ executive team to meet those challenges.
Discussion, Consideration, and Possible Action Regarding the Resolution

Authorizing a Request for Financing with the Texas Public Finance Authority,

Authorizing a Financing Agreement and Other Matters

Mr. McGinty explained the request for financing through the Texas Public Finance Authority, totaling $80,000,000 for the repair and rehabilitation of TDCJ facilities and renovations to the Marlin Medical Facility.

Chairman Bell asked if there were any comments or questions. Mr. McCombs asked for assurance that the funds were general obligation bonds. Mr. McGinty responded affirmatively.

Discussion, Consideration, and Possible Action Regarding the

Full-time Equivalent (FTE) Requirements

Mr. McGinty explained that the TDCJ has a cap of filled positions or full-time equivalent (FTE) positions. Over the past few months, there has been unprecedented growth in correctional officer staffing, due in part to the recent pay increases, recruitment bonuses, the economy, and future pay increases for FY 2010-11. In light of these changes, the TDCJ needs to increase its FTE cap consistent with appropriations for the remainder of FY 2009 to $40,360.7, for FY 2010 to $40,740.2, and for FY 2011 to 40,889.2. Upon TBCJ approval, Mr. McGinty will forward a signed letter to the Office of the Governor and the Legislative Budget Board to obtain further approval.

Discussion, Consideration, and Possible Action Regarding the

Salary for the TDCJ Executive Director

Chairman Bell noted that in line with the action taken by the 81st Legislature the TBCJ would consider a salary increase for the TDCJ executive director. The authorized amount for the salary is $186,300.

Discussion, Consideration, and Possible Action Regarding the Creation of a New Division

Mr. Livingston restated that the proposed new division would give the TDCJ an opportunity to realign its resources in a way that will allow additional focus on reentry efforts. The Rehabilitation Programs Division will continue to focus on the current rehabilitation programs.

Mr. Livingston recognized Dee Wilson as the Director of the Reentry and Integration Division. He noted that the TCOOMMI’s business model was appropriate for the reentry and integration efforts. Ms. Wilson’s strong leadership is a strong asset to the TDCJ. Mr. Livingston stated that TCOOMMI would remain under Ms. Wilson’s jurisdiction.

Discussion, Consideration, and Possible Action Regarding Proposed Revisions to Executive Directive, ED-03.32, “Offender Access to Telephones”

Melinda Bozarth, TDCJ General Counsel, reviewed the revisions to ED-03.32, “Offender Access to Telephones.” She noted that with the implementation of the statewide telephone system several questions arose, which have been addressed to some degree in the proposed revisions. The revisions will allow the TDCJ some flexibility so that modification can be made as necessary, to ensure that the demand is met and the system is fully utilized.

Chairman Bell clarified the revisions regarding the telephone minutes, noting that the executive director will keep the TBCJ apprised of any changes. Additionally, if a problem occurs on a unit, the warden will notify the appropriate regional director and terminate the use of the phone system as warranted.

Mr. McCombs inquired if all persons on the Call List underwent comprehensive security checks. Ms. Bozarth responded affirmatively. Mr. McCombs stated that he was concerned about the safety of victims, acknowledging that he was satisfied that the necessary precautions have been taken.

Discussion, Consideration, and Possible Action Regarding Adoption of Amendments to Board Rule §163.21, Administration (37 TAC §163.21)

Ms. Bozarth stated that the amendments to Board Rule 163.21, Administration, were published in the July 3, 2009, issue of the Texas Register. No comments were received during the public comment period. Ms. Bozarth requested that the TBCJ adopt the rules as amended.
Discussion, Consideration, and Possible Action Regarding Proposed New Board Rule §155.41, Procedures for Resolving Vendor Protests (37 TAC §155.41)  

Ms. Bozarth noted that the new Board Rule 155.41, Procedures for Resolving Vendor Protests, provides a protest procedure for use by an actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation, evaluation or award of a contract by the TDCJ. She advised the TBCJ that the procedure has been in policy for many years; but the proposed action takes steps to elevate it to a rule.

Discussion, Consideration, and Possible Action Regarding Proposed Land Transactions

1. Request for Transfer of 33.37 Acres on the Woodman State Jail to Coryell County  

   C.F. Hazlewood, Director for Agribusiness, Land and Minerals, noted that on August 20, 2009, the Business and Financial Operations Committee received a briefing on the transfer of land located on the Woodman State Jail to Coryell County.

2. Request for Transfer of 2.259 Acres on the Halbert Unit to the City of Burnet  

   Mr. Hazlewood noted that pursuant to House Bill 867 of the 81st Legislative Session, 2.259 acres located at the Halbert Unit would be transferred to the City of Burnet.

Public Comments

One speaker registered for public comments. Chairman Bell called Mr. Jim Dinsmore to the podium.

Mr. Dinsmore petitioned the TBCJ’s support for financial aid for faith-based dormitories. He noted these faith-based dorm programs have a positive effect on the recidivism rate. The faith-based dorm programs are working. He stated his belief that these programs deserve substantial funding since there is a return of at least a 10-to-1 ratio on the invested dollars. The harmony and the safety within the faith-based dorms encourage officers to serve on those wings. Mr. Dinsmore noted that Gary Reeves, investigative reporter from the Dallas Channel 8, would air a program on the faith-based dorm program at the Beto I Unit. He advised the TBCJ that there was great need for additional chaplains. The Voyager volunteers are currently trying to expand the faith-based dorms specifically at the Coffield Unit and the Robertson Unit. Mr. Dinsmore introduced Barry Strickland, volunteer in the Voyager Program. He stated that the faith-based dorm programs are cost effective particularly since they are not costing the state anything at this point. The volunteers are covering the cost of these programs. On behalf of the Voyager Volunteer Program, Mr. Dinsmore expressed appreciation for TBCJ’s continuing support of the faith-based dorms and requested that the TBCJ take the opportunity to help expand these faith-based dorm programs by approving state funding to underwrite the program costs.

Chairman Bell thanked the audience for attending the meeting, noting that the next meeting of the TBCJ would be October 7-8, 2009, at the Omni Austin Hotel at Southpark, Austin, Texas.

There being no further business for the regular session, Chairman Bell adjourned the 144th meeting of the TBCJ at 12:22 p.m.