
OPEN MEETING

PUBLIC SAFETY COMMISSION

NOVEMBER 14, 2008

On the 14th of November, 2008, the following
meeting was held in Austin, Travis County, Texas

<p style="text-align: right;">2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:</p> <p>4 Allan B. Polunsky, Chair</p> <p>5 C. Tom Clowe</p> <p>6 Carin Marcy Barth</p> <p>7 Ada Brown</p> <p>8 John Steen</p> <p>9</p> <p>10 DIRECTOR'S STAFF OF THE DEPARTMENT OF PUBLIC SAFETY:</p> <p>11 Colonel Stanley E. Clark</p> <p>12 Lt. Colonel Lamar Beckworth, Assistant Director</p> <p>13 Dorothy Wright, Executive Assistant</p> <p>14 Duncan Fox, Acting General Counsel</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 Commissioner Brown and Commissioner Steen. It's a very</p> <p>2 exciting day for the Department and the Commission.</p> <p>3 It's the first time that we've had five commissioners</p> <p>4 and a Commission with no vacancies. I'm sure this will</p> <p>5 be a tremendous improvement in the Commission's</p> <p>6 delegation of authority and the work flow, and I think</p> <p>7 it's a very exciting day for all of us.</p> <p>8 I was going to leave you with a joke about</p> <p>9 commission members and Mensa meetings, but I'll pass</p> <p>10 because it no longer applies. Thank you very much.</p> <p>11 MR. POLUNSKY: It's my understanding,</p> <p>12 though, we do have a -- at least one commissioner who's</p> <p>13 a member of Mensa, that person not being me, not that</p> <p>14 anyone would be thinking that I was. But I would thank</p> <p>15 you, Mr. Dickson. I, too, would like to welcome our two</p> <p>16 new commissioners.</p> <p>17 I've had the great honor and pleasure of</p> <p>18 knowing one of our new commissioners, Commissioner</p> <p>19 Steen, for many, many years. He is quite literally one</p> <p>20 of the pillars of the community in San Antonio as has</p> <p>21 been -- his family for generations before him, and has</p> <p>22 served the State of Texas in many capacities, and also</p> <p>23 Bexar County and the city in capacities as well. And I</p> <p>24 know that he'll be a tremendous addition to the Public</p> <p>25 Safety Commission and I'm very pleased that he is</p>
<p style="text-align: right;">3</p> <p>1 MR. POLUNSKY: The Texas Public Safety</p> <p>2 Commission is called to order in accordance with Chapter</p> <p>3 551 of the Texas Government Code, the Open Meetings Act.</p> <p>4 I'd like to call the order at this time. For the</p> <p>5 record, I am present. Commissioner Clowe.</p> <p>6 MR. CLOWE: Present.</p> <p>7 MR. POLUNSKY: Commissioner Barth.</p> <p>8 MS. BARTH: Present.</p> <p>9 MR. POLUNSKY: Commissioner Brown.</p> <p>10 MS. BROWN: Present.</p> <p>11 MR. POLUNSKY: Commissioner Steen.</p> <p>12 MR. STEEN: Present.</p> <p>13 MR. POLUNSKY: There is a quorum present. I</p> <p>14 now declare the meeting open. It is 10:35 a.m. First</p> <p>15 item on the agenda is public comment. Is there anyone</p> <p>16 here today who would like to address the Public Safety</p> <p>17 Commission? If so, please come forward. You'll be</p> <p>18 given five minutes to speak to the Commission. I would</p> <p>19 ask that anyone who does address the Commission identify</p> <p>20 themselves and provide their address. Is there anyone</p> <p>21 here who would like to address the Commission at this</p> <p>22 time? Yes, sir. Mr. Dickson.</p> <p>23 DON DICKSON: Good morning Mr. Chairman,</p> <p>24 Commissioners. Mr. Chairman, I'll be very brief. I</p> <p>25 just wanted to take a brief moment to welcome</p>	<p style="text-align: right;">5</p> <p>1 joining us.</p> <p>2 And I've just recently had the opportunity</p> <p>3 to meet Judge Brown, who is a member of Mensa. And</p> <p>4 among many other accomplishments that she has, including</p> <p>5 being a former judge in Dallas County, I have found her</p> <p>6 to be very intelligent and full of enthusiasm, I think</p> <p>7 you'll see that almost immediately, and someone who will</p> <p>8 make a very, very strong contribution to the Public</p> <p>9 Safety Commission.</p> <p>10 And I can tell you that I'm very, very</p> <p>11 pleased that the governor has appointed her to this</p> <p>12 position. And I think that she'll make a wonderful</p> <p>13 contribution along with Commissioner Steen. So welcome</p> <p>14 to the Commission. I echo, actually, Mr. Dickson's</p> <p>15 comments. Kind of beat me to the punch there, but glad</p> <p>16 that you're here, and I know that you'll both make</p> <p>17 wonderful contributions to a lot of things that we're</p> <p>18 involved in and a lot of work that we have before us.</p> <p>19 So thank you. Look forward to working with you.</p> <p>20 Besides Mr. Dickson's comment, are there any</p> <p>21 other comments at this time? All right. The next item</p> <p>22 on the agenda is discussion and possible action</p> <p>23 concerning the discharge of employee Charles D Smith.</p> <p>24 Colonel Clark.</p> <p>25 MR. CLARK: Mr. Chairman, last Public Safety</p>

