



TEXAS
JUVENILE JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Board Meeting

11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Friday, August 5, 2016 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Chairman
The Honorable John Brieden III
Scott "David" Matthew
Riley Shaw
The Honorable Jimmy Smith
Calvin W. Stephens
The Honorable Becky Gregory
Jane King
The Honorable Carol Bush

BOARD MEMBERS ABSENT:

Dr. Rene Olvera
MaryLou Mendoza
The Honorable Laura Parker

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Chelsea Buchholtz, Chief of Staff
Roland Luna, Chief Inspector General
Luther Taliaferro, Superintendent of Education
Rebecca Walters, Director of Youth Placement &
Program Development
Jim Southwell, Chief Information Officer
Kristy Almager, Director of the Juvenile Justice
Training Academy

Tushar Desai, Medical Director
Eleazar Garcia, Chief Internal Auditor
Jim Hurley, Communications Director
Jill Mata, General Counsel
Mike Meyer, Chief Financial Officer
Jeannette Cantu, Executive Assistant
James Williams, Senior Director of
Probation and Community Services
Teresa Stroud, Senior Director of
State Programs and Facilities

OTHER GUESTS PRESENT:

Kathryn Gray, TJJD
Ron Quiroz
David Pruitt
Cary Cheshire
Tammy Holland
Steve Roman
Chuck McClanahan
Chris Woolsey

Sara Raines
Edeska Barnes Jr.
Ken Metcalf
Lauren Rose
Susan Hale
Karen Lashbrook
Donald King
Mark Archibald

Carla Bennett-Wells
Javier Ibarra
Tom Benning
Steven Vargas
Connie Standridge
Laura Pressley
Angle McLean
Rozanna Pardee

Board Meeting
August 5, 2016

Rebecca Adams
Monica R. Jimenez
Kristina Hendrix
Seth W. Christensen
Stacey Robinson
Penny Story
Liz Smith
John McClung
Janice Barlow
Carol Doucet
Susan Humphrey
Marketa Johnson
Jerome Williams
Lesly Jacobs
Doug Vance
Kevin Josey
Cheryl Shaban
Josh Bauermeister

Karol Davidson
Stephanie Melot
Diane Frost
Dick Henson
Charles Raines
Johnny Berry
Doc Hubbard
Jennifer Miller
Bobby Wade
Sharon Langford
Karen Kennedy
Felicia Reynolds
Bill Parks
Kimbla Newsom
Ben Stratmann
Kaci Singer
Ashley Kintzer
Denise Askea

Raul A. Jimenez
Jeannette Lepe
Edward Monk
Patrick Patterson
Ralph Gonzalez
Tawana Calhoun
Alex Cochran
Robert Vickery
Jackie King
Gibran Jimenez
Buddy Green
Ken Ming
Lori Robinson
Chris Baldwin
Diane Eunice
Lester Brown
Jennifer Allmon

Call to order

Chairman Fisher called the meeting to order at 9:03 a.m.

Prayer

Lester Brown opened the meeting with a prayer.

Pledge

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

Discussion, consideration, and possible approval regarding excused absences (Action)

The following board members were absent: Rene Olvera, MaryLou Mendoza, and Laura Parker. Mr. Shaw moved to excuse the absences. Mr. Matthew seconded. The motion passed.

Report from the Chairman

Chairman Fisher provided a history of what has transpired to bring the agenda item upon the Board for the request from the City of Corsicana to transfer the TJJJ Corsicana Facility to the City of Corsicana and also the request of the County of Navarro to postpone consideration of the said transfer.

Public comments

Public comments were heard from the following individuals listed below stating they were “For” or “Against” the transfer of the Corsicana Facility to the City of Corsicana.

