



Public Safety Commission Meeting

December 9, 2021, 10:00 a.m.

6100 Guadalupe, Building E

Austin, TX 78752

Summary

(This report represents a summary of events of the meeting, and is not necessarily complete nor an exact transcript of testimony.)

The Public Safety Commission convened as posted to consider and take formal action, if necessary, on the following agenda items:

I. CALL TO ORDER

10:03 am – *Chairman Steven Mach called the meeting to order. In attendance: Chairman Steve Mach, Commissioners Steve H. Stodghill, Commissioner Nelda L. Blair, and Commissioner Dale Wainwright. A quorum was present. Also present were, Director Steve McCraw, and General Counsel Phil Adkins, Deputy Director Dwight Mathis, Deputy Director Freeman Martin.*



II. INVOCATION

Chaplain Ferman Carpenter gave the invocation.

III. PLEDGES

Corporal Larry Harrison led the meeting in the Pledge of Alliance and the Texas Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A motion made by Commissioner Blair to approve the minutes from the October 14, 2021, Public Safety Commission Meeting, and was seconded by Commissioner Wainwright. With a roll call vote the motion passed.

V. PRESENTATIONS

Director Steve McCraw made the following presentations:

30 Year Service Awards



Mary Ann Araiza (DLD)



Valerie Brakefield (RSD)



Melisa Garcia (THP)



Thomas Gonzalez (IOD)

35 Year Service Award



Angel Amoles (THP)

40 Year Service Award



Juan Rojas (CLD)

45 Year Service Awards



Willie Adams (THP)



Taft Green, Jr. (CID)

The following press release was provided by DPS (photos added from the PSC Meeting presentation).



DPS Recognizes Multi-Organizational Efforts to Protect State at Final PSC Meeting of 2021

AUSTIN – The Texas Public Safety Commission (PSC) along with Texas Department of Public Safety (DPS) Director Steven McCraw awarded 17 *Lifesaving Awards*; one *Unit Citation*; and one *Purple Heart* to department personnel at the PSC meeting on Thursday, Dec. 9, at DPS Headquarters in Austin. Ten *Director's Awards* were also presented to members of partner agencies at the meeting.

"I'm honored to recognize the outstanding work that was done by the people within DPS and our partner agencies," said DPS Director Steven McCraw. "These individuals have shown that commitment to law enforcement yields results that help protect the people of Texas. You may be on the job a few days, or you may be working on an investigation for years, but the dedication you show to the community and the people of this great state is always rewarded by the citizens. We are grateful to have these individuals with this type of moral fiber and dedication serving our state."

The following individuals were recognized:

Trooper Joshua Strawn, Highway Patrol — Freeport, received a *Purple Heart*; and **Special Agent Jamie Neault**, Criminal Investigations Division — Houston, and **Special Agent David Schmidt**, Criminal Investigations Division — Beaumont, each received a *Lifesaving Award* for their actions on Aug. 18. That day Strawn was assisting the DPS Special Response Team and the Burleson County Sheriff's Office with a barricaded person at a home in Caldwell. The person left the house with a handgun and fired two rounds then fell to the ground, appearing incapacitated. As Strawn and another Trooper approached, the person rolled over, pulled out a handgun and fired twice at Strawn. Troopers returned fire, shooting and killing the suspect. Neault saw Strawn bleeding from his right arm and helped move him to safety. Schmidt applied a tourniquet to Strawn's arm to stop the bleeding. Neault assessed Strawn and discovered another gunshot wound on his upper right thigh. EMS personnel took Strawn to the hospital for treatment.



Trooper Joshua Strawn



Special Agent Jamie Neault



Special Agent David Schmidt

Special Agent Bryan Hebert, Criminal Investigations Division — Texas City, received a *Lifesaving Award* for his actions on July 29. He was working with the Galveston County Sheriff's Office and the U.S. Marshals to find felony fugitives in and around Galveston County. While searching an apartment complex, Hebert and deputies found an unresponsive 23-year-old woman. Suspecting she had overdosed, Hebert retrieved NARCAN from his DPS vehicle. When he returned to the woman, he assessed her and found a faint pulse and slow respiration rate. Visible signs of recent intravenous drug use was found on her arms and a used syringe was found nearby. Hebert administered the NARCAN and then performed a sternum rub. The woman immediately regained consciousness, and her breathing and pulse rate increased. Hebert monitored her pulse and respiration, staying with her until EMS arrived.



