



**MINUTES OF THE
TEXAS BOARD OF PARDONS AND PAROLES
BOARD MEETING
(VIDEOCONFERENCE/TELECONFERENCE)
THURSDAY, AUGUST 13, 2020**

REGULAR SESSION

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, August 13, 2020 at 9:00 a.m. via videoconference and the public access to the meeting was made available through teleconference.

Central Office, 8610 Shoal Creek Blvd., Austin, Texas;
Amarillo Board Office, 5809 S. Western, Suite 200, Amarillo, Texas;
Angleton Board Office, 1212 N. Velasco, Suite 201, Angleton, Texas;
Austin Board Office, 4616 W. Howard Lane, Suite 200, Austin, Texas 78728;
Gatesville Board Office, 545 State Hwy. 36 Bypass N. Suite A, Gatesville, Texas;
Huntsville Board Office, 1022 Veterans Memorial Pkwy., Huntsville, Texas;
Palestine Board Office, 133 E. Reagan St., Palestine, Texas; and
San Antonio Board Office, 2902 N. E. Loop 410, Suite 206, San Antonio, Texas.

BOARD MEMBERS PRESENT

David Gutiérrez
D'Wayne Jernigan
Carmella Jones
James LaFavers
Brian Long
Ed Robertson
Fred Solis

COMMISSIONERS PRESENT

Elodia Brito
Lee Ann Eck-Massingill
Ira Evans
Mary Farley

Board Meeting No. 20-0813

Troy Fox
Tony Garcia
Raymond Gonzales
Paul Kiel
Tracy Long
Marsha Moberly
Anthony Ramirez
Wanda Saliagas
Charles Speier
Roel Tejada

OTHERS PRESENT

Bettie Wells, General Counsel
Tim McDonnell, Chief of Staff
Jessica Dillard, Board Administrator
Rachel Alderete, Director of Administrative Support
Terence Hall, System Analyst, IT
Estela DeHoyos, Program Supervisor

CONVENED – TEXAS BOARD OF PARDONS AND PAROLES

Presiding Officer (Chairman) David Gutiérrez convened the meeting of August 13, 2020 at 9:00 a.m. in accordance with Chapter 551, Texas Government Code, Open Meetings Act. After roll call, the Chairman stated a quorum was present and declared the meeting open.

RECOGNITIONS

Chairman Gutiérrez recognized the Board Members and Parole Commissioners present.

Chairman Gutiérrez recognized Joseph William Lange and shared some of the contributions Mr. Lange made to the Board of Pardons and Paroles over the span of twenty-five years of service. Mr. Lange passed away July 1, 2020 due to COVID-19.

Chairman Gutiérrez recognized the employees that have retired. (*ATTACHMENT A*)

CONSENT ITEMS

Chairman Gutiérrez stated the Board had an opportunity to review the Consent Items listed on the agenda prior to the meeting and asked if there were any objections. Hearing no objections, the Board approved the minutes from the May 21, 2020 Board Meeting.

CHAIRMAN’S REPORT

Chairman Gutiérrez provided an update on the agency since the last Board Meeting, specifically as it relates to the COVID-19 pandemic, measures the agency continues to follow to reduce non-essential in person contact, and agency budget. He also discussed other paroling authorities coping with the pandemic.

The Chairman stated the agency tested approximately 260 employees for COVID-19 of which 13 individuals tested positive. Of the 13 positive cases, 11 employees recovered, one is currently quarantined and doing well and there was one death. Also, three employees are in quarantine due to close contact with someone who was positive. The Chairman acknowledged the efforts of Board Members, Directors and Regional Supervising staff for keeping a focus on employee safety and also the Mission of the Board.