- | | |
|------------------------------|-----------------------------|
| Jennifer Allmon – For | Buddy Green – Against |
| Chris Woolsey – Against | Chuck McClanahan – For |
| John E. McClung – For | Connie Standridge - For |
| Rafael M. Gonzalez – Against | Donald King - Against |
| Janice Barlow - Against | Becky Adams - Against |
| Penny Story – Against | Stacey Robinson - Against |
| Doc Hubbard - Against | Jackie King - Against |
| Angie McLean - Against | Sara Raines - Against |
| Rozanna Pardee – Against | Liz Smith – Against |
| Susan Hale – For | Chris Baldwin – Against |
| Raul Jimenez – Against | Robert Vickery – Against |
| Mark Archibald – Against | Patrick Patterson – Against |
| Kristina Hendrix – Against | Diane Frost – For |
| Edward Monk – For | |

Chairman Fisher called for a 15 minute recess.

Report from the Executive Director

David Reilly, Executive Director, advised the Board that the August TJJJ Today Newsletter was in their handout folder. He also asked the Board to take a look at the Agency Report Card in their board book to see the exciting milestones the agency has reached in family support, the mentoring program and the increase in the number of youth completing their programs successfully this reporting period.

Mr. Reilly informed the Board that the agency is now Prison Rape Elimination Act (PREA) compliant at all facilities. Staff from the following facilities were present to receive their compliance awards from

the TJJD Board: Mart, Willoughby Halfway House and Cottrell Halfway House. Mr. Reilly recognized the following staff and photos were taken at the following break:

Mart: Bill Parks, Superintendent, Carla Bennett-Wells, Compliance Officer, and Cheryl Shabazz, Compliance Officer

Willoughby Halfway House: Diane Eunice, Superintendent, Felicia Reynolds, Assistant Superintendent

Cottrell Halfway House: Marketa Johnson, Superintendent, Kevin Josey, Assistant Superintendent

Mr. Reilly thanked Debbie Unruh and her staff for assisting TJJD with the PREA audits. Judge Brieden commented that the PREA mandate increased the staff to youth ratio, requiring TJJD to hire and keep on staff more employees. He further added that the PREA mandate is unfunded.

Discussion, consideration, and possible approval regarding the May 20, 2016 Board Meeting minutes

(Action)

Commissioner Smith moved to approve the minutes. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval regarding the June 23, 2016 Board Meeting minutes

(Action)

Mr. Matthew moved to approve the minutes. Commissioner Smith seconded. The motion passed.

Discussion and consideration of certain actions concerning transferring the Corsicana Residential Treatment Center with limitations on its use, the City of Corsicana's request for transfer, and Navarro County's request to postpone consideration of transfer

Kathryn Gray, Staff Attorney, stated SB 653 from the 82nd Legislative Session provides TJJD the authority to transfer a closed facility to the county or municipality in which the facility is located. SB 653 has two requirements for a property to be transferred under this authority: (1) the property must be located in a county with a total population of less than 100,000, and (2) the county or municipality must use the property transferred for a public purpose that benefits the public interest of the State of Texas. The authority found in SB 653 is permissive and TJJD is under no obligation to transfer a property under this authority.

The Corsicana Residential Treatment Center (CRTC) is not being utilized for any TJJD programs as no youth have been housed there since December 2013. The CRTC is located in Navarro County, which has a population of less than 100,000 people. Both Navarro County and the City of Corsicana have expressed interest in having the property transferred to them. The City passed a resolution and submitted a letter requesting the property be transferred to it. A representative from the County Commissioner's Court sent an e-mail requesting an extension of time.

Chairman Fisher called upon Corsicana Mayor Chuck McClanahan to present the city's request for transfer of the property which includes a possible lease with a tenant who may temporarily house unaccompanied minors from Central America. Mayor Chuck McClanahan stated that a decision would be needed this day in order for their plans to move forward with the proposed tenant.

Chairman Fisher opened the floor for Board discussion. Discussion ensued.

In response to a comment made by Judge Brieden, Mayor McClanahan confirmed that unless the city is able to move forward with Cayuga as their tenant, the city does not want the property.

