



**Texas Juvenile Justice Department
Board Meeting
JW Marriott San Antonio Hill Country Resort & Spa
23808 Resort Parkway, Indian Paintbrush Room
San Antonio, TX, 78261
Friday, August 28, 2015, 9:00 a.m.**

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman
Riley Shaw
The Honorable Jimmy Smith
Scott Matthew
The Honorable Laura Parker
The Honorable Carol Bush
Calvin Stephens
MaryLou Mendoza
The Honorable Becky Gregory

BOARD MEMBERS ABSENT:

Dr. Rene Olvera
Jane Anderson King
The Honorable John Brieden III

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Chelsea Buchholtz, Chief of Staff
Jill Mata, General Counsel
Mike Meyer, Chief Financial Officer
Roland Luna, Chief Inspector General
Jeannette Cantu, Executive Assistant

Elaine Mays, Chief Information Officer
Tushar Desai, Medical Director

OTHER GUESTS PRESENT:

Estesla Medina, Travis Co.	Mr. Mendoza
Kevin DuBose, TJJJ	Vicki Andrews
Debbie Unruh, OIO	Shakira Pumphrey
Jim Southwell, TJJJ	Edeska Barnes
Libby Elliott, Governor's office	Carolyn Beck, TJJJ
Nancy Slott, TJJJ	Melanie Cleveland, TJJJ
Doug Vance, Brazos Co.	Emily Anderson, TJJJ
Clay Thomas, Brazos Co.	Jerome Williams, TJJJ
Sheri Short, Navarro College	Kaci Singer, TJJJ
Rachel Carrera, LBB	

Call to Order

Chairman Fisher called the meeting to order at 9:01 a.m.

Prayer

Jerome Williams opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Discussion, consideration, and possible approval regarding excused absences

Judge Parker moved to excuse the absences of Dr. Olvera, Ms. King and Judge Brieden. Judge Bush seconded. The motion passed.

Public Comments

There were no public comments.

Discussion, consideration, and possible approval regarding the May 29, 2015 board meeting minutes

Commissioner Smith moved to approve the May 29, 2015 meeting minutes. Judge Parker seconded. The motion passed.

Discussion, consideration, and possible approval regarding the July 1, 2015 board meeting minutes

Mr. Stephens moved to approve the July 1, 2015 meeting minutes. Mr. Matthew seconded. The motion passed.

Report from the Executive Director

Mr. Reilly took a moment to introduce the Probation Chiefs present at the meeting; Estela Medina from Travis County, Doug Vance from Brazos County and Adeska Barnes from Jasper County.

Mr. Reilly stated that since the last board meeting, SB 1630 passed, session ended and staff spent a good amount of time this summer planning implementation of legislation and other agency initiatives. The agency had a Post Legislative Conference in July to discuss how the system is affected and in

connection with that conference also held a Budget Workshop to discuss the revised state financial assistance contract with the field.

Senate Bill 1630 by Senator Whitmire requires TJJ to finalize a regionalization plan by August 31, 2016. At the heart of regionalization is keeping more adjudicated youth within their home regions, including by accessing available local post-adjudication facility capacity and provider residential services. The regionalization plan itself will include sufficient mechanisms to divert 30 juveniles from TJJ commitment in FY 2016 and 150 in FY 2017. A task force of stakeholders will gather to work with the agency to establish details and timelines for implementation. Staff are focused on specifics such as defining population for this funding, reimbursement rates, appropriate performance measures, regional locations – both county and private, using common definitions for programs and services across the system, and many other details.

Additionally, under SB 1630, beginning in FY 2018, the commitment of youth to TJJ will be limited to determinate sentenced offenders unless the court determines that the youth has behavioral health or other special needs that cannot be addressed within the youth's home community.

TJJ is also required to establish a new division to administer the regionalization plan and monitor program quality and accountability. Staff are working on job descriptions, and anticipate hiring three regional administrators and a planner to support the effort. This division will work within the current Probation and Community Services division. Jobs will be posted in September.

Also mentioned in SB 1630 is the direction to consider repurposing options for the state facilities as the population in state facilities declines due to the regionalization effort.

