

Agenda Item No.

## **AGENDA ITEM BRIEFING**

**Submitted by:** W. Nim Kidd, Vice Chancellor for Disaster and Emergency Services  
Chief, Texas Division of Emergency Management

**Subject:** Approval of the Texas Division of Emergency Management Detailed Plan for the  
Development, Approval, and Publication of TDEM's External Operations Rules

### **Proposed Board Action:**

Approve the Texas Division of Emergency Management's (TDEM) plan for the development, approval and publication of TDEM's external operations rules.

### **Background Information:**

As part of the transition of TDEM as a member agency into The Texas A&M University System, the Board of Regents adopted, by Resolution, TDEM'S external operations rules in Texas Administrative Code Title 37, Part 1, Chapter 7 through Board action on August 8<sup>th</sup>, 2019. The Resolution directed the chief of TDEM to develop a detailed plan for the development, approval, and publication of TDEM's external operations rules to be approved by the chancellor and submitted to the Board of Regents for approval.

### **A&M System Funding or Other Financial Implications:**

None.

### **Strategic Plan Imperative(s) this Item Advances:**

TDEM is continually working to ensure that it is meeting the needs of the people of Texas with respect to emergency management and to integrate recommendations from the public, stakeholders, partner agencies and staff in its operations. The development of external operations rules provides a mechanism to improve upon TDEM's efforts to meet Imperative 5 of the System Strategic Plan for 2016-2021, *The A&M System will provide services that respond to the needs of the people of Texas and contribute to the strength of the state's economy.*

Agenda Item No.

**TEXAS DIVISION OF EMERGENCY MANAGEMENT**  
Office of the Vice Chancellor for Disaster and Emergency Services  
Chief, Texas Division of Emergency Management  
December 9, 2019

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of the Texas Division of Emergency Management Detailed Plan for the Development, Approval, and Publication of TDEM's External Operations Rules

I recommend adoption of the following minute order:

**“The plan for the development, approval, and publication of TDEM’s external operations rules, as detailed in the attached exhibit, is approved.”**

Respectfully submitted,

W. Nim Kidd  
Vice Chancellor for Disaster and Emergency Services  
Chief, Texas Division of Emergency Management

**Approval Recommended:**

**Approved for Legal Sufficiency:**

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John Sharp  
Chancellor

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Ray Bonilla  
General Counsel

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Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**PROPOSED PLAN FOR THE DEVELOPMENT, APPROVAL, AND PUBLICATION OF  
THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT  
EXTERNAL OPERATIONS RULES**

- 1) Identification of the need for, or revision of, TDEM external operations rules
  - a. External operations rules or revisions may be suggested by TDEM staff, other state agency personnel, TAMUS staff, members of the Board of Regents, or external stakeholders.
  - b. Recommendations for external operations rules or revisions will be submitted through the TDEM website to the office of policy and research.
  - c. The TDEM office of policy and research will review the submitted recommendation(s) for content and potential conflict and/or duplication with state law, executive orders, TAMUS policies and regulations, and TDEM rules.
    - i. If the proposed rule or revision is found to conflict and/or duplicate state law, executive orders, TAMUS policies and regulations, or TDEM rules, the office of policy and research will notify the individual who submitted the recommendation and no further action will be taken.
  - d. Once the proposed external operations rule or revision is found to be consistent with state law, executive orders, TAMUS policies and regulations, and TDEM rules, the office of policy and research will provide the proposed external operations rule or revision to internal TDEM staff for review of the need for the rule or revision.
  
- 2) Internal TDEM staff review of need for TDEM external operations rule or revision
  - a. The office of policy and research will distribute the proposed external operations rule or revision to TDEM staff in the relevant operational area(s) to solicit feedback on the proposed rule or revision.
  - b. TDEM staff may suggest language for the proposed rule or revision, identify existing rule(s) and/or standard administrative procedures or guidelines which already address the issue, or recommend not developing the rule or revision based upon other explicit rationale.
    - i. Once staff make recommendations for language for the proposed rule or revision, the office of policy and research will develop the rule or revision for review.
    - ii. If staff identify existing rule(s) and/or standard administrative procedure(s) or guideline(s) which already address the issue, the office of policy and research will notify the individual who made the recommendation of the existing rule, procedure or guideline which addresses the issue. If this resolves the issue for the individual, no further action will be taken. If further development of the individual's recommendation is necessary, the recommendation may be resubmitted.
    - iii. Recommendation not to develop the external operations rule or revision
      1. In the event that TDEM staff recommend not developing the rule or revision further, the office of policy and research will take this

recommendation to the TDEM executive committee for consideration.

2. If the TDEM executive committee concurs with the staff recommendation to not develop the rule or revision, the office of policy and research will notify the individual who made the recommendation of the decision and the basis for the decision. No further action will be taken.
  3. If the TDEM executive committee determines that development of the rule or revision is necessary, the office of policy and research will begin development of the rule or revision.
- 3) Development of external operations rule or revision
- a. The office of policy and research will, in coordination with subject matter experts within TDEM and external stakeholders, develop the draft external operations rule or revision.
  - b. External stakeholders will be identified based upon the subject of the rule or revision.
- 4) Review of proposed external operations rule by TAMUS Office of the General Counsel (OGC)
- a. Once the draft rule or revision has been developed, the office of policy and research will review the draft rule or revision with OGC to ensure compliance with state law, executive orders, TAMUS policies and regulations, and TDEM rules.
  - b. Should revisions need to be made to ensure compliance, the office of policy and research will make the revisions and provide the changes to the internal subject matter experts and external stakeholders.
- 5) Internal approval process for external operations rule or revision
- a. The office of policy and research will provide the draft external operations rule or revision to all TDEM employees for review and comment for a two week period.
  - b. The office of policy and research will review recommendations with the internal subject matter experts and external stakeholders and make any necessary revisions.
  - c. Approval of the draft external operations rule or revision will then be made by the Chief Operating Officer, Chief Financial Officer, or the Deputy Chief(s) based on the subject matter of the rule or revision. Any changes required will be made and the internal subject matter experts and external stakeholders will be notified of the change(s).
- 6) External review of proposed external operations rule or revision
- a. The proposed rule or revision will be provided to the Texas Emergency Management Advisory Council (TEMAC) for review and to provide any recommendations for revision.
  - b. The proposed rule or revision will be published on the TDEM website with a link to provide external stakeholders with the opportunity to provide comments on the proposed rule or revision.

- c. The proposed rule or revision will be sent electronically to the state operations center email list of emergency management contacts with the link to the website to provide comments.
  - d. The office of policy and research will review recommendations from TEMAC and the website with the internal subject matter experts and external stakeholders and make any necessary revisions.
- 7) Final TDEM internal review and approval of external operations rule or revision
  - a. The office of policy and research will submit for approval the revised draft of the external operations rule or revision to the Chief Operating Officer, Chief Financial Officer, or the Deputy Chief(s) based on the subject matter of the rule or revision.
  - b. The chief will then review the rule or revision and make any revisions or corrections necessary and approve the rule or revision for submission to the system for review.
- 8) Submission of proposed external operations rule or revision to TAMUS
  - a. The proposed external operations rule or revision will be submitted to the OGC for review for legal sufficiency
  - b. The rule or revision will then be submitted to the Chancellor for approval.
  - c. The rule or revision will then be submitted to the Board of Regents for approval.
  - d. Upon approval of the Board of Regents, TDEM will publish the final rule or revision on the TDEM website and send electronically to the state operations center emergency management contact list.