

TEXAS DEPARTMENT OF MOTOR VEHICLES

BOARD MEETING

Texas Department of Motor Vehicles
4000 Jackson Avenue
Building 1
Lone Star Room
Austin, Texas 78731

Thursday,
August 17, 2023
9:00 a.m.

BOARD MEMBERS:

Charles Bacarisse, Chair
Christian Alvarado
Stacey Gillman
Brett Graham
Tammy McRae (absent)
Sharla Omumu
John Prewitt
Paul R. Scott (absent)

I N D E X

<u>AGENDA ITEM</u>	<u>PAGE</u>
1. Roll Call and Establishment of Quorum	6
2. Pledges of Allegiance - U.S. and Texas	6
3. Chair's Reports	none
4. Executive Director's Reports	7
A. Introduction of Deputy General Counsel Ashley Healy	
B. Texas Department of Motor Vehicles Awards	
C. Texas Independent Automobile Dealers Association (TIADA) Conference	
D. Awards, Recognition of Years of Service, and Announcements	
 RULE PROPOSALS	
5. Chapter 206, Management (ACTION ITEM) Amendment, §§206.92, 206.93, and 206.98 (Relating to Advisory Committees)	18
6. Chapter 211, Criminal History Offense and Action on License (ACTION ITEM) Amendments, §211.6 (Relating to Fingerprint Requirements for License Applicants and Holders)	21
7. Chapter 217, Vehicle Titles and Registration (ACTION ITEM) Amendments, §217.52 (Relating to SB 702, Marketing of Specialty License Plates through a Private Vendor)	28
8. Chapter 217, Vehicle Titles and Registration (ACTION ITEM) Amendments, §217.54 (Relating to HB 433, Registration of Fleet Vehicles)	31
9. Chapter 219. Oversize and Overweight Vehicles and Loads (ACTION ITEM) Amendments, §§219.11, 219.13, 219.14, 219.30 - 219.36, 219.41, 219.43, 219.61, and 219.63 (Relating to Cleanup and Legislative Implementation)	34
 BRIEFING AND ACTION ITEMS	
10. Specialty Plate Design (ACTION ITEM)	39
A. Texas Rangers - Crossover Design Proposed	

	under Transportation Code §504.851 and §504.6011	
11.	Advisory Committee Appointments (ACTION ITEM) Appointment of New Advisory Committee Members	42
12.	Finance and Audit Committee Update	
	A. FY 2024 Recommended Operating Budget for the Fiscal Year that Begins September 1, 2023 and Ends August 31, 2024 (ACTION ITEM)	47
	B. Delegation of Contract Approval and Signature Authority to the Executive Director or the Executive Director's Designee under Government Code, §2261.254 (ACTION ITEM)	51
	C. Update on Camp Hubbard Renewal Project (BRIEFING ONLY)	53
	D. Internal Audit Division Status Update (BRIEFING ONLY)	57
	I. Hiring Process Audit	
13.	FY 2024 Internal Audit Plan (ACTION ITEM)	60
14.	Legislative Activity Update (BRIEFING ONLY)	64
	CLOSED SESSION	
15.	The Board may enter into closed session under one or more provisions of the Texas Open Meetings Act, Government Code Chapter 551, Including but not limited to: Section 551.074 Section 551.076 Section 551.089	73
16.	Action Items from Closed Session Performance evaluation of Executive Director, including any modifications to compensation	73
17.	Public Comment	none
18.	Adjournment	76

P R O C E E D I N G S

1
2 MR. BACARISSE: Good morning. My name is
3 Charles Bacarisse, and I'm pleased to open the Board
4 meeting of the Texas Department of Motor Vehicles.

5 It is nine o'clock a.m., on the dot, and I'm
6 calling the Board meeting for August 17 to order. I want
7 to note for the record that the public notice of this
8 meeting, containing all items on the agenda, was filed
9 with the Office of Secretary of State on August 9, 2023.

10 Before we begin today's meeting, please place
11 all cell phones and other communication devices in the
12 silent mode. Also, as a courtesy to others, please do not
13 engage in side conversations in the meeting room.

14 I want to welcome those who are with us today
15 for the meeting, and if you wish to address the Board or
16 speak on an agenda item during today's meeting, please
17 complete a speaker's sheet at the registration table or
18 send an email to GCO_General@txdmv.gov. Once again that's
19 GCO_General@txdmv.gov. Please identify in your email the
20 specific item you're interested in commenting on, your
21 name and address, and whether you're representing anyone
22 or speaking for yourself. If your comment does not
23 pertain to a specific agenda item, we will take your
24 comment during the general public comment portion of the
25 meeting.

1 In accordance with the department's
2 administrative rule, comments to the Board will be limited
3 to three minutes. To assist each speaker, a timer has
4 been provided at the podium. The timer light will be
5 green for the first two minutes, yellow when the speaker
6 has one minute left, and when the speaker's time is up, it
7 will be red. Individuals cannot accumulate time from
8 other speakers, and comments should be pertinent to the
9 issues stated on your comment sheet.

10 When addressing the Board, please state your
11 name and affiliation for the record, and there are a few
12 things that will also help make the meeting run more
13 smoothly and assist our court reporter to get an accurate
14 record: please identify yourself before speaking, speak
15 clearly and slowly, do not speak over others, and ask me,
16 the chair, for permission to speak and be sure to get
17 recognized before speaking.

18 I'd like to thank our court reporter who is
19 transcribing this meeting.

20 Before we begin today, I'd like to remind all
21 presenters and those in attendance of the rules of conduct
22 at our Board meetings. The department's administrative
23 rule is what guides that conduct. I have the authority to
24 supervise the conduct of our meetings, and this includes
25 the authority to determine when a speaker is being

1 disruptive of the meeting or is otherwise violating the
2 timing or presentation rules that I just discussed.

3 So with that, I'd like to now have a roll call
4 of the Board members that are here. Please respond when I
5 call your name.

6 Member Alvarado, are you present?

7 MR. ALVARADO: Here.

8 MR. BACARISSE: Member Gillman?

9 MS. GILLMAN: Here.

10 MR. BACARISSE: Member Graham?

11 MR. GRAHAM: Here.

12 MR. BACARISSE: Member Omumu?

13 MS. OMUMU: Present.

14 MR. BACARISSE: Member Prewitt?

15 MR. PREWITT: Here.

16 MR. BACARISSE: And let the record reflect that
17 I, Charles Bacarisse, am here too. We do have a quorum.

18 And let the record also reflect that Vice Chair McRae and
19 Member Scott are absent today.

20 And now for agenda item 2, let's all stand and
21 honor our country and state with the pledges of
22 allegiance, and I'll now turn it over to Member Gillman to
23 lead us in the U.S. pledge.

24 (The U.S. pledge was recited.)

25 MR. BACARISSE: And then, Member Alvarado, will

1 you lead us in the Texas pledge, please.

2 (The Texas pledge was recited.)

3 MR. BACARISSE: Thank you, Members Gillman and
4 Alvarado.

5 I do not have a chair report today, so we're
6 not taking up agenda item 3, but we will move now to
7 agenda item 4, and I will turn it over to our executive
8 director, Daniel Avitia, for his items 4.A through 4.D.

9 Mr. Avitia.

10 MR. AVITIA: Chairman, members, thank you, and
11 good morning. I'm happy to share a few updates with you
12 this morning.

13 The first agenda item is item 4.A, which is
14 introduction of our new deputy general counsel, Ms. Ashley
15 Healy, who is sitting right up front here.

16 Ashley, if you can wave to the Board here.

17 Chairman, members, Ashley joined the Texas
18 Department of Motor Vehicles June 26, 2023, and knows
19 everything about the department already.

20 (General laughter.)

21 MR. AVITIA: She serves as the deputy general
22 counsel for the DMV, and in this role, Ashley advises the
23 department's executive team, administration and agency
24 employees. In Ashley's capacity, she supervises other
25 attorneys within the General Counsel's Office and support

1 staff, and assists the general counsel in managing a staff
2 of professionals and administrative employees.

3 Ashley has spent 15 years of her career
4 specialized in Texas Administrative law, representing
5 Texas state agencies. She has served in various
6 capacities, to include the chief deputy general counsel
7 for the Texas Alcohol Beverage Commission, the Legal
8 System Contracting for Texas Health and Human Services
9 Commission, as well as the director of General Law for the
10 Texas General Land Office.

11 Ashley received her juris doctorate from the
12 University of Texas at Austin -- all right, Hook'em
13 Horns -- and her bachelor's of business administration and
14 management from Texas A&M University. Very interesting.

15 On a more personal note, Ashley has two school-
16 age sons that keep her busy on and off the ball fields and
17 all weekend. I understand that.

18 Members, please join me in welcoming Ashley
19 Healy to the department.

20 (Applause.)

21 MR. AVITIA: Chairman, if I may move on?

22 MR. BACARISSE: Please.

23 MR. AVITIA: Thank you.

24 MR. BACARISSE: And, Ashley, we are excited
25 you're here, absolutely.

1 MS. HEALY: Thank you.

2 MR. BACARISSE: Indeed.

3 MR. AVITIA: Chairman, members, item 4.B is
4 Texas Department of Motor Vehicles awards. The department
5 has been recognized for several awards this summer. The
6 Texas Department of Motor Vehicles was privileged to be
7 recognized by our partners at the American Association of
8 Motor Vehicle Administrators, or AAMVA, Region II
9 Conference in Norfolk in June with two prestigious awards.

10 The first award is a successful collaboration
11 with our state partners, the Texas Department of
12 Information Resources, and the TxDMV accepted the Customer
13 Convenience Service Award for the Texas-by-Texas mobile
14 application, which is the mobile application that allows
15 customers to renew their vehicle registrations
16 electronically and online through a mobile app.

17 Secondly, the DMV accepted the AAMVA Fraud
18 Prevention and Detection Award. AAMVA's Fraud Award
19 recognized achievements by Texas in areas of fraud
20 prevention and detection related to temporary tags, as
21 well as dealer licensing improvements.

22 And then finally, staff also attended the Texas
23 Department of Information Resources Texas Digital
24 Government Summit in June and accepted the Government
25 Technology Best Innovation Use of Data Analytics for

1 Closed Data Portal -- I knew I was going to mess up on
2 that one -- CDP.

3 The CDP was implemented in 2022 and gives
4 verified law enforcement officers self-service access to
5 motor vehicle data for use in criminal investigations, 24
6 hours a day, 7 days a week. And this, Chairman and
7 members, is the state's first ever closed data portal.
8 This innovation was a valuable component in our steps to
9 address temporary tag fraud.