The State Programs and Facilities division will be conducting a comprehensive review of current physical plant issues, infrastructure, staffing, and programming at all high restriction and halfway house locations. The purpose of this initiative is to better utilize state facilities to provide unique and customized programming at each location, based on population, community based opportunities, and physical plant factors. Staff are thinking about how facilities could be better utilized to serve kids throughout the system, not just on the state side. These ideas are due mid-September and staff are looking forward to seeing what ideas will be generated from this exercise. Staff will keep the board

apprised as these ideas unfold. Of course, all proposals must be evaluated within budgetary, statutory, and policy constraints.

The Youth in Custody Certificate Program is operated by Georgetown University Center for Juvenile Justice Reform's Program. It focuses on high end kids in state systems. Many years have been spent on prevention and diverting kids on the front end of the system. This particular program focuses on the kids that remain in the state systems across the country that are considered the deep end most challenging kids. The study is designed to provide agency leaders with a better understanding of serious, high-risk juvenile offenders, and to help guide staff through implementation of systemic change that will improve outcomes. The program includes the development and implementation of a capstone project that the team will complete over the next year or so. A team of staff went to D.C. for this project and came back full of ideas and ready to fully develop and implement the capstone project. The focus of this project will be increasing the flexibility of scheduling for some youth in our system.

Mr. Reilly updated the board on his recent travel activities.

Mr. Reilly updated the board on population, which since January, has increased eight percent in residential average daily population. This increase is predominately driven by an increase in determinate sentence commitments, which will have a more lasting impact on population figures. Through the end of July, FY 2015 new commitments to TJD were higher by a total of 46, or 6.5%, compared to the same period in FY 2014. However, this is the new impact of a decrease early in the year followed by a larger increase: since January, new commitments were higher in each month than in the same month in FY 2014, by a total of 69 (16%). Determinate sentence commitments alone were higher through the end of July than in FY 2014, by a total of 40 (52.6%), which will have an ongoing impact on residential population. Of note, there was a decrease in adult certification dispositions over the same period that was of a similar magnitude. Indeterminate sentence commitments were higher by 6 (1.0%). Other, parole-related admissions were higher by a total of 19 (13%). In response to a question asked by Chairman Fisher, Mr. Reilly stated this increase in population appeared to be a trend in Dallas and Houston. He said this is certainly an issue that will be watched very closely and the Board and leadership offices will be kept informed.

Mr. Reilly informed the Board that the 17-member executive management team met for a day last month discussing how to be a more cohesive team and how to interact more meaningfully across divisions. There is a planned follow up retreat, for a day and a half in November, to spend time developing the agency's common vision and mission.

Over the last few months, it has become clear that what was called the Executive Director's Report reported primarily on state operations. Jim Hurley, Communications Director, has done a wonderful job collaborating with counties to receive stories to provide a more balanced and reflective representation of who the agency is today – one agency administering one system. The Texas Juvenile Justice Today will replace the Executive Director's Report.

Staff are beginning to update the agency website. It has been noticed that several of the board biographies listed are outdated. You can expect an email from Jim Hurley in the coming weeks to update and review these.

Rebecca Walters, former Director of Integrated State Operated Programs and Services, has joined the executive team to focus on a number of key areas important to the agency and the direction the agency is headed. With the many initiatives before the agency, the agency will benefit from having someone with intimate and frontline knowledge of the system that is removed enough from daily operations to be able to explore new approaches to familiar challenges. Rebecca will continue to directly manage the Central Placement Unit and will assume management responsibilities for Youth Services Contracts. In addition, Rebecca will begin reviewing ways the agency can reduce or consolidate the myriad reporting and documentation requirements that have evolved over the years, particularly affecting positions which have primarily direct care/treatment responsibilities

Lastly, Mr. Reilly announced the departure of Amy Lopez, Superintendent of Education Services. She submitted her resignation a few weeks ago to take a job with TDCJ's Windham School District. Luther Taliaferro, former Assistant Superintendent, has been named as Interim as a decision is made on a permanent replacement.