Judge Brieden moved to not approve the transfer based on the potential tenant, being Cayuga, using the property to house unaccompanied minors from outside the United States. Judge Gregory seconded. Discussion ensued among the Board.

Mr. Stephens stated he was in favor of transferring the Corsicana facility to the City of Corsicana. He felt strongly that TJJD needed to get this facility off its books since TJJD has not been housing youth there for some time. Keeping Corsicana on the books is costing the agency money it doesn't have. He felt that the Board should not let the politics of the matter of the City of Corsicana potentially using the facility to house undocumented immigrants get in the way of the Board's duty to do what's best on behalf of TJJD.

Mr. Shaw moved to postpone indefinitely and seek counsel from the Attorney General's office and the General Land Office. Commissioner Smith seconded. Discussion ensued among the Board.

Judge Gregory asked for further clarification from Mayor McClanahan. Mayor McClanahan stated that if they are not able to move forward today with Cayuga as their tenant, the city could come back at a later time with another request for a different purpose, should that opportunity occur.

The vote was taken on Mr. Shaw's motion; Yes – 4 and No – 5. The motion failed.

The vote was taken on Judge Brieden's motion; Yes-8 and No – 1. The motion passed.

Chairman Fisher thanked the guests from Corsicana for being present.

Chairman Fisher called for a 5 minute recess.

Report from the Advisory Council

Doug Vance, Advisory Council Chairman, referred the Board to the Advisory Council's report on page 41. He stated that the council last met on June 30, 2016. He provided a summary overview of topics covered by the council including: Salary and Turnover Rate Study, TJJJ Legislative Appropriations Request (LAR), Discretionary State Aid Funding, raising the age of juvenile court jurisdiction, and TAC 341 and TAC 344 Revisions. The council's next meeting is on September 9, 2016.

Report from the Inspector General

Roland Luna, Chief Inspector General, referred the Board to page 51. He provided an update to the Board on summary indicators through third quarter FY 2016 and spoke about other ongoing activities within the OIG.

Report from the Administrative Investigations Division

Lesly Jacobs, Deputy Director of the Administrative Investigations Division, referred the Board to page 53. She provided an update to the Board on the County Investigations Unit and State Investigations Unit through June 30, 2016. She reported that the backlog of cases prior to 2016 has been eliminated.

Updates on Regionalization and discussion, consideration, and possible approval regarding the Statewide Regionalization Plan (Action)

James Williams, Senior Director of Probation and Community Services, referred the Board to a handout provided to them. He acknowledged that there were a lot of people to thank for their work on this plan: Chiefs from the seven regions, probation field, advocacy providers, juvenile court judges, prosecutors and TJJ staff. This is an excellent plan for the future and something the field can be proud of.

Mr. Williams explained the process to make the decision whether the youth is eligible for the diversion plan. This is a step in the right direction for placing youth where they need to be in terms of treatment, not just housing them. There have been 62 applications for diversion and staff have successfully diverted 23 of those youth. The diversion allows the youth to be placed outside their county programs for treatment services as a diversion from commitment. If approved, the county pays for the diversion services, TJJ reimburses the county.

In response to a question by Mr. Matthew, Mr. Reilly confirmed that of the diversion applications that have been denied, only 2 youth were committed to TJJ.

In response to a comment by Mr. Shaw, Mr. Reilly clarified that staff are looking for all reasonable efforts from the counties to find placements for the youth prior to diversion consideration.

In response to a comment by Judge Brieden, James Williams stated that he will look into placing the judge's four counties on the regions map together, rather than having them split. Mr. Matthew moved to approve the Regionalization Plan. Ms. King seconded. The motion passed.

Report from the Trust Committee

Commissioner Smith, Committee Chairman, reported that the committee met and they voted several items move to the full Board and recommended approval.