10 And with me, Chairman and members -- and I hope
11 not to get my fingerprints all over these -- are the
12 awards.

13 MR. BACARISSE: That's great.

14 MR. AVITIA: Thank you, members.

15 Item 4.C, Chairman, if I can continue.

16 MR. BACARISSE: Please.

17 MR. AVITIA: Again for the record, Daniel
18 Avitia, executive director.

19 The Texas Independent Automobile Dealer
20 Association, or TIADA, had their annual conference on July
21 23 to 25, 2023 in San Antonio. Deputy Director Luna and I
22 attended, along with various staff from the Motor Vehicle
23 Enforcement, Vehicle Title and Registration Division, and
24 Government and Strategic Communications Division.

25 Enforcement Director Corrie Thompson provided a

1 presentation focusing on how dealers can accomplish their
2 goals while staying in compliance with state regulations.

3 The department also hosted an exhibit hall booth to
4 provide information and answer questions from our esteemed
5 dealers.

6 Our attendance at the TIADA conference
7 reinforces our relationship, as well as our commitments
8 with the independent dealer community and provides for
9 various networking and collaborative discussion between
10 attendees and TxDMV staff.

11 We were very honored to be requested to be
12 present at this gathering, and we had the great
13 opportunity -- I was talking with John -- to talk with
14 several dealers, and it's always good to visit with our
15 dealers and see what concerns or challenges they have and
16 how we can help support them the best way we can.

17 Chairman, if I may continue?

18 MR. BACARISSE: Please do.

19 MR. AVITIA: All right. Agenda item 4.D.
20 Awards, recognitions of years of service, and
21 announcements. We have a couple, so bear with me; a lot
22 of staff are being recognized.

23 Again for the record, Daniel Avitia, executive
24 director.

25 At this time I'd like to recognize our

1 employees who have reached a state service milestone. We
2 celebrate these employees as our show of appreciation for
3 their years of service and dedication to the State of
4 Texas.

5 Our first recipient for 20 years of state
6 service is Ms. Debra Usener with the Vehicle Titles and
7 Registration Division, Title Control Systems.

8 Our next recipients are for 25 years, and in a
9 little while we'll talk about those folks that are in
10 attendance, by the way, and we'll have them stand.

11 Our next recipients for 25 years of state
12 service are Christy Michalik, Vehicle Titles and
13 Registration Division; our very own director of Motor
14 Vehicles, Ms. Monique Johnston with the Motor Vehicle
15 Division; Ms. Patricia Sutton with the Vehicle Titles and
16 Registration Division.

17 And next we have our 30 years of state service:
18 Mr. Gus Bernal with the Consumer Relations Division; and
19 Ms. Regina Ygnacio with the Finance and Operations
20 Division.

21 Last but not least, we also have our very own
22 CFO, Ms. Glenna Bowman, who has reached a service
23 milestone of 35 years. That's a good long time; I'm
24 getting close.

25 Chairman, members, I'd like to say a few words

1 about the recipients that are here with us today, and I'll
2 start with Ms. Christy Michalik, who is over here to the
3 right.

4 Christy, if you'll raise your hand so the Board
5 can see who you are. Thank you.

6 Christy has worked for the Vehicle Titles and
7 Registration Division since June 1, 2004 and is currently
8 the manager of the Vehicle Data Management Section. Prior
9 to joining the TxDMV, she worked for the Texas Department
10 of Transportation, as well as the Texas Department of
11 Public Safety.

12 Over the years she has contributed to a wide
13 span of projects and has overseen various programs.
14 Christy is always smiling -- I can guarantee you she is --
15 leads her teams with compassion and high integrity, and
16 has subject matter expertise in many areas and is highly
17 appreciated within the division by her peers and her
18 director.

19 I congratulate Christy on her 25 years of state
20 service.

21 (Applause.)

22 MR. AVITIA: Next on our list we have our Motor
23 Vehicle Division director, Ms. Monique Johnston, and I can
24 tell you it's been an absolute pleasure working with
25 Monique. She has demonstrated resolve, responsiveness and

1 reliability.

2 Monique, if you can raise your hand. There you
3 are. Thank you.

4 All of which are important to our sustained
5 success for excellent customer service and the
6 implementation of balanced and reasonable fraud detection
7 and prevention and investigation measures. Monique has
8 been a person I can count on to lead advisory committee
9 discussions, respond to customer inquiries, represent the
10 state at the legislature, and partner with stakeholder
11 groups.

12 I am very thankful for Monique's support and
13 her staff. They have been extremely created and leveraged
14 many new ideas to help with division responsibilities, and
15 I appreciate her flexibility as well with the demands that
16 are placed on her division every day.

17 So congratulations, Monique, on your 25 years.

18 (Applause.)

19 MR. AVITIA: Next we have Ms. Patricia Sutton.

20 Do we have Ms. Patricia here? Can you raise your hand?
21 There you are over here to the right.

22 Patricia began her state service with the
23 Comptroller's Office in 1975, where she assisted
24 businesses with complex tax policies, procedures and
25 regulations. In 1999, Patricia shifted to the private

1 sector in the medical field.

2 Resuming her service to the citizens of Texas,
3 Patricia joined the TxDMV VTR Division on the Registration
4 Services Special Plates Unit in September of 2022 as an
5 operations specialist. Patricia handles military
6 applications, specialty plates, and a host of other duties
7 with excellence.

8 We are delighted to have Patricia on the
9 Special Plates team, and are elated to congratulate you on
10 your 25 years. Congratulations.

11 (Applause.)

12 MR. AVITIA: Next, Chairman and members, we
13 have Mr. Gus Bernal.

14 Gus, if you'll raise your hand. Thank you,
15 sir.

16 Gus transferred from the Texas Department of
17 Transportation in 2010 to the DMV. In 2016 he joined the
18 Customer Relations Division as a CRD supervisor. He has
19 represented CRD as a subject matter expert on several
20 important projects for the agency, including
21 implementation of eLICENSING and Texas-by-Texas.

22 Gus does an amazing job by motivating his team
23 and members to be successful -- and he also makes good
24 barbecue, I can testify to that -- and to support the
25 agency's mission to provide premier customer service.

1 Gus, old friend, congratulations on 30 years.

2 (Applause.)

3 MR. AVITIA: And next, Chairman and members, we
4 have a person very dear to my heart, Ms. Regina Ygnacio.

5 Regina, if you'll raise your hand, a little
6 higher. There we go. Thank you, Regina.

7 She started her state career with the Criminal
8 Justice Policy Council on July 13 of 1993. After the
9 council was abolished in 2003, Regina moved to the DPS and
10 then on to the Austin District Office at TxDOT.

11 She was later recruited by TxDOT at the
12 Riverside location to work in the Motor Vehicle Division,
13 which is the division I started out at with the DMV. On
14 November 1, 2009, she transitioned to the newly formed
15 TxDMV. She's been with us since the beginning.

16 Regina now takes care of a multitude of items
17 for the Finance and Operations Division, keeping everyone
18 on track, myself included, with scheduling and completing
19 their assignments timely.

20 Regina is an absolute joy to work with, and we
21 are excited and honored to recognize her for her 30 years
22 of service. Congratulations, Regina.

23 (Applause.)

24 MR. AVITIA: And, Chairman, members, that
25 concludes my remarks -- I'm sorry; it doesn't conclude my

1 remarks, those are the folks that we have here today, but
2 we do have some folks that we would like to recognize for
3 retirement.

4 The first is Kristeaufer Phillips. Kristeaufer
5 has served in the Enforcement Division and has reached a
6 milestone of 25 years for his retirement. Next we have
7 Kimberly -- I hope I say this correctly -- Kimberly
8 Draehn. She served in the Vehicle Titles and Registration
9 Division and reached a service milestone of 29 years prior
10 to her retirement. And last but not least, we have Mr.
11 Henry Floyd, and he served in the Enforcement Division and
12 reached a milestone of 29 years prior to his retirement as
13 well.

14 Congratulations, all of you, on your
15 retirement.

16 Chairman, members, if you would please join me
17 at the front of the dais, and we'll recognize Christy,
18 Monique, Patricia, Gus, and Regina.

19 (Pause for presentations and photos.)

20 MR. BACARISSE: Okay, Mr. Avitia, that takes
21 care of items 4.A through D. Am I correct?

22 Any questions for Mr. Avitia on any of those
23 items?

24 (No response.)

25 MR. BACARISSE: Moving forward to agenda item

1 5, we are in rule proposals, and we'll now turn it over to
2 Ashley Crutchfield for the first rule presentation, agenda
3 item 5.

4 Welcome this morning.

5 MS. CRUTCHFIELD: Chairman, members, Executive
6 Director Avitia, for the record, I'm Ashley Crutchfield.
7 I'm associate general counsel in the Office of the General
8 Counsel.

9 Today we are asking the Board's permission to
10 begin the formal rulemaking process to implement
11 Transportation Code 643.155 regarding motor carriers
12 transporting household goods.

13 Additionally, we are going to do a little bit
14 of cleanup in some other parts of Chapter 206 of the
15 Administrative Code. This rule package is listed on your
16 agenda as item 5 and it's in your Board book on page 10.

17 Our first proposed amendment is to 206.92. It
18 really just expands the definition of advisory committee
19 by adding Transportation Code Section 643.155 as the
20 statute under which we can create an advisory committee.

21 The proposed amendments to 206.93 are really
22 just mostly a lot of cleanup, remove some language that's
23 already in the Transportation Code, correct some
24 grammatical errors, make language consistent with other
25 statute and other rules in the Administrative Code.

1 206.98 is our new rule that creates the
2 Household Goods Rules Advisory Committee. As many of you
3 may know, we previously had this committee and it was
4 later folded into CSPAC. However, the requirements set
5 out under Transportation Code 643.155 really set out kind
6 of very specific separate requirements, so we feel that
7 it's a better practice to break the Household Goods Rules
8 Advisory Committee back out into its own separate
9 committee.

10 And this concludes my remarks. I'm happy to
11 take any questions.

12 MR. BACARISSE: Thank you.

13 Members, are there any questions for Ms.
14 Crutchfield on this rule?

15 (No response.)

