TEXAS DEPARTMENT OF MOTOR VEHICLES

AUTO BURGLARY AND THEFT PREVENTION AUTHORITY

BOARD OF DIRECTORS MEETING

8:00 a.m.
Wednesday,
May 23, 2018

Lone Star Room
Building 1
4000 Jackson Avenue
Austin, Texas

BOARD MEMBERS:

Carlos Garcia, Chair
Tommy Hansen
Ashley Hunter
Linda Kinney
Armin Mizani
Wynn Reynolds
Ken Ross

STAFF:

Bryan Wilson, Director
David Richards, General Counsel

ON THE RECORD REPORTING
(512) 450-0342
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MR. HANSEN: Can I have everybody's attention, please? We'll get started here. For the purpose of the recording, my name is Tommy Hansen. I'm pleased to open the board meeting of the Automobile Burglary and Theft Prevention Authority. Due to the inability of Chairman Garcia to attend, the chair has requested that I serve as acting presiding officer over today's meeting.

The time is eight o'clock straight up. I'm calling the board meeting for May 23 to order. I want to note for the record that public notice of this meeting, containing all items on the agenda, was timely filed with the Office of Secretary of State on Monday, May 14, 2018.

Before we begin today's meeting, please place all cell phones and other communication devices on the silent mode.

If you wish to address the board today during the meeting, please complete a speaker's card at the registration table. To comment on the agenda items, please complete a yellow card and identify the agenda item. If it's not an agenda item, we will take your comments during the public comment section of the meeting.

I'd like to have a roll call now. Board Member Hunter?

MS. HUNTER: Here.
MR. HANSEN: Reynolds?
MR. REYNOLDS: Here.
MR. HANSEN: Ross?
MR. ROSS: Here.
MR. HANSEN: Garcia?
(No response.)
MR. HANSEN: Mizani?
MR. MIZANI: Here.
MR. HANSEN: Kinney?
MS. KINNEY: Here.
MR. HANSEN: And let the record reflect I'm Tommy Hansen and I'm here as well. We have a quorum. I'd also like the record to reflect that Member Garcia is absent today.

So we'll move forward here. I make a motion for approval of the transcript as minutes from the last meeting.

MR. REYNOLDS: I'll make a motion to approve the minutes from the last meeting.
MR. HANSEN: Do we have a second?
MS. HUNTER: Second.
MR. HANSEN: Ms. Hunter.
Public comment. Anybody sign up for public comment today? No.

We have a vote on approval of the minutes. All
in favor?

   (A chorus of ayes.)

MR. HANSEN: All approved. Okay.

Public comment, none.

Comments from the chairman or board members. Do we have any comments from any of the board members?

Anybody?

   (No response.)

MR. HANSEN: None.

I would just like to make one short brief one. As everyone knows what occurred in our area down at Santa Fe, Texas this week, it's something that no person, child or police officer should ever have to deal with. Please keep Officer Barnes in your prayers. He is still not out of the woods by any means whatsoever. And thank you, everyone, for your support. A lot of agencies in this room and a lot of task force members were a party to the actual take-down of this gentleman, and I wanted to make that notation.

Do we have any commendations or congratulations?

MR. WILSON: I'll just go through them.

MR. HANSEN: Mr. Wilson, letter D.

MR. WILSON: We appreciate the fine work that our officers do throughout the state. We never do enough
to say thank you or appreciate. We just want to thank the 
ones that are mentioned in the book. We like to put them 
in the book so there's a permanent record in the state 
archives of the service and we appreciate when the task 
forces take the time to provide this information.

We have retirements and promotions. Lonnie 
Cole retired, Milton "Red" Lehmann, Larry Stover. The 
first one was in Dallas County, the other two in Harris 
County. We also want to thank all the work that Lt. Paul 
Heitzman and Sergio Perez in Brownsville, as well as Chief 
Miguel Rodriguez, City of Laredo. They've been part of 
this task force for years and now they've moved on to 
other positions, and we're very grateful for the work they 
did while they were here.