<p>6</p> <p>1 Commission meeting, we had the discharge hearing on 2 Charles Smith. I believe the decision was made by the 3 Commission to defer that decision until today. So I 4 would ask the Commission to render their decision on 5 that discharge hearing. 6 MR. POLUNSKY: Okay. We have kind of a 7 unique situation here in that two of the commissioners, 8 who are now serving, were not present for the discharge 9 appeal hearing by -- on behalf of Mr. Smith. So y'all 10 have any questions concerning that or -- 11 MR. STEEN: I don't know about Judge Brown, 12 but I think the appropriate thing to do would be to 13 abstain since we weren't involved in the hearing. 14 MS. BROWN: I agree. 15 MR. POLUNSKY: Mr. Steen, I would -- I would 16 concur with that, and Judge Brown has articulated to me 17 that that would be her position as well. Essentially, 18 we would have three choices here; we could move to 19 affirm the action to discharge Mr. Smith, we could move 20 to set aside the discharge, or we could table any action 21 to a future meeting. Would anybody like to make a 22 motion on this topic? 23 MR. CLOWE: I have a motion. 24 MR. POLUNSKY: Mr. Clowe. 25 MR. CLOWE: I move to affirm the discharge</p>	<p>1 absences; demonstrated a negative and resistant attitude 2 towards supervision by showing disrespect to her 3 supervisor and behaving inappropriately when being 4 instructed or counseled; failed to make appropriate 5 behavioral modifications after being counseled both 6 orally and in writing; failed to address these problem 7 areas during her probationary period indicating an 8 inability or unwillingness on her part to meet the 9 standards required for continued employment with the 10 Department. 11 And for those reasons, I would ask that the 12 Commission affirm my decision to discharge this 13 employee. 14 MR. POLUNSKY: Thank you, Colonel Clark. 15 Because this was a probationary employee, essentially 16 the Commission will either vote to ratify the position 17 or the action taken by the Colonel or not. Do I hear a 18 motion on this particular item? Or -- 19 MR. CLOWE: So moved. 20 MR. POLUNSKY: -- Is there any discussion 21 that the Commission would like to engage in? 22 MR. STEEN: Mr. Chairman, I have a question. 23 MR. POLUNSKY: Yes, sir. 24 MR. STEEN: Is this the entire presentation 25 on this employee?</p>
<p>7</p> <p>1 by the director. 2 MR. POLUNSKY: All right. Is there a second 3 to Mr. Clowe's motion? 4 MS. BARTH: Second. 5 MR. POLUNSKY: It has been seconded by 6 Commissioner Barth. Moved and seconded that the 7 discharge of Charles D. Smith be affirmed. Is there any 8 discussion on the motion? There is none. All in favor, 9 please say, "Aye." 10 MR. CLOWE: Aye. 11 MR. POLUNSKY: Any against? No. Let the 12 motion -- let the record show, I should say, that 13 Commissioner Barth, Commissioner Clowe and myself voted 14 for the motion and that Commissioner Steen and 15 Commissioner Brown abstained. 16 Next item, discussion and possible action on 17 the Director's action of discharging probationary 18 employee Sandra Rappa-Cruz. Colonel Clark. 19 MR. CLARK: Mr. Chairman and Commissioners, 20 concerning probationary employee Cruz -- Rappa-Cruz, she 21 was employed in the Motor Vehicle Theft service. She 22 was hired into the Department February 1st of '08. She 23 was discharged on October 21st of '08. The reasons for 24 the discharge: She was repeatedly tardy; failed to 25 report for duty when required resulting in unapproved</p>	<p>1 MR. POLUNSKY: Yes, it is. 2 MR. STEEN: So there's nothing that's gone 3 on before that we weren't privy to? 4 MR. POLUNSKY: That's correct. 5 MR. STEEN: Thank you. 6 MR. POLUNSKY: Because she was a 7 probationary employee -- any employee -- what is it, one 8 year? 9 MR. CLARK: Yes, sir. Mr. Steen, any 10 employee who is employed with the Agency for at least 11 one year has due process under our general manual. And 12 if they are discharged after they have been employed for 13 one year or more, ultimately, they could present their 14 case before the Public Safety Commission. 15 Probationary employees do not have that due 16 process and we can discharge them under special 17 circumstances, which, this is a special circumstance 18 discharge. 19 MR. STEEN: Can I ask a question about that, 20 why would we be dealing with that at this level? 21 MR. CLARK: It is to just -- it is my -- it 22 is the Director's decision to discharge probationary 23 employees. And I think historically, Duncan may address 24 this. 25 DUNCAN FOX: It is actually provided for by</p>

<p style="text-align: right;">10</p> <p>1 statute, in 411.007, that the Commission is to provide 2 advice and consent upon the discharge of probationary 3 employees. 4 MR. STEEN: Thank you. 5 MR. POLUNSKY: Mr. Steen, I think that 6 you'll find going forward that the vast majority of the 7 cases that come before the Commission are appeals from 8 employees who have been with the Department for over a 9 year, have gone past the probationary status. And in 10 those cases, although that will not be the situation 11 today, we have essentially a de novo hearing here before 12 the Commission where evidence is put on by both the 13 Department and the counsel, generally, for the employee 14 who has been discharged by the Director appealing it up 15 to the Public Safety Commission. 