

AGENDA
BOARD MEETING
TEXAS DEPARTMENT OF MOTOR VEHICLES
4000 JACKSON AVE., BUILDING 1, LONE STAR CONFERENCE ROOM
AUSTIN, TEXAS 78731
THURSDAY, AUGUST 8, 2024
9:00 A.M.

The presiding officer of the Board of the Texas Department of Motor Vehicles (Board) will be physically present in the Lone Star Conference Room of Building 1, 4000 Jackson Avenue, Austin, Texas 78731. Some Board members may attend via videoconferencing.

Link to August 8, 2024, Board Meeting Documents:
<https://www.txdmv.gov/about-us/txdmv-board-meetings>

All agenda items are subject to possible discussion, questions, consideration, and action by the Board. Agenda item numbers are assigned for ease of reference only and do not necessarily reflect the order of their consideration by the Board. Presentations may be made by the identified staff, Board member, or other personnel as needed. The Board reserves the right to discuss any items in closed session where authorized by the Open Meetings Act.

- 1. Roll Call and Establishment of Quorum**
- 2. Pledges of Allegiance - U.S. and Texas**
- 3. Chair's Reports - Chairman Bacarisse (BRIEFING ONLY)**
 - A. Global Technology Outage Response
 - B. Recognition of 30 Years of State Service for Daniel Avitia
- 4. Executive Director's Reports - Daniel Avitia (BRIEFING ONLY)**
 - A. American Association of Motor Vehicle Administrators (AAMVA) 2024 Region 2 Conference
 - B. Texas Independent Automobile Dealers Association (TIADA) Conference Update
 - C. Awards, Recognition of Years of Service, and Announcements

CONTESTED CASE

- 5. Proposal for Decision: Franchised Dealer's Notice of Protest of Dealership License Application; SOAH Docket No. 608-22-0643.LIC; Texas Department of Motor Vehicles No. 21-0018-LIC; *Tommie Vaughn Motors, Inc., Protestant v. Chastang Enterprises-Houston, LLC d/b/a Chastang Ford, Applicant* - Laura Moriarty (ACTION ITEM)**
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- 6. Consideration and Approval of Proposed Final Order on Enforcement Case Docket No. 23-0012668.ENF; SOAH Docket No. 608-23-24732.ENF;**
Texas Department of Motor Vehicles v. Whaley Boy, Inc.; d/b/a WB Motors Inc. - Laura Moriaty (ACTION ITEM)

RULE ADOPTIONS

- 7. Chapter 223, Compliance and Investigations Division** - Corrie Thompson (ACTION ITEM)
Amendments: §§223.1, 223.2 and 223.3
New: §223.5
Repeal: Subchapter B
(Relating to Cleanup)
(Published 4/26/24 - 49 TexReg 2690)
- 8. Rule Review**
Rule Review Adoption under Government Code §2001.039: Chapter 208, Employment Practices; and Chapter 223, Compliance and Investigations Division - Laura Moriaty (ACTION ITEM)
(Published 4/26/24 - 49 TexReg 2790)

RULE PROPOSALS

- 9. Rule Review**
Rule Review Proposal under Government Code, §2001.039: Chapter 218, Motor Carriers - Laura Moriaty (ACTION ITEM)
- 10. Advisory Committee Recommendations: Motor Carrier Regulation Advisory Committee (MCRAC)** - Aline Aucoin (BRIEFING ONLY)
- 11. Chapter 218, Motor Carriers** - Jimmy Archer (ACTION ITEM)
Amendments: Subchapters A, B, C, D, E, F and G
Repeal: §218.58
(Relating to Cleanup)
- 12. Chapter 224, Adjudicative Practice and Procedure** - Corrie Thompson (ACTION ITEM)
Amendments: §224.27 and §224.54
(Relating to Cleanup)

BRIEFING AND ACTION ITEMS

- 13. Finance and Audit Committee Update** - Committee Chair Brett Graham
A. FY 2025 Recommended Operating Budget for the Fiscal Year that Begins September 1, 2024, and ends August 31, 2025 (ACTION ITEM)
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- B. Delegation of Contract Approval and Signature Authority to the Executive Director or the Executive Director's Designee (ACTION ITEM)
- C. FY 2026 - 2027 Legislative Appropriations Update (BRIEFING ITEM)
- D. Internal Audit Division Status Update (BRIEFING ONLY)
 - i. Investigation Processes Audit
 - ii. Inventory Management Audit
 - iii. CPA Audit - Commercial Charge Rebate Program
- E. FY 2025 Internal Audit Plan (ACTION ITEM)

14. Legislative and Public Affairs

89th Regular Session Legislative Recommendations - Keith Yawn
(ACTION ITEM)

15. Pending Texas Permitting & Routing Optimization System (TxPROS) Procurement - Brad Payne (BRIEFING ONLY)

16. Motor Vehicle Crime Prevention Authority (MVCPA) Update - William Diggs (BRIEFING ONLY)

CLOSED SESSION

17. 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 551.071 - Consultation with and advice from legal counsel regarding:

- pending or contemplated litigation, or a settlement offer;
- a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Government Code Chapter 551; or
- any item on this agenda; or
- *Lucid Group USA, Inc. vs. Monique Johnston, in her official capacity as Director of the Motor Vehicle Division of the Texas Department of Motor Vehicles, et al.* Case No. 1:22-cv-01116; in the United States District Court for the Western District of Texas, Austin Division.

Section 551.074 - Personnel matters.

- Discussion relating to the appointment, employment, evaluation, reassignment, duties, discipline, and dismissal of personnel.
- Performance evaluation of Executive Director, including any modifications to compensation

Section 551.076 - Deliberation Regarding Security Devices or Security Audits.

- the deployment, or specific occasions for implementation, of security personnel or devices; or

- a security audit.

Section 551.089 - Deliberation Regarding Security Devices or Security Audits.

- security assessments or deployments relating to information resources technology;
- network security information as described by Government Code Section 2059.055(b); or
- the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

18. Action Items from Closed Session

Performance evaluation of Executive Director, including any modifications to compensation

19. Public Comment

20. Adjournment

The Board will allow an open comment period to receive public comment on any agenda item or other matter that is under the jurisdiction of the Board. No action will be taken on matters that are not part of the agenda for the meeting. For subjects that are not otherwise part of the agenda for the meeting, Board members may respond in accordance with Government Code, §551.042 and consider the feasibility of placing the matter on the agenda for a future meeting.

If you would like to comment on any agenda item (including an open comment under the agenda item for Public Comment), you must complete a speaker's form at the registration table prior to the agenda item being taken up by the Board or send an email to GCO_General@txdmv.gov to register by providing the required information prior to the agenda item being taken up by the Board:

1. a completed [Public Comment Registration Form](#); or
2. the following information:
 - a. the agenda item you wish to comment on;
 - b. your name;
 - c. your address (optional), including your city, state, and zip code; and
 - d. who you are representing.

Public comment will only be accepted in person. Each speaker will be limited to three minutes, and time allotted to one speaker may not be reassigned to another speaker

Any individual with a disability who plans to attend this meeting and requires auxiliary aids or services should notify the department as far in advance as possible, but no less than two days in advance, so that appropriate arrangements can be made. Contact Carrie Fortner by telephone at (512) 465-3044.

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

CERTIFYING OFFICIAL: Laura Moriaty, General Counsel, (512) 465-5665.