Trooper Dorian Turner, Highway Patrol — Capitol, received a *Lifesaving Award* for his actions on Sept. 10. He was helping at a TxDOT homeless camp when a woman ran toward him, holding a hand on the back of her neck. When she got closer to Turner, he could see a large amount of blood on her chest. The woman said a person at the camp struck her with an axe. Turner assessed the woman's injury and saw a deep laceration to the back of her neck that was bleeding profusely. He used a towel to apply pressure to the wound, however, the bleeding continued. Turner applied a "Quick Clot" bandage and continued applying pressure until EMS arrived. He accompanied the woman to the hospital to maintain pressure on the wound. The woman survived.



Trooper Madison Zaragoza, Highway Patrol — Belton, received a *Lifesaving Award* for his actions on May 20. On that date he and Trooper Juan De La Garza were notified of four people who appeared to be in distress and discovered three men and a woman in the southbound shoulder of the highway. One of the men appeared to be suffering from malnutrition and dehydration. The Troopers asked for assistance from EMS and Border Patrol, then put the man in De La Garza's patrol vehicle to cool him off. A few minutes later the man stopped breathing. Troopers immediately removed him from the vehicle, Zaragoza got his CPR rescue mask while De La Garza began performing chest compressions. The man began breathing again but remained unresponsive. Other Troopers arrived and provided shade to the victim and tried to lower his body temperature using wet towels. After a few minutes the victim stopped breathing again, so De La Garza and Zaragoza resumed CPR until the victim began breathing on his own. The Troopers monitored the victim until EMS arrived. (Trooper Juan De La Garza was honored at the October PSC meeting.)



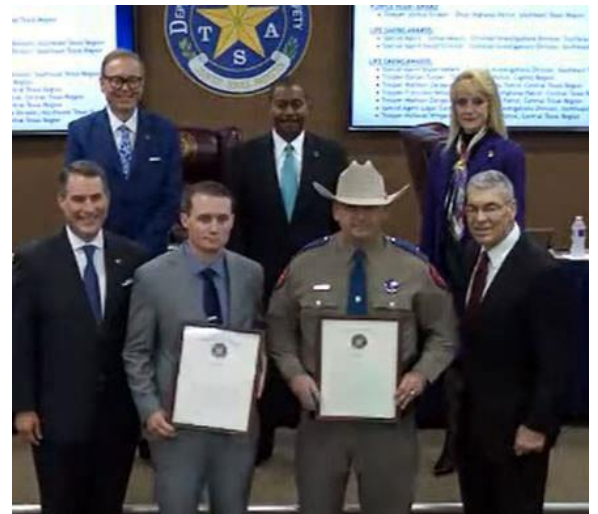
Cpl. Francisco Velez-Anderson, Highway Patrol — Waco, and **Trooper Madison Zaragoza**, Highway Patrol — Belton, each received a *Lifesaving Award* for their actions on March 14. Velez-Anderson and Trooper Stephen Jeter were the first to arrive on the scene of a one-vehicle crash on Interstate 35 and found two people performing CPR on an unresponsive man. The Troopers immediately took over.



Trooper Jacob Buskohl soon arrived and the trio took turns performing chest compressions. Officers with the Lacy Lakeview police arrived and assisted with CPR and provided scene security, and officers with Texas State Technical College provided an Automated External Defibrillator (AED). Buskohl attached the AED and monitored the victim. Zaragoza arrived at the scene and assisted with CPR. EMS arrived and continued medical care, and the victim regained a pulse and was breathing on his own before he was taken to a hospital. (Troopers Jacob Buskohl and Stephen Jeter were honored at the October PSC meeting.)