16 And I think we may have discussed in the 17 past that the Public Safety Commission is somewhat 18 unique in this obligation or responsibility among other 19 boards and commissions in Texas. But that is the 20 statutory obligation of the Commission. So more often 21 than not, we will have a -- basically, a full-blown 22 hearing at the beginning of each of these meetings to 23 allow the employee their due process. 24 Okay. There's no motion on the floor on 25 this at this point, correct? Commissioner Clowe.</p>	<p style="text-align: right;">12</p> <p>1 that a copy of the proposed organizational chart, which 2 we've had an enlarged model on the left that's a little 3 bit hard to walk around and see. So you have that to 4 refer to as we go through. 5 What I will do is spend a little bit of time 6 on the background and the context for the report and the 7 approach, but spend most of the time walking through the 8 recommendation and our suggestions for the next steps. 9 Mr. Chairman, would that work as an agenda? 10 MR. POLUNSKY: Yes. 11 DREW BECKLEY: The Department had contracted 12 for a top down study looking at performance, quality and 13 the effective use of resources. So that was really 14 where we came to the study. And we were asked as a firm 15 to deliver an organizational analysis with meaningful 16 and implementable recommendations that will result in 17 sustainable change at DPS. So that's part of the 18 context. 19 In coming to this, also there were recent 20 reports which are also part of -- what I would put as 21 recent historical context. The Sunset Advisory 22 Commission, the governor's recommendations from the 23 Office of Homeland Security, the state auditor's report. 24 And there is also pending a review by Gardner Group of 25 Information technology. So to -- in that section, we</p>
<p style="text-align: right;">11</p> <p>1 MR. CLOWE: I move. 2 MR. STEEN: Second. 3 MR. POLUNSKY: It's been moved by 4 Commissioner Clowe and seconded by Commissioner Steen 5 that the Commission agree with or ratify the action 6 taken by the Director with respect to the discharge of 7 probationary employee Sandra Rappa-Cruz. Is there any 8 discussion on this motion? There is no discussion. All 9 in favor please say, "Aye." 10 COMMISSIONERS BROWN, CLOWE, STEEN: Aye. 11 MR. POLUNSKY: Any against? No. Motion 12 passes. Next item, the presentation, discussion and 13 possible action concerning the organization study of the 14 Department, that'd be Mr. Beckley. 15 DREW BECKLEY: Chairman Polunsky, I also 16 brought a couple extra copies of the report. Chairman 17 Polunsky, Commissioners, Colonel Clark, Colonel 18 Beckworth, I'm Drew Beckley, a principal with Deloitte 19 and responsible for the study which was submitted to the 20 Commission several weeks ago. 21 This morning I will walk through a summary 22 of the recommendations and also entertain any questions 23 that you might have. You have in front of you a 24 presentation that is really what I would work from, so 25 you'd -- you'll be able to see that. There is also in</p>	<p style="text-align: right;">13</p> <p>1 looked at it organizationally but are waiting for the 2 details of the information technology report. 3 I would say it's also -- at least, it was 4 important to us in looking at this to see the proud and 5 distinguished history of the Department from a law 6 enforcement perspective, and that's something we should 7 mention at the beginning, as well as the change in 8 context in the world of law enforcement as well as in 9 the areas of government service, meaning that the 10 threats that now confront the states and the country are 11 different from what they were ten years ago, 12 multinational gangs, terrorism, cyber crime. It's a 13 very different threat, environment. So that's part of 14 what we had to consider as we started through the 15 report. 16 We also see and were asked to look at law 17 enforcement across the country and in other states. 18 Almost all are looking at changing the way they 19 organized and perform their functioning giving the 20 changing environment. And there was in fact no model 21 that says this is the state or this is the federal 22 agency that has come up with the right answer. All are 23 in a state of flux and consideration. Most states have 24 done things like put together fusion centers. Most are 25 now looking at how do they look at counterterrorism and</p>

<p style="text-align: right;">14</p> <p>1 intelligence and more intelligence led policing. Those 2 things are very much in flux. 3 As we look at the questions around the 4 inclusion of regulatory or licensing functions, such as 5 driver license, there's a mix of approaches among the 6 states, and I will come back to that a little bit later. 7 At the same time, we see that the trends are toward much 8 more open communication within both law enforcement 9 agencies and government agencies in general. 10 The sharing of information both across the 11 agency, among agencies, and with the federal government, 12 and a flatter and more streamlined approach to gathering 13 law enforcement functions and the sharing of the 14 information and the performance of the law enforcement 15 activities. 