16 MR. BACARISSE: Hearing none, I would now
17 entertain a motion on agenda item number 5. Is there a
18 motion?

19 MR. ALVARADO: Chairman?

20 MR. BACARISSE: Yes, Member Alvarado.

21 MR. ALVARADO: I move that the Board approve
22 the proposed amendments to Chapter 206 concerning advisory
23 committees, as recommended by staff, for publication in
24 the Texas Register.

25 I also move the Board grant the department the

1 authority to make changes to the proposed sections based
2 on non-substantive corrections made by the Texas Register.

3 MR. BACARISSE: Thank you.

4 Is there a second?

5 MS. GILLMAN: I'll second.

6 MR. BACARISSE: Member Gillman, thank you.

7 So we have a motion and a second. Is there any
8 further discussion on this item?

9 (No response.)

10 MR. BACARISSE: Hearing none, Laura, are there
11 any public comments on this particular item?

12 MS. MORIATY: Laura Moriaty, general counsel.
13 No, there are no public comments, sir.

14 MR. BACARISSE: Okay. Thank you.

15 I will now call for the vote on this agenda
16 item.

17 So for the record, please, Member Alvarado?

18 MR. ALVARADO: Aye.

19 MR. BACARISSE: Member Gillman?

20 MS. GILLMAN: Aye.

21 MR. BACARISSE: Member Graham?

22 MR. GRAHAM: Aye.

23 MR. BACARISSE: Member Omumu?

24 MS. OMUMU: Aye.

25 MR. BACARISSE: Member Prewitt?

1 MR. PREWITT: Aye.

2 MR. BACARISSE: And I, Chairman Bacarisse, vote
3 aye as well, so let the record reflect that this vote is
4 unanimous, and thank you.

5 We'll now move to agenda item 6, and I will
6 turn it over to Monique Johnston to lay out this agenda
7 item for us.

8 MS. JOHNSTON: Chairman, members, Director
9 Avitia, good morning. For the record, I am Monique
10 Johnston, director of the Motor Vehicle Division or, as
11 I'll refer to it during this presentation so I don't
12 stumble over my words, MVD.

13 Today we are asking the Board's permission to
14 begin the formal rulemaking process to make changes to the
15 department's fingerprinting rule. This rule package is
16 listed on your agenda as item 6, and the details may be
17 found beginning on page 20 of your Board book.

18 At the June 30, 2022 Board meeting, the Board
19 approved the new 211.6 which added the fingerprinting
20 requirement for two types of applicants: applicants for a
21 new GDN and existing dealers at the time of their GDN
22 renewal.

23 The new rule was effective for applications
24 filed on or after September 1, 2022, and applies to dealer
25 types under Transportation Code 503.029(a)(6). That

1 includes our franchised motor vehicle dealers, our
2 independent motor vehicle dealers, our wholesale motor
3 vehicle dealers, motorcycle dealers, house trailer
4 dealers, trailer or semi-trailer dealers, and our
5 independent mobility motor vehicle dealers.

6 Providing fingerprints is a one-time
7 requirement if an active GDN is maintained. The
8 fingerprint rule prevents licensing fraud in two ways: by
9 verifying an applicant's identity through fingerprints,
10 and by providing a complete and comprehensive DPS and FBI
11 criminal background check.

12 The fingerprint rule also prevents fraud in
13 subsequent license renewals, as once fingerprints are
14 provided, the department has access to the DPS and FBI Rap
15 Back subscriptions, which provide ongoing updates to a
16 person's criminal history.

17 Since implementing the fingerprinting
18 requirement, MVD has processed more than 9,500
19 applications, and over 13,000 individuals have provided
20 fingerprints. Our experience to date confirms that
21 implementing fingerprinting reduces fraud in the
22 application process.

23 Since September 2022, MVD has uncovered
24 multiple incidents of identity fraud and serious criminal
25 convictions that would not have been discovered prior to

1 implementing the fingerprinting requirement. These
2 criminal convictions include federal offenses such as
3 money laundering and federal drug trafficking.

4 Examples of identity fraud include individuals
5 who had tried to pass their fingerprint results off for a
6 deceased family member with the same name, as well as even
7 bolder individuals who have no common name as the listed
8 owner but choose to get printed using the instructions
9 we've provided.

10 Obviously, the identifying information that's
11 provided with these fingerprint results does not match the
12 owners listed on the application, and these individuals
13 are stopped from renewing these existing licenses.

14 MVD is now recommending amendments to 211.6 to
15 allow fingerprint requirements for other license types to
16 be added through future rulemaking if the Board chooses to
17 do so. MVD requests your approval to proceed with
18 publication in the Texas Register so we may receive public
19 comments and move forward with the formal rulemaking
20 process.

21 Members, this concludes my remarks, and I'm
22 happy to answer any questions the Board has on the rule
23 package. Thank you.

24 MR. BACARISSE: Thank you, Monique.

25 MS. OMUMU: Mr. Chairman, I have a question.

1 MR. BACARISSE: Yes, Member Omumu.

2 MS. OMUMU: Monique, can you expand on the
3 types of licenses that don't require fingerprints today?

4 MS. JOHNSTON: Absolutely. Monique Johnston,
5 for the record.

6 That would be our salvage dealers. That would
7 probably be one of the first groups we would probably
8 maybe want to incorporate or think about the Board
9 considering. These are the salvage dealers that don't
10 choose to use their GDN to sell salvage vehicles, so they
11 are the second largest group that we might review criminal
12 history or get criminal history hits on doing the name
13 searches.

14 Another type would be our in-transit license.
15 Most of these people who had an in-transit license are out
16 of state, so running a name search through DPS does not
17 really give us a full background history of these
18 individuals, so we really don't know about their history
19 in these other states, and they do have access to what are
20 the metal in-transit plates that allow them to transport
21 vehicles in Texas from the manufacturer to other points or
22 from auctions within Texas.

23 MS. OMUMU: Okay. Thank you.

24 MS. GILLMAN: So in-transit?

25 MS. JOHNSTON: They're not a dealer. The

1 terminology is really an in-transit plate that they apply
2 for, but they do get a license attached to it that gives
3 them access to the plate.

4 MR. BACARISSE: Just for the record, that
5 question came from Member Gillman, for our team in the
6 back. Thank you.

7 Members, any other questions?

8 Member Graham.

9 MR. GRAHAM: And so as far as the rule is
10 written in this form, exactly who -- thinking about
11 owners, general managers, you have dealer principals,
12 specifically who will be fingerprinted?

13 MS. JOHNSTON: Those are the current people who
14 are fingerprinted under the current rules for GDN and
15 franchised, so depending on what the Board would like to
16 consider or who they would like printed, it would follow
17 the same type of format that you currently approved for
18 GDN and franchised.

19 MR. GRAHAM: Okay. Thank you.

20 MR. BACARISSE: Sure.

21 Members, any other questions on this item?

22 Yes, Member Gillman.

23 MS. GILLMAN: Just a clarifying question,
24 because I don't think I understood. On the in-transit
25 they get a license attached to the plate.

1 MS. JOHNSTON: Correct.

2 MS. GILLMAN: What kind of license, a dealer
3 license?

4 MS. JOHNSTON: It's a GDN number; it's a
5 license, and then they get the plates which allow them to
6 transport cars from manufacturer, they're transporting
7 within Texas. There's very limited rule or statute when
8 it comes to in-transit.

9 MS. GILLMAN: For my clarification later, can
10 you send it to me?

11 MS. JOHNSTON: Sure, I'd be happy to.

12 MS. GILLMAN: Thanks.

13 MR. BACARISSE: Those are great questions. Any
14 other questions, members? Important topic here.

15 (No response.)

16 MR. BACARISSE: Monique, thank you very much.

17 MS. JOHNSTON: Thank you.

18 MR. BACARISSE: I would now entertain a motion
19 on agenda item 6.

20 MS. OMUMU: Mr. Chairman, I'd like to make a
21 motion.

22 MR. BACARISSE: Member Omumu.

23 MS. OMUMU: I move that the Board approve the
24 proposed amendments to Section 211.6 concerning
25 fingerprint requirements for license applicants and

1 holders, as recommended by staff, for publication in the
2 Texas Register. I also move that the Board grant the
3 department the authority to make changes to the proposed
4 section based on non-substantive corrections made by the
5 Texas Register.

6 MR. BACARISSE: And is there a second for this
7 motion?

8 MS. GILLMAN: I second the motion.

9 MR. BACARISSE: Member Gillman, thank you.

10 Is there any further discussion, members, on
11 this particular motion?

12 (No response.)

13 MR. BACARISSE: Hearing none, Laura, any public
14 comments?

15 MS. MORIATY: Laura Moriaty, general counsel.
16 No, sir, no public comments.

17 MR. BACARISSE: Okay. Thank you.

18 I would now call for the vote, please. Board
19 members, when I call your name, please state your vote for
20 the record.

21 Member Alvarado?

22 MR. ALVARADO: Aye.

23 MR. BACARISSE: Member Gillman?

24 MS. GILLMAN: Aye.

25 MR. BACARISSE: Member Graham?

1 MR. GRAHAM: Aye.

2 MR. BACARISSE: Member Omumu?

3 MS. OMUMU: Aye.

4 MR. BACARISSE: Member Prewitt?

5 MR. PREWITT: Aye.

6 MR. BACARISSE: And I, Chair Bacarisse, vote
7 aye as well. It's unanimous. Thank you.

8 And so we move to agenda item number 7, which I
9 would like to call up Annette Quintero for this one,
10 please. This is Vehicle Titles and Registration, agenda
11 item number 7.

12 MS. QUINTERO: Good morning, Chairman, Board
13 members, Executive Director Daniel Avitia. My name is
14 Annette Quintero, and I am the director of the Vehicle
15 Titles and Registration Division.

16 The amendments submitted for your consideration
17 today can be found on page 29 of your Board book. This
18 item is a request from the Vehicle Titles and Registration
19 Division for Board approval of the proposed amendments to
20 Texas Administrative Code 217.52 concerning the marketing
21 of specialty license plates by private vendors in
22 accordance with the Board's statutory authority.

23 The proposed amendments to 217.52 are necessary
24 to implement Senate Bill 702 enacted during the 88th
25 Legislature. SB 702 amends Transportation Code 504.851,

1 Contract with Private Vendor, to require the department to
2 allow for the establishment of a range of premium embossed
3 specialty plates to be secured, marketed and sold by the
4 vendor with which the department has entered into
5 contract.