Tpr. Zaragoza & Cpl. Valez-Anderson

Special Agent Logan Eastburn, Criminal Investigations Division — Amarillo, and **Trooper Nicolas Wingate**, Highway Patrol — Devine, each received a *Lifesaving Award* for their actions on Jan. 26. Pleasanton police officers were involved in a pursuit, and Eastburn and Wingate overheard officers state shots were fired at them from the fleeing vehicle. The pair joined the effort to stop the suspect. Another Trooper successfully deployed spikes to disable the vehicle, however the driver continued to drive while streaming the event on social media. As the pursuit ended near an elementary school in San Antonio, shots were exchanged between officers and the suspect, wounding him. Wingate approached the scene with his department-issued rifle and mass trauma medical kit, moving toward the suspect. Eastburn also advanced on the scene, communicating with officers while shots were fired. The pair administered CPR and provided medical care for the suspect. They bandaged his head injury, secured his airway with a nasal cannula to deliver oxygen and administered an IV. They provided care until EMS arrived. The suspect did not survive his injuries, but Eastburn and Wingate's actions allowed medical personnel to continue care, permitting the donation of organs to eight people.



Special Agent Jamie Neault, Criminal Investigations Division — Houston; **Trooper Daniel Godina**, Highway Patrol — Jourdan; **Trooper Taylor Henriquez**, Highway Patrol — Eagle Pass; **Ranger Andres de la Garza**, Texas Rangers Division — Centerville; **Ranger Pete Luna Jr.**, Texas Rangers Division — Richmond; and **Staff Sgt. Lucas Patterson**, Texas Rangers Division — Austin, each received a *Lifesaving Award* for their actions on Sept. 12 as part of Operation Lone Star (OLS). Luna, de la Garza, Neault, Godina and Henriquez were conducting searches for migrants at a railyard. The team was flagged down by two migrants who were visibly shaken and had blood on their clothes. They told de la Garza and Patterson that a person had been struck by a train. De la Garza and Patterson located the victim next to the track. His right leg



was amputated below the knee and he was losing a large amount of blood. De la Garza notified the rest of the team to come to the area and Neault, who is a tactical medic, requested an air ambulance. The pair applied two tourniquets to the victim's upper leg and treated him for shock. As Neault arrived, he administered IV fluids to stabilize him. Luna, Godina and Henriquez prepared to transport him to the helipad, and the team then took him there. Neault continued care until the aircrew arrived and the victim was turned over to EMS personnel. *(Patterson was unable to attend Thursday's PSC meeting.)*



Trooper Brandon Blessing, Highway Patrol — Weslaco and **Sgt. Mark Matlock**, Highway Patrol — Port Lavaca, each received a *Lifesaving Award*; and **Warden Travis Haug** and **Warden Shane Horrocks** both with Texas Parks and Wildlife, and **Officer Marcin Trawinski** and **Officer Matthew Nasworth**, both with Florida Fish and Wildlife Conservation Commission, each received a *Director's Award* for their actions on Aug. 14 as part of Operation Lone Star (OLS). The Highway Patrol Tactical Marine Unit was working with officers from the Florida Fish and Wildlife Conservation Commission and the Texas Parks and Wildlife Marine Tactical Operations Group on the Rio Grande. Border

Patrol stated a group of migrants appeared to be struggling to cross the river. The first responding officers saw two women drowning. Haug and Trawinski pulled one of the women, who had a duffel bag on her back, into their boat. Matlock helped the second woman, who had a child strapped to her chest and was underwater. Matlock freed the child and got it into the boat. Trawinski and Matlock then pulled the second woman into the boat. Additional officers arrived and saw a small girl floating face down into the river. Blessing jumped into the water and Horrocks moved the boat to assist. Blessing handed the child to Nasworth, who laid her in the boat and began chest compressions. Blessing and Nasworth continued compressions and rescue breathing. After three rounds, the child expelled water and began to breathe on her own, but then went unconscious. Blessing monitored her vitals until she opened her eyes. At the boat ramp, the child was taken to a patrol unit until EMS arrived. *(Nasworth was unable to be at Thursday's PSC meeting.)*

Officer Colton Walch, Bryan Police Department, received the *Director's Award* for his actions on June 30. The Leon County Sheriff's Office dispatched that there was a one-vehicle roll-over wreck. Walch, then still a cadet with the police department and did not have any formal first aid training, drove upon the crash site before police, fire and EMS arrived and found four people in the crash. Walch found one person ejected in the road, two still trapped in the vehicle and the fourth person underwater in a creek. Walch immediately went to the creek and pulled the victim to safety, after which she was able to breathe on her own. Walch saw the woman had head and leg injuries and remained by her side until medical personnel arrived and took her to a hospital.