Report from the Advisory Council

Estela Medina, Chair of the Advisory Council, provided the board with an updated contact list for the Advisory Council members.

Ms. Medina reported the councils work with TJJD regarding the proposed budget structure, review and recommendations regarding the use of validated risk and needs assessments, and the Regionalization Task Force Group.

Ms. Medina stated that the Advisory Council respectfully recommends to the Board, that the process in place for the appointment and terms for the Advisory Council Members remain in effect within the parameters of the current statutory requirements.

The subcommittee continues its work on the Texas Administrative Code standards Chapter 341 which includes a review of the subsections regarding assessments and screening, data collections, restraints, case plans and case management.

The next meeting for the Advisory Council is scheduled on October 21, 2015 in College Station, Texas.

Legislative implementation update

Carolyn Beck, Governmental Relations Specialist, reported the 84th Legislature filed about 6500 bills and resolutions this session and about 24% of those passed. Immediately after the session ended, staff began planning the Post Legislative Conference that was held in San Antonio. Staff also began planning for regionalization as required by SB 1630.

The agency is currently in the process of: transferring the Corsicana State Cemetery to the Corsicana State Home Alumni Association, modifying preservice training and on the job training requirements, working with Health and Human Services on a new process for suspending and reinstating health care benefits for youth in juvenile facilities, establishing graduation committees at each of the five secure facilities to determine if youth are qualified to graduate from high school, and starting to update the hearings manual and other legal documents to reflect changes in the penal code and the code of criminal procedure.

In addition to that, there were seven bills that passed that involved work groups or advisory councils of which TJJJ is part.

There were 16 bills that affect all state employees related to hiring and benefits that involve the agency updating the new employee orientation, human resources guidelines, and personnel policies and forms.

There were 16 bills that affect all state agencies related to purchasing, contracts, open records, rules adoptions, website compatibility, and the State Office of Administrative Hearings and the Administrative Procedures Act.

In response to a question by Chairman Fisher, Mr. Reilly announced that Dr. Desai would be the agency lead person for the Mental Health Task Force.

Report from the Inspector General

Roland Luna, Chief Inspector General, began his report for the OIG summary indicators for the Incident Reporting Center. The OIG criminal investigations submitted to prosecution shows a decrease in every category except for contraband. There has been a rise in contraband. Not because of the quantity in the secure environment. The canine team has simply been more active. There were 430 TJJJ active directives to apprehend issued, 31 OIG apprehensions, and 262 apprehensions by other agencies.

For the investigative life cycle, the average number of days to receive, evaluate and assign remain at 1, the average number of investigative days is 36, the average number of days for intake decision in 22, the average number of days for final disposition is 80 for a total life cycle of 139 days for submission to prosecution. The total number of room searches for the year is 4.411.

OIG hosted the Texas Violent Gang Task Force Quarterly Summer Meeting and provided training on how to build an effective security and gang intelligence program.

OIG was invited to provide training at the National Association of Inspectors General. The focus was how to build an effective Office of Inspector General and how to use social media to develop investigations.

OIG provided the keynote address at the Sam Houston State University Correctional Management Institute of Texas's Drugs Impact Conference.

OIG Conducted 2,135 youth status checks and 9,357 visitation background checks.

OIG continues to do good work in the Safety and Security Advisory Committee. The two committees that make up the advisory committee are the Critical Incident Review Committee and Use of Force Improvement Committee.

The Board recessed for a 10 minute break.

Report from the Trust Committee

Jimmy Smith, Chair of the Trust Committee, reported all committee members were present. Discussion in the committee included possible leases for the Parrie Haynes and Wende Trust property, liability insurance for the Board, staff report on activities of the trusts, John C. Wende and Parrie Haynes budget and investment policy and strategy.

Discussion and possible approval to negotiate the terms of a new lease at the Parrie Haynes Ranch and authorize the board chairman, on behalf of the board, to take action regarding a lease between TJD and the Boys & Girls Club of Central Texas, and any subleases

Jill Mata, General Counsel, reported the Parrie Haynes Ranch contains two tracts of land in Bell County, Texas. The Parrie Haynes Trust currently leases both of these tracts to the C5 Youth Foundation of Texas. C5 subleases the smaller tract to Spotted Horse Livery (SHL) to use as an equestrian center. The lease with C5 terminates on March 31, 2018.

