

AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
THURSDAY, NOVEMBER 3, 2016
8:00 A.M.

All agenda items are subject to possible discussion, questions, consideration, and action by the Board of the Texas Department of Motor Vehicles (Board). Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of their consideration by the Board. Presentations may be made by the identified staff or Board member or other staff as needed. The Board reserves the right to discuss any items in executive session where authorized by the Open Meetings Act.

1. Roll Call and Establishment of Quorum

2. Chair's Reports - Chairman Raymond Palacios

- A. Introduction of New Board Member Kate Hardy
- B. Committee Member Appointments
- C. Appointment of a Member to Act in the Absence of the Chair and the Vice Chair Pursuant to Transportation Code, §1001.023(b)(9)
- D. Proposed 2017 Board Meeting Schedule

3. Executive Director's Reports - Whitney Brewster

- A. Awards, Recognition of Years of Service, and Announcements
- B. Performance Measures
- C. Operational Plans
 - Summary of FY 2016 Operational Plan
 - Overview of FY 2017 Operational Plan
- D. FY 2017 Interagency Agreement between TxDOT and TxDMV Update

4. Public Comment

ACTION AND COMMITTEE ITEMS

5. Vice Chair Election

6. Legislative and Public Affairs - Committee Chair Treviño

- A. Agency Process (BRIEFING ONLY)
- B. 85th Legislature - Recommended Legislation Pursuant to Transportation Code, §1001.025

7. Specialty Plate Design - Jeremiah Kuntz
Texas Tough Black (New Vendor Plate)

8. Finance and Audit

- A. Internal Audit Charter Recommendation - Sandra Menjivar-Suddeath
- B. Internal Audit Update- Sandra Menjivar -Suddeath (BRIEFING ONLY)
- Annual Internal Audit Report for FY 2016, TxDMV 17-01
- C. Approval to Modify the November 14, 2013, Resolution Adopting Contract Approval Procedures - Linda M. Flores
- D. Quarterly Financial Report - Linda M. Flores and Renita Bankhead (BRIEFING ONLY)
- E. TxDMV Fund Update (BRIEFING ONLY)

9. Projects and Operations

- A. Facilities Update - Linda M. Flores (BRIEFING ONLY)
- B. Registration and Titling System (RTS) Refactoring Update - Eric Obermier (BRIEFING ONLY)
- C. Enterprise Projects Update - Judy Sandberg (BRIEFING ONLY)

CONTESTED CASE

- 10. Franchised Dealer's Complaint against Distributor under Occupations Code, §§2301.467, 2301.468, and 2301.478** - Daniel Avitia and Michelle Lingo
MVD Docket No. 14-0006.LIC; SOAH Docket No. 608-14-1208.LIC
New World Car Nissan, Inc., d/b/a World Car Hyundai, World Car Nissan; and New World Car Imports San Antonio, Inc., d/b/a World Car Hyundai, Complainants v. Hyundai Motor America, Respondent

RULES - ADOPTIONS

11. Title 43, Texas Administrative Code, Chapter 217, Vehicle Titles and Registration - Jeremiah Kuntz and David D. Duncan

- Amendments, §217.9, Bonded Titles (Proposal Published September 23, 2016 - 41 Tex. Reg. 7467)
- Corrections (Non-Substantive Amendments), §§217.3, 217.28, 217.40, 217.42, 217.45, 217.47, 217.52, 217.54, 217.56, 217.82, 217.84, 217.86, 217.103, and 217.163 (Proposal Published September 23, 2016 - 41 Tex. Reg. 7444)
- New, §217.57, Report of Alternatively Fueled Vehicles (Proposal Published September 23, 2016 - 41 Tex. Reg. 7469)

RULES - PROPOSALS

12. Title 43, Texas Administrative Code, Chapter 218, Motor Carriers

- A. Household Goods Rules Advisory Committee (HGRAC)
Recommendation - Board Member Walker, Committee Chair Jim French, and Committee Member Bill Harbeson
- B. Amendments, §§218.2, 218.13, 218.31, 218.32, 218.52, 218.53, 218.56, 218.59, 218.60, and 218.61 - Bill Harbeson and Jimmy Archer

EXECUTIVE SESSION

13. The Board may enter into closed session under one or more of the following provisions of the Texas Open Meetings Act, Government Code, Chapter 551:

- **Section 551.071** - Consultation with and advice from legal counsel regarding:
 - pending or contemplated litigation, or a settlement offer;
 - a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Government Code, Chapter 551; or
 - any item on this agenda.

- **Section 551.074** - Personnel matters.
 - Discussion relating to the appointment, employment, evaluation, reassignment, duties, discipline, and dismissal of personnel.

- **Section 551.076** - Security devices or security audits:
 - the deployment, or specific occasions for implementation, of security personnel or devices; or
 - a security audit.

14. ACTION ITEMS FROM EXECUTIVE SESSION

15. ADJOURNMENT

The Board will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Board. No action will be taken on matters that are not part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Board members may respond in accordance with Government Code, Section 551.042 and consider the feasibility of placing the matter on the agenda for a future meeting.

Agenda items may be presented by the named presenters or other TxDMV staff.

Pursuant to Sections 30.06 and 30.07, Penal Code (trespass by license holder with a concealed or openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun or a handgun that is carried openly.

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than two days in advance, so that appropriate arrangements can be made. Contact Stacy Steenken by telephone at (512) 302-2380.

I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

CERTIFYING OFFICIAL: David D. Duncan, General Counsel, (512) 465-5665.