The agency continues to follow the measures previously implemented to reduce non-essential in person contact, including Telecommuting and Tele-Conferencing/Video-Conferencing for conducting interviews as well as Preliminary and Revocation Hearings. The measures have proved to be very successful in promoting social distancing. Looking past the pandemic, the agency may continue telecommuting for certain positions to reduce lease footprint and provide savings to the state. The Chairman thanked the Board's IT Manager, Terence Hall, and his team for providing the needed equipment and services to employees telecommuting.

As it relates to the agency's budget, the Chairman and the Executive Team have closely observed spending to ensure the agency is fiscally responsible. Vacant positions are carefully examined before filling and travel expenditures was reduced. Also, due to the Governor's and Legislative Budget Board's (LBB's) request for a five percent decrease in this year's and next year's expenditures, difficult decisions were made. The Board will continue to be prudent with fiscal decision making.

The Chairman stated he and Timothy McDonnell, Chief of staff, participated in a conference call with other paroling authorities throughout the country encountering some of the same issues as Texas. Agencies were directed to reduce budgets, employ telecommuting, utilize video-conferencing and continually re-examine practices that have been in play for years. Plans are to continue this on a regular basis. The Board continues to closely follow COVID-19 developments and stands ready to make future adjustments as necessary.

**DISCUSSION AND CONSIDERATION OF LEGISLATIVE APPROPRIATIONS REQUEST (LAR)
(ATTACHMENT B)**

Chairman Gutiérrez introduced Kyle Britt, Budget Director, to present the LAR.

Mr. Britt discussed the Board's partial LAR for the 87th Legislature, Fiscal Years 2019 through 2021, which includes the 5% reduction request for Fiscal Years 2020 and 2021. He stated instruction for the next biennium has not been received.

Motions

Mr. Robertson moved to adopt the 5% reduction in the Board's Fiscal Years 2020 and 2021 general appropriations and general revenue related appropriations as requested by the Governor, Lt. Governor and Speaker of the House, as presented.

Mr. Jernigan seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.200 BOARD OF PARDONS AND PAROLES MISSION STATEMENT (ATTACHMENT C)

Chairman Gutiérrez yielded the floor to Bettie Wells, General Counsel, to present for discussion and consideration Board Policy 141.200 Board of Pardons and Paroles Mission Statement.

Ms. Wells discussed the proposed revisions to Board Policy 141.200, which includes a revision to the Policy section to clarify the Presiding Officer determines panel member assignment.

Motions

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL.141.200 Board of Pardons and Paroles Mission Statement, as presented.

Mr. LaFavers seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.201 POLICY STATEMENT ON INTERNAL AUDIT PROCEDURES (ATTACHMENT D)

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL.141.201 Policy Statement on Internal Audit Procedures.

Ms. Wells discussed the proposed revisions to Board Policy 141.201, which include grammatical revisions and a revision to the Procedure section to include a statement clarifying approval of the annual audit plan recommendation.

Motions

Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL.141.201 Policy Statement on Internal Audit Procedures, as presented.

Mr. Jernigan seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.203 USE OF TECHNOLOGY (ATTACHMENT E)

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL.141.203 Use of Technology.

Ms. Wells discussed the proposed revisions to Board Policy, BPP-POL.141.203, which include grammatical revisions, update to the statutory authority and revision to the Procedure section to include language stating the circumstances under which teleconference or videoconference technology may be used.

Motions

Mr. LaFavers moved to adopt the revisions to Board Policy, BPP-POL.141.203 Use of Technology, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.141.400 OFFENDER TRANSFER FROM TDCJ CID TO FEDERAL CUSTODY (ATTACHMENT F)

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL.141.400 Offender Transfer from TDCJ CID to Federal Custody

Ms. Wells discussed the proposed revisions to Board Policy, BPP-POL.141.400, which include a grammatical update.

Motions

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL.141.400 Offender Transfer from TDCJ CID to Federal Custody, as presented.

Mr. LaFavers seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.200 EXTRAORDINARY VOTE (SB 45) (ATTACHMENT G)

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL.145.200 Extraordinary Vote (SB 45).