The Trust has received interest in the Ranch from the Boys and Girls Club of Central Texas to build new buildings and bring more of their programming to the Ranch. The Boys and Girls Club has also stated they would like to sublease to both C5 and SHL so that both entities may continue their current operations at the Ranch, alone, and in conjunction with Boys and Girls Club activities.

The Boys and Girls Club serves about 18,000 youth in the region each year. They have already been utilizing the Ranch for some activities, working with C5. Leasing the Ranch to the Boys and Girls Club will

(1) give them the opportunity to make capital improvements to the property so they may increase the number of youth that can be served by participating in activities there, (2) alleviate the difficulties the Trust has experienced in the past under the current lease arrangement, and (3) allow the Trust the opportunity to enter into a more profitable, clear, and secure agreement.

Based on the conversations the Trust Committee the previous day, a revised resolution was presented to negotiate the terms of the new lease for the Parrie Haynes Ranch in accordance with the direction provided by the Trust Committee members and authorize the Board chairman on behalf of the Board to take action regarding the lease between TJD and the Boys and Girls Club of Central Texas and any subleases. In response to a question by Chairman Fisher, Ms. Mata confirmed that C5 was in agreement with this change. Ms. Mata discussed the agreement of \$5,000 per month for a 15 year lease with two 5 year extensions. The issues that came up for the Trust Committee was that the Trust experience full profit from that amount of money and that any expenses that the Trust experiences, officer and director insurance, be billed separately among each Trust. Discussion ensued regarding the insurance.

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

Discussion of 2015 Wende Trust property appraisals and possible approval to renegotiate the present lease with McDonald's Corporation for the property located at 1209 Barton Springs Road

Chairman Fisher explained that the property on Barton Springs Road in Austin is currently leased by McDonald's Corporation and totals about 1.5 acres. The appraisals for the property were grossly understated. McDonald's approached the Trust with a proposal to enter a new lease and submitted an appraisal of the property as \$1,600,000. TJD, on behalf of the Trust, went through the General Land Office to obtain a separate appraisal that came back at \$3.6 million just for the McDonald's portion or the property, roughly over \$6 million dollars total for the 1.5 acres. McDonalds' current lease expires in 2024. Ms. Mata stated staff is requesting approval to renegotiate the present lease with McDonald's Corporation.

Ms. Mendoza moved to approve the resolution. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2016 budget

Emily Anderson, Director of Fiscal Affairs and Budget, reported the proposed FY 2016 budget for the two trusts. Budgeted expenditures are within the revenue and balances. The primary changes from the estimated 2015 activity are related to budgeting for possible increases in education assistance and possible miscellaneous expenditures referred to as other operating. Staff requests your approval of the budgets.

Mr. Matthew moved to approve the budgets. Mr. Riley seconded. The motion passed.

Discussion and possible approval to purchase director and officer liability insurance for the board acting in their capacity as trustees of the John C. Wende and Parrie Haynes trusts for FY 2016

Ms. Mata reported that at the direction of the Board, a directors and officer's liability insurance policy for the members of the Board in their capacity as trustees of the Parrie Haynes and John C. Wende Trusts was obtained. This policy covers all of the TJD Board members by name, solely concerning acts within the capacity of trustee duties, and excludes TJD itself from coverage. The policy also includes provisions for the insurance company to pay on behalf of the insured, creates a duty to defend, and includes a spousal extension. This policy will renew the policy in place, and change the names of the Board members to accurately reflect the current members of the Board. Staff requested approval to purchase director and officer liability insurance for the Board acting in their capacity as trustees of the John C. Wende and Parrie Haynes trusts for FY 2016.

Mr. Shaw moved to approve the resolution. Judge Parker seconded. The motion passed.

Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2016 investment policy and strategy

Mike Meyer, Chief Financial Officer, clarified that the proposed budgets for the two trusts the Board approved does not include the CDs about to be discussed. The Board has opted to use the Public Funds Investment Act standards for the cash assets and the two trusts which mean zero risk. Staff are not recommending any changes for FY 2016. Chairman Fisher stated that the consensus of the committee was to maintain zero risk.