6 The proposed amendments allow vehicle owners
7 the option to purchase specialty embossed plates if they
8 choose to do so. No person would be required to purchase
9 an embossed plate, and a standard default option would
10 still be a printed plate. The proposed amendments would
11 allow classic car collectors to fully restore cars with
12 historically accurate embossed plates.

13 The agency requests your consideration for the
14 proposed amendments to Texas Administrative Code 217.52,
15 Marketing of specialty license plates through a private
16 vendor.

17 This concludes my presentation of this agenda
18 item. I'm happy to take any questions.

19 MR. BACARISSE: Thank you.

20 Members, any questions on this item?

21 (No response.)

22 MR. BACARISSE: Okay. Seeing none, do we have
23 a motion on this item?

24 MS. GILLMAN: I have a motion, Mr. Chairman.

25 MR. BACARISSE: Yes, Member Gillman.

1 MS. GILLMAN: I move that the Board approve the
2 proposed amendments to Section 217.52 concerning marketing
3 of specialty license plates through a private vendor, as
4 recommended by staff, for publication in the Texas
5 Register. I also move that the Board grant the department
6 the authority to make changes to the proposed section
7 based on non-substantive corrections made by the Texas
8 Register.

9 MR. BACARISSE: Thank you, Member Gillman.

10 Is there a second to this motion?

11 MR. PREWITT: I'll second it, Mr. Chairman.

12 MR. BACARISSE: Member Prewitt, thank you.

13 Laura, are there any commenters publicly for
14 this agenda item?

15 MS. MORIATY: No, sir, no public comments.

16 MR. BACARISSE: Okay. Thank you.

17 I will now the call vote, please.

18 Member Alvarado?

19 MR. ALVARADO: Aye.

20 MR. BACARISSE: Member Gillman?

21 MS. GILLMAN: Aye.

22 MR. BACARISSE: Member Graham?

23 MR. GRAHAM: Aye.

24 MR. BACARISSE: Member Omumu?

25 MS. OMUMU: Aye.

1 MR. BACARISSE: Member Prewitt?

2 MR. PREWITT: Aye.

3 MR. BACARISSE: And I, Chair Bacarisse, vote
4 aye as well. It's unanimous. Thank you.

5 We'll now move to agenda item number 8. Mr.
6 Archer is here to speak with us about Chapter 217, Vehicle
7 Titles and Registration.

8 Good morning, Mr. Archer.

9 MR. ARCHER: Good morning, Chair Bacarisse,
10 Executive Director Avitia, members of the Board. For the
11 record, my name is Jimmy Archer, and I'm the director of
12 the Motor Carrier Division.

13 This is item number 8 on today's agenda and the
14 materials are found beginning on page 45 of your Board
15 books. For the Board's consideration, I'm presenting
16 these proposed rule amendments to 43 Texas Administrative
17 Code, Chapter 217 for approval for publication in the
18 Texas Register.

19 The proposed rule amends Section 217.54 and is
20 necessary to implement House Bill 433, passed during the
21 last legislative session, the 88th. House Bill 433
22 amends the definition of commercial fleet in the
23 Transportation Code by reducing the minimum number of
24 non-apportioned motor vehicles, semi-trailers or trailers
25 owned, operated or leased by businesses to be necessary to

1 constitute a commercial fleet group from 25 to 12.

2 Under Transportation Code and our rule, non-
3 apportioned vehicles and commercial fleets are eligible
4 for multi-year registration if fleet owners can register
5 all the vehicles in their fleet to expire on the same
6 schedule so that the owner only has to keep track of one
7 registration renewal date for the whole fleet.

8 Prior to House Bill 433, the Transportation
9 Code limited the size of fleet to qualify for these
10 benefits to 25 vehicles. Customers with fleet vehicles
11 expressed concerns regarding the difficulties of trying to
12 manage a large number of commercial vehicles that total
13 fewer than 25 and the inability to align all the
14 registration rules to occur at the same time.

15 House Bill 433 addresses this issue and
16 increases efficiency and accommodation for commercial
17 fleets by decreasing from 25 to 12 the number of vehicles
18 necessary to constitute a fleet for registration purposes.

19 I ask the Board to approve these rules for
20 publication and comment, and I am happy to answer any
21 questions you might have.

22 MR. BACARISSE: Thank you, Mr. Archer.

23 Members, do you have any questions for Mr.
24 Archer on this agenda item.

25 Member Graham.

1 MR. GRAHAM: So the rule isn't necessary to --
2 I mean, it's in statute but just kind of explain the
3 purpose of the rule.

4 MR. ARCHER: The rule currently says 25, so
5 we're making our rule conform to statute, and the statute
6 trumps the rule. We're ready to go on the 1st of
7 September with it.

8 MR. GRAHAM: Excellent. Thank you.

9 MR. BACARISSE: Sure. Good question.

10 Members, any other questions for Mr. Archer on
11 this agenda item?

12 (No response.)

13 MR. BACARISSE: Seeing none, I would move to a
14 motion on agenda item 8.

15 MS. OMUMU: Mr. Chairman, I'd like to make a
16 motion.

17 MR. BACARISSE: Member Omumu.

18 MS. OMUMU: I move that the Board approve the
19 proposed amendments to Section 217.54 concerning
20 registration of fleet vehicles, as recommended by staff,
21 for publication in the Texas Register. I also move that
22 the Board grant the department the authority to make
23 changes to the proposed section based on the non-
24 substantive corrections mad by the Texas Register.

25 MR. BACARISSE: Thank you.

1 Is there a second for this motion?

2 MR. PREWITT: I'll second.

3 MR. BACARISSE: Member Prewitt, thank you.

4 Laura, any public commenters on this particular
5 agenda item?

6 MS. MORIATY: No, sir, no public comments.

7 MR. BACARISSE: Okay. Thank you.

8 In that case, the chair would entertain a vote
9 here, so I will call your name.

10 Member Alvarado?

11 MR. ALVARADO: Aye.

12 MR. BACARISSE: Member Gillman?

13 MS. GILLMAN: Aye.

14 MR. BACARISSE: Member Graham?

15 MR. GRAHAM: Aye.

16 MR. BACARISSE: Member Omumu?

17 MS. OMUMU: Aye.

18 MR. BACARISSE: Member Prewitt?

19 MR. PREWITT: Aye.

20 MR. BACARISSE: And I, Chair Bacarisse, vote
21 aye as well. It's unanimous. Thank you.

22 So we'll now move to agenda item number 9,
23 Chapter 219, Oversize/Overweight Vehicles, and Mr. Archer
24 is continuing with us.

25 Welcome.

1 MR. ARCHER: Good morning again, Mr. Chair and
2 members.

3 This item number 9 on today's agenda, and the
4 materials are found on page 55 of your Board books. For
5 the Board's consideration, I'm presenting the proposed
6 rule amendments to 43 Texas Administrative Code, Chapter
7 219 relating to oversize and overweight vehicles and loads
8 for approval for publication in the Texas Register. The
9 proposed amendments are necessary to clean up these
10 sections of Chapter 219 and to implement legislation.

11 The proposed amendments are necessary to
12 implement House Bill 2620 that was passed in 2019 during
13 the 86th Regular Session. House Bill 2620 enacted
14 Transportation Code Section 623.004, which authorized the
15 department to deny an oversize or overweight permit
16 application if either the Federal Motor Carrier Safety
17 Administration or the Texas Department of Public Safety
18 issues and out-of-service order to prohibit the applicant
19 from engaging in an intrastate or interstate
20 transportation, respectively.

21 And to give you some perspective on how many in
22 our system pings the Federal MCSA system, and if we get a
23 return on a U.S. DOT number that a carrier has been put
24 out of service, then we'll deny their application for a
25 permit until they cure that, and for this year, up through

1 the end of July, we'd issued 129 denials, and that's out
2 of almost 700,000 permits issued, so that gives you an
3 idea that it's working pretty well.

4 Also, this rule implements Senate Bill 1814
5 that was passed in 2021 during the 87th Session to delete
6 references to the following: Chapter 245 of the
7 Transportation Code and 219.11 because the legislature
8 deleted reference to Chapter 245 from the Transportation
9 Code, deletes references to state highway system in 219.30
10 because the legislature removed the requirement under
11 Transportation Code for a surety bond to be payable to
12 TxDOT for an damage to state highway systems and, finally,
13 authorized the department to adopt a rule to allow the
14 applicant for a permit to file electronic copies of their
15 bond with the department if a bond is required.

16 It also deletes language from the rule
17 regarding movement during hazardous conditions because the
18 Transportation Code gives DPS the authority to adopt rules
19 regarding safe operation of commercial motor vehicles,
20 amends our application requirements to provide the
21 department with additional information that would help the
22 department administer and enforce the laws regarding size
23 and weight on public roadways.

24 And for example, we're asking that the
25 applicants give us their email address so that we can

1 notify them of restrictions that may be put on their
2 permit routes after the permit is issued or during the
3 issuance of the permit.

4 And finally, the cleanup language is modifying
5 language to be consistent with statutes and other sections
6 of Chapter 219, deleting language which the department
7 does not have rulemaking authority and modifying language
8 to be consistent with current practice.

9 I ask the Board to approve these rule
10 amendments for publication and comment, and I'm happy to
11 answer any questions you might have.

12 MR. BACARISSE: Thank you, Mr. Archer.

13 Members, any questions for Mr. Archer on this
14 item?

15 (No response.)

16 MR. BACARISSE: Seeing none -- oh, I'm sorry.
17 Member Prewitt.

18 MR. PREWITT: I just wanted to make a motion,
19 Mr. Chairman, when it's applicable.

20 MR. BACARISSE: Great. It seems like we might
21 be ready for that. Is there a motion, Mr. Prewitt?

22 MR. PREWITT: Yes, sir.

23 I move that the Board approve the proposed
24 amendments to Chapter 219 concerning cleanup and
25 legislative implementation, as recommended by staff, for

1 publication in the Texas Register. I also move that the
2 Board grant the department the authority to make changes
3 to the proposed sections based on non-substantive
4 corrections made by the Texas Register.

5 MR. BACARISSE: Thank you, Member Prewitt.

6 Is there a second to this motion?

7 MS. OMUMU: I second, Mr. Chairman.

8 MR. BACARISSE: Member Omumu.

9 Any further discussion on this item, members?

10 (No response.)