That's all I have for that, sir.

MR. HANSEN: Okay. Thank you.

Moving on to section number 2.A, discussion of 
the Sunset report. Mr. Wilson.

MR. WILSON: Yes. Just a quick high level. I 
know we sent some to the task force commanders, as well as 
hopefully you distribute that to your command staff, as 
well as other the people involved in your program when I 
send out those commander updates, but also to the board 
I've sent. The Sunset Advisory Commission staff has 
recommended that the DMV, along with ABTPA, be continued
for another twelve years is their finding.

They have two excerpts I put on page 14 of the board book. That was showing some of the barriers that we currently face when we're dealing with motor vehicle theft and burglary but also leads into lots of other crimes and motor vehicle crimes, and so they describe that, and then they came up with a recommendation on page 15 that ABTPA, while it's being continued, should also be allowed to do more motor vehicle -- expanded authority to pursue other motor vehicle crimes. And we don't know what that will look like in the final bill. It will probably involve things like odometer fraud, title fraud, things like that, but we'll have to see what they actually file what it includes.

That's all I have on that, sir.

MR. HANSEN: Do we need to make a motion on that?

MR. RICHARDS: No.

MR. HANSEN: Moving on to B, consider and adopt outline of our strategic plan.

MR. WILSON: On the strategic plan outline, this serves as a basis for our legislative appropriations request, as well as in December we're statutorily required to submit to the legislature a plan of operation. Since we have to do the LAR so early in the year, this serves as
a basis for the outline that we'll use to draft that report to the legislature, and so the staff recommends that you approve the strategic plan outline, understanding that there is going to be a whole bunch of text put around these concepts but you're approving the concepts in this outline.

MR. HANSEN: Based on Mr. Wilson's report, we have a motion. I move that the ABTPA Board adopt the outline for the strategic plan --

MR. WILSON: You have to call for a motion.

MR. HANSEN: I'll call for a motion -- y'all work with me, guys. Strategic plan listed on pages 20 and 21 of the ABTPA Board book as a basis for legislative appropriations request to be used in the development of the 2018 plan of operation.

MR. RICHARDS: Members, we'll need a motion and a second and a vote, please.

MS. HUNTER: I move that the ABTPA Board adopt the outline for strategic plan listed on pages 20 and 21 of the ABTPA board meeting book as the basis for the legislative appropriations request, and to be used in development of the 2018 plan of operation.

MR. ROSS: Second.

MR. HANSEN: Second by Mr. Ross.

Motion to accept. All in favor?
(A chorus of ayes.)

MR. HANSEN: Any opposed?

(No response.)

MR. HANSEN: All right. Moving along here, C. Consider and adopt legislative appropriations request.

MR. WILSON: I've outlined on page 28 of your board book the appropriations request that will be submitted to DMV. Remember, we don't have direct access to the Legislative Budget Board but it goes through DMV as part of their appropriation request. So what we're presenting to you today is at the top line of page 28 is we would like to continue our current funding level of $12.8 million, as described there in the full amount, and then additionally, we'd like to request, ask DMV to include an exceptional item request of $10.2 million down in what's called total exceptional item legislative appropriation requests. I've done the math to show you what is the basis for this, and this is what we will work with the legislature as we proceed. But at this point we're actually adopting a request of $12.8 million and the $10.2 million reflected on this sheet on page 28.

MR. HANSEN: Do we have a motion?

MS. KINNEY: I'd like to make a motion that the ABTPA adopt the legislative appropriations request for FY 2021 biennium of $12.8 million per year in continued
funding, and include the exceptional item request of $10.2 million per year, as listed on page 28 in our book, and further move that the TxDMV submit the request on behalf of ABTPA Board to the Legislative Budget Board.

MS. HUNTER: Second.

MR. HANSEN: Ms. Hunter.

I call for a vote. All in favor?