Mr. Shaw moved to approve the resolution. Mr. Matthew seconded. The motion passed.

Report from the Finance and Audit Committee

Calvin Stephens, Chairman of the Finance and Audit Committee, reported the committee met with one member absent, Jane King. Items presented will be heard by the Board.

Discussion, consideration, and possible approval regarding the JCMS 2013 Resource Sharing Addendum Amendment No. 3

Lisa Capers, Senior Director of Training and Organizational Development, reported TJJJ has come to the Board twice before with amendments to this agreement. Staff is requesting approval for this third and final amendment to this agreement that will extend the agreement through the end of the year.

Mr. Stephens moved to approve the resolution. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00.

Mr. Meyer stated per policy, any contract exceeding \$500,000, and any other contract deemed appropriate for Board approval, will be presented to the Board.

The discussion in the committee meeting yesterday included how the total of the not-to-exceed amount in the FY16 column is more than the amount the agency has available for residential placement. Also discussed was the increase from FY15 to FY16. On the second point, the agency has additional funds available to increase the use of contract beds so there would be an increase regardless. The rest of the increase is due to trying to maximize flexibility between the contracts. So room is built in for that flexibility. The not-to-exceed amounts gives the flexibility to manage those dollars. Chairman Fisher stated the dollars in the not to exceed amounts cannot be exceeded. Mr. Stephens stated that he wants to be clear that the agency does not reach the not to exceed amounts and that the Board be informed before it gets to that point. Mr. Meyer stated he would report at future meetings, where the agency is with these contracts.

Other one-year contract renewals: Department of Information Resources \$2.6 million, State Office of Risk Management \$4.2 million, and Consolidated Telecom \$507,378. Chairman Fisher asked how long

the agency's contract is with Consolidated Telecom and if they are the only provider available. Mr. Meyer said he would get this information.

The largest contract renewal for the agency is the University of Texas Medical Branch \$10.1 million. Chairman Fisher said there has been aggressive management of this contract.

In response to a question by Mr. Matthew regarding residential contracts for Pegasus and Gulf Coast Trades Center, Rebecca Walters, Director of Youth Placement and Program Development, stated that Pegasus has been a great provider for the agency to use for young offenders. Gulf Coast Trades Center has been used as a transition for youth who start in high secure facilities. Staff have maintained a lot of flexibility in the Central Placement Unit so when youth are found to best belong in a program, we'll find a way to get them in that program.

Mr. Stephens moved to approve the resolution. Commissioner Smith seconded. The motion carried.

Discussion, consideration, and possible approval regarding the FY 2016 Operating Budget

Mr. Meyer clarified that appropriations and the operating budget are built around projected populations. What is essentially done to accommodate the higher population at the start of the year is to operate a deficit the first few months and then make up for it when the population drops. In response to a question by Chairman Fisher, Mr. Meyer stated that feedback from leadership offices has been thankful for letting them know and that they too are concerned with what the impact will be on the agency's operational costs. Chairman Fisher stated that he thinks it will be a good thing to do some research to see if this is a national trend, a trend in our region or if Texas is the only one this is happening with.

Ms. Anderson stated this year's budgeting process was an intense one that relied heavily on the input of directors and managers and other staff across the agency. The process utilized to develop this budget provided directors and managers with valuable historical spending patterns as well as detailed operating budgets. Ms. Anderson then walked through each goal of the proposed budget.

The budget before the Board is within the boundaries of the agency's legislative appropriations while providing the ability to accomplish its mission. There is, however, very little room for error and virtually no room to explore special projects or unmet needs. Careful budget management and continuous efforts to recognize operational efficiencies may allow reallocation of resources to realign some of the budgetary pressures.

In response to a question by Chairman Fisher, Ms. Anderson confirmed there is little room in the operating budget for error.

Mr. Shaw moved to approve the budget and resolution as presented. Ms. Mendoza seconded. The motion carried.