Discussion, consideration, and possible approval to authorize staff to negotiate the terms of a new grazing lease for the Milam County tract of the Parrie Haynes Trust, and to authorize the Board Chairman, on behalf of the Board, to take action regarding the lease (Action)

Kathryn Gray, Staff Attorney, stated that previously the land was leased for \$2000 a year. The agency received a bid for a grazing contract for \$2400 year. The resolution is written to authorize the Board Chairman, on behalf of the Board, to take action regarding the lease. Commissioner Smith moved to approve the resolution. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval to authorize the Parrie Haynes Trust to grant an electric utility easement to Bartlett Electric Cooperative to install electricity on a portion of the Parrie Haynes Ranch (Action)

Kathryn Gray, Staff Attorney, stated that the Parrie Haynes Ranch is leased by the Boys and Girls Club of Central Texas, Inc. The Boys and Girls Club sub-leases a portion of the Ranch to the Spotted Horse Livery (SHL). SHL is seeking to install electricity on the east side of its subleased portion for the Ranch. SHL is planning to cover the cost of the installation and is not seeking financial assistance from the Trust. An easement is required to grant the electric company access to the Ranch property to install and maintain the electric power. Mr. Matthew moved to approve the resolution. Judge Bush seconded. The motion passed.

Discussion, consideration, and possible approval of the Parrie Haynes Ranch Wildlife Management Plan (Action)

Kathryn Gray, Staff Attorney, stated the Parrie Haynes Trust entered into an agreement with the Texas Parks and Wildlife Foundation of Texas, (TPWF) to develop and implement a wildlife management plan for the Parrie Haynes Ranch. TPWF's biologist has drafted a wildlife management plan that is specific to the Ranch and has shared the plan with the lessee and sub-lessees of the Ranch. All parties have agreed to work together. Commissioner Smith moved to approve the plan with revisions as discussed in the Trust Committee. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2017 budget (Action)

Chairman Fisher explained that this was discussed in the Trust Committee meeting and changes were recommended to increase the educational assistance portion of the budgets. Mr. Matthew moved to approve the budgets with revisions as discussed in the Trust Committee. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2017 investment policy and strategy (Action)

Mike Meyer, Chief Financial Officer, stated that the investment policy and strategies are the same as the Board has adopted in previous years. Judge Bush moved to approve the resolution. Mr. Matthew seconded. The motion passed.

Report from the Finance and Audit Committee

Calvin Stephens, Committee Chairman, reported that the committee met and all members were present.

Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00 (Action)

Kenneth Ming, Director of Business Operations and Contracts, referred the Board to page 175. The figures represent proposed not-to-exceed amounts for residential contracts that exceed \$500,000 for FY 2017 including one-year contract renewals and funding amounts for the second year of two-year contracts approved in FY 2016. Mr. Matthew moved to approve the resolution. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval regarding amendments to the purchasing approval matrix (Action)

Kenneth Ming, Director of Business Operations and Contracts, referred the Board to page 179. Staff requests consideration and approval of changes to the Purchase Approval Matrix: Add authority for

the executive director or designee to process emergency change orders over \$150,000 without prior approval from the Board, remove contract Administration Manager approval from the matrix, and change references from BSD 100 requisition form to requisitions submitted in CAPPs. The Board requested notification of all emergency change orders. Mr. Stephens moved to approve the resolution. Judge Brieden seconded. The motion passed.

Discussion regarding the FY 2017 Contracting Plan

Kenneth Ming, Director of Business Operations and Contracts, referred the Board to page 181. GAP.385.1101 requires staff to provide the Agency's annual contract plan for review by the TJJ Board. The policy requires the plan to contain an outline of the Agency's anticipated contracting actions for the fiscal year. The FY 2017 Contract Plan combines these requirements to provide an outline of anticipated contracting actions for the next fiscal year with associated estimates of HUB participation. The FY 2017 contract Plan is presented to the Board as an informational item. Chairman Fisher advised the Board to look through the contract list and make sure they do not have an association to these vendors.