(A chorus of ayes.)

MR. HANSEN: Any opposed?

(No response.)

MR. MIZANI: One question, Bryan.

MR. WILSON: Yes, sir.

MR. MIZANI: On that page why do we use the 2016 annual loss for the motor vehicle?

MR. WILSON: That's just data to show what the losses are, it's just analytical data, but '16 is the last time the DPS has issued public reports from all police agencies.

MR. MIZANI: How often do they either update that?

MR. WILSON: It's every year but we're always in a lag year, so they go through '16, it takes them most of '17 to provide the data and we got it this year in March, so they're really way behind.

MR. MIZANI: Okay. Thank you.
MR. WILSON: But there's a lot of police reporting agencies they have to go back and verify.

MR. MIZANI: Okay. Appreciate it.

MR. HANSEN: Item D.

MR. WILSON: So then the next item is the legislative changes request, and basically we're just asking for the TxDOT cleanup in our statutory language. Two years ago we asked for criminal violations of the Transportation Code be added to our statute, which is other motor vehicle crimes, and then also to move the ABTPA funds from the general revenue where we have to do some double accounting with TxDMV to move it into the TxDMV Fund, so even if we don't pursue a dedicated account, like we tried in past years and failed, at least our funds will be where they won't necessarily be subject to sweeps and appropriation clean-outs, such as what we have now in the general fund where any money we don't spend just disappears back into the general fund. We at least have, what do you call it, bookmarks or bookends around the funds that they appropriate to us during the time frame.

So what we're asking you today is just to vote on these concepts because we have to work out with individual legislators exact wording, so we can't really adopt wording, we just want to say the ideas represented
in these following pages. So I would appreciate it if you would consider adopting this strategy for the legislative changes.

MR. HANSEN: Do we have a motion on the floor?

MR. MIZANI: I make a motion to adopt item 2.D.

MR. HANSEN: We have motion number 3, did you want to read it?

MR. MIZANI: I move that the ABTPA Board adopt the ideas presented in the legislative change recommendations, presented on pages 30 to 33 in the ABTPA board meeting book. I further move to request that the Texas Department of Motor Vehicles work with legislators to pursue these ideas for change in legislation on behalf of the ABTPA Board.

MR. REYNOLDS: Second.

MR. HANSEN: Second by Mr. Reynolds.

All in favor?

(A chorus of ayes.)

MR. HANSEN: Any opposed?

(No response.)


MR. WILSON: So as we've done in the past several years, we take whatever funds we have in the current year, obligate that into the grants to make sure that we can get full utilization of our funds. Now,
because of the really large cutbacks this year, we had planned, to keep grantees from having to reduce their operating budgets, we planned to have a million dollars in our budget for '18 to use in '19.

So this is a two-part motion that's really critical that we get it right. Also, we have a potential conflict, so what we want to do is make sure that for all of the funds available we obligate these FY18 funds, which is a little over $1.1 million, into the '19 grant awards, and then to adopt the top part of page 36 for the grants that are available, excluding Galveston County. And if you would, we would appreciate support by entering a motion.

MR. HANSEN: Do we have a motion on the floor for 4.A?

MR. REYNOLDS: I move that the ABTPA Board obligate all available FY2018 appropriated balances for FY2019 grants, as outlined on page 35 of the ABTPA board meeting book. I further move that the ABTPA continue funding and extend the FY18 grant into FY19 at the amounts displayed according to the grant award recommendations recommended 2019 award amount, located on the top part of page 36 of the ABTPA board meeting book, with the exception of Galveston County.

MR. RICHARDS: Mr. Chairman, can you note for
the record you're abstaining from this vote?

MR. HANSEN: Yes, I will abstain from the vote -- well, on this one or 4.B?

MR. WILSON: The next one.

MR. RICHARDS: On 4.B.

MR. HANSEN: That will be the next one.

MR. RICHARDS: Just so they know ahead of time.