Acknowledgement of Gifts

Mr. Meyer stated the Board is required to acknowledge gifts over \$500 in a public meeting. Ms. Maria Session, a Case Worker with the Schaeffer Halfway House, donated a stationary bike to promote health and wellness. In response to a question by Mr. Stephens, Mr. Meyer stated he believed that agency staff probably assessed the value of the bike but that he would confirm and ensure that the agency is doing what is legally required for accepting gifts.

Judge Parker moved to acknowledge the gift. Judge Bush seconded. The motion carried.

Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9901 - 380.9911, relating to Youth Records, in the Texas Register for a 30-day comment period

Kaci Singer, Staff Attorney, stated as part of the agency's rule review process, the Office of General Counsel has completed its review of assigned rules related to Youth Records at State-Operated Programs and Facilities. As a result, staff recommended several revisions as outlined in the prepared materials. Staff requested the Board's approval to publish the proposed rule revisions and repeals in the Texas Register for public comment.

Mr. Shaw moved to approve submittal of the proposed rule for public comment. Mr. Matthew seconded. The motion carried.

Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9931 - 380.9933, relating to Youth Funds, in the *Texas Register* for a 30-day comment period

Mr. Meyer stated the review of these rules was motivated by an internal audit in 2013 that found that the agency needed to clarify procedures for transferring student funds when a youth was transferred to adult prison. When staff reviewed the rules, other non-substantive corrections and clarifications were found that needed to be made. The most substantive change is that when a youth is released, instead of providing them with \$10 the agency will now provide them with \$15.

Judge Parker moved to approve submittal of the proposed rule for public comment. Mr. Shaw seconded. The motion carried.

Discussion, consideration, and possible approval regarding the Interstate Compact for Juveniles Audit 15-6

Eleazar Garcia, Chief Internal Auditor, stated the objective of the Interstate Compact for Juveniles (ICJ) is to facilitate the transfer and supervision of juveniles who are on parole or on probation that move to or from the state. The expenditures on ICJ credit cards are supported and accurately recorded. Controls could be strengthened in the following areas: Establishing guidelines to ensure proper handling when a youth referral is not received, strengthening oversight for completion of home evaluations and progress reports, and establishing segregation of duties over use of the ICJ credit card.

Ms. Mendoza moved to approve the audit. Mr. Shaw seconded. The motion carried.

Report from the Safety & Security Committee

Judge Parker stated Chief Roland Luna provided his report. The committee heard from Teresa Stroud, Senior Director of State Programs and Facilities, regarding the facility report card and the PAWS expansion project.

Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.9709, relating to Youth Search, and §380.9710, relating to Entry Search, in the Texas Register for a 30-day comment period

Ms. Stroud presented the rule review for 380.9709 concerning youth searches and 380.9710 concerning entry searches. Staff took a great deal of input and discussion on these particular rules and the agency's priority on these rules is in the interest of safety and security.

In terms of a youth Search, staff recommended that the rule include the following exceptions to the general requirement that the staff member conducting a pat-down or strip search must be the same gender as the youth being searched: cross-gender searches are allowed in exigent circumstances (which are defined as any set of temporary and unforeseen circumstances that require immediate action to combat a threat to the security or institutional order of a facility); and limited by consideration of facility and staff safety and security, TJJJ will honor the preference of a youth to be searched by a male or female staff member if the youth self-identifies as transgender or intersex and that identification is supported by collateral assessment processes. This rule will no longer include step-by-step processes for conducting pat-down searches and strip searches. Those will be addressed in internal procedures.

In terms of entry searches, staff recommended that the rule include the following exceptions to the general requirement that the staff member conducting a pat-down search at the entry point of a TJJJ facility must be the same gender as the person being search: cross-gender pat searches are allowed when it is not possible for a same-gender staff to conduct the search due to facility and staff safety and security; and limited by operational consideration and by facility and staff safety and security, TJJJ will honor the preference of a person to be searched by a male or female staff member if the person self-identifies as transgender or intersex. The list of prohibited items will be deleted from the rule. The rule will no longer include step-by-step processes for conducting pat-down entry searches. These processes will be addressed in TJJJ's internal procedures.