11 MR. BACARISSE: Laura, do we have any public
12 commenters on this particular agenda item?

13 MS. MORIATY: No, sir, no comments.

14 MR. BACARISSE: Okay. Thank you.

15 I will now call for the vote, please.

16 Member Alvarado?

17 MR. ALVARADO: Aye

18 MR. BACARISSE: Member Gillman?

19 MS. GILLMAN: Aye.

20 MR. BACARISSE: Member Graham?

21 MR. GRAHAM: Aye.

22 MR. BACARISSE: Member Omumu?

23 MS. OMUMU: Aye.

24 MR. BACARISSE: Member Prewitt?

25 MR. PREWITT: Aye.

1 MR. BACARISSE: And I, Chair Bacarisse, vote
2 aye as well. It's unanimous. Thank you.

3 Thank you, Mr. Archer, I appreciate it very
4 much.

5 So now we move to agenda item number 10 under
6 Briefing and Action Items, Specialty Plate Design, and
7 look forward to having Patricia Ueckert come.

8 Good morning, there you are.

9 MS. UECKERT: Good morning.

10 MR. BACARISSE: Give us a little briefing here.

11 Oh, my goodness, Texas Rangers, wait a minute,
12 what?

13 MR. GRAHAM: The division-leading Rangers.

14 MR. BACARISSE: Let the chair recognize Mr.
15 Archer wore his Astros tie today, so thank you.

16 Yes, you're division leaders, okay. Grumble,
17 grumble.

18 (General laughter.)

19 MR. BACARISSE: Sorry. Okay, theatrics are
20 over, you may get back to business.

21 MS. UECKERT: No worries.

22 Good morning, Chairman Bacarisse, members,
23 Executive Director Avitia. My name is Tricia Ueckert, I'm
24 director of the Operations Section in the Vehicle Titles
25 and Registration Division.

1 This is agenda item 10, which can be found on
2 page 155 of your Board book. The action before you is a
3 request for Board approval or denial of one specialty
4 plate design in accordance with the Board's statutory
5 authority.

6 The following proposed plate design is from My
7 Plates, the state's specialty license plates marketing
8 vendor, and was posted for public comment in June of 2023.

9 Texas Rangers, a crossover plate design, is proposed
10 under Transportation Codes 504.851 and 504.6011. 790
11 people liked this design and 318 did not.

12 MR. BACARISSE: Astros fans.

13 (General laughter.)

14 MS. UECKERT: This concludes my presentation on
15 this action item. I'm available to take any questions you
16 may have.

17 MR. BACARISSE: Thank you, Ms. Ueckert.

18 Members, are there any questions for Ms.
19 Ueckert?

20 (No response.)

21 MR. BACARISSE: Hearing none, I would entertain
22 a motion on this agenda item. We don't need one, do we?
23 Do we need one?

24 MR. AVITIA: Yes. It's an action item.

25 MR. BACARISSE: Yes, we do. Sorry. It's an

1 action item.

2 Is there a motion on approval of these plates?

3 Member Graham, would you like to make that motion?

4 MR. GRAHAM: No.

5 MR. BACARISSE: I'm just kidding. Anyone else
6 have a motion? You might have to.

7 MR. GRAHAM: Oh, yeah, I do actually.

8 (General laughter.)

9 MR. GRAHAM: I was just checking, I was just
10 testing everybody.

11 MR. BACARISSE: Sure.

12 MR. GRAHAM: I move that the Board approve the
13 specialty plate design, as presented by staff.

14 MR. BACARISSE: Is there a second?

15 MS. GILLMAN: Second.

16 MR. BACARISSE: Okay. Thank you.

17 Any public comment other than that I've already
18 made?

19 MS. MORIATY: No, sir, there are no public
20 comments.

21 MR. BACARISSE: In that case, I will call for
22 the vote. Now, watch me here, guys. I, Chair Bacarisse,
23 vote aye.

24 Member Prewitt?

25 MR. PREWITT: Aye.

1 MR. BACARISSE: Member Omumu?

2 MS. OMUMU: Aye.

3 MR. BACARISSE: Member Graham?

4 MR. GRAHAM: Aye.

5 MR. BACARISSE: Member Gillman?

6 MS. GILLMAN: Aye.

7 MR. BACARISSE: Member Alvarado?

8 MR. ALVARADO: Aye.

9 MR. BACARISSE: Okay, there you go. So it's
10 unanimous. Thank you.

11 I hope they sell a lot of those plates; it's a
12 good looking plate.

13 We now move to agenda item 11, which is the
14 advisory committee appointments, and we've got Mr.
15 Richards up here to lay it out for us, so, David, go
16 ahead.

17 MR. RICHARDS: Thank you, Mr. Chairman. Good
18 morning. Good morning, members and Executive Director
19 Avitia. My name is David Richards, for the record,
20 associate general counsel in the Office of General
21 Counsel.

22 I have the pleasure of presenting to you today
23 a new slate of potential members to serve on our various
24 advisory committees. This is an action item. Your
25 materials appear on page 158 of your Board book.

1 We have members to be appointed essentially to
2 three of our advisory committees. The Motor Carrier
3 Regulatory Advisory Committee, we have none today.

4 As you recall, the Sunset Advisory Commission
5 recommended that this Board appoint members to advisory
6 committees and establish advisory committees to help the
7 Board with policymaking and rulemaking. You've done that
8 under Transportation Code 1001.031 by establishing four
9 committees.

10 The members we have today for the Customer
11 Service and Protection Advisory Committee, we have two
12 franchised dealers, two consumer members, and the next one
13 for the Motor Vehicle Industry Regulatory Committee we
14 have one franchised dealer, and for the final group,
15 Vehicle Titles and Registration Advisory Committee, we
16 have one representative that's affiliated, I believe she's
17 a CFO for a franchised dealer in Georgetown/Round Rock,
18 and then four consumer members to appoint to the Vehicle
19 Titles and Registration Committee as well.

20 This list was prepared and is presented by your
21 executive director, Daniel Avitia. It as vetted by the
22 Office of General Counsel, as well as the various division
23 directors responsible for these particular advisory
24 committee subject matters.

25 I'm happy to announce that we're getting ready

1 to embark on having introductory meetings of our advisory
2 committees. Next week will be an introductory committee
3 meeting for the Motor Vehicle Industry Regulation Advisory
4 Committee, and then the following week, the Customer
5 Service and Protection Advisory Committee, followed up by
6 early September we'll have a couple of introductory
7 meetings for the remaining advisory committee meetings.

8 So lots going on, we have lots for them to do,
9 but for the purposes of this agenda item, the department
10 is asking for a vote to appoint these members to the
11 various advisory committees. You have a list of those
12 members in your Board book starting on 158.

13 Thank you.

14 MR. BACARISSE: Thank you, David.

15 Members, any questions for Mr. Richards?

16 Member Alvarado.

17 MR. ALVARADO: Are we appointing the members or
18 the potential members, or both?

19 MR. RICHARDS: Potential members.

20 MR. ALVARADO: Got it. Thank you.

21 MR. RICHARDS: They'll appear at the top of the
22 printout list.

23 MR. ALVARADO: Thank you.

24 MR. RICHARDS: You're welcome.

25 MR. BACARISSE: Any other questions for Mr.

1 Richards, members?

2 (No response.)

3 MR. BACARISSE: Seeing none, I would entertain
4 a motion on this agenda item.

5 MR. ALVARADO: I'll make a motion.

6 MR. BACARISSE: Member Alvarado.

7 MR. ALVARADO: I move that the Board appoint to
8 serve as advisory committee members the individuals who
9 are presented as potential members by the department's
10 executive director in the Board book materials dated
11 August 17, 2023.

12 MR. BACARISSE: Thank you.

13 Is there a second for this motion?

14 MS. OMUMU: Second.

15 MR. BACARISSE: Member Omumu, thank you.

16 Any further discussion, members, on this item?

17 Yes, Member Graham.

18 MR. GRAHAM: I appreciate y'all's work on this.

19 It's clear that there's been a lot of effort put to make
20 sure that all stakeholders are represented on these, and
21 that's important, and I appreciate the effort on that.

22 Thank you.

23 MR. BACARISSE: Absolutely.

24 MS. GILLMAN: I concur.

25 MR. BACARISSE: Member Gillman.

1 MS. GILLMAN: Thank you, Mr. Chair. I concur
2 with Board Member Graham's comments.

3 MR. BACARISSE: I agree as well. I think it's
4 vitally important that we have this input.

5 Any other discussion, members?

6 (No response.)

7 MR. BACARISSE: Hearing none, I will call the
8 vote, please.

9 Oh, public comment. Laura, any public comment
10 on this?

11 MS. MORIATY: No, sir, no public comment.

12 MR. BACARISSE: Okay. Thank you.

13 I will call the vote at this point on agenda
14 item 11.

15 Member Alvarado?

16 MR. ALVARADO: Aye.

17 MR. BACARISSE: Member Gillman?

18 MS. GILLMAN: Aye.

19 MR. BACARISSE: Member Graham?

20 MR. GRAHAM: Aye.

21 MR. BACARISSE: Member Omumu?

22 MS. OMUMU: Aye.

23 MR. BACARISSE: Member Prewitt?

24 MR. PREWITT: Aye.

25 MR. BACARISSE: And I, Chair Bacarisse, vote

1 aye as well. It's unanimous. Thank you.

2 Thank you, Mr. Richards.

3 So we move to agenda item 12, Finance and Audit
4 Committee update, and I think today we may hear from Chris
5 Hayden. Is that right, is he going to present?

6 MR. AVITIA: Chairman Graham.

7 MR. BACARISSE: Oh, Chairman Graham is going to
8 present. I'm sorry. I should maybe look up at the TV
9 every now and then.

10 (General laughter.)

11 MR. GRAHAM: Well, I thought maybe there was
12 something I didn't know.

13 MR. BACARISSE: No. Something I didn't know.

14 MR. GRAHAM: You are the chairman.

15 MR. BACARISSE: That's dangerous.

16 Go ahead, Member Graham.

17 MR. GRAHAM: Thank you, Chairman Bacarisse,
18 Executive Director Avitia, and members.

19 Yesterday, Members Omumu, Prewitt and myself
20 participated in the Finance and Audit Committee meeting
21 and received briefings from the department staff.