16 At the same time, I think we see an 17 increasing demand from -- from the citizenry that their 18 government agencies, not just in public safety or law 19 enforcement, but across the board, provide services with 20 the same kind of quality and service that they 21 experienced with commercial organizations. So that's 22 also one of the fundamental trends that obviously 23 effects more the licensing and regulatory function in 24 terms of our report. 25 I will spend a moment on the approach to the</p>	<p style="text-align: right;">1</p> <p>1 to test those with the same groups of subject matter 2 specialists and external stakeholders. Ultimately, we 3 put together a draft of preliminary recommendations and 4 in an interactive way, worked our way through the 5 recommendation again with the same groups. And I would 6 say that was actually quite a helpful process as we went 7 through that in securing what I believe is actually 8 pretty broad agreement on the thrust of the 9 recommendations. 10 I'll turn to those recommendations. And on 11 the fifth page of your handout, you'll see the six key 12 recommendations. I've highlighted one which was 13 included and another one in the original report, and 14 that has to do with information technology. Knowing 15 that that will be coming up again within an additional 16 study, I wanted to highlight it. It is highlighted on 17 the organizational chart as well. So these 18 recommendations were fundamentally around restructuring 19 the Department and I'll come back and explain that. 20 Creating an intelligence and 21 counterterrorism branch with a much more robust fusion 22 center really to help in the support of intelligence 23 lets policing and the sharing of information smoothly 24 across the Department. Thirdly, a comprehensive human 25 capital, human resource strategy focused on attracting,</p>
<p style="text-align: right;">15</p> <p>1 project. We did use our organizational assessment 2 methodology. This is primarily a look at the 3 organization. It was conducted in a ten-week period. 4 During that time, we interviewed individually in focus 5 groups of about 400 members, mainly within DPS but also 6 outside, various stakeholders within the state as well as 7 other states and federal agencies. 8 We used a panel of six subject matter 9 experts that range from counterterrorism at the state 10 level to the running of intelligence agencies at the 11 federal level to provide that kind of information into 12 the report. They were also part of the review process 13 as was Governor Ridge, the former secretary of Homeland 14 Security, governor of Pennsylvania. And at the request 15 of the Commission, Admiral Inman, who has also reviewed 16 the report, has offered his comments to the 17 commissioners. 18 So from our perspective, that was very much 19 of a collaborative approach as was requested by the 20 Commission. In doing that, we gathered data, as I 21 mentioned, both from within the Department and from 22 other agencies, other states and federal governments. 23 We pulled that together, again, in very short periods. 24 So this was a top down study as requested. 25 Synthesized the key findings and then began</p>	<p style="text-align: right;">1</p> <p>1 retaining, developing and promoting talent within the 2 Department. 3 Financial processes, basically an overhaul 4 to provide the kind of financial management I think the 5 Commission and the Director would like to have. 6 Consolidation and modernization, as well as the 7 expansion of both technology and information is the 8 fifth. And last, to create a separate structure which 9 would include the regulatory and licensing functions 10 including driver's license as well as motor vehicle and 11 other regulatory functions with the intent that they be 12 very -- very customer focused, if you will. 13 So as we look at the organization chart, 14 you'll see on the next page and up on the left, I think 15 fundamentally several things are there which I'll come 16 back to in more detail. But the right side of the 17 chart, as you look at it, is to create the kinds of 18 administrative support services that support the law 19 enforcement functions and the licensing and regulatory. 20 So rather than have them scattered through the 21 organization, you'll see a very clear and distinct focus 22 on finance, on human resources, on administration and on 23 technology. 24 On the left side is basically an 25 organization that consolidates all of the law</p>

<p>18</p> <p>1 enforcement functions under one deputy director, and 2 I'll go through that in more detail. And as well, you 3 have the emergency management division, and then the 4 consolidation of all the licensing and regulatory 5 functions under what we have proposed as the deputy 6 director there.</p> <p>7 So moving to the next page and talking about 8 the restructuring itself, I think what drives this is 9 the organization has basically not changed in about 10 50 years. But at the same time, the legislature has -- 11 has over time continually added functions and 12 requirements which have been added in. So within that 13 context, this is probably the first major look or first 14 attempt to do a significant restructuring. And I'd have 15 to characterize this, at least in my experience at being 16 a very fundamental makeover, not a tweaking of an 17 organization, but a real restructuring.