Discussion, consideration, and possible approval regarding the FY 2017 Operating Budget (Action)

Emily Anderson, Director of Fiscal Affairs and Budget, stated the Agency faces significant budgetary pressure due to the elevated residential population. The Agency has successfully managed these challenges for FY 2016 primarily through access to "MAP" funds. Other efforts toward conservative management of available resources began in FY 2016 and are being continued and enhanced in FY 2017, with the exception of MAP funding. These measures have kept TJJ operating within available resources in FY 2016; however, they are not sufficient to close the projected budget gap for FY 2017. The proposed FY 2017 Operating Budget achieves balance by focusing on the population figures in the GAA, not actual populations. This means the projected budgetary shortfall is primarily concentrated in the Institutional Supervision and Food Service strategy. The total FY 2017 operating budget is \$324.7 million, of which \$300.6 million is General Revenue. This is a decrease of \$0.8 million compared to the FY 2016 amended operating budget. The proposed budget allocates available funding across agency programs and services, striving to continue TJJ's mission. The resolution for this agenda item provides approval of the proposed FY 2017 Operating Budget and grants authority to the Executive

Director to make reasonable and necessary adjustments for the fulfillment of the mission of TJJ, the maintenance of a balanced budget, and the management of appropriations.

In response to a comment from Judge Brieden regarding LBB projections of the population, Mr. Meyer stated that staff have started to talk with offices at the Capitol about the Agency's supplemental needs; however, it's too early to tell the scale of those needs. Mr. Stephens moved to approve the FY 2017 Operating Budget. Commissioner Smith seconded. The motion passed.

Chairman Fisher called for a recess to convene in closed session.

Closed Session – Executive Session

- a. **§551.071 Consultation with attorney (see footnote)**
- b. **§551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)**
- c. **§551.074 Discussion regarding personnel matters**
- d. **§551.076 Deliberations regarding security devices or security audits**

The Board entered a closed session at 12:33 p.m.

Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed executive session, if applicable (Action)

The Board reconvened in open session at 1:18 p.m. No action was taken.

Discussion, consideration, and possible approval regarding the FY 2018-2019 Legislative Appropriations Request (Action)

Mike Meyer, Chief Financial Officer, stated LAR instructions are similar to previous biennia, with one notable difference being a requirement to integrate a four percent reduction to baseline general revenue funding, with certain exceptions. A separate packet of information was provided as a Board

handout. The packet summarizes the LAR with respect to baseline funding considerations, exceptional items, rider requests, the 10 percent contingency reduction schedule, and other topics.

Mr. Matthew moved to approve the resolution as submitted. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.9975, relating to State Inscription (Action)

Mr. Meyer stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. Judge Brieden moved to adopt the rule review and final rules. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible approval of the AMIKids Audit (Action)

Eleazar Garcia, Chief Internal Auditor, referred the Board to the Draft Audit Report on page 221. The objective was to evaluate contract care operations and agency oversight of the program. He discussed strengths and best/good practices identified and controls in areas that could be strengthened to ensure compliance and to provide more cost effective practices. Recommendations to strengthen controls and improve accountability were provided to management. Management concurs with the results of the audit work and has provided responses, which are included in the report. Mr. Matthew moved to approve the audit. Commissioner Smith seconded. The motion passed.

Report from the Safety and Security Committee

Mr. Shaw led the committee meeting in absence of Judge Parker. They did not have a quorum. Mr. Shaw stated the next four agenda items are rule revisions for final adoption that met favorably for adoption by the committee members present.