22 Regarding agenda item 12.A, the fiscal year
23 2024 recommended operating budget for the fiscal year that
24 begins September 1, 2023 and ends August 31, 2024. John
25 Ralston, the department's Budget and Forecasting director,

1 briefed us on all of that. Detailed documents of the
2 operating budget are included in your Board book.

3 The fiscal year 2024 recommended operating
4 budget totals \$428.9 million, with 860 FTEs. In addition
5 to amounts sufficient for the department's day-to-day
6 operations, the budget includes funding for the following
7 major initiatives and projects:

8 There's \$143 million for the Camp Hubbard
9 renewal project; \$35 million for implementation of House
10 Bill 718 relating to replacing temporary paper tags with
11 metal plates; there's \$33.8 million, which is an increase
12 for MVCPA, with the majority for the implementation of
13 Senate Bill 224, the bill to deter catalytic converter
14 crime; there's \$9.6 million for increases for technology
15 and capital budgets; \$6.7 million for the firsts phase of
16 RTS replacement; \$2.5 million for additional regional
17 service center locations in Dallas and Houston; there's
18 \$2.5 million for an increase for salary adjustments; and
19 \$1.9 million for new FTEs to address workload and
20 initiatives in multiple TxDMV programs.

21 The budget also includes one contract that the
22 department's contract approval procedures require the
23 Board to approve because it is over \$200,000 and does not
24 fall under one of the Board approved exclusions for
25 contracts.

1 This contract, in the amount of \$695,008, is
2 wit the American Association of Motor Vehicle
3 Administrators for the online access related to the
4 National Motor Vehicle Title Information System reporting
5 as required by federal statute.

6 The Finance and Audit Committee approved Mr.
7 Ralston's recommendation to recommend to the full Board
8 approval of the fiscal year 2024 recommended operating
9 budget, which includes approval of the contract with the
10 American Association of Motor Vehicle Administrators.

11 At this point, this is an action item, and I'll
12 take any questions, and Mr. Ralston is here as well should
13 anyone have any questions on the budget.

14 MR. BACARISSE: Thank you, Chairman Graham.
15 And I will say for the record, obviously y'all had your
16 Finance and Audit Committee meeting yesterday, and lots of
17 good conversation, I'm sure, and good work by members of
18 the committee. Thank you.

19 And if we have any questions from members,
20 let's entertain them at this point. Members, any
21 questions of Member Graham?

22 (No response.)

23 MR. BACARISSE: Hearing none, seeing none, I
24 would entertain a motion on agenda item 12.A.

25 MR. PREWITT: Mr. Chairman?

1 MR. BACARISSE: Member Prewitt.

2 MR. PREWITT: I move that the Board approve the
3 fiscal year 2024 annual operating budget, as presented,
4 which includes approval of one listed contract that
5 requires Board approval.

6 MR. BACARISSE: Very good. Thank you.

7 Is there a second on this motion?

8 MS. GILLMAN: I'll second, Mr. Chairman.

9 MR. BACARISSE: Member Gillman, thank you.

10 So we have a motion and second. Any further
11 discussion, members, on this item 12.A?

12 (No response.)

13 MR. BACARISSE: Any public comment on this
14 item?

15 MS. MORIATY: No, sir, no public comment.

16 MR. BACARISSE: Thank you.

17 So in this case, I will call the vote, please.
18 Member Alvarado?

19 MR. ALVARADO: Aye.

20 MR. BACARISSE: Member Gillman?

21 MS. GILLMAN: Aye.

22 MR. BACARISSE: Member Graham?

23 MR. GRAHAM: Aye.

24 MR. BACARISSE: Member Omumu?

25 MS. OMUMU: Aye.

1 MR. BACARISSE: Member Prewitt?

2 MR. PREWITT: Aye.

3 MR. BACARISSE: And I, Chair Bacarisse, vote
4 aye as well. It's unanimous. Thank you.

5 Chairman Graham, there's continued update, I
6 think, on agenda item 12.B. Right?

7 MR. GRAHAM: Yes, sir, there's about six more
8 pages.

9 MR. BACARISSE: Good, fantastic. You were
10 busy.

11 MR. GRAHAM: John Ralston, the department's
12 Budget and Forecasting director, requested committee
13 action regarding delegation of contract approval and
14 signature authority to the executive director or the
15 executive director's designee for contracts that exceed \$1
16 million.

17 Under Texas Government Code 2261.254, the Board
18 must approve and the presiding officer must sign all
19 contracts exceeding \$1 million, or they may delegate this
20 authority to the executive director or deputy executive
21 director of the agency. Making this delegation ensures
22 that the agency is in compliance with this section and
23 minimizes delay in executing contracts.

24 The Finance and Audit Committee approved Mr.
25 Ralston's recommendation to recommend to the full Board

1 approval of the delegation of contract approval and
2 signature authority to the executive director or the
3 executive director's designee. Mr. Ralston is still here
4 to answer any questions you may have, or myself.

5 MR. BACARISSE: Okay. Thank you.

6 On agenda item 12.B, members, are there
7 questions for Chairman Graham or any staff on this agenda
8 item?

9 (No response.)

10 MR. BACARISSE: Seeing none, the chair would
11 entertain a motion on agenda item 12.B.

12 MS. OMUMU: Mr. Chairman?

13 MR. BACARISSE: Member Omumu.

14 MS. OMUMU: I move that the Board delegate
15 contract approval and signature authority to the executive
16 director or the executive director's designee for
17 contracts exceeding \$1 million, pursuant to Texas
18 Government Code Section 2261.254.

19 MR. BACARISSE: Thank you.

20 Is there a second to this motion?

21 MR. GRAHAM: I'll second.

22 MR. BACARISSE: Member Graham.

23 Any further discussion, members, on this agenda
24 item?

25 (No response.)

1 MR. BACARISSE: Seeing none, I will ask is
2 there any public comments on this agenda item.

3 MS. MORIATY: No, sir, no public comments.

4 MR. BACARISSE: Thank you.

5 In that case, I will call for the vote, please.
6 Member Alvarado?

7 MR. ALVARADO: Aye.

8 MR. BACARISSE: Member Gillman?

9 MS. GILLMAN: Aye.

10 MR. BACARISSE: Member Graham?

11 MR. GRAHAM: Aye.

12 MR. BACARISSE: Member Omumu?

13 MS. OMUMU: Aye.

14 MR. BACARISSE: Member Prewitt?

15 MR. PREWITT: Aye.

16 MR. BACARISSE: And I, Chair Bacarisse, vote
17 aye as well, so that's unanimous. Thank you.

18 Please continue, Chairman Graham.

19 MR. GRAHAM: Regarding agenda item 12.C, Glenda
20 Bowman, the department's chief financial officer, provided
21 an update on the Camp Hubbard renewal project.

22 The 88th Legislature appropriated \$143 million
23 in capital budget authority to TxDMV for the Camp Hubbard
24 renewal project in fiscal year 2024 and authorized the
25 Texas Public Finance Authority to issue revenue bonds or

1 other obligations on behalf of the TxDMV to secure funding
2 for the project. The legislature also appropriated money
3 for lease payments of approximately \$12.5 million for each
4 year of the fiscal year 2024-2025 biennium.

5 In July 2023, contracted vendor MarmonMok
6 presented 65 percent construction documents that included
7 specifications for site work, lighting, electrical,
8 plumbing, HVAC, technology, space allocation, flooring,
9 signage, landscaping, interior finishes, and a wide range
10 of other items, and are deemed to be at least 65 percent
11 complete.

12 Additional work will be completed to develop 95
13 percent construction documents by the beginning of
14 September, followed by, hopefully, 100 percent documents
15 around mid October.

16 Sixty-five percent construction documents
17 include renderings of the new building and renovated
18 Building 6, including exteriors and landscaping.

19 Will we have slides up?

20 MR. BACARISSE: There we go.

21 MR. GRAHAM: So this first slide is the aerial
22 view of the new building from the Jackson street side, so
23 kind of that parking lot is more or less here now so you
24 can just kind of get a visual of that.

25 Slide 2 is the view of the new building ground

1 level with sidewalk leading to the main entrance. It
2 really doesn't look much like a government building, does
3 it? They've done some good work on this.

4 Slide 3 is a view from the north side of new
5 building looking back towards the renovated Building 6, so
6 that building in the back, that's Building 6, and this
7 will also include renovations, both interior and exterior
8 renovations to Building 6.

9 This slide is a view of the covered seating
10 area outside of the employee cafeteria store, which is not
11 a real comfortable place to be this afternoon but there
12 will be a couple of months out of the year that it will be
13 a wonderful place to be, hopefully more. Right?

14 The next slide is the north side view with
15 sidewalk leading to the employee entrance.

16 And slide 6, this will be the renovated
17 Building 6, and again, internal and external renovations.

18 Slide 7 will be the boardroom, and the person
19 on the right, Chairman, is arguing with you, as you can
20 see.

21 MR. BACARISSE: I can see that.

22 MR. GRAHAM: There's deliberation, maybe not
23 arguing.

24 MR. BACARISSE: Must be a Rangers-Astros thing.

25 MR. GRAHAM: Deliberation, there you go.

1 And then another view of the boardroom looking
2 out from the dais.

3 So those are the conceptual views of the
4 building.

5 The 65 percent construction documents also
6 include a proposal for using solar energy that is energy
7 efficient and cost effective. The total cost of the solar
8 option is \$1.3 million, but after identified federal and
9 local rebates, the net cost is only \$450,000, which is
10 estimated to have an ROI in about eight and a half years.

11 TxDMV staff are currently working with the TPFA
12 to fully develop financing plans for the project.

13 Executive Director Daniel Avitia, CFO Glenna Bowman, and
14 Deputy CFO Chris Hayden have participated in presentations
15 to the Texas Public Finance and the Bond Review Board, and
16 on July 20, 2023, the Bond Review Board voted to approve
17 interim financing for the Camp Hubbard renewal project as
18 part of the TPFA program for the issuance of commercial
19 paper during fiscal year 2024.

20 TxDMV staff, in coordination with TPFA and the
21 Texas Facilities Commission, are now in the process of
22 determining how funds will be issued and distributed to
23 coincide with expected payments over the life of the
24 project. More information will be provided to the Board
25 as it becomes available.