</p> <p>18 And if you look at the organization chart, 19 either in your books up on the side, you'll see the 20 highlighted or the bolded boxes are areas that are 21 either new or significantly changed, and there are a 22 number of those. So the recommendation around the 23 organization was to pull together closely related 24 functions and then strengthen the regional command 25 structure, bring in a new leadership team and improve</p>	<p>20</p> <p>1 I mentioned all licensing and regulatory 2 functions under a deputy director in (Inaudible). Also, 3 to establish recording relationships to the Commission 4 for the general counsel and for internal affairs so that 5 the Commission really is, as it has been, a client of 6 the general counsel, but you'd have access to those 7 resources they would report indirectly, which we believe 8 the basic governance requirement as we look at those 9 activities.</p> <p>10 Rather -- rather significant within the 11 organizational recommendations is that to establish a 12 theater of operations or command structure that is 13 regional for the law enforcement -- all law enforcement 14 activities are organized for in the deployment within 15 the regions within the state.</p> <p>16 And this was something we spent a great deal 17 of time talking to other states and federal agencies and 18 had quite a spirited conversation with Governor Ridge 19 around it as well, and Admiral Inman, with the belief 20 that this is essential toward recognizing the different 21 kinds of threats and the deployment of resources that 22 are needed within regional operations. It probably is 23 one of the most significant and difficult of the 24 recommendations.</p> <p>25 And in terms of implementing it, well</p>
<p>19</p> <p>1 the strategic planning and communications as you'll see 2 highlighted there.</p> <p>3 Several detailed recommendations, and 4 there were many more in the report, but in the interest 5 of time, I'll try to pick out the key ones here today. 6 Around the structure particularly under law enforcement, 7 there we have proposed a deputy director for law 8 enforcement that has all law enforcement activities 9 under that person along with the support activity such 10 as the communications and the labs and the criminal 11 records so that all law enforcement activities focus and 12 report to one person.</p> <p>13 It also includes a creation of a new 14 intelligence and counterterrorism branch. Within law 15 enforcement, that's being done in most of the states at 16 this point. We treated that in a lot more detail in the 17 report. But I think one of the things that's probably 18 worth mentioning at this point is these are significant 19 recommendations for change. They are significant change 20 as we go through. And so in the people who will be 21 placed in these positions, they will also need some 22 flexibility to actually develop more detailed plans and 23 work their way through, and intelligence and 24 counterterrorism is a good example of that. I'll spend 25 more time on that in a moment.</p>	<p>21</p> <p>1 experienced states such as Arizona has shown that the -- 2 several things, one, the selection of the right people 3 as those regional commanders is key so that we're not 4 reinforcing the status quo.</p> <p>5 Secondly, what has been done particularly at 6 the federal level, the development of and consideration 7 of scenarios for the various threats to actually figure 8 out how we could go about deploying the resources within 9 each region because the challenges and requirements are 10 very different in west Texas than they are along the 11 coast or in east Texas. They really are very big areas, 12 as you know, and would each require their own approach.</p> <p>13 Part of this also was to make all boundaries 14 for regions consistent so everyone looked at it the same 15 way when we looked at deployment. This is a model that 16 has been -- it's being implemented just first looks in 17 several states. Homeland Security was also placed to 18 push it hard. But it really comes from military 19 deployment of the military services within geographic 20 regions. And there it's proven to have worked quite 21 well over time, but it is dependent upon a lot of 22 coordination and scenario planning as part of that.</p> <p>23 Leadership was the third area that I've 24 highlighted within this for you, and that is basically 25 the assimilation of a new leadership team. There's a</p>

<p style="text-align: right;">22</p> <p>1 lot of change recommended in the organization. One of 2 the challenges for the Commission and the Director will 3 be to secure the right individuals for all those 4 recognizing both rising leadership within DPS and 5 bringing in the necessary expertise and experience from 6 outside the organization, which has not been the 7 historical pattern.</p> <p>8 So we did suggest recruiting nationally and 9 opening those senior leadership roles to civilian 10 candidate. Again, this has not been the history within 11 the DPS. It is in fact very consistent with federal 12 models and some state models where there's been long a 13 civilian, if you will, leadership both on the 14 intelligence and law enforcement side and on the 15 long-term side. Not suggesting that it must be that 16 way, but that would be open to those individuals so 17 you're able to get the best possible people in each 18 position.