Special Agent Jimmy Burkett, Criminal Investigations Division — Bryan; **Lt. Grady Clark**, Criminal Investigations Division — Longview; **Special Agent Daniel Collins**, Criminal Investigations Division — Longview; **Lt. Keith Deramus**, Criminal Investigations Division — Longview (*retired*); **Special Agent Joshua Roraback**, Criminal Investigations Division — Tyler; **Special Agent Russell Steelman**, Criminal Investigations Division — Longview; **Special Agent Zachary White**, Criminal Investigations Division — Tyler; and **Trooper Jacob Muehlstein**, Highway Patrol — Longview, received a *Unit Citation* for their work. **Special Agent James Crowell**, FBI; **Investigator Brandon Headrick**, Harrison County Sheriff's Office; **Sgt. Cory Adkinson**, Marshall Police Department; **Sgt. Carlos Pacheco**, Marshall Police Department; and **Lt. Scott Smith**, Marshall Police Department, each received a *Director's Award*. These recognitions are for an investigation that began in 2017. With violent crime relating to drug trafficking in the Marshall area increasing, Marshall police and the DPS Criminal Investigations Division in Longview partnered on a three-year investigation, dubbed Operation Pine Curtain. Targeting local street-level dealers with known ties to larger distributors, DPS, Marshall police, the Harrison County Sheriff's Office and the FBI provided personnel and assets for the investigation, informants and sources. Controlled purchases of contraband were conducted, as well as physical and electronic surveillance. Higher-level suspects were identified, including transporters, money launderers and those directing the distribution network. Investigators identified two Mexican sources of supply with ties to the Jalisco New Generation and Colima cartels. The investigation received federal funding, and two additional federal investigations were conducted, resulting in impacts on gang and drug trafficking organization in Texas and Mississippi. The three-year investigation culminated in 49 drug and weapon purchases and 42 search warrants that resulted in the seizure of 44 firearms, \$43,470 in cash, 17 pounds of methamphetamine, 1.5 pounds of heroin, two pounds of cocaine and two pounds of marijuana. Thus far, 46 defendants have been prosecuted and five more are anticipated. Of those, 27 have pleaded guilty. Ten more have been arrested and are awaiting finalization of plea agreements, and another four are fugitives in Mexico. The FBI and the U.S. Attorney's Office are working to have them arrested and extradited for prosecution.



VI. PUBLIC COMMENT

(Members of the public wishing to address the Commission are subject to a time limit of 5 minutes and must complete a Public Comment Registration Card located at the entry. Should a member of the public bring an item to the Commission for which the subject was not posted on the agenda of the meeting, state law provides that the Commission may receive the information but cannot act upon it at the meeting. The Commission may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion.)

There was no public comment.

VII. DIRECTORS REPORT

A. Operation Lone Star and Case Briefing

Director McCraw asked South Texas Regional Director Victor Escalon to provide an update on Operation Lone Star, acknowledging that West Texas Regional Director Jose Sanchez is equally engaged in Operation Lone Star (OLS). DD Sanchez emphasized that DPS, with all of its divisions and resources, is uniquely qualified to adjust quickly to an ever-changing threat environment and that has helped tremendously while addressing the crisis at the border. Since the beginning of OLS, DPS has made 10,000 criminal arrests (most for human smuggling), 165,000 migrant apprehensions, 1,000 vehicle pursuits, and have confiscated 13,000 lbs. of marijuana, 2,400 lbs. of cocaine, 1,600 lbs. of methamphetamine, 37 lbs. of heroine, 157 lbs. of fentanyl (which is equal to 36 million lethal doses – 2 mg. is potentially a lethal dose), and \$7,300,000 cash. Across the state, we have confiscated 1,300 lbs. of fentanyl in 2021 compared to 126 lbs. in 2020. In Val Verde Co. and Kinney Co., at the request of landowners, we have made 2,000 criminal trespass arrests with 1,000 personnel and another 1,000 LE partners. In La Joya alone we apprehended 900 – 1,000 migrants in a 24-hour period.