1 Ms. Bowman is here to answer any questions on
2 this item, or myself, if I can.

3 MR. BACARISSE: Members, any questions for
4 Chairman Graham?

5 I see you shaking your head, Member Gillman.

6 MS. GILLMAN: No questions, Mr. Chairman.

7 MR. BACARISSE: Okay. Any other comments,
8 members?

9 (No response.)

10 MR. BACARISSE: Please continue, Chairman
11 Graham.

12 MR. GRAHAM: Thank you.

13 Agenda item 12.D, also a briefing only item,
14 this is regarding Internal Audit Division status update.

15 Yesterday, Salem Chuah, the department's
16 Internal Audit director, provided an Internal Audit
17 Division status update. For external engagements, IAD is
18 in the planning phase for the quality assurance
19 improvement program assessment.

20 This is an internal assessment conducted by IAD
21 to review conformance with auditing standards. IAD is in
22 the field work phase for its audit on regional service
23 centers. IAD created a flow chart of the bonded title
24 process, evaluated if customer service representatives
25 have taken all applicable training modules, and determined

1 if CSRs have the right access levels to the Registration
2 and Title System. The audit is ongoing and expected to be
3 completed in late fall.

4 IAD completed the fiscal year 2024 risk
5 assessment and the Internal Audit Plan, which will be an
6 action item for the Board's consideration. Mr. Chuah
7 reported that IAD will continue to track external
8 engagements, but there are none that they are aware of
9 now.

10 Jason Gonzalez, the department's principal
11 internal auditor, reported the results for the hiring
12 process audit to the committee. The audit's objective was
13 to determine the effectiveness and efficiency of the
14 hiring process and whether policies and procedures are
15 followed consistently. IAD found that the hiring process
16 is at Level 3, which is established. There were three
17 results in this audit.

18 First, the audit found that while the
19 department verified employment eligibility and conducted
20 background checks, it did not always ensure that required
21 forms were completed in their entirety or perform driving
22 record checks.

23 Second, the audit found that the department
24 established hiring steps for hiring managers to follow but
25 did not always ensure that qualified candidates were

1 interviewed. There were also job requisition files that
2 were missing screening criteria and interview scoring
3 sheets for applicants.

4 Finally, the audit found that some data
5 reported in the KPIs were inaccurate, provided a limited
6 view of the hiring process.

7 The audit issued nine recommendations to the
8 Human Resources Division to address the results. The
9 recommendations include implementing review processes,
10 having Human Resources perform minimum qualifications
11 screening, developing standardized check lists, and
12 considering metrics, such as time to hire, to provide
13 insight into the entire hiring process.

14 Mr. Chuah and Mr. Gonzalez are here to answer
15 any questions, along with myself, should anybody have
16 questions.

17 MR. BACARISSE: Thank you, Chairman Graham.

18 Members, any questions for Chairman Graham on
19 12.D or anything else here that was presented?

20 (No response.)

21 MR. BACARISSE: Any further discussion?

22 (No response.)

23 MR. BACARISSE: Thank you, Chairman Graham.

24 MR. GRAHAM: Yes, sir. I have one more.

25 MR. BACARISSE: One more, go for it.

1 MR. GRAHAM: This is regarding agenda item 13.
2 This is the fiscal year 2024 Audit Plan, and this is an
3 action item.

4 Mr. Chuah, the department's Internal Audit
5 director, provided an overview yesterday of the fiscal
6 year 2024 Internal Audit Plan. The plan covers the period
7 of September 2023 through August 2024. IAD identified 12
8 engagements to conduct during this period. This includes
9 six audits, two advisory services and four required
10 activities.

11 The audit topics include, first, the regional
12 service centers, a carryover audit from this current
13 fiscal year, investigation processes, inventory and asset
14 management, information security, public information
15 request processes, and fleet management.

16 The two advisory services include motor carrier
17 licensing processes and contract monitoring.

18 The required activities include the fiscal year
19 2023 Internal Audit annual report, and the quality
20 assurance and improvement program assessment; also the
21 audit recommendation implementation status and the fiscal
22 year 2025 risk assessment and Internal Audit Plan.

23 The plan also includes alternative engagements
24 that could be considered.

25 The IAD will also continue to provide

1 additional services to the department, such as
2 coordinating complaints and conducting investigations in
3 internal fraud, waste, and abuse; facilitating external
4 audits or reviews; and participating in various work
5 groups and advisory capacity.

6 The Finance and Audit Committee approved Mr.
7 Chuah's recommendation to recommend to the full Board
8 approval of the Fiscal Year 2024 Internal Audit Plan. And
9 we are available to answer any questions you may have.

10 MR. BACARISSE: Thank you, Chairman Graham.

11 Members, are there any further questions for
12 Chairman Graham or staff or anyone on item 13?

13 MS. GILLMAN: Yes, sir.

14 MR. BACARISSE: Member Gillman.

15 MS. GILLMAN: To clarify, is this approving us
16 to have an audit? I'm unsure.

17 MR. GRAHAM: So it's something that's required
18 to lay out the expectations for the audit team for the
19 next year. These are audits that -- you correct me if I'm
20 wrong, but these are audits that are more or less on the
21 table to be considered for next year. It doesn't mean
22 they'll all be done; it just means that that's sort of
23 what is in front of us.

24 MR. BACARISSE: This is the plan.

25 MR. GRAHAM: Right.

1 MS. GILLMAN: Because I know regional service
2 center audit, I see that it's a carryover from last year,
3 but we've talking about whether or not we're going to do
4 it.

5 MR. GRAHAM: That one is expected to be
6 completed in October.

7 MS. GILLMAN: Oh, good.

8 MR. GRAHAM: So we're right in the middle of
9 that one.

10 MS. GILLMAN: Okay, great.

11 MR. GRAHAM: It is an aggressive list. Salem
12 wanted it that way; he wanted an aggressive full plate for
13 them. There are some expectations that the audit team
14 will have a chance to really do most of this if Salem is
15 successful filling some holes in the team, and he's hard
16 at work at that right now. As long as there's some
17 success in hiring, that is all achievable.

18 MS. GILLMAN: Thank you.

19 MR. BACARISSE: Member Prewitt, I see you.

20 MR. PREWITT: I think just a comment, followed
21 by a motion when appropriate. Salem and his team have
22 been the few, the proud, achieving a lot with limited
23 staff, and I think that we learned at yesterday's meeting
24 that the suggested staffing level for a department of
25 TxDMV's size is six auditors, and we've been operating

1 really at effectively two for the last several months. So
2 hopefully we can get an additional four staff members
3 hired, and that will help them, hopefully, better achieve
4 these goals and then make additional ones as well.

5 MR. BACARISSE: Good point.

6 MS. GILLMAN: Thank you.

7 MR. BACARISSE: Any other questions, members?

8 (No response.)

9 MR. BACARISSE: Seeing none or hearing none,
10 Member Prewitt, I believe you have a motion.

11 MR. PREWITT: I do. I move that the Board
12 approve the Fiscal 2024 Internal Audit Plan, as presented.

13 MR. BACARISSE: And is there a second for that
14 motion?

15 MS. GILLMAN: I'll second, Mr. Chairman.

16 MR. BACARISSE: Member Gillman, thank you.

17 Any further discussion?

18 (No response.)

19 MR. BACARISSE: Any public comments, Laura, on
20 this item?

21 MS. MORIATY: No, sir, no public comments.

22 MR. BACARISSE: Thank you.

23 I'll now call the vote.

24 Member Alvarado?

25 MR. ALVARADO: Aye.

1 MR. BACARISSE: Member Gillman?

2 MS. GILLMAN: Aye.

3 MR. BACARISSE: Member Graham?

4 MR. GRAHAM: Aye.

5 MR. BACARISSE: Member Omumu?

6 MS. OMUMU: Aye.

7 MR. BACARISSE: Member Prewitt?

8 MR. PREWITT: Aye.

9 MR. BACARISSE: And I, Chair Bacarisse, vote
10 aye as well.

11 Chairman Graham, thank you for your great work
12 in your committee yesterday. It was a full plate, a lot
13 happening, and a lot to stay on top of, so I'm thankful
14 for your leadership there. Thank you.

15 MR. GRAHAM: Thank you, Chairman.

16 MR. BACARISSE: All right. We move to agenda
17 item number 14, which is the legislative activity update.

18 Nothing going on now, Keith, right? Just
19 kidding. Come on up, Mr. Yawn, help us to understand.
20 The floor is yours.

21 MR. YAWN: Good morning, Mr. Chairman, Board
22 members. My name is Keith Yawn, director of Government
23 and Strategic Communications.

24 And as the chairman just mentioned, agenda item
25 14 is an update on legislative activity. This is a

1 briefing item only and requires no action.

2 As reported in June, the 88th Texas Legislature
3 passed 70 bills related to department operations. More
4 than half related to core motor vehicle programs, with the
5 remainder altering state administrative policies, such as
6 open records, human resources, or contracting
7 requirements.

8 The governor's veto period ran until June 18,
9 during which two department related bills were vetoed:
10 Senate Bill 247, which repealed the honorary consul
11 specialty plates; and Senate Bill 261, revising the
12 definition of assembled trailers.

13 Since the end of the regular session, the
14 legislature has completed two special sessions, both
15 related to deliberations on property tax policy. The
16 department was not involved in either of these sessions.

17 There has also been public discussion of the
18 possibility of at least one additional special session
19 this fall, but at this time it does not appear that
20 department operations or policies will be included in that
21 either.

22 The department began preparations to implement
23 enacted legislation at the end of May, as it became clear
24 which bills would likely receive final approval. The
25 focus to date has been on bills with immediate or near

1 term effective dates, especially those with a material
2 impact on large customer populations.

3 Of course, earlier in this meeting you
4 discussed rule proposals related to a couple of these
5 bills, Senate Bill 712, which authorized the marketing and
6 production of embossed plates; and Senate Bill 433,
7 reducing the number of vehicles required to be considered
8 a fleet.

9 As was mentioned earlier, the system
10 programming for this change was included in the system
11 release completed at the end of July, and this change will
12 be activated in the system September 1 for completion.

13 However, not all legislative implementations
14 require rule proposals. One of the largest implementation
15 efforts currently underway is for Senate Bill 505, which
16 creates a new registration fee of \$200 per year for fully
17 electric vehicles.

18 The fee is in addition to other registration
19 fees and taxes already applied and is due on registration
20 renewals and new sales beginning September 1 of this year.

