

2. Adoption of September 26, 2013, and October 3, 2013 commission meeting minutes.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Steve Tull, at 8:20 a.m. called the September 26, 2013 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Elroy Carson Jody Gonzalez* Leonardo Perez	Pat Ekiss John Green Ron Poynter	Yusuf Farran Joseph Gutheinz* Steve Tull	Carl Giles John McMakin*	John Gillette Robert Moore
					*absent entire meeting **absent part of meeting

Staff	Alma Craig	Deborah Cowan	Andrew Lutostanski, Assistant Attorney General
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1. Roll call On September 26, 2013, Presiding Officer, Steve Tull called roll and a quorum was present.

2. Executive Session Presiding Officer, Steve Tull called the Executive Session at 8:20 a.m.

3. Open Session Presiding Officer, Steve Tull called the commission back into open session at 7:10 p.m.

A motion was made by Robert Moore and seconded by Yusuf Farran to not accept the candidates interviewed and to repost the position with redefined qualifications of a two year associate degree as a minimum qualification and with a bachelor's degree preferred and to keep Tim Rutland as the Interim Director. After discussion, the motion was withdrawn.

A motion was made by Robert Moore and seconded by Yusuf Farran to not accept the candidates interviewed and to repost the position with the redefined qualifications as developed by the commission today. The motion carried.

A motion was made by Pat Ekiss and seconded by John Green to remove the current posting from the web site and wait at least 48 hours after the redefined position is posted before posting to the website again. The motion carried.

A motion was made by Robert Moore and seconded by Leonardo Perez to have Tim Rutland remain the Interim Executive Director until the job is filled. The motion carried.

4. Adjourn A motion to adjourn was made by John Green and seconded by Ron Poynter. The motion carried.

Steve Tull, Presiding Officer

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Steve Tull, at 10:00 a.m. called the October 3, 2013 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Elroy Carson	Pat Ekiss	Yusuf Farran	Carl Giles	John Gillette
	Joseph Gonzalez	John Green	Joseph Gutheinz**	John McMakin	Robert Moore
	Leonardo Perez*	Ronald Poynter**	Steve Tull		

*absent entire meeting
**absent part of meeting

Staff	Tim Rutland	Deborah Cowan	Paul Maldonado	Mary Hunt	Mollie Clakley
	Andrew Lutostanski, Assistant Attorney General				

Guests	Larry Wright	Thomas McMorigle	Lynn Bizzell	Eric Hill	Joey Craddock
	Wendell Burton	Mike Hunt	Brandi Plunkett	Laura Corn	Annstine Foley
	Michael Collier	Scott Kerwood	Ken Dozier	John Brown	Mike Higgins
	Luis Valdez	Chris Barron	Victor Conley	Brent Parker	John Sullivan
	Donnie Norman	Gary Estep	Ed Wellman	Mark Lee	Eric Thompson
	Kelly Miller	Randy Safer	Betty Wilkes	Lisa Craven	Glenn Deshields
	Leonard Chan	Jim Reidy			

1. Roll call John Gillette, Secretary called roll and a quorum was present. Commissioner Leonardo Perez was granted an excused absence.
2. Adoption A motion to approve the minutes of the July 11, 2013 commission meeting minutes was made of by Pat Ekiss and seconded by Carl Giles. The motion carried.

minutes
3. Budget and Strategic Plan Subcommittee Meeting The subcommittees met together to review the agency's budget and performance measures.
4. Subcommittee Reports No action taken.
5. Reports from Fire Service Brief reports were given by the Texas State Association of Fire Fighters, Texas Fire Chiefs Association, State Firemen's and Fire Marshals' Association, and National Fire Protection Association.
6. Report from Fire Service School Advisory Board & TEEX Commission representative Michael Hunt provided a brief update from last meeting.
7. New Matters Life Safety Initiative No. 9 NFPA 1851
8. Future meeting The commission scheduled its next meeting for January 16, 2014 beginning at 10:00 a.m.

dates

9. Homeland Security Council Appointment A motion was made by John McMakin and seconded by Yusuf Farran to appoint Commissioner Joseph Gonzalez as the agency representative with Commissioner Robert Moore serving as alternate. The motion carried.
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10. Commission study on administrative attachment A motion was made by John Gillette and seconded by Elroy Carson to have commission staff, the Presiding Officer and one other commissioner, with the input of the stakeholders, research for the proposed hiring of an independent facilitator to conduct a study for determining the viability of the agency to meet the needs of the citizens of Texas and the fire service. The Interim Executive Director shall report to the commission the findings and the scope of the work related to this motion at the next commission meeting. The motion carried.

