

**AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR ROOM
AUSTIN, TEXAS 78731
THURSDAY, JUNE 6, 2019
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. Pledges of Allegiance - U.S. and Texas**
- 3. Chair's Reports - Chairman Treviño**
- 4. Executive Director's Reports - Whitney Brewster**
Awards, Recognition of Years of Service, and Announcements

CONTESTED CASES

- 5. Denial of Renewal Application, Revocation of General Distinguishing Number, Revocation of Salvage Licenses, and Appeal to SOAH under Occupations Code, §§53.021, 53.022, 53.023, and 2301.251; Transportation Code, §503.038; and 43 Texas Administrative Code §215.88 and §221.112.** MVD Docket Nos. 17-0178350 (GDN Case), 17-0178352 (Salvage Case), and 19-0000505 (Salvage Case), SOAH Docket Nos. 608-18-2228.ENF and 608-18-2229.ENF; *Texas Department of Motor Vehicles, Enforcement Division v. Discount Auto Brokers, LLC* - Daniel Avitia and Heather Pierce
- 6. Licensure Application Denial and Appeal to SOAH under Occupations Code, §§53.021, 53.022, and 53.023; and under 43 Texas Administrative Code §215.88 and §215.89.** MVD Docket No. 18-0189025.ENF, SOAH Docket No. 608-19-0916.ENF. *Texas Department of Motor Vehicles, Enforcement Division v. Brianna Barriga d/b/a Discount Auto Sales* - Daniel Avitia and Brian Coats

RULES - ADOPTION

- 7. Rule Reviews, Government Code, §2001.039** - Tracey Beaver
 - A. Chapter 208, Employment Practices
(*Proposal Published March 1, 2019 - 44 Tex. Reg. 1166*)
 - B. Chapter 209, Finance
(*Proposal Published March 1, 2019 - 44 Tex. Reg. 1166*)
 - C. Chapter 210, Contract Management
(*Proposal Published March 1, 2019 - 44 Tex. Reg. 1167*)

RULES - INFORMAL

- 8. Chapter 215, Motor Vehicle Distribution** - Daniel Avitia
Amendments, §215.88 and §215.89
(Relating to ownership interest in a licensed entity from 50% to any ownership interest, and updating citations and nonsubstantive grammatical changes)
- 9. Chapter 221, Salvage Vehicle Dealers, Salvage Pool Operators and Salvage Vehicle Rebuilders** - Daniel Avitia
Amendments, §221.111 and §221.112
Repeals, §221.113 and §221.114
New, §221.116 and §221.117
(Relating to implementation of Sunset Advisory Commission's Recommendation 4.6 criminal history evaluation and guidelines consistent with Occupations Code, Chapter 53 for salvage industry regulation)

BRIEFINGS AND ACTION ITEMS

- 10. Finance and Audit**
 - A. FY 2018 - 2019 Amendment of Interagency Contract between TxDMV and TxDOT to modify the not to exceed amount from \$1 million to \$1.1 million - Linda M. Flores and Ann Pierce
 - B. Preliminary FY 2020 Annual Operating Budget - Linda M. Flores and John Ralston (BRIEFING ONLY)
 - C. Internal Audit Division Status Report - Sandra Menjivar-Suddeath (BRIEFING ONLY)
- 11. Projects and Operations Committee Update** - Committee Chair John Prewitt (BRIEFINGS ONLY)
 - A. Status Update on Implementation of Management Actions from Sunset Advisory Commission's Recommendations - Whitney Brewster
 - B. TxDMV Organizational Assessment Project (TOAP) - Whitney Brewster
 - C. Workforce Update - Matthew Levitt
 - D. Enterprise Project Management Advisory Service - Sandra Menjivar-Suddeath
 - E. Technology Projects and Roadmap (Software/Hardware Currency Progress) - Mike Higginbotham
 - F. Strategic Planning and Balanced Scorecard - Tom Shindell
 - G. Facilities Update - Linda M. Flores and Ann Pierce

12. Legislative and Public Affairs - Caroline Love (BRIEFING ONLY)
86th Legislative Session Update

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.
 - Discussion regarding TxDMV dispute resolution process and recent EEOC complaints and internal Civil Rights Office complaints.

- **Section 551.076** - Deliberation Regarding Security Devices or Security Audits; Closed Meeting.
 - the deployment, or specific occasions for implementation, of security personnel or devices; or
 - a security audit.

- **Section 551.089** - Deliberation Regarding Security Devices or Security Audits; Closed Meeting.
 - security assessments or deployments relating to information resources technology;
 - network security information as described by Section 2059.055(b); or
 - the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

14. Action Items from Executive Session

15. Public Comment

16. 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. In accordance with 43 Texas Administrative Code §206.22, any person wishing to address the Board must complete a speaker's form at the registration table prior to the agenda item being taken up by the Board. Public comment will only be accepted in person. Each speaker will be limited to three minutes and time allotted to one speaker may not be reassigned to another speaker.

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 Carrie Fortner by telephone at (512) 465-3044.

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

CERTIFYING OFFICIAL: Tracey Beaver, General Counsel, (512) 465-5665.