MR. HANSEN: Do we have a second on Mr. Reynolds's motion?

MS. KINNEY: Second.

MR. HANSEN: Ms. Kinney.

We need a vote. All in favor?

(A chorus of ayes.)

MR. HANSEN: Any opposed?

(No response.)

MR. HANSEN: I will relinquish the floor to Mr. Reynolds and indicate on the record that I abstain from voting on this next item.

MR. WILSON: This is Bryan Wilson, for the record.

So in this case we're taking up Galveston County, an award amount for $469,183 is listed at the bottom of page 36. Appreciate the board considering staff recommendation to make this award.

MR. REYNOLDS: Do we have a motion on 4.B?
MS. KINNEY: I'll make the motion that the
ABTPA Board continue funding and extend the Galveston
County FY18 grant into FY19, according to the grant award
recommendations. I recommend that the 2019 award amount
on the bottom of page 36 of the board meeting book.

MR. REYNOLDS: Do we have a second?

MR. ROSS: Second.

MR. REYNOLDS: We have a motion and a second to
approve the grant recommendations for continued funding
for Galveston County. We'll now take a vote. All those
in favor say aye.

(A chorus of ayes.)

MR. REYNOLDS: All those opposed?

(No response.)

MR. REYNOLDS: Motion passes.

MR. HANSEN: Thank you.

I'll turn it back over to Member Hansen.

MR. WILSON: Number 5 is that we're asking the
ABTPA Board to negotiate budget categories with all the
grantees as just a process issue to make sure that people
who bought equipment last year don't automatically get a
grant to buy all new equipment if we haven't determined
that they have a reasonable need to do so.

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So we would take that motion as number 5, if you would consider that, please.

MR. HANSEN: Motion on the floor?

MR. REYNOLDS: I'll move that staff are authorized to negotiate the category allocation of the grant awards with the grantee agencies.

MR. ROSS: Second.

MR. HANSEN: Mr. Ross.

All in favor?

(A chorus of ayes.)

MR. HANSEN: Any opposed?

(No response.)

MR. WILSON: A few months ago we issued a set of rules affecting -- this is Bryan Wilson -- starting on page 40 we had issued both insurance rules as well as transportation grant related rules. We've had some public comment related to the insurance rules, so we just are going to let those die by lack of action. But these grant rules, I think most of the grantees were in favor and we didn't get any public comment. I checked with Mr. Richards the other day, we've received none. But individually we presented this at our grant webinars and most people are in favor of us loosening the rules a little bit to give up to $1,000, some discretion for the project directors and financial officers.
Staff recommends that we proceed and publish these rules as adopted.

MR. HANSEN: Motion number 6 on the floor?

MR. ROSS: I move that ABTPA Board adopt Title 43 Texas Administrative Code Rule 57.18 that were posted for public comment, as shown on page 41 in the ABTPA board meeting book.

MS. HUNTER: Second.

MR. HANSEN: Ms. Hunter.

Let's have a vote. All in favor?

(A chorus of ayes.)

MR. HANSEN: Any opposed?

(No response.)

MR. WILSON: This is Bryan Wilson, for the record. The next item of business is that we have several contracts -- two contracts that we need to consider budgeting for in FY19 as well as authorizing the DMV to extend the contracts according to the state purchasing rules. The first one is Texas A&M University in the amount of $25,000. It's to continue the maintenance and ongoing operations of our grant tracking system. And then the second is with the Texas Comptroller of Public Accounts which we use their services to do the automatic web file through our insurance companies, and that's for $10,000 each year. And the staff recommends that the
board approve these contract extensions and the budgeted amounts to move forward.

MR. HANSEN: Motion number 7?

MS. HUNTER: I move that the board adopt the extension both for the interagency contract for Texas A&M in the amount of $25,000 for continuation of the grant management system, and the Comptroller of Public Accounts in the amount of $10,000 to provide collections of fees and services for the web filing system.