</p> <p>19 And I think last within that, and I'll 20 spend -- have spent more time on organization than the 21 other individual recommendations, is the focus on 22 culture. There's a very strong culture within DPS, very 23 strong cultures in field versus the central office 24 within the individual services and lines.</p> <p>25 But the creation of a unified</p>	<p style="text-align: right;">2</p> <p>1 This really becomes the ability to start 2 looking at the changing threat environment and to gather 3 the necessary resources to both having information, 4 analyze it, do surveillance, do a counter-surveillance. 5 And whoever's selected to head that, I think would want 6 to look at the individual organizations that are pulled 7 together within that, with the intent of how to best 8 organize and do that. We put it together that way but 9 it does require detailed planning.</p> <p>10 There is also a strong technology side. If 11 there is an issue that was mentioned by more members of 12 DPS than any others, it is the inability to share 13 information across the Department, that there are a 14 large number of customized systems, they tend to fit 15 within individual organizations; and to gather 16 information or even have information that might be 17 available elsewhere within DPS is sometimes very 18 difficult.</p> <p>19 That was, in some ways, the most difficult 20 both in assessing and responding to threats in 21 understanding with whom a trooper might be -- who a 22 trooper might see on the highway, across the board, the 23 ability to get the information and to share it well. 24 Also -- and that would involve a shared case management 25 system which is used across all services.</p>
<p style="text-align: right;">23</p> <p>1 professionalism focus that extends across and even into 2 the regulatory and licensing functions and the 3 unification of the various organizational (Inaudible) is 4 probably an overused term, but really working through 5 that to create a basis for doing a regional deployment.</p> <p>6 So I think -- and cultural, we'll come back 7 to a couple other times as being -- well, some would say 8 soft. And in discussing potential recommendations and 9 issues at the Capital, one leader said, well, we don't 10 want to deal with the culture stuff, we want to deal 11 with hard recommendation. My suggestion to you here is 12 this is one of the hardest recommendations.</p> <p>13 And so it's also part of why you see human 14 resources listed as a direct report to the director, not 15 only for the magnitude of change that's required here, 16 but to have a standard barrier, if you will, within the 17 executive team around the question of culture.</p> <p>18 The secondary was intelligence and 19 counterterrorism. This I've already talked about a fair 20 amount as I've headed into it. It is in fact the 21 establishment of -- this is a continuation of direction 22 within the Department. But our recommendation was the 23 establishment of this group and to include within that 24 special operations, a significant expansion of the 25 fusion center.</p>	<p style="text-align: right;">2</p> <p>1 More secure communications information 2 sharing, I've mentioned. Actually building 3 communications so that you don't need multiple radios in 4 a car to be able to talk to everyone, and to be able to 5 have ongoing communication with a trooper when that 6 person leaves the car. Day-to-day communications, 7 making those more secure as we talk about other things 8 such as human resources, the ability to have a secure 9 intranet, to have good e-mail communications and so on, 10 those things need upgrading and focus. And then 11 finally, I've mentioned the use of the Homeland Security 12 technical services.</p> <p>13 And some of these, I'll spend less time now 14 as I go through because I've been hitting part of it 15 along the way. Human resources, clearly there -- there 16 has been the external look that says compensation is not 17 what it should be, that the Department struggles to 18 compete with the compensation offered in major 19 metropolitan areas. That's been pretty well documented 20 as being a difference.</p> <p>21 But it frankly is an accumulation over time 22 of individual human resource policies that are not very 23 well organized or aligned to support attracting, 24 recruiting, keeping, growing, developing, developing 25 into management the resources of the Department. This</p>