Below are the slides Deputy Director Escalon presented:



OPERATION LONE STAR AS OF DECEMBER 2, 2021									
DPS ACTIVITIES IN THE OPERATION LONE STAR AREA OF INTEREST									
	Criminal Arrests	Criminal Tresspass Arrests	Felony Charges	Misdemeanor Charges	Federal/Other Charges	Migrant Apprehensions & Referrals	Vehicle Pursuits	Ballouts	
DPS	9,294	2,106	7,840	6,952	517	30,044	998	1,484	
TPSD	184	152	-	-	-	4,000	0	0	
TMD	-	-	-	-	-	81,453	-	-	
TOTAL	10,178	2,258	7,840	6,952	517	165,497	998	1,484	
	Marijuana Seizures (lbs.)	Cocaine Seizures (lbs.)	Marijuana Seizures (lbs.)	Heroin Seizures (lbs.)	Fentanyl Seizures (lbs.)	Fentanyl Lethal Doses	Currency Seizures (USD)	Firearms	
DPS	13,494	2,430	1,647	37	160	36,246,227	\$7,359,447	447	
TPSD	0	0	0	0	0	0	0	0	
TMD	-	-	-	-	-	-	-	-	
TOTAL	13,494.12	2,430	1,647.009	37	160	36,246,227	\$7,359,447	477	
DPS ACTIVITIES OUTSIDE OF THE OPERATION LONE STAR AREA OF INTEREST									
DPS	10,051	842	10,530	141	726	164,544,325	\$15,938,752	1,909	



BRUSH TEAMS



The Texas Department of Public Safety has established brush teams operating in ranches, making arrests for criminal trespass in a coordinated effort between Troopers, Special Operations Group operators, Texas Parks & Wildlife, and Texas National Guard.

HAITIAN EVENT



On Wednesday, September 15, approximately 7,000 Haitian migrants arrived and gathered under the Del Rio POE. On Thursday, September 16, the total increased to 10,000 and throughout the night the total surged to 13,000 migrants. On Saturday, September 18, the total count grew to 15,000 with more positioned to cross into the US. In a coordinated effort between US Border Patrol, Val Verde County Sheriff's Office, Texas National Guard, and DPS, all migrants as of September 24, were processed and removed without incident from the scene. (Val Verde County).



Texas National Guard surged tactical vehicles and personnel to the Del Rio Port of Entry area to support Department of Public Safety to deter illegal entry into Texas from Mexico.



Texas National Guard maintained positions on the border and river to the east and west of the Del Rio Port of Entry as well as in the Rio Grande Valley.

OPERATION STEEL CURTAIN

AT THE READY FOR TEXAS





La Joya Surge Operation




LAYER 3: THP/CID

LAYER 2: LP/OPS - ROWING TACTICAL

LAYER 1: MARINE BARRIER

LAYER 4: AIR ASSETS OVERWATCH

FENTANYL in TEXAS

What is Fentanyl?

- Fentanyl is a powerful synthetic opioid that is like morphine but is 50 to 100 times more potent.
- In its prescription form, fentanyl is known by such names as Actiq®, Duragesic®, and Sublimaze®.
- Synthetic opioids, including fentanyl, are now the most common drugs involved in drug overdose deaths in the United States. *National Institute of Drug Abuse*

Why is it an ongoing problem?

- "Cartels have turned to fentanyl because the super-potent powder is cheap to produce" says Eric Truitt, assistant special agent in charge DEA in New York. *KU3*
- "Agents say more witnesses actually indicates that more of the deadly drug is entering the country, since they have only been capturing an estimated 10 percent to 15 percent of the total." *American Graduates*

How does fentanyl distribution affect Texas?