21 The programming changes required are scheduled for system
22 release on August 28.

23 The department also initiated a public
24 communications campaign to notify vehicle owners of this
25 fee change. The campaign included an initial press

1 release picked up by numerous media outlets in major
2 markets throughout the state, and was supplemented by a
3 one-page information sheet and ongoing social medial
4 postings.

5 Targeted instructional communications are also
6 being sent to tax assessor-collectors and dealers related
7 to this effort. Finally, a letter was sent to owners of
8 currently registered electric vehicles with scheduled
9 renewals in September and October. The media attention of
10 this policy change has been strong and beneficial to
11 spreading the information statewide.

12 Programming to implement an additional 18 bills
13 is scheduled to be released in two installments over the
14 next month. These projects include 14 specialty license
15 plate bills and establish transactional processes for
16 other operational bills, including House Bill 3288, which
17 revises the vehicle transfer notice submission process;
18 House Bill 198, allowing owners to self-certify inspection
19 of certain trailers; and House Bill 3599, exempting
20 certain nonprofit food bank vehicles from registration
21 fees.

22 Of course, some bills do require additional
23 operational steps or actions by external parties to fully
24 implement before the intended process or plate is
25 available to our customers. Some more information on our

1 bill completion progress will be available following the
2 start of the next fiscal year.

3 While this is a great start to the efforts,
4 there is a lot more work to complete, of course. The
5 technical activities for remaining bill implementation
6 efforts will begin this fall and continue throughout the
7 next year, but the planning and organization work to
8 ensure their success has already started.

9 I'd like to briefly acknowledge upcoming work
10 for two bills for which we've received regular inquiries
11 from our stakeholders.

12 House Bill 718, eliminating temporary paper
13 tags and replacing them with metal plates: While the full
14 statutory revisions do not take effect for two years, the
15 department is required to adopt the related rules by
16 December 2024.

17 Department staff from numerous divisions have
18 begun organizing for this effort to ensure all necessary
19 elements and operational needs are considered and
20 incorporated and the following policies adopted. VTR has
21 begun distributing educational information on the bill to
22 tax assessor-collectors throughout the state to increase
23 base understanding of the coming changes.

24 We anticipate preliminary rule drafts to move
25 through stakeholder vetting processes during the first

1 half of calendar year 2024, with Board review and
2 deliberation of the resulting product beginning next
3 summer. Draft rules will be based on intended processes
4 and business functions and should provide stakeholders
5 with full input and clarity around how the process will
6 ultimately work.

7 House Bill 3297 eliminates safety inspection
8 requirements for non-commercial vehicles beginning in
9 January 2025. Department staff are in the process of
10 reaching out to the Texas Department of Public Safety and
11 the Texas Commission on Environmental Quality to establish
12 a coordinated plan for this implementation. At this time
13 we believe the available implementation timeline is
14 sufficient to accomplish this work.

15 We will have more details, of course, on
16 legislative implementation progress and planning as we
17 move through fiscal year 2024 and will work with Member
18 Scott and the Legislative and Public Affairs Committee to
19 bring that information to the Board.

20 Mr. Chairman, this concludes my prepared
21 remarks, but I'm happy to address any questions.

22 MR. BACARISSE: Thank you very much.

23 Any questions for Mr. Yawn?

24 MR. GRAHAM: Yes, sir.

25 MR. BACARISSE: Yes, Member Graham.

1 MR. GRAHAM: So this isn't something that y'all
2 might necessarily know the answer to, but because of the
3 importance of safety inspections in the registration and
4 titling process, I just want to inquire, because it could
5 really throw a wrench in what we're doing.

6 It was anticipated that the DPS would roll out
7 a new inspection process and platform this June, which has
8 not happened, and I really don't know what's going on with
9 that. It's very concerning, as a dealer that performs
10 inspections, because it could cause us a lot of headaches
11 if they don't get that figured out.

12 So I would just ask has there been any
13 discussion on that topic that you are aware of regarding
14 what the DPS anticipates to do with inspections between
15 here and when that will cease?

16 You probably don't, but I just kind of wanted
17 to point that out, because for dealers and anyone that's
18 doing state inspections, we just kind of feel like we're
19 stuck out there on a limb and have no idea what's going to
20 happen. Thank you.

21 MR. YAWN: Member Graham, there have, of
22 course, been many public discussions about the
23 implications of that bill and how it will be implemented
24 that have been heard by all the agencies involved and the
25 implementation.

1 As I mentioned, that's why it's so important
2 that we have a very close coordination with DPS and TCEQ
3 on the implementation of that, which is ongoing now. I
4 can't really speak to another agency's implementation of
5 their programs, and at this point I don't have any
6 information on their activities in that area.

7 MR. GRAHAM: Thank you.

8 MR. BACARISSE: Members, any other questions?

9 (No response.)

10 MR. BACARISSE: Thank you, Mr. Yawn. I
11 appreciate that briefing and update.

12 MR. YAWN: Thank you.

13 MR. BACARISSE: Yes, ma'am, Member Gillman.

14 MS. GILLMAN: Could I request maybe at the next
15 meeting or when appropriate that we could have a brief
16 summary of that safety inspection transition?

17 MR. BACARISSE: Sure. I would imagine that as
18 the agencies -- because there's more than one involved --
19 are moving forward, Mr. Yawn will come back and brief us
20 on any and all updates as this piece of legislation starts
21 to take shape in some way. Right?

22 MR. YAWN: That is absolutely correct, yes.

23 MS. GILLMAN: Either that, or get DPS or TCEQ
24 representatives here to outline it themselves.

25 MR. YAWN: Moving forward we will absolutely be

1 able to provide you details on the implementation of that
2 bill as those plans are fully developed. If there are
3 gaps in that or things that we are not able to speak to as
4 an agency that the Board is interested in, then we can
5 make the appropriate arrangements to make sure you get
6 that information.

7 MS. GILLMAN: Thank you.

8 MR. YAWN: Thank you.

9 MR. BACARISSE: Anything else, members, for Mr.
10 Yawn?

11 (No response.)

12 MR. BACARISSE: Thank you, we appreciate it.

13 At this point, I would like to ask if we could
14 take -- if the members are amenable -- agenda item number
15 17, which is the general public comment section, out of
16 order and consider it now.

17 We're going to go into closed session, so I
18 just didn't want to have anybody that has signed up to
19 make a general public comment have to wait on that. So
20 are there any general public comments signed up?

21 MS. MORIATY: Laura Moriaty, general counsel.

22 No, sir, we have no public comments.

23 MR. BACARISSE: Okay. Very good.

24 In that case, we are going to move into closed
25 session. We are going to take up agenda item number 15;

1 we're now going to go into closed session.

2 It is now 10:20 a.m. on August 17, 2023, and
3 we're going to go into closed session under Texas
4 Government Code Sections 551.071 and 551.074. For those
5 of you in the audience, I anticipate being in closed
6 session for approximately two hours, and we will reconvene
7 in open session after that.

8 With that, we are now recessed from the public
9 meeting and we're going into closed session.

10 (Whereupon, at 10:20 a.m., the meeting was
11 recessed, to reconvene this same day, Thursday, August 17,
12 2023, following conclusion of the closed session.)

13 MR. BACARISSE: Good afternoon. It is now
14 12:30 p.m., and the Board of the Texas DMV is now back in
15 open session.

16 The Board will now take up agenda item 16,
17 which is action items from the closed session. So I
18 believe we do have a motion, and I would entertain a
19 motion regarding agenda item 16.

20 MS. GILLMAN: Mr. Chairman, I do have a motion.

21 MR. BACARISSE: Member Gillman.

22 MS. GILLMAN: Regarding agenda item 16, I move
23 that the Board approve the evaluation of Executive
24 Director Mr. Daniel Avitia from our closed session,
25 increase Mr. Avitia's salary to \$222,500, effective

1 September 1, 2023, and authorize the department staff to
2 take the necessary actions to implement the actions
3 authorized by this motion.

4 MR. BACARISSE: Is there a second to this
5 motion?

6 MR. PREWITT: I second the motion.

7 MR. BACARISSE: Member Prewitt, thank you.
8 Any further discussion, members?

9 (No response.)

10 MR. BACARISSE: Hearing none, Laura, are there
11 any public comments on this item?

12 MS. MORIATY: No, sir, there are not.

13 MR. BACARISSE: All right. The chair will now
14 call the roll.

15 Member Alvarado?

16 MR. ALVARADO: Aye.

17 MR. BACARISSE: Member Gillman?

18 MS. GILLMAN: Aye.

19 MR. BACARISSE: Member Graham?

20 MR. GRAHAM: Aye.

21 MR. BACARISSE: Member Omumu?

22 MS. OMUMU: Aye.

23 MR. BACARISSE: Member Prewitt?

24 MR. PREWITT: Aye.

25 MR. BACARISSE: And I, Chair Bacarisse, vote

1 aye as well. It's unanimous.

2 We now move to agenda item 18, adjournment. Is
3 there any other business before this Board this afternoon?

4 (No response.)

5 MR. BACARISSE: I don't see any or hear any, so
6 unless there are any others, I would entertain a motion to
7 adjourn.

8 MR. GRAHAM: So moved.

9 MR. BACARISSE: Member Graham.

10 Is there a second?

11 MS. GILLMAN: Second.

12 MR. BACARISSE: Gillman. I'm writing fast,
13 guys. So we'll vote on that.

14 Member Alvarado?

15 MR. ALVARADO: Aye.

16 MR. BACARISSE: Member Gillman?

17 MS. GILLMAN: Aye.

18 MR. BACARISSE: Member Graham?

19 MR. GRAHAM: Aye.

20 MR. BACARISSE: Member Omumu?

21 MS. OMUMU: Aye.

22 MR. BACARISSE: Member Prewitt?

23 MR. PREWITT: Aye.

24 MR. BACARISSE: And I, Chair Bacarisse, vote
25 aye as well. It's unanimous.

1 This meeting of the Texas DMV is now adjourned
2 at 12:32.

3 (Whereupon, at 12:32 p.m., the meeting was
4 adjourned.)

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C E R T I F I C A T E

MEETING OF: TxDMV Board

LOCATION: Austin, Texas

DATE: August 17, 2023

I do hereby certify that the foregoing pages, numbers 1 through 77, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Nancy H. King before the Texas Department of Motor Vehicles.

DATE: August 30, 2023

/s/ Nancy H. King
(Transcriber)

On the Record Reporting
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