

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Chris Connealy, at 10:00 a.m. called the April 28, 2011 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

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| Attending | Les Bunte Carl Giles Arthur Pertile, III* | Elroy Carson John Gillette Leonardo Perez | Chris Connealy Jody Gonzalez Steve Tull | Tony Cortes John Green | Yusuf Farran** John McMakin |
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*absent entire meeting
**absent part of meeting

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| Staff | Gary L. Warren, Sr. Melissa Juarez, Assistant Attorney General | Deborah Cowan | Jake Soteriou | Don Wilson |
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| Guests | Mike Higgins Mike Jones Tim Hunter Shawn Snider Harry Evans Thayer Smith Domingo Hinojosa, Jr. | John Kendall Miles Skipper Wayne Dolan Betty Wilkes Steven Jones Johnny Villarreal | Chris Steele Craig Kolls Jerry Doyle Mike Hunt Chris Barron Jim Reidy | Jason Collier Dean Van Nest Daniel G. Snell Pat Ekiss Mark Warren Bob Nicks | Elliott Metzger Ken Dozier Ricardo Saldana Scott Korwood Rhoda Mae Kerr Joseph Tellez | Cleve Calagna Cary Roccaforte Oscar Montoya Jaime Guzman Jay Sikes |
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| 1. Roll call | Secretary, John Gillette called roll and 12 of 13 commissioners were present. |
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| 2. Adoption of Minutes | A motion to approve the minutes of the January 26, 2011 and March 14, 2011 commission meeting minutes was made by Carl Giles and seconded by John McMakin. The motion carried. |
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| 3. Budget and Strategic Plan Subcommittee Meeting | The subcommittees met together and discussed the agency's current budget and performance measures. |
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| 4. Subcommittee Reports | After discussion there was no action necessary. |
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| 5. Reports from Fire Service Interest Groups | Brief reports were given by the Texas State Association of Fire Fighters and the Texas Fire Chief's Association. |
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| 6. Report from Fire Service School Advisory Board & TEEEX | Commission representative, Michael Hunt gave a brief report on the activities of the board. |
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| 7. New Matters | Update on NFPA 1851 |
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| 8. Future Meeting Dates | A meeting was scheduled for July 13, 2011, beginning at 10:00 a.m. |
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| 9. Matters from Fire Fighter Advisory Committee | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; vertical-align: top;">A.</td> <td style="width: 5%; vertical-align: top;">1.</td> <td>A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 401, §401.1 as discussed was made by Les Bunte and seconded by Leonardo Perez. The motion carried.</td> </tr> </table> | A. | 1. | A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 401, §401.1 as discussed was made by Les Bunte and seconded by Leonardo Perez. The motion carried. |
| A. | 1. | A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 401, §401.1 as discussed was made by Les Bunte and seconded by Leonardo Perez. The motion carried. | | |

2. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 423, §423.3 and §423.201 as discussed was made by Steve Tull and seconded by John Green. The motion carried.
3. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 437, §437.3 and §437.5, to reflect language "of up to \$65" and language in §437.13 to remain at \$35 was made by Steve Tull and seconded by Yusuf Farran.

After further discussion, the previous motion was amended by Steve Tull and the second was amended by Yusuf Farran to reflect approval for final adoption the proposed amendments to §§437.3, 437.5, and 437.13 to reflect "of up to \$65" with the exception of §437.3(d). The motion carried.

adoption
 Perez and

A motion to approve the preamble comments recorded for inclusion into the final of the proposed rule amendments as discussed was made by Leonardo seconded by John Green. The motion carried.

- B. 1. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 427, §427.1 and §427.201 as discussed was made by Les Bunte and seconded by John Gillette. The motion carried.
2. A motion to approve for publication the repeal of Subchapter A of 37 TAC, Chapter 429, §§429.1, 429.3, 429.5, 429.7, 429.9, and 429.11 and Subchapter B to be sent back to the fire fighter advisory committee for further review and recommendations was made by John Gillette and seconded by Jody Gonzalez. The motion carried.
3. A motion to send 37 TAC, Chapter 435 back to the fire fighter advisory committee for further review and recommendations was made by Les Bunte and seconded by John McMakin. The motion carried.
4. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 437, §437.7 as discussed was made by Jody Gonzalez and seconded by Elroy Carson. The motion carried.
- C. A motion to approve the recommended changes to the Fire Investigator Certification Curriculum, Haz-Mat Awareness reference list and Haz-Mat Operations reference list as discussed was made by John Gillette and seconded by John McMakin. The motion carried.

made by
 carried.

10. Acceptance
 of Gift/Grant

A motion to accept a grant of \$3,514.66 from State Farm Insurance awarded to the Texas Commission on Fire Protection's Ernest A. Emerson Resource Library on March 17, 2011 was made by Carl Giles and seconded by John Green. The motion carried.

11. Fire Fighter
 Injury Data
 Report

A motion to approve the recommendations of the fire fighter advisory committee and send the report to the State Fire Marshal's Office for inclusion in its annual Line-of-Duty Death Report was made by Jody Gonzalez and seconded by Tony Cortes. The motion carried.

12. Staff update
 committee
 on NFPA
 Committee
 Activities

Jake Soteriou informed commissioners the agency had not attended any NFPA meetings this quarter but noted that the agency's representative to the International Fire Service Accreditation Congress (IFSAC) provided a report from its committee meeting held in April 2011.

13. Matters from Executive Director
its
- a. Mr. Warren provided commissioners a list of results from agency informal conferences.
 - b. Mr. Warren provided the commissioners with an update on the agency's budget issues. He informed commissioners about agency vacancies and the impact of those vacancies. He also introduced two new employees. Mr. Warren noted that the agency continues to track legislation affecting the agency as well as the fire service in general. Mr. Warren updated the commissioners on the agency's continued contact with the Texas Facilities Commission and ability to acquire additional agency space.
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14. Executive Session
Presiding Officer, Chris Connealy did not call the Executive Session.
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15. Open Session
No action necessary.
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16. Adjournment
A motion to adjourn was made by John McMakin and seconded by Carl Giles. The motion carried.

Chris Connealy, Presiding Officer