

Texas Civil Commitment Office



Christy Jack, Chair
Board Members:
Kathryn "Katie" McClure, Vice Chair
Jose Aliseda
Roberto "Robert" Dominguez
Rona Stratton Gouyton
Marsha McLane, Executive Director

Friday, February 23, 2024, at 10:00 a.m.

MINUTES

Board Members Present

Christy Jack, Chair
Jose Aliseda

Katie McClure
Robert Dominguez

Rona Stratton Gouyton

TCCO Staff

Marsha McLane
Jessica Marsh
Hayley Glisson

Brittney Winters
Cathy Drake

Governor's Office

Tamela Griffin

Senator Perry's Office

Rob Callan

Senator Flores' Office

Mike Ward
Luke Owen

Legislative Budget Board

Samantha Brock
Eric Schroeder

Convene the Board of the Texas Civil Commitment Office (TCCO)

Board Chair, Christy Jack convened the meeting at 10:00 a.m. Roll was taken and it was noted that a quorum was present.

Board Chair Report

Board Chair, Christy Jack stated she did not have a formal report.

Executive Director's Report Concerning Program Operations and the Routine Functioning of the TCCO

Ms. McLane began by thanking Cathy Drake for assisting with financial duties until the new finance person starts. She stated Ms. Drake worked for the agency years ago, retired, came back part time, and then recently took on this responsibility. Ms. McLane thanked Ms. Drake again and introduced Kenneth Biddle, who will be starting on March 1st. Mr. Biddle is a CPA (Certified Public Accountant), has worked at numerous state agencies including the Veterans Commission, and is a Navy Veteran.

Ms. McLane stated we are awaiting approval from the LBB (Legislative Budget Board) and the Governor's Office to transfer money from HHSC to pay about \$1.5 million in medical bills from 2023. Last year we had, \$700,070.00 appropriated for medical expenses, and spent over \$3 million. Ms. McLane stated we have received three medical bills this year from MTC, all in for payment, adding up to about \$580,000.00. Ms. McLane stated we were funded \$1.8 million and expenses are already at \$1.2 million in February.

Ms. McLane stated two professors, one from TCU (Texas Christian University) and one from the University of North Texas, who want to do a research study on the clients approached us. They are looking at institutional behavior in the facility and behavior from those already released from civil commitment. We are in the process of coming up with an agreement and are very excited. Christy Jack inquired on getting permission for each client participating in the study, and Ms. McLane stated they will only be pulling statistics, and we are working on how to de-identify the clients' information.

Ms. McLane discussed the case managers requesting death notification training. She stated that TDCJ Victim Services provided the training, making the case managers more comfortable with an uncomfortable situation.

Ms. McLane stated we are working with TDCJ Media Services and the Sex Offender Treatment Program to produce a video on family involvement, how to provide positive family involvement and preventing negative family involvement. Ms. McLane stated we want to get everyone working to get these clients back on the streets with no more victims.

Ms. McLane stated we have completed nineteen compliance reviews since September, which is standard. Next week MTC is going to complete a shakedown and search of the facility. The facility is crowded with a lot of beds and a lot of property the clients should have never had. There is a policy that states how much property a client can have and somehow the amount of property has exploded. Ms. Jack asked who would be conducting the search, and Ms. McLane stated MTC will be doing it. Some clients are upset about the search, but the bottom line is the place needs to be cleaned out because you can barely walk into some of the rooms because they have so much property. Ms. McLane stated there have been a few complaints about treatment stopping, but the clients will continue to receive treatment, the same way they did during COVID. Ms. Jack asked how long the search will be, and how many employees would be taking part in the search. Wayne Schmoker responded the search will be Monday through Friday of one week, and about 20-45 employees will be taking part in the search, possibly upwards of forty-five.

Ms. McLane passed out the daily count, including tier level count, showing there are currently four hundred and seventy two clients in the facility, with tier three being the biggest tier. Ms. Jack asked if that number includes the nine pending from the last board meeting and Ms. McLane confirmed it did. Ms. Jack stated if there were thirty-six individuals awaiting trial and Ms. McLane said yes, as of today. Ms. McLane stated the big unknown is there are around 15-20 people in TDCJ that have been civilly committed and approved for parole, but not have been given a parole date. At any time we could be given a date to pick them up. Mr. Aliseda stated the Parole Board has some flexibility on who they approve for parole, so it might not be a bad idea to let them know about the bed situation. Mr. Dominguez mentioned it is nice to see the tier numbers, especially with tier two and three.

Deputy Director's update on development of agency's strategic plan

Ms. Marsh began by discussing the strategic plan, which is a somewhat new process. Strategic planning is required by Chapter 2056 of the Texas Government Code and is completed in even numbered fiscal years for the subsequent five-year period. Ms. Marsh stated the plan we are currently working on is for FY2025 through FY2029, and once completed will be signed by the Board Chair and Executive Director. The strategic plan is submitted to a wide variety of stakeholders in the state including, the Office of the

Governor, the Lieutenant Governor, the Speaker of the House, the Legislative Budget Board, the State Auditor's Office, as well as the Texas State Library and the Legislative Reference Library.

