

**AGENDA**  
**BOARD MEETING**  
**TEXAS DEPARTMENT OF MOTOR VEHICLES**  
**4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM**  
**AUSTIN, TEXAS 78731**  
**THURSDAY, JANUARY 5, 2017**  
**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

**3. Executive Director's Reports** - Whitney Brewster

- A. FY 2017 Interagency Agreement between TxDOT and TxDMV Update
- B. 85th Legislative Session Update
- C. Awards, Recognition of Years of Service, and Announcements

**4. Public Comment**

**BRIEFING AND ACTION ITEMS**

**5. Finance and Audit**

- A. Internal Audit Division Status Report - Sandra Menjivar-Suddeath (BRIEFING ONLY)
  - Audit Report on Oversize and Overweight Vehicles Permitting - Sandra Menjivar-Suddeath and Derrick Miller (BRIEFING ONLY)
- B. 2016 End of the Year Reports - Linda M. Flores and Sergio Rey (BRIEFING ONLY)
  - Annual Financial Report
  - Annual Report of Nonfinancial Data
- C. 2017 Quarterly Financial Report - Linda M. Flores and Renita Bankhead (BRIEFING ONLY)
- D. Relocation of the San Antonio Regional Service Center - Linda M. Flores and Ann Pierce
- E. Renewal of the Commercial Property Lease for the El Paso Regional Service Center - Linda M. Flores and Ann Pierce

**6. Projects and Operations**

- A. Enterprise Projects Update - Judy Sandberg (BRIEFING ONLY)
- B. Performance Quality Recognition Program Update - Jeremiah Kuntz (BRIEFING ONLY)

**7. Specialty Plates Designs (New Vendor Plates) - Jeremiah Kuntz**

- A. Carbon Fiber
- B. University of Iowa
- C. Colorado School of Mines

**CONTESTED CASE**

- 8. Franchised Dealer's Protest of Manufacturer's Notice of Termination - Daniel Avitia and Michelle Lingo**  
MVD Docket No. 15-0015.LIC; SOAH Docket No. 608-15-4315.LIC  
*Cecil Atkission Orange, LLC, d/b/a Cecil Atkission Chrysler Jeep Dodge, Complainant v. FCA US, LLC, Respondent*

**RULES - ADOPTIONS**

**9. Title 43, Texas Administrative Code, Chapter 215, Motor Vehicle Distribution - David D. Duncan, Daniel Avitia, and Bill Harbeson**

- Rule Review, Government Code, §2001.039 (Notice of Intent Published June 19, 2015 - 40 Tex. Reg. 4012)
- Amendments and Repeals, Subchapters A-J (Proposal Published September 9, 2016 - 41 Tex. Reg. 7011)
- New, §215.160, Duty to Identify Motor Vehicles Offered for Sale as Rebuilt (Proposal Published September 9, 2016 - 41 Tex. Reg. 7011)

**10. Title 43, Texas Administrative Code, Chapter 218, Motor Carriers - Bill Harbeson and Jimmy Archer**

Amendments, §§218.2, 218.13, 218.31, 218.32, 218.52, 218.53, 218.56, 218.59, 218.60, and 218.61 (Proposal Published November 25, 2016 - 41 Tex. Reg. 9246)

**RULES - PROPOSALS**

**11. Title 43, Texas Administrative Code - David D. Duncan**

- Chapter 206, Management Amendments, §206.131
- Chapter 221, Salvage Vehicle Dealers, Salvage Pool Operators and Salvage Vehicle Rebuilders Amendments, §§221.16; 221.53; and 221.73

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

**Carriers** - Jimmy Archer and Bill Harbeson

Amendments, §§218.13, 218.17, 218.56, 218.57, 218.65, and 218.73

Repeal, §218.74, Settlement Agreements

New §218.75, Cost of Preparing Agency Record

**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.