Discussion, consideration, and possible final adoption of revisions within 37 TAC §§380.8559, 380.8565, and 385.8569, relating to sentenced offenders (Action)

Mr. Shaw moved to approve final adoption of these rules. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions within 37 TAC §380.9197, relating to HIV/AIDS (Action)

Mr. Shaw moved to approve final adoption of these rules. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible final adoption of the rule review and repeal of 37 TAC §380.9703, relating to Weapons and Concealed Handguns (Action)

Mr. Shaw moved to approve final adoption of these rules. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.8117, relating to Private Real Property Rights Affected by Governmental Action, and §385.8134, relating to Notice of Youth Confessions of Child Abuse (Action)

Mr. Shaw moved to approve final adoption of these rules. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed Order (Action)

- a. Daniel Hale; Certification No. 24200; 16-24200-160208 (Grayson)
- b. Willie Jackson; Certification No. 29889; 16-29889-150306 (Bell)
- c. Rickey Lee Shelton, Jr.; Certification No. 282041; 16-28201-150287 (Bexar)

Kaci Singer, Staff Attorney, requested Board approval of the discipline agreed to in these cases.

Regarding the Daniel Hale case, several Board members stated they didn't have enough information on this case to make an informed decision. Discussion ensued.

Mr. Shaw moved to disapprove the agreed order on item 35 a. regarding Daniel Hale. Mr. Matthew seconded. Judge Brieden voted no. The motion passed.

Mr. Shaw moved to approve items 35 b and 35 c. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers- Default Orders (Action)

- a. **Larry Ardila, Jr., Certification No. 24004, 16-24004-150070 (Bexar)**
- b. **Ronnie Faimoa, Certification No. 30460; 16-30460-160138 (Taylor)**
- c. **Emmanuel Funchess; Certification No. 29675; 16-29675-150273 (Harris)**
- d. **Cornelius Gray; Certification No. 29360; 16-29360-160218 (Dallas)**
- e. **Allen David Guerrero; Certification No. 14394; 16-14394-160050 (Tarrant)**
- f. **Clifford Harle; Certification No. 29464; 16-29464-150151 (Bexar)**
- g. **Sergio Lopez; Certification No. 28697; 16-28697-140366 (Webb)**
- h. **Michael Pitts; Certification No. 29859; 16-29859-150307 (Hood)**
- i. **Oziel Salinas; Certification No. 29945; 15-29945-150314 (Cameron)**
- j. **William Tucker; Certification No. 29628; 16-29628-160051 (Hood)**

Ms. Singer presented the default order cases. She stated that item b regarding Ronnie Faimoa submitted a relinquishment so is no longer part of this default order. Mr. Shaw recused himself from voting on item e regarding Allen David Guerrero.

Judge Bush moved to approve the discipline of certified officers default judgment orders, excluding item b and e. Mr. Matthew seconded. The motion passed. Mr. Matthew moved to approve item e. Judge Brieden seconded. Mr. Shaw abstained. The motion passed.

Chairman Fisher went back to discuss the agreed order request for the Daniel Hale case. He appointed a sub-committee to review the discipline matrix including Mr. Shaw, Mr. Matthew, and Ms. King to work with Ms. Singer and come back to the next board meeting on revisions to the matrix as well as an alternate recommendation on the Daniel Hale case.

Discussion, consideration, and possible final adoption of revisions within 37 TAC §380.8707, relating to Furloughs, and §380.9161, relating to Youth Employment and Work (Action)

Mr. Shaw moved to approve final adoption of these rules. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval to publish revisions to 37 TAC §380.9535, relating to Phoenix Program, in the Texas Register for a 30-day public comment period (Action)

Mr. Shaw moved to approve to publish the proposed revisions for these rules in the Texas Register for a 30-day public comment period. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §§385.8135, relating to Rights of Victims, 385.8145, relating to Volunteers and Community Resources Council, 385.8183, relating to Advocacy, Support Group, and Social Services Provider Access, and 385.9959, relating to Transportation of Youth (Action)

Mr. Shaw moved to approve final adoption of these rules. Judge Brieden seconded. The motion passed.

Chairman Fisher adjourned the meeting at 1:55 p.m.