Ms. Marsh stated the Legislative Budget Board puts out instructions, in coordination with the Office of the Governor, each February which lay out the format of the plan, the items to be included, as well as the statewide goals to be considered. Our plan will go through each of these areas and ensure we are in compliance. The type of information includes: your agency's mission, which can also include your agency's core values and philosophy, a description of the agency's goals and action plan, your main objectives for the next several fiscal years and what steps you are going to take as an agency to achieve those goals. You also have to identify how those goals support the broader statewide goals and objectives. For example, one of the statewide goals and objectives is to be transparent and accountable to taxpayers, and Ms. Marsh suspects that one of the goals in our plan is accountability. Ms. Marsh stated that this is one of the core values in our agency, not only holding the clients accountable, but we as an agency are held accountable as well.

Ms. Marsh discussed examining redundancies that may exist, whether those be statutory redundancies, processes, or something that two different agencies are completing, resulting in essentially the same work. We want to maximize efficiency so we are operating successfully and efficiently as we can. Ms. Marsh stated the strategic plan goes over the agency's budget structure, with an opportunity to request any changes to the agency's budget structure. For example, in previous years our budget was one goal, one strategy, within HHSCs overall budget. This fiscal year and next fiscal year, we were broken out into two separate strategies, client services and administration. If this is something we want to look at changing, this is the process on how we would request that change.

Ms. Marsh discussed the agency's performance measures. The General Appropriations Act lays these out for each agency and dictates what we must report on. We will describe those in more detail and define each of the components, as well as the description on how we have reached that information. For example, we look at caseload and we would describe what we mean when we say who is on our caseload and how do we get this information. We will also describe how we track this information, what stakeholders from across the state need to know when we say our caseload is 472 people, and what exactly this means to others.

Ms. Marsh stated we also have to describe our historically underutilized business plan in our purpose. We utilize the HHSC procurement and contracting services, so we will refer to that. We also have to provide a statewide capital plan if that is applicable for us.

Ms. Marsh stated the big part is the agency workforce plan. This is a workforce development strategic plan, which requires we take a hard look at our staffing allotment and at look at our actual staff. We are looking at our demographics, percentage of staff eligible for retirement, and what are we doing to ensure that the institutional knowledge is being given to staff that are less tenured and less experienced, so we have a succession plan.

Finally, it includes our agency report on customer service, which we last completed about 18 months ago. We are doing a new customer service report and will include it in the strategic plan, which is due to the stakeholders by June 1st.

Ms. McLane mentioned this was a great exercise, and we are working with the Governor's Office to see if we should have our own strategic plan under our agency.

Internal audit update regarding peer review audit and discussion, consideration and possible action concerning adjustment to internal auditor allotted hours.

Mr. Flaherty began by discussing the peer review audit, which state agencies are required to complete every three years. This is completed by an independent audit group from another state agency and ours was conducted by staff from the Board of Criminal Justice and the Department of Motor Vehicles. Their rating was pass – generally conforms, which is the highest rating you can get.

During the peer review audit our policies, practices, and procedures are looked at. They look at whether the agency’s auditor has been adequately trained and whether their position is independent. They also reviewed previous audit work.

Mr. Flaherty stated the audit group did have a few recommendations, including expanding the 200-hour ceiling. Mr. Flaherty stated this has never been an issue and he has been comfortable asking management for additional hours. Mr. Flaherty stated another recommendation was having something that monitors audit activities.

Mr. Flaherty stated the peer review was good and we are in good shape. Ms. Jack asked if the 200 projected hours gave enough time to complete all of the audit work, and Mr. Flaherty confirmed it did. Ms. Jack confirmed that he felt if needed he can always ask Ms. McLane or the Board for additional hours, and Mr. Flaherty stated he has always felt that was the case and nothing has ever come up that would make him think otherwise.

Texas Civil Commitment Center updates concerning building and facility expansion

Dan Marquardt began by stating he is proud of the work MTC is doing at the TCCC and is excited the partnership is growing at the facility. He stated they recently signed a contract expediting the pace at which the final housing unit will be built to increase capacity at the center. The timeline provided up until this point is still on track, which will complete the current housing units that are under construction by June. The new unit that is being fast tracked, which will be built simultaneously, is to be completed within 15 months of the signed date (yesterday). Mr. Marquardt stated he has a lot of confidence we are heading in the right direction.

Mr. Schmoker provided pictures of the new housing areas, covered pavilion, and sheet work. He stated he monitors this daily and is very confident it will be completed in June.

Ms. Jack thanked MTC Executive staff for coming to the Board Meeting and stated often times the staff members of MTC don’t necessarily have the answers to the Board’s questions. She is expecting that this group will have the answers. Ms. Jack inquired as to how many people the structure will house, and requested a copy of the schedule that has been put into place with the construction crew. Mr. Bell stated he would email it over.

Ms. Jack asked if there are any sanctions in the contract for falling behind on schedule, and Mr. Marquardt stated this is a firm MTC has worked with on a number of projects and that although the contract has provisions and clauses protecting MTC, it does not go into further detail.

