

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

Thursday, June 18, 2020, at 10:00 a.m.

VIA VIDEOCONFERENCE

MINUTES

Board Members Present

Christy Jack, Chair	Katie McClure	Rona Stratton Gouyton
Jose Aliseda	Robert Dominguez	

TCCO Staff

Marsha McLane	Stanley Muli	Jessica Marsh
Mike Necker	Scott Merchant	

House Corrections Committee

Representative James White, Chair Roel Benavides

Management and Training Corporation

John Cochran

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

Board Chair, Christy Jack convened the meeting at 10:10 a.m. Roll was taken and it was noted that a quorum was present. Ms. Jack went on to note that this meeting was being held via webinar to comply with the Governor’s order to minimize in-person contact, and members of the public have the opportunity to join the meeting via telephone or video.

Board Chair report

Board Chair, Christy Jack, gave no formal report.

Executive Director’s report concerning program operations and the routine functioning of the TCCO

TCCO Executive Director, Marsha McLane, began by discussing the Texas Cybersecurity Framework Assessment which is an in depth study of information and computer system security and vulnerability. The final report is supposed to be received by August.

TCCO accomplished getting a final signed contract with the Department of Family and Protective Services to have the ability utilize the SafeSignal system for the community case managers, which will allow them to immediately contact the police by simply pulling the strap or their headphones from their phone.

Every TCCO staff member and every member of the vendor’s staff has been tested for COVID-19 and all tested negative. Additionally, TCCO has asked that TDCJ have every inmate set to be released to TCCO tested for COVID-19, which they have done without issue. TCCO does not pick up the clients unless they have had a test.

TCCO has not stopped treatment at all since the pandemic began. All treatment and interaction has been done by dorm so the residents are always interacting only with the people they live with. Any movement at the

facility is also done by dorm, and when a dorm is moving, all other movement throughout the facility is stopped.

TCCO started receiving the new cell phones for the residents last week. Clients will have ability to call, text and use the internet, depending upon what their Tier level is. Phones with the ability to call and text were received last week; however, the phones with internet had a glitch that had to be corrected and should be received next week. TCCO is monitoring the clients' phone usage very closely and thoroughly and, so far, the clients have been using the phones responsibly.

TCCO staff has started traveling again as of the first week of June and TCCO will continue to monitor the situation so that staff remain safe.

TCCO conducted an internal review of the monthly penalties they have charged the vendor for non-compliance. It was found that TCCO over-penalized the vendor for approximately \$1500 since last May and that has been rectified.

An internal review was also conducted into cost recovery that is collected from the clients. The review included all cost recovery collected since the opening of the facility. It was discovered that there was a total of just over \$3,000.00 that was overpaid by the clients and that money is being repaid into their trust fund accounts. TCCO will continue to do quarterly audits on cost recovery to ensure that accuracy is maintained.

TCCO received a letter from Facility Administrator, John Cochran, asking them to significantly extend the term of the contract and, in exchange, MTC will pay for the construction and physical changes necessary to increase the bed space at the facility according to their plan presented at previous Board Meetings. The contract extension will be discussed further during this meeting by TCCO's General Counsel, Scott Merchant, and TCCO's Director of Program Operations, Jessica Marsh.

Chief Financial Officer's report regarding FY 2020 budget/expenditures; COVID-19 costs and budget reductions for the 2021-2022 biennium

TCCO CFO, Stanley Muli stated that the budget shows that TCCO's expenditures are on par with where they should be at this point in the fiscal year; however, travel expenses are below where they would normally be due to the suspension of travel because of the COVID-19 pandemic.

Mr. Muli further related that the State Government wanted to assess the fiscal impact of the pandemic and; therefore, requested that State Agencies track their COVID-19 related expenses and report them monthly. Additionally, agencies have been asked to project what their COVID-19 related expenses will be until the end of the fiscal year. TCCO had no COVID-19 related expenses for the months of March and April. As of May, TCCO's actual expenditures are \$1159, with \$985 going toward supplies such as masks, hand sanitizer, disinfectant wipes and sprays, etc. The remaining \$174 went toward travel expenses incurred because TCCO clients are now being picked up directly from the unit where they are located rather than being taken to the unit in Amarillo, which is closer, to be picked up by TCCO's Contractor. TCCO's projection for these expenditures through the end of this fiscal year is \$3800, with \$2000 going toward supplies and \$1800 for travel expenses.

The Governor, Lieutenant Governor and Speaker of the House sent a letter to all state agencies requesting them to submit their plan for reducing their budget for the 2020-2021 biennium by 5%. Per Mr. Muli, TCCO's 5% reduction will come from the proposed expansion plans for the Texas Civil Commitment Center; however, should the center reach capacity, TCCO would be left with nowhere to house additional clients. TCCO is currently exploring options that will allow the expansion to continue at no cost to the state which will be addressed in the next agenda item.

General Counsel and Director of Program Operations report regarding MTC's proposal to extend the term of Contract CCC-20-0001

TCCO Director of Program Operations, Jessica Marsh, opened with a brief description of the current contract with MTC and the difficulties TCCO has faced with finding a place to house clients and a vendor to operate the Texas Civil Commitment Center. The current contract with MTC was entered into in March 2019 and has

a final expiration date, after the initial contract period and two 2-year extension periods, of August 31, 2028. The RFP that produced this contract netted only two proposals, one of which did not meet the initial screening criteria and was disqualified. The other proposal was from the previous vendor who had a multitude of performance issues resulting in over \$1 million in financial sanctions. Prior to that, the previous vendor had the contract since 2015. Prior to that contract, there had been two RFPs released and neither one yielded a contract. Additionally, TCCO staff visited over 130 separate locations in search of a location to house their SVPs with no success.

The initial capacity of the Texas Civil Commitment Center was 346 clients and TCCO has been able to work with the vendor to bring that capacity up to 372 clients. The facility is currently pending the addition of 26 more beds, bringing the total capacity to 398. The facility population is currently 371 with the expectation of five more clients being released from prison to the facility by the end of this fiscal year. These are only the releases that TCCO knows about as of today and the number does not account for any unexpected parole votes for release of other civilly committed individuals currently in prison. That coupled with the expectation of approximately 35 additional releases per fiscal year, puts the facility over capacity by this fall.

MTC has proposed that the contract be extended 11 years past the current expiration, to August 31, 2039. In exchange for this extension of the contract, MTC proposes that they will increase the capacity of the facility to 750 clients, in stages to keep ahead of the growth in population, with no cost to the State of Texas beyond the cost of the contract. This proposal, if agreed to, could potentially end TCCO's capacity issues for years to come. Although outside the normal length of contracts in State business, there are no laws precluding it. Additionally, the contract provides termination clauses, so it could be ended by TCCO in the event funding is not received for the program or for any reason with proper 90-day notice.

Discussion, consideration and possible action regarding the extension of Contract CCC-20-0001

After many questions and much discussion by the Board, a motion was made to adopt the extension of the contract. The motion was seconded, voted on and passed without opposition.

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 April 17, 2020 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 April 17, 2020 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 August 14, 2020 at 10:00 a.m. at the Texas Civil Commitment Office in Austin.

Public Comment

There was no member of the public requesting to address the Board.

Meeting Adjourned at 11:37 a.m.

SIGNATURE ON FILE

Christy Jack, Chair

Date

SIGNATURE ON FILE

Marsha McLane, Executive Director

Date