A motion was made by Yusuf Farran and seconded by John McMakin to nominate Commissioner Pat Ekiss as the other commissioner to serve with the Presiding Officer and the Executive Director as stated in previous motion. The motion carried.

11. Matters from Fire Fighter Advisory Committee
- A. 1. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 421, §421.5 as discussed was made by Robert Moore and seconded by Carl Giles. The motion carried.
2. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 423, §423.3, as discussed was made by Elroy Carson and seconded by Pat Ekiss. The motion carried.
3. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 455, §§455.3, 455.5 and 455.7 as discussed was made by Pat Ekiss and seconded by Yusuf Farran. The motion failed (3 for, 8 against, 2 absent).
- After discussion, a motion to send the rule back to the fire fighter advisory committee to clarify the language regarding having to hold structure fire protection certification in order to obtain Intermediate Wildland Certification. After further discussion, the motion was withdrawn.
- Another motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 455, §§455.3, 455.5 and 455.7 as discussed was made by Elroy Carson and seconded by Carl Giles. The motion carried (9 for, 2 against, 2 absent).
- B. 1. A motion to propose for publication proposed amendments to 37 TAC, Chapter 421, §421.5 as discussed was made by Joseph Gonzales and seconded by Elroy Carson. The motion carried.
2. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 427, §42.7307, as discussed was made by John McMakin and seconded by Elroy Carson. The motion carried.
3. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 431, §§431.1, 431.3, 431.5, 431.7 and 431.209 as discussed was made by John Gillette and seconded by Joseph Gonzalez. The motion carried.

4. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 437, §§437.1, 437.3, 437.5, 437.7, 437.15 and 437.17 as discussed was made by Elroy Carson and seconded by Carl Giles. The motion carried.
 5. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 457, §457.3 as discussed was made by Carl Giles and seconded by Robert Moore. The motion carried.
- C. Tim Rutland, Interim Executive Director gave a brief overview of the agency's review of the ProBoard Certification process of the Texas A&M Engineering Extension Service.
- D. 1. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 423, §423.3 and §423.203 as discussed was made by John McMakin and seconded by Joseph Gonzalez. The motion carried.
2. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 425, §§425.3, 425.5 and 425.7 as discussed was made by Carl Giles and seconded by Ron Poynter. The motion carried.
 3. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 429, §429.203 as discussed was made by Joseph Gonzalez and seconded by John McMakin. The motion carried.
 4. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 433, §433.3 as discussed was made by Carl Giles and seconded by Ron Poynter. The motion carried.
 5. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 439, §439.1 as discussed was made by Pat Ekiss and seconded by John Green. The motion carried.
 6. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 451, §§451.3, 451.203, 451.303 and 451.403 was made by Ron Poynter and seconded by Joseph Gonzalez. The motion carried.
 7. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 453, §453.3 and §453.203 as discussed was made by Carl Giles and seconded by Pat Ekiss. The motion carried.
- E. Grace Wilson, staff liaison to the Testing & Curriculum Advisory Committee presented the committees recommended curricula changes.
- A motion to approve the recommended curricula changes for Basic Fire Suppression Curriculum Firefighter I, Firefighter II, outlines and reference list with an effective date of January 1, 2014 was made by John Gillette and seconded by Elroy Carson. The motion carried.

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12. Matters from Executive Director
- a. Mr. Rutland, Interim Executive Director provided commissioners information on new consent orders and contested cases since the last commission meeting.

- b. Mr. Rutland, Interim Executive Director provided commissioners information regarding division functions. Mr. Rutland informed commissioners the agency had hired three new employees. He also informed commissioners the agency currently has 2 vacant positions with one of those two being posted in the very near future. He also informed commissioners the agency had issued over 13,400 certifications in fiscal year 2013; the most the agency had ever issued.

13. Executive Session

Presiding Officer, Steve Tull called for the Executive Session at 4.33 p.m.

14. Open Session

Presiding Officer called for open session at 5:27 p.m.

A motion to reopen the job application process and repost for the position of executive director beginning October 7th, 2013 and to remain open no more than 30 days was made by Pat Ekiss and seconded by Robert Moore. The motion carried.

15. Adjournment

A motion to adjourn was made by John McMakin and seconded by Robert Moore. The motion carried.

Steve Tull, Presiding Officer