- July 2021: U.S. Border Patrol's El Paso Sector also reports a 35% surge in fentanyl seizures this year when compared to last and a 4,000 percent increase when measured against 2018.
- The gram price for low-level dealers has dropped from \$50 to \$15 - \$20.
- Promotion via social media allows for easy distribution.
- Drug dealers press fentanyl into the shape of common prescription pills like Xanax, Valium and Oxycontin. Users don't know it's fentanyl. *borderreport.com*

886 LBS seized by DPS during Operation Lone Star equates to 200,790,552 lethal doses

FENTANYL IN LBS

Year	Fentanyl in LBS
2019	107
2020	126
2021	55
2022	55

Annual Responsibility:

- El Paso Sector
- San Antonio Sector
- San Diego Sector
- Phoenix Field Office
- San Jose Field Office
- Los Angeles Field Office
- San Francisco Field Office

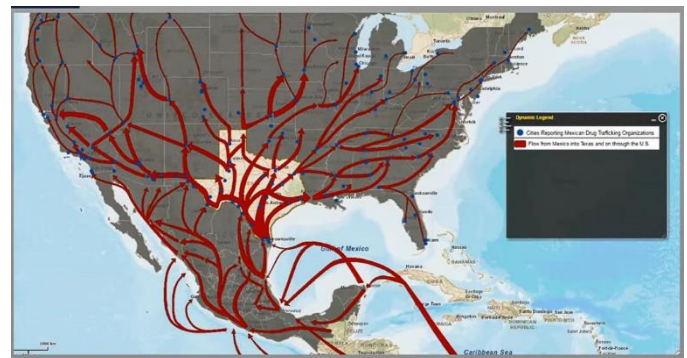
U.S. Customs and Border Protection

DEA.gov

DPS Fentanyl seizure report (BLA/RETS) - 2019-2022, Operation Lone Star

Notes: as of March 30, 2023. All numbers reported for Operation Lone Star are identified and verified. Numbers are approximate and subject to change.

PARTNERSHIP

They are also raising funds for the new DPS Memorial that is to be constructed in front of building A on the DPS Headquarters campus. They have currently raised about 25% of the estimated cost of the project. The construction should begin by the end of 2022, with the hope that the Memorial can be completed in time for the May 2024 DPS annual Memorial commemoration.

Chairman Mach asked about the estimated cost of the project. Mr. Molina stated that Phase I of the project is estimated to cost \$2,100,000, with Phase II costing approximately the same, or \$2,000,000. The mobile museum has a budget of \$1,500,000.

A motion was made by Commissioner Blair and seconded by Commissioner Wainwright to approve the resolution. Without further discussion and having polled the Commissioners for a vote, the motion passed.

B. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision:

1. SOAH Docket No. 405-20-4150.MVI – Seung Lee & Kwik Car on Western Center Blvd
2. SOAH Docket No. 405-21-1175.PSB – Gary Milburn

General Counsel Phil Adkins briefly described the specifics of both items 1 and 2. Item 1 was a case of clean scanning a substitute car to enable another car to pass the tests, and item 2 involved an incident of domestic abuse. SOAH recommended suspending the license Seung Lee Y Kwik Car for 2 years, and not granting approval of a license for Gary Milburn.

A motion was made by Commissioner Blair and seconded by Commissioner Stodghill to follow the SOAH recommendations. Without further discussion and having polled the Commissioners for a vote, the motion passed.

C. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

1. New 37 TAC Section 6.2, concerning Approved First Responder Handgun Storage Device
2. Amendments to 37 TAC Section 6.14 and proposed new 37 TAC Section 6.18, concerning Eligibility and Application Procedures for a License to Carry a Handgun
3. New 37 TAC Section 6.95 and Section 6.96, concerning First Responder Instructor Certification

Chief Wayne Mueller, Regulatory Services Division, explained that items VIII, C, 1-3 were necessary changed to comply with legislative changes passed last session.

A motion was made by Commissioner Blair and seconded by Commissioner Stodghill to post items VIII, C, 1-3 in the Texas Register for public comment. Without further discussion and having polled the Commissioners for a vote, the motion passed.

