

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, July 19, 2024, at 10:00 a.m.

MINUTES

Board Members Present

Christy Jack, Chair	Katie McClure
Jose Aliseda	Rona Stratton Gouyton

TCCO Staff

Marsha McLane	Brittney Winters
Jessica Marsh	Kenneth Biddle
Hayley Glisson	

Governor's Office

Tamela Griffin

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 that she did not have a formal report and that Jennifer Brown would be introducing the new Facility Administrator. Jennifer Brown stated the previous Facility Administrator, Mr. Schmoker, had retired and introduced the new Facility Administrator, David Bowers. Mr. Bowers has just under nineteen years of correctional experience, beginning his career in 2005 with the Texas Department of Criminal Justice (TDCJ) after he finished active duty service in the US Marine Corps. While working with TDCJ he advanced through the ranks to become a Major and attended Midwestern State University, earning a Bachelor of Fine Arts and Sciences degree and moving on to complete his Masters of Arts degree in criminal justice. Mr. Bowers then worked at the Texas Civil Commitment Center as Assistant Facility Administrator before accepting a position with the State of Oklahoma as a Deputy Warden. Ms. Brown stated she is happy to have Mr. Bowers back and is excited to have him on the team.

Mr. Bowers stated he is looking forward to returning to Littlefield and is appreciative of the opportunity. Ms. Jack thanked Mr. Bowers for his service to the country and welcomed him on behalf of the board.

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

Ms. McLane began by discussing the audit findings from the Texas State Auditor's Office, stating there were a few financial issues, but these were due to conflicting instructions. Ms. McLane stated the audit showed bills we received actually existed, the care actually took place, and there were no issues with payment. There were thirteen auditors assigned to this forensic audit and it was a very long detailed audit.

Ms. McLane stated that there were a few findings for Health and Human Services, but this has nothing to do with TCCO. Ms. Jack asked how long the audit took, and Ms. McLane stated they started in August of last year. Ms. McLane stated the auditors gave TCCO credit for the robust monitoring system we have and stated there is no other state agency that audits to that extent.

Ms. McLane stated we recently acquired a forklift at the facility through HHSC. As many clients are possible will be certified in forklift operations, starting with tier four and AGE clients.

Ms. McLane stated the grant computer classes are now on their second group of clients. There was a small hiccup when the Goodwill instructor retired but the soft skills classes have continued.

Every two years we put out a customer service survey which is developed by the state. Ms. McLane stated we received a 74% satisfaction rate compared to the last survey, where we received a 60% satisfaction rate.

Ms. McLane stated she recently met with the DPS team assigned to the facility, legislators, and some stakeholders to discuss new legislation for the upcoming session, and also has future meetings scheduled. Ms. McLane stated Mr. Biddle will discuss our exceptional items and budget for next year, and we will be asking for a lot of money this year due to medical bills far exceeding the approval we've been given in the past.

Ms. McLane stated that on May 31st a case manager was brutally attacked by one of the clients at the facility. The client used an iron bar to assault the case manager. The case manager is going through rehab and taking care of different issues. Ms. McLane stated victim services with TDCJ immediately sent out one of their counselors who not only met with TCCO staff but also went to the case manager's residence and provided resources. The training provided by victim services to TCCO staff was incredible. MTC immediately sent out a serious incident review team from their corporate headquarters to review what happened and how to prevent it from happening again. Ms. McLane stated MTC is also doing a comprehensive audit on the entire program. Ms. McLane stated that a door was left unlocked and the client was able to grab an iron bar, exit the door, and hurt the case manager. Ms. McLane stated TCCO staff were reminded that every single client at the facility is capable of hurting someone, and they have all been convicted of at least two sexually violent crimes. Ms. McLane stated the case manager again thanked the Board for their thoughts and for the beautiful flowers.

Ms. McLane provided a list of every county that has referred people to be civilly committed and every county that has committed clients. Ms. McLane stated that since 2019 we've conducted one hundred twenty-nine audits and there have been \$3.5 million in sanctions, with this amount going down drastically in the last two years.

Budget Manager's Report Concerning FY 2024 Budget and Expenditures and Healthcare Costs; FY 2025 Operating Budget; FY 2026/2027 Legislative Appropriations Request

Kenneth Biddle began by discussing the FY 2024 budget. Mr. Biddle stated the overall anticipated budget shortfall is \$764,792.00. There are two requests into the Governor's Office and Legislative Budget Board (LBB). One request is to move \$3,000,000.00 from the administrative strategy to the client services strategy, and the other request is to move approximately \$3,200,000.00 from FY 2025 to FY 2024.

Ms. McLane reminded everyone during the last legislative session the budget was split into two strategies, administration and client services, and too much money was put into administration, leaving not enough in the client services strategy. Approval is required from the Governor's Office and LBB to move money between strategies.