Ms. Jack stated while the Board appreciates there is some progress being made, the concern is that it was represented the original structure would be completed in February 2020, and we are now more than four and a half years behind. Mr. Dominguez asked if the building shown today would be completed in June 2024 and the second building be completed in June 2025, and Mr. Marquardt confirmed.

Mr. Marquardt stated he wanted to address the Boards frustration and that it has been taken very seriously throughout the process.

Ms. Jack stated the Board's frustrations are not only scheduling, it is individuals coming to the Board meeting, making a representation and not knowing the answers to the Board's questions. Ms. Jack stated as an example that it was represented to Ms. McLane repeatedly that building one and the building two would be built at the same time and the parking lot was low priority, although it's now completed. Ms. Jack stated she can't explain how important bed space is and the complications that this will cause throughout the facility, and asked if Mr. Marquardt is made aware of the conversations that happen at the Board meetings. Mr. Marquardt stated he is in constant communication, but communication can always be improved, and made a commitment to improve communication.

Ms. Jack asked why building one and two weren't constructed at the same time, and Mr. Bell stated he has had many discussions with Ms. McLane and doesn't recall that ever being the case. Ms. Jack stated there is a recording from each board meeting, and the minutes are transcribed and signed at the next board meeting. Ms. Jack asked why, in regards to the parking lot, it was prioritized and why the priorities are changing without TCCO being notified. Mr. Bell stated it was two different vendors but that MTC can do a better job communicating.

Ms. Jack mentioned that at the last Board Meeting, where one of her Board Members stated to please not work on the pavilion before the buildings have begun, and asked whether Mr. Campuzano conveyed that information to MTC management. Mr. Campuzano confirmed he did and stated the contractor has the ability to adjust the timeline within the schedule. Ms. Jack asked if building the recreational pavilion was more important than building the second building, and Mr. Bell stated each piece of construction is like ingredients to a pie, and the ingredients have to come together in order to get the final product. Ms. Jack asked why the education building was constructed before a housing building, and Mr. Bell stated things could have been done differently but the facility was built to provide services for the clients and there was need for adequate space for the clients to attend classes. Ms. Jack asked if there was ever a question that the Board believes housing and the safety issues that come with not having enough beds is the Board's priority, and Mr. Bell confirmed this has never been a question.

Mr. Dominguez questioned if the second housing building would be finished around April 2025 and the third around June 2025, and Mr. Bell stated from the way it was explained to him that is correct. Mr. Dominguez stated he wants to make sure these buildings are completed on schedule, that the major concerns are overcrowding and the need for a safe facility for the clients and staff. Mr. Dominguez stated the Board is accountable to the Governor's Office and want to assure them and assure the public that we are doing the right thing.

Ms. Stratton-Gouyton asked how soon the building will be operational once it's turned over. Mr. Campuzano stated they are procuring all of the necessary infrastructure for the building and the building should be operational once it's turned over.

Ms. Jack asked why it would take fifteen months to finish the second building, and Mr. Bell stated the construction start date is fifteen months after the contract is signed, and the contract was signed yesterday, and stated this is the time it takes to complete. Ms. Jack stated if anything unforeseen happens or there are any delays to the schedule then the Board would like to be addressed. Mr. Marquardt stated his commitment to communication immediately if there are any unforeseen issues.

Mr. Aliseda asked how many clients will be moved into the new facility. Mr. Campuzano stated the temporary beds will be the first to move, but this doesn't mean the clients currently in the temporary beds will be moving. Mr. Aliseda asked how many clients are in temporary beds, and Mr. Campuzano stated eighty-eight.

Ms. Jack asked if MTC would give their word and commitment that buildings two and three will be completed and able to be occupied by June 2025 and Mr. Marquardt confirmed that is the plan. Mr. Dominguez stated he understands delays happen, but we need to make sure once the building is completed in June 2025 the building is immediately operational.

Ms. Jack stated every two years during the legislative session one or two Board members testify and nothing would make the Board happier than to say all three of the buildings were finished, occupied, or available to be occupied, and she does not want to testify otherwise.

Mr. Dominguez stated beyond the buildings, the clients come first and asked MTC to ensure their staffing levels remain high so services are continued to be provided to the clients

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. Jack noted that all Board Members were present at the last meeting.

Discussion, Consideration, and Possible Action Regarding November 30, 2023 Meeting Minutes

After determining that all Board Members present had reviewed the minutes from the previous meeting, Board Chair Christy Jack asked for a motion to adopt the November 30th meeting minutes; the motion was made, seconded, voted on and passed without opposition.

Discussion, Consideration, and Possible Action Regarding Future Meeting Dates

The next meeting of the TCCO Board was tentatively scheduled for May 3rd, 2024 at 10:00 a.m. at the Texas Civil Commitment Office in Austin.

Meeting Adjourned at 11:10 a.m.

SIGNATURE ON FILE

Christy Jack, Chair

SIGNATURE ON FILE

Marsha McLane, Executive Director