4. Amendment to 37 TAC Section 15.25, concerning Address
5. Amendment to 37 TAC Section 15.171, concerning Identifying Document for Offenders/Memorandum of Understanding

Chief Sheri Gipson, Driver License Division, explained the need for the rule amendments listed in VIII, C, 4-5 were also due to legislative actions during this year's session.

A motion was made by Commissioner Blair and seconded by Commissioner Wainwright to post items VIII, C, 4-5 in the Texas Register for public comment. Without further discussion and having polled the Commissioners for a vote, the motion passed.

D. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

This item was handled in Executive Session.

IX. ONGOING BUSINESS

A. Report, discussion and possible adoption of the following previously published rules:

1. Amendments to 37 TAC Section 8.7, concerning Prohibited Weapons

Deputy Director Freeman Martin explained that this rule was necessary to bring it in compliance with new legislation passed. He stated that no public comment was received regarding this posted rule change.

A motion was made by Commissioner Wainwright and seconded by Commissioner Blair to approve final determination on item IX, A, 1. Without further discussion and having polled the Commissioners for a vote, the motion passed.

- 2. Amendments to 37 TAC Section 23.41, concerning Passenger (Non-Commercial) Vehicle Inspection Items**
- 3. Amendments to 37 TAC Section 23.62, concerning Violations and Penalty Schedule**
- 4. Amendments to 37 TAC Section 35.5 and Section 35.8 and proposed new Section 35.10, concerning General Provisions**
- 5. Amendments to 37 TAC Section 35.52, concerning Administrative Penalties**
- 6. Amendments to 37 TAC Section 35.62, concerning Preliminary Hearing; Settlement Conference**
- 7. Amendments to 37 TAC Section 35.111 and Section 35.112, concerning Company Records**
- 8. Repeal of 37 TAC Section 35.113, concerning Records Required on Commissioned Security Officers**
- 9. Amendments to 37 TAC Section 35.143 and Section 35.145, concerning Training**
- 10. Amendments to 37 TAC Section 35.161 and Section 35.162, concerning Continuing Education**

Chief Wayne Mueller explained that items 2-10 were also changes made necessary by recent legislation. He also received no comments on any of items 2-10.

A motion was made by Commissioner Blair and seconded by Commissioner Stodghill to adopt final determination on item IX, A, 2-10. Without further discussion and having polled the Commissioners for a vote, the motion passed.

A. Report, discussion, and possible action regarding the modification of the DPS organizational structure and the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team

Director Steve McCraw stated that here were no change recommendations.

Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

This item was handled in Executive Session.

X. REPORTS

A. Commission member reports and discussion

B. Finance Report

C. Chief Auditors Office

Chairman Mach reminded Chief Catherine Melvin, Auditor, that she would have a report due at the February 2022 meeting.


D. Division status reports on activities and action

Chief Jessica Ballew, Infrastructure Operations Division, began by stating that the Sunset Advisory Commission Recommendation 7.1 asked us to provide the Public Safety Commission with a report outlining our best practices and trends relating to contracting. This is our second annual report for the Commission. I have asked Michael Parks to make the presentation. Below are the slides:

Via CiscoWebex

Annual Assessment and Report of DPS Contract Management

PER SUNSET ADVISORY COMMISSION STAFF REPORT RECOMMENDATION 7.1




12/1/2021

Via CiscoWebex

Contract Compliance

The procurement process and contracting practices for a Texas state agency require adherence to the Texas Government Code, Texas Administrative Code (TAC), and other requirements set by oversight agencies, such as the Comptroller of Public Accounts (CPA) and the Department of Information Resources (DIR).

All DPS employees involved in procurement and contracting activities must also adhere to the regulations in Chapter 28 of the DPS General Manual.




