Texas Board of Criminal Justice
212th Meeting

Minutes

September 25, 2020
Austin, Texas
TEXAS BOARD OF CRIMINAL JUSTICE

Via Teleconference Conference

September 25, 2020
11:00 AM – 11:30 AM

ORDER OF BUSINESS

Call to Order

Convene Texas Board of Criminal Justice (TBCJ) Meeting

I. Regular Session

A. Discussion, Consideration, and Possible Action Regarding Texas Department of Criminal Justice Fiscal Years 2022-2023 Legislative Appropriations Request

Adjourn

II. Executive Session

A. The TBCJ may convene into Executive Session.

B. Discussion of personnel matters relating to the Board of Criminal Justice, 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 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).
The Texas Board of Criminal Justice (TBCJ) convened on Friday, September 25, 2020, in regular session at 11:00 a.m. via Teleconference and adjourned at 11:12 a.m.

TBCJ MEMBERS PRESENT:  
Patrick O’Daniel, Chairman  
Derrelynn Perryman, Vice-Chairman  
Larry Miles, Secretary  
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  
Ron Steffa

TBCJ STAFF PRESENT:  
Jill Durst

Convene the Texas Board of Criminal Justice  
Chairman Patrick O’Daniel convened the 212th meeting of the Texas Board of Criminal Justice (TBCJ) on Friday, September 25, 2020, at 11:00 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.
Ron Steffa, Texas Department of Criminal Justice (TDCJ) Chief Financial Officer, thanked the board members for the time spent on individual briefings and presented the FY 2022-2023 Legislative Appropriations Request (LAR). Since the August 2020 TBCJ meeting, the TDCJ received instructions for the LAR, which directed the TDCJ to reduce the baseline request by 5% with certain exceptions. The total FY 2022-2023 5% reduction is $306.1 million, which makes the 95% base request $3.26 billion. The first exceptional item addresses the 5% reduction and seeks continued funding for part of that reduction. Many of the measures put into place for the FY 2020-2021 budget continue into FY 2022-2023. Additionally, after review of the offender population projections included for FY 2022-2023, is the closure of an additional correctional facility to be identified in the near future. The first exceptional item is continued funding of $179.4 million of the 5% reduction for items critical to operations. It excludes the exempted behavioral health items and is composed almost entirely of salaries in the core operations of the agency. If not restored, it would require a reduction in staff of 1,362 positions, which would negatively impact the agency’s ability to provide security, supervision, healthcare, and rehabilitative and support services necessary to accomplish the agency’s mission of providing public safety. The second exceptional item is the request to provide continued funding for the major repair and renovation projects necessary to maintain the existing correctional facilities statewide. The funding for these projects is not included in the base amount and is requested as an exceptional item each biennium. The request is $153.8 million and consistent with the projects identified in the Agency’s Capital Expenditure Plan and includes major projects such as roof repairs, security fencing, and locking systems, electrical renovations, water/wastewater, and other major infrastructure repairs. The third exceptional item addresses the significant, ongoing challenge regarding the recruitment and retention of correctional officers, specifically at the maximum security facilities. The amount is $113.8 million to provide a unit pay differential of 10% for correctional staff on 23 maximum security facilities. The pay differential applies to correctional officers, ranking correctional officers, and Laundry and Food Service Managers located on those facilities. Maximum security facilities have a more challenging work environment, have a higher turnover rate, and are currently staffed at levels 17% lower than the non-maximum security facilities. The fourth item is additional funding for the Correctional Managed Health Care program to ensure the delivery of effective health care to the offender population. The combined request of our university partners totals $330.3 million, out of which $262.5 million is to bring the FY 2022-2023 funding to the projected level of expense incurred for the delivery of health care currently being provided. Also, included in the total is $21.5 million to replace the current electronic health record used system-wide and maintained by University of Texas Medical Branch, and to address other technology needs. $4.2 million of the request is for additional UTMB pharmacy positions to address the increases in the number of prescriptions being filled to ensure patient safety. $39.2 million provides for a 5% market level salary adjustment to help recruit and retain the healthcare staff necessary to provide care at all of our facilities. $2.9 million of the request is to replace outdated medical, dental, and pharmacy equipment such as x-rays, sterilizers, and equipment used on the facilities. The fifth exceptional item is $24.2 million for the Corrections Information Technology System project. Funding for this project was requested and appropriated during the last legislative session; however, the funding was part of the agency’s 5% reduction for FY2020-2021. The request for this project is the same amount previously requested and would replace the current offender management.
system and allow the agency to provide sustainability, security, and flexibility for that critical system. The grand total of all exceptional items is $801.5 million for the biennium, which brings the agency’s total budget request to $3.66 billion for FY 2022-2023.

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

Judge Molly Francis moved that the Texas Board of Criminal Justice approve the Texas Department of Criminal Justice Fiscal Years 2022-2023 Legislative Appropriations Request 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.

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

(Attachment A – Texas Department of Criminal Justice Fiscal Years 2022-2023 Legislative Appropriations Request, September 25, 2020)

Chairman O’Daniel thanked everyone for attending the meeting and announced that the next meeting of the Texas Board of Criminal Justice will be Friday, October 30, 2020, at the DoubleTree Hotel in Austin-Northwest Arboretum.

Adjournment

There being no further business, Chairman O’Daniel recessed the 212th meeting of the Texas Board of Criminal Justice at 11:12 a.m.

[Signatures]

Chairman
Secretary