<p style="text-align: right;">26</p> <p>1 is probably as large a need for a makeover of human 2 resource strategy and policy that I've run against. And 3 I think it's really why you see the symptoms that were 4 in the state auditor's report that were raised as well 5 around questions such as promotion in the Sunset report. 6 So our recommendations there were to take 7 action on the state auditor's report with regard to 8 commission salary. Secondly, provide the incentives to 9 attract employees, attract employees for relocation to 10 undesirable locations. You may not know that in many 11 cases there's no differentiation given as to where in 12 the state you're located or asked to locate. And those 13 things need to be written in the policy and structure. 14 And also, to take the noncommissioned 15 compensation and benchmark that against other agencies. 16 We did some additional work, actually, as we closed the 17 report to discover that the ranges probably are not 18 necessarily the problem on the noncommissioned side, 19 it's how people advance through the ranges and how 20 they're actually compensated. 21 Training and develop, you'll see that under 22 the -- what we propose as an assistant director for 23 human resources, the training academy curriculum is 24 there, that that would be updated, that the Department 25 would develop a modern training program that would</p>	<p style="text-align: right;">28</p> <p>1 will be properly managed both through the budget process 2 but also through the development and execution of 3 programs. 4 So starting at the top, the question of 5 being able to demonstrate good financial management is 6 clear. The systems themselves need a lot of work. And 7 this -- we actually had some discussion about should 8 this be a strong chief financial officer model where you 9 roll in everything to include procurement and facilities 10 and fleets in this case. And we opted to go for it more 11 the traditional and lean CFO model. Because if you'll 12 look at the chart, to put together a stronger branch 13 management process, to build up the risk management 14 process, to build up the financial reporting, those are 15 a significant set of challenges for someone coming in. 16 I'll move to the IT, the information 17 technology area and the establishment of a chief 18 information officer. And our recommendation here is 19 that person is the sole provider of technology, 20 architecture and infrastructure on services to the 21 divisions. Rather than have things done in the 22 divisions or in different places, that it come from that 23 CIO. 24 Further, that that person have budgetary 25 control or management over the funds that are used for</p>
<p style="text-align: right;">27</p> <p>1 include the ability for people in the field to not 2 always have to travel to Austin or to another location, 3 but to be able to take computer or web based training as 4 part of their training. 5 To -- in the area of driver's license, for 6 instance, to formalize training in customer service. 7 To -- and also training around supervision and 8 management. We found there really wasn't just much of 9 that. And that's going to fit pretty much hand and 10 glove, if you will, with changes that would be required 11 in changing the way people actually react and work with 12 customers. 13 And last within that, I would highlight the 14 expansion of the leadership development program to 15 include more business and employee development training 16 as well as vocational programs. That's -- that's 17 speaking to the law enforcement side as well as to the 18 licensing and regulatory. 19 The next area was financial management 20 processes and systems. This has been an issue with the 21 legislature in terms of the ability of the Department 22 to -- to well manage funds that are given to them. And 23 so it's -- it was clear to us from discussions that one 24 of the challenges is to convince the legislatures that 25 funds that are -- that are provided to the Department</p>	<p style="text-align: right;">29</p> <p>1 those projects so that in fact they are responsible not 2 only for the strategy and the direction and the 3 coordination of that with the other areas of the 4 organization, but also that that person has the ability 5 to actually be able to implement and control the 6 execution of those. 7 You'll see other recommendations here in 8 terms of data security. There are additional ones that 9 I mentioned under intelligence and counterterrorism. 10 But I think fundamentally the effort here is -- or the 11 recommendation is to establish the kind of CIO 12 organization that provides the information and the 13 technology, such as the communications technology, to 14 those areas that are executing, whether it's in law 15 enforcement or in regulation and licensing so that the 16 CIO's responsible for providing those and the others for 17 using them. And that's a much more traditional model. 18 But this would -- this would be very expanded from where 19 it is in terms of strategy and management and 20 responsibility for execution. 21 One of the things you'll see that we've 22 recommended also is the expansion of project management 23 capability to oversee the kinds of projects that are 24 necessary under -- underneath that program. And then 25 the last of the major areas is that of driver -- what we</p>