MR. HANSEN: Motion by Ms. Hunter. Do we have a second?

MR. REYNOLDS: Second.

MR. HANSEN: Mr. Reynolds.

A vote. All in favor?

(A chorus of ayes.)

MR. HANSEN: Any opposed?

(No response.)

MR. WILSON: The next issue is Amica has requested a refund, we've secured all the documents where they made payments, we've reviewed their refund request and compared it against what they're currently claiming, they've submitted their appropriate amended filings with the Comptroller. And so based on their corrected filings and the information we've drawn directly from the Comptroller's payment system, we recommend that we refund
Amica -- or agree with them that they've overpaid their fee assessment in the amount of $180,566.

MR. HANSEN: We have a motion. I'd like to note that Members Ross and Hunter will indicate on the record that they will abstain from voting on the next item.

Do I have a motion?

MR. REYNOLDS: I move that the ABTPA Board adopt the refund request in the amount of $180,566 to Amica Property and Casualty Insurance Company, as displayed on pages 45 to 59 in the ABTPA board meeting book.

MR. MIZANI: Second.

MR. HANSEN: Second by Mizani.

All in favor?

(A chorus of ayes.)

MR. HANSEN: Any opposed?

(No response.)

MR. HANSEN: Mr. Wilson, can you reaffirm to the audience out here that this money does not come out of our budgeted money?

MR. WILSON: That's correct. The money comes directly out of the general revenue fund where all are deposited and it has nothing to do with the ABTPA appropriations.
MR. HANSEN: Thank you.

MR. WILSON: The last item we would submit to request is that what we've been doing, a couple of years ago, after DPS withdrew from conducting the training, we've worked with our task forces, but what we do is pay for the trainers to get to the different locations. So far we've only spent about $4,000 a year but we go ahead and budget, and it's for supplies and trainer travel and things like that to make sure we can uphold the intermediate motor theft investigator training that's sponsored by ABTPA. So we ask you to again budget about $15,000 for that travel, as well as supplies and hard drives or jump drives that we use in these trainings so we don't have to give out books.

MR. HANSEN: Motion on the floor?

MR. MIZANI: I move that the ABTPA Board authorize this travel and support funds in fiscal year '19 up to $15,000 to support the motor vehicle theft investigator training sessions, as displayed on page 69 in the ABTPA board meeting book.

MR. REYNOLDS: Second.

MR. HANSEN: Mr. Reynolds.

We'll have a vote. All in favor?

(A chorus of ayes.)

MR. HANSEN: Opposed?
(No response.)

MR. HANSEN: Passes.

MR. WILSON: The last item I wanted to call note to, the board has made this training available, even though you pay for the supplies and stuff, but this year we'll be holding one of the sessions at the TAVTI conference. There will be a conference registration fee but I just wanted to make sure the board was aware that people who attend that training, while the other ones that we have around the state will be free and no cost other than travel for those individual members, this one, the TAVTI conference will charge $200, but they will be able to participate in all other items of the TAVTI conference. So I just wanted to make sure the board was aware of that; there's no action to be taken on that.

Beyond that, page 73, I just wanted to give you an update of our budget, where we are. We finally closed out all of 2017, we made the final payments and we reconciled everything with the grantees. We still have a final closeout to perform, I believe, but we wanted to let you know that this is the last time you'll see this budget on page 73 for '17, and then from now on it will be '18 and then adding '19 going forward.

We're just still getting new stuff on page 74 related to the board. We'll keep you updated about the
grant management performance training. Our budget adjustments are going fine in the new online system.

Page 76, we're going to be send out to the grantees to encourage them to do "Watch Your Car Month" again in July, so hopefully we'll report back to you again in the fall how that goes and what efforts we made.

And then page 77 you see the wonderful picture about Texas chief of police, we're trying to get in with the Sheriff's Association and TMPA this year and getting our message out and building our stakeholder group. I think 138 chiefs of police asked to be on our distribution list at this conference, so we appreciate that support.