ANNUAL ASSESSMENT AND REPORT OF CONTRACT MANAGEMENT

Via CiscoWebex

Best Practices in FY21

* Contract Review Board (CRB) and Executive Contract Review Board (ECRB)	Notice of Award (NOA) Utilization
Acquisition Planning and Schedule Template	* Procurement Review Process
Audit Logs	* Approval Levels Based on Risk
* Needs Assessment and Cost-Benefit Analysis	Coordination with Sister Agencies to Ensure Best Practices
Oversight of the Vendor Interaction Policy	* After Action Reviews
Blanket Contract Utilization	Electronic Document Routing
Template Utilization and Change Management	Reporting
	* Project Management Practice Utilization
	Training on Specification Writing for DPS staff




ANNUAL ASSESSMENT AND REPORT OF CONTRACT MANAGEMENT

Via CiscoWebex

Trends in FY21

- * Manual Processes Invite risk
- * HUB Portal
- Agile Procurement Strategies
- * Contract Oversight Team
- Process Improvement Initiatives



ANNUAL ASSESSMENT AND REPORT OF CONTRACT MANAGEMENT

Via CiscoWebex

Historically Underutilized Business Program

FY21 HUB performance toward Statewide Goals

Procurement Category	Statewide HUB Goals	DPS HUB FY21%
BUILDING CONSTRUCTION	21.10%	6.18%
COMMODITIES	21.10%	15.10%
HEAVY CONSTRUCTION	11.30%	0.00%
OTHER SERVICES	26.00%	12.95%
PROFESSIONAL SERVICES	23.70%	2.96%
SPECIAL TRADE	32.90%	39.68%



ANNUAL ASSESSMENT AND REPORT OF CONTRACT MANAGEMENT

Via CiscoWebex

Commitment

DPS is committed to continuing to improve service delivery, ensure ongoing compliance with all applicable requirements, and attain best value for DPS and the State of Texas.



ANNUAL ASSESSMENT AND REPORT OF CONTRACT MANAGEMENT

XI. CONSENT ITEMS

All of the following items may be enacted with one motion. These items are typically self-explanatory or have been previously considered by the Commission. There will be no separate discussion of these items unless a commissioner so requests.

- A.** Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024:
Special Rangers: Lonnie Dione Baker, Charles Dewain Brazil, Michael Wayne Fincher, Gregg Allen Greer, Daniel Jay Keese, James Edward Martin, and Mark Edward Tackett
- B.** Donations:
 - 1. Additional donation items, as needed

Chairman Mach asked Deputy Director Dwight Mathis if there was anything to discuss regarding the Consent Items A and B, and he responded "no".

A motion was made by Commissioner Wainwright and seconded by Commissioner Blair to approve Consent Items A and B.

Without discussion, the motion passed.

XII. ITEMS FOR FUTURE AGENDA

Chairman Mach asked that if any of the Commissioners had items that they would like added to future agendas to get in touch with Sophie Yanez or Phil Adkins.

XIII. DATE FOR FUTURE MEETING

The regular Public Safety Commission meeting is scheduled for February 10, 2022.
Discharge hearings will be scheduled for February 11, 2022.

The next Public Safety Commission Meeting will be held on Thursday, February 10, 2022, with a discharge hearing to be held on February 11, 2022.

XIV. ADJOURN INTO EXECUTIVE SESSION

(If required) to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the director's action of discharging employees as identified in this agenda; ongoing criminal investigations

Chairman Mach adjourned the Public Safety Commission Meeting to Executive Session at 12:23 PM.

XV. ADJOURN

The Commission may take items out of the order in which they are posted on this agenda. Also, an item that has been adopted, passed upon, delayed or tabled for a later meeting may be considered or reconsidered at the same meeting.

The Public Safety Commission may meet and discuss in Executive Session and have action taken in an Open Meeting where required on the following items:

Government Code Sec. 551.071 Consultation and deliberation with legal counsel about pending or contemplated litigation or a settlement offer, or on a matter where the Commissioners seek the advice of their attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, and to discuss the Open Meetings Act and the Administrative Procedures Act with their attorney

Government Code Sec. 551.074 Appointment, employment, evaluation, reassignment, duties, discipline or dismissal of director, assistant director, and persons appointed to management team positions pursuant to Govt. Code Sec. 411.0071 Government Code Sec. 551.076 Deliberations about security audits, security devices, including deployment and implementation of security personnel and devices Government Code Chapter 411, Sec. 411.0041 Ongoing criminal investigations Government Code Sec. 551.072 Deliberation of the purchase, exchange, lease, or value of real property, if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person Government Code Sec. 551.073 Deliberation of a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person