Ms. Wells discussed the proposed revisions to Board Policy, BPP-POL.145.200, which include grammatical updates and revision to the Discussion section to clarify the offenses that are covered by the policy.

Motions

Mr. LaFavers moved to adopt the revisions to Board Policy, BPP-POL.145.200 Extraordinary Vote (SB 45), as presented.

Mr. Jernigan seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.207 EXTRAORDINARY VOTE (HB 1914) (ATTACHMENT H)

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL.145.207 Extraordinary Vote (HB 1914).

Ms. Wells discussed the proposed revisions to Board Policy, BPP-POL.145.207, which include grammatical updates and revision to the Discussion section to clarify the offenses that are covered by the policy.

Motions

Mr. Jernigan moved to adopt the revisions to Board Policy, BPP-POL.145.207 Extraordinary Vote (HB 1914), as presented.

Mr. Solis seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.270 POLICY STATEMENT ON IMPOSITION OF SPECIAL CONDITIONS (ATTACHMENT I)

Chairman Gutiérrez yielded the floor to Bettie Wells to present for discussion and consideration Board Policy, BPP-POL.145.270 Policy Statement on Imposition of Special Conditions.

Ms. Wells discussed the proposed revisions to Board Policy, BPP-POL.145.270, which include grammatical updates, revisions to the statutory authority and Discussion section to clarify the Board's authority to impose special conditions.

Motions

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL.145.270 Policy Statement on Imposition of Special Conditions, as presented.

Mr. Jernigan seconded the motion, which prevailed when called for a voice vote.

BOARD RULES (ATTACHMENT J)

Chairman Gutiérrez yielded the floor to Board Member James LaFavers, Chair of the Rules Committee to present the rules listed in agenda item #14 and #15.

Mr. LaFavers, as an ongoing review of the Board's rules, discussed the amendments and modifications made to the various rules and presented the rules for adoption.

FINAL RE-ADOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 150, SUBCHAPTER A., SECTION 150.55 CONFLICT OF INTEREST POLICY

Mr. LaFavers stated the Board previously approved the initial re-adoption of the amended rule and it has been more than 30 days since it was posted to the Texas Register. The General Counsel reports that no comments were received.

Motions

Mr. Jernigan moved for the final re-adoption with non-substantive amendments in 37 TAC, Chapter 150, Subchapter A., §150.55 Conflict of Interest Policy.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

RE-ADOPTION WITH AMENDMENTS IN 37 TAC, CHAPTER 148

Mr. LaFavers stated upon review of Chapter 148, the Rules Committee is recommending the Board re-adopt the Rules in agenda item #15 without amendments.

Motions

Mr. Jernigan moved for the re-adoption without amendments, in 37, TAC, Chapter 148, §148.40 Purpose; §148.41 Public Hearings; §148.42 Authority of Hearing Officers; §148.43 Ex Parte Consultations; §148.44 Motions; §148.46 Opinion and Expert Testimony; §148.49 Decisions; §148.51 Scheduling of Hearing; §148.53 Final Board Disposition; §148.54 Releasee's Motion to Reopen Hearing; and §148.55 Procedure after Motion to Reopen is Granted; Time; Rights of the Releasee; Final Disposition.

Ms. Jones seconded the motion, which prevailed when called for a voice vote.

EXECUTIVE SESSION

Chairman Gutiérrez recessed the Regular Session at 9:52 a.m. and convened the Board into Executive Session (closed under Section 551.071 and 508.144b Government Code).

RECONVENE TEXAS BOARD OF PARDONS AND PAROLES

Chairman Gutiérrez convened the Board back into Regular Session at 12:12 p.m. and proceeded with the order of business.

ADJOURNMENT

Having completed all posted items on the agenda, Chairman Gutiérrez adjourned the Board Meeting at 12:12 p.m.

ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 28TH DAY OF OCTOBER, 2020.



DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)