The rest is just for your information, and turned in the border security report to the legislature about a month ago, but it's only the financial, and we've been meeting with LBB about the border security progress reports, and we'll get back to you on that as we learn more. But what we did learn from LBB and the governor's Office, we're a lot different than DPS, in case anybody didn't know that, so we're very different from DPS and their reporting measures and what they do. So we're still struggling with that report but LBB said we're making a good faith effort and they like what we've done so far.

Thank you, commanders, for doing all that, those that participate in the border security.
MR. HANSEN: Can I make a comment on that?

MR. RICHARDS: Yes, sir.

MR. HANSEN: As it pertains to the different associations, TMPA, I've also recently had some communications with CLEAT, Sheriff's Association. If any of you all have communications with that or your local associations, your PD associations, SO associations, it's imperative that you put them in contact with the members of the board or Mr. Wilson because we're going to definitely need any and all of their support and endorsement as we move forward starting today, so it's going to be extremely important that we have those communications.

MR. WILSON: That's all I have, Mr. Chairman.

MR. HANSEN: Do we need to make a motion to accept his report?

MR. RICHARDS: If you want to.

MR. HANSEN: Can we have a motion to accept Mr. Wilson's report?

MS. KINNEY: So moved.

MR. HANSEN: So moved, Ms. Kinney.

Do we have a second?

MR. MIZANI: Second.

MR. HANSEN: Mizani.

We'll have a vote. All approved?
(A chorus of ayes.)

MR. HANSEN: We have nothing for executive session, Mr. Richards?

MR. RICHARDS: No, sir.

MR. HANSEN: No action items.

No public comment?

MR. WILSON: They would have had to sign up ahead of time.

MR. HANSEN: No public comment.

I know this was fast today, but as you well know, we have Sunset hearings today and we hope that many of you and many of the folks at this table will be going down there today to be present for that, so if you can join us at the Capitol, it would be greatly appreciated.

Mr. Wilson, do you have a comment or time window on that?

MR. WILSON: The Sunset Commission starts at nine o'clock, it's will be in the Senate Finance Room at the E.1 level. It will be taking public testimony, as I shared earlier in the meeting, about continuing ABTPA, is it a good idea, yes or no, and then should ABTPA be expanded into other motor vehicle crimes, and any comments that you have. There's no funding issues being discussed, nothing like that, just agree whether ABTPA continues and whether we should be expanded into other motor vehicle crimes.

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crimes. So if you want to go, you can sign up for public comment and then be able to speak to those two issues. Beyond that, thank you for your support and thank you for coming today.

MR. HANSEN: And on that note, we've already been in contact with a number of key legislators and they requested like news stories from their jurisdictional areas, particularly cases involving violence with vehicle crimes, which is almost all of them now, and I cannot stress -- I cannot stress enough that you either forward them to me or forward them to your legislator so they see those stories. We've been doing a lot of that in one area and we've been getting extremely favorable feedback, and if you'll forward them to me, someone at the Governor's Office has requested to start getting those as well. So please keep that in mind as those things hit the press. I get primarily Houston area and some Dallas stuff, so please send those to me.

Unless there's any further business, I'd like to entertain a motion to adjourn.

MR. REYNOLDS: I'll make the motion to adjourn.

MS. HUNTER: Second.

MR. HANSEN: Ms. Hunter.

All in favor?

(A chorus of ayes.)
MR. HANSEN: Let the record reflect that it's unanimous. The time is now 8:32.

(Whereupon, at 8:32 a.m., the meeting was adjourned.)
CERTIFICATE

MEETING OF:     Auto Burglary & Theft Prevention Authority
LOCATION:     Austin, Texas
DATE:     May 23, 2018

I do hereby certify that the foregoing pages, numbers 1 through 28, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Nancy H. King before the Auto Burglary and Theft Prevention Authority.

DATE:  May 29, 2018

/s/ Nancy H. King
(Transcriber)

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