Mr. Biddle discussed a rider that allows TCCO to ask for permission to move money from FY 2025 to FY 2024, stating we have requested \$3.2 million dollars to be moved back. Mr. Biddle stated that we've asked for \$1.6 million from Health and Human Services Commission (HHSC) to cover the FY 2023 medical costs. This was received in May and the medical bills have been paid. Mr. Biddle stated the original budget for FY 2025 was \$24.9 million and we are asking to move \$3.2 million back to FY 2024, which gives a base budget of \$21.8 million left in FY 2025. Mr. Biddle stated there is a \$7.4 million supplemental request to the LBB to cover the anticipated shortfall for FY 2025 offsite medical.

Board Chair Christy Jack asked for a motion to adopt the FY 2025 operating budget as proposed and to authorize adjustments of up to \$1 million, stating if any adjustments are made they are to be presented to the Board at its next scheduled meeting. The motion was made, seconded, voted on and passed without opposition.

Mr. Biddle discussed the Legislative Appropriations Request, stating the projected base number is almost \$48 million and the request for exceptional items is \$27.3 million. Mr. Biddle discussed each item; Contract Rate Adjustment Costs, Offsite Healthcare Costs, Reinstatement of Client Services Funding, Caseload Growth, Case Manager Career Ladder, Dental, FY 2025 Baseline Leveling, High-Risk Pay, and 24-Hour Onsite Medical, mentioning HHSC is requesting \$122,464.00 in biennial appropriations to maintain the 5% salary increases in the 2026-27 biennium.

Board Chair Christy Jack asked for a motion to approve the FY 2026-27 Legislative Appropriations Request as proposed, stating before any deviations can be made they must be discussed with the Board Chair and are to be presented to the Board at its next scheduled meeting. The motion was made, seconded, voted on and passed without opposition.

Texas Civil Commitment Center updates concerning building and facility expansion

Jennifer Brown began by stating they are beginning interviews for the Assistant Facility Administrator position. Ms. Brown stated they are 63% staffed in security and are utilizing overtime to support the shortfall. Ms. Brown stated they recently hired a new Clinical Director, Ms. Lang, who she believes will do an excellent job.

Ms. Brown stated the TCCC is fully staffed with twelve therapists, and an additional two therapists providing contract services. Ms. Brown stated she believes they are doing extremely well in hiring staff for all areas.

Ms. Jack asked when the comprehensive assessment would be concluded, and Ms. Brown stated the comprehensive assessment is completed every two years.

Ms. Brown discussed the progress that has been made on the facility expansion, including pictures. Michael Bell stated the schedule is no longer accurate, and the new move-in date is scheduled for August 30th. Mr. Bell stated this delay is due to numerous issues, including incorrect duct work. Ms. McLane asked why the project manager did not catch the error, and Mr. Bell stated he agrees the error should have been caught. Ms. Jack requested Mr. Bell send over the new schedule, and inquired if there were any sanctions in place. Mr. Bell stated the contract does not have any sanctions, but they have been discussing remedies with their legal counsel.

Ms. McLane asked if the delay affects the other two buildings and Mr. Bell stated phase two is currently on schedule with a completion date of June 20, 2025. Mr. Bell stated they are doing everything they can to get this project completed, stating they have almost twenty-three million dollars in construction contracts.

Ms. Jack stated she would ask any discussions on an increased per diem be shelved until the new beds are online, and Ms. McLane stated part of the money TCCO has asked for in the budget is to increase the per diem mostly for the security officers to get a pay raise. Ms. Jack asked if the security officers have received their pay increase and Mr. Bell stated the security staff and all staff will be given a one dollar stipend from February 1st through August 31st. Ms. Jack stated it was her understanding the increase in per diem was to make sure security staff received a raise, and Ms. McLane stated when the per diem was increased in January, TCCO was promised security staff would receive a raise. Ms. Jack stated it was her understanding when the per diem was increased the agreement was to give security staff a raise, not a stipend or a one-time payment. Mr. Bell stated this was contingent on a lot of different things, and from a financial standpoint and from previously not receiving a per diem increase, while spending this much money on construction and vesting, the decision was made to do a stipend. Ms. McLane stated this is not how the conversation happened, and the security staff raise has nothing to do with the ongoing contract negotiations. Ms. McLane stated the promise was made in January that once the per diem was increased and the building were being built, the security staff would get a pay raise. Ms. McLane stated when she found out that this didn't happen she spoke to Leann Bertsch who stated security staff would get the pay raise effective June 1st. This was not contingent on any negotiations and negotiations did not start until June. Ms. McLane stated if someone can go across the street and make twenty dollars an hour then that's where they will go, and we need a good solid security team, for the safety of not only the staff but also for the clients. Mr. Bell stated they will still continue with the stipend but he would discuss this with the company and get Ms. McLane an answer next week.

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. Jack noted that all Board Members were present at the last meeting and excused Mr. Dominguez from the current meeting.

Discussion, Consideration, and Possible Action Regarding May 3rd 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 May 3rd 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 October 25th, 2024 at 10:00 a.m. at the Texas Civil Commitment Office in Austin.

Meeting Adjourned at 10:53 a.m.

Christy Jack, Chair

Marsha McLane, Executive Director