Judge Parker moved to approve submittal of the proposed rules for public comment. Judge Bush seconded. The motion passed.

Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9951 and 380.9955, relating to Juvenile Correctional Officers, in the *Texas Register* for a 30-day comment period

Ms. Stroud stated this rule review is relating to training of Juvenile Correctional Officers and staffing requirements. Recently passed legislation allows the agency to reduce the amount of training JCOs receive before assuming sole-supervision responsibilities from 300 hours to 240 hours. Ms. Stroud pointed out a few of the changes made, which are reflected in the materials.

Mr. Shaw moved to approve submittal of the proposed rules for public comment. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions to 37 TAC §343.236 and §343.238, relating to Secure Storage Areas and Hazardous Materials

James Williams, Senior Director of Probation and Community Services, stated these rules have been posted in the Texas Register for public comment and there were no comments received.

Judge Parker moved to adopt the rules. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 343, relating to standards for secluding residents from the general facility population

Mr. Williams identified this as a hot topic and recognized Doug Vance, Chief Probation Officer for Brazos County, for his work and dedication on the Advisory Council subcommittee for reviewing these rules. These rules were posted for public comment, there were public comments received. The public comments were thoroughly reviewed by the Advisory Council subcommittee and General Counsel. The comment period is over. The changes are not of the nature that would require re-posting.

Judge Parker noted that the committee does recommend the Board adopt the final rules and moved to adopt the rules. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers- Default judgment orders

- a) **Hiran Emigdo Cruz; 15-24053-150072; 24053 (Cameron)**
- b) **Ricardo Gonzales; 15-27102-130234; 27102 (Webb)**
- c) **Edelmiro Silva Lopez; 15-29116-150072; 29116 (Cameron)**
- d) **Carlos Sanchez-Caballero; 15-28427-150072; 28427 (Cameron)**

Ms. Singer stated all officers were given notice by law, as required, and none responded. Staff requests you approve the default judgment order against these officers revoking their certification.

Judge Bush moved to approve the default judgement order. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed orders

- a) **Macarthur Eaglin; 15-26900-130168; 26900 (Bexar)**
- b) **Chasity Myles; 15-27641-140300; 27641 (Gregg)**

Ms. Singer presented agreed orders for certified officers. Judge Parker recused herself from the vote on the agreed order for Macarthur Eaglin. Judge Bush moved to approve the agreed order for Macarthur Eaglin. Mr. Matthew seconded. The motion passed.

Commissioner Smith moved to approve the agreed order for Chasity Myles. Judge Bush seconded. The motion passed.

Report from the Programs Committee

Chairman Fisher announced that due to Dr. Olvera having requested to be replaced on the Board, he has asked Riley Shaw to now chair the Programs Committee.

Mr. Shaw stated that the Programs Committee met and received a very comprehensive update from Dr. Desai as a Medical update. They also received a comprehensive update from Education.

Discussion, consideration, and possible final approval of revisions and rule review within 37 TAC Chapter 347, relating to Title IV-E Federal Foster Care Programs

Mr. Williams stated the purpose of this is to strike the rules since they are in the rules with the Department of Family and Protective Services. It was posted for public comment, there were none received.

Mr. Shaw moved to adopt the final rule. Mr. Matthew seconded. The motion passed.

The Board recessed for closed executive session at 11:09 a.m.

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) **Discussion regarding personnel matter and impact of GAA SB 2 authorized salary adjustments**

The Board reconvened in open session at 11:30 a.m.

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

Chairman Fisher stated that the legislature raised the cap for the salary of the executive director. It should be noted that when Mr. Reilly, accepted the executive director position, he took a significant cut in salary to do so. The Board wants to increase his salary to \$192,556 annually, now that the legislature has raised the cap. This will restore some, but not all of his previous salary. This is an attempt to put his compensation on par with the chiefs to which he provides oversight.

Judge Parker moved to approve the resolution. Mr. Shaw seconded. The motion passed.

Chairman Fisher announced that the next Board meeting scheduled for October is being moved to November 12 and 13, 2015.

Adjourn

The meeting adjourned at 11:32 a.m.