<p>30</p> <p>1 call license and regulation, which would include putting 2 all of those functions in one place under one deputy 3 director with the charter and the challenge to develop a 4 customer focussed management structure. 5 As Admiral Inman would say, this is the 8 to 6 5 part of the organization, the law enforcement side is 7 the 24 by 7. Different kinds of focus. Obviously we're 8 dealing with citizens in both areas. But this would be 9 a real focus to create a customer focussed organization. 10 There are a lot of individual 11 recommendations underneath that. There's a lot of 12 consideration within the Department now as to how to 13 best do this. I would say this is very doable and in 14 some ways, very straightforward. But it's going to 15 require a fair amount of effort. It's also going to 16 require some investment. 17 We were not able to assess where the new 18 driver license system is in terms of being ultimately 19 available. We understand that it's coming. That'll be 20 an important part of structuring the offices and 21 upgrading the offices and providing the right kind of 22 environment for this. I think there's also a sense, 23 particularly within driver's license, and part of our 24 recommendation would be to create more options and 25 ability for self service within this as well so not that</p>	<p>3</p> <p>1 the desire to serve. There's a recognition, actually 2 pretty broad, of the need for change, and even a desire 3 for that change. 4 So I think that's -- there's a lot to build 5 from from that standpoint. Externally, for -- there's a 6 lot of support for the DPS Commission. So there are a 7 lot of things to start from in doing this. There are 8 some obstacles. Probably -- and we would see this in 9 most organizational change. There is always a 10 resistance to change, and it's natural. There will 11 always be those who claim an exception from the change. 12 I agree with the change but here's why I'm different, 13 and this is why I need not to be included but I'm going 14 to agree with the rest of that. That's part of the 15 natural process, I think you'll see. 16 Certainly I would expect to see a fair 17 amount of that because of the degree of change that 18 we're recommending if that were then the decision of the 19 Commission and the Department to move forward. 20 Secondly, and closely related, is culture. I've talked 21 about that before. I believe this is going to be very 22 important to create a culture for change and that this 23 is -- that the plans that are developed by the 24 Commission of leadership within the Agency are those of 25 the Agency in the end, and that they're supported and</p>
<p>31</p> <p>1 everyone has to come through the offices the way that 2 they do now. 3 There will be questions around the 4 facilities there. Certainly, those questions have been 5 raised in terms of how do you upgrade facilities. That 6 will be actually part of a -- I think a broad strategy 7 that says here's what we're trying to do within the 8 facilities and through self service. Here's how we see 9 the population changing and where those facilities that 10 service on site need to be located; what business 11 processes will be used within those, how that aligns 12 with a new system. And that'll lead to also what 13 changes are necessary for the facility standpoint. We 14 also have concurred in the recommendation that it's not 15 necessary, and it is unusual to have law enforcement 16 officials as part of the staffing within those offices. 17 So if you will, moving toward next steps, 18 there's a slide that talks about building block 19 obstacles and perhaps critical success factors. I would 20 say there are -- there are very good things to build 21 upon in pursuing these recommendations. 22 There are a lot of people within DPS with 23 whom we spoke who are very committed to the Agency and 24 to the service and the services that it provides. And I 25 think that's important to recognize is pride. There's</p>	<p>3</p> <p>1 worked through. 2 Technology and Information is a significant 3 issue. So it is a bearing. That's going to be a lot of 4 hard work around that. Leadership turnover, a number of 5 the positions are open or are filled on an interim 6 basis. The amount of turnover and change will present 7 an obstacle, as will frankly the degree of change. 8 This, as I mentioned earlier, is one of the more 9 significant changes that I have seen in the state of 10 federal Agency. 11 It -- certainly what happened with Homeland 12 Security was -- was broader than that, but at a state 13 level, I don't know that I've seen this much change 14 recommended at one time. And as we, in a couple private 15 conversations, talked about, well, several years ago we 16 worked for the Health and Human Services Commission on 17 consolidation of those 12 agencies into four, and that 18 was a significant challenge and at the time, what we 19 would've thought was the largest we'd seen in state 20 government. That was a consolidation organization and 21 moving forward. This is a change -- this is a 22 fundamental change so it's a little bit different 23 question. 24 So therefore, going forward, strong 25 leadership and the ability to execute. It'll be easy to</p>

<p style="text-align: right;">34</p> <p>1 get -- to not move forward. It'll be difficult to 2 move -- to choose wisely within this and move forward 3 and build momentum. So in terms of what's critical, 4 certainly leadership is. Appropriate planning, this is 5 going to require a level of detailed planning in a 6 number of areas to do it well, whether it's information 7 or whether it's intelligence and counterterrorism. 8 So those plans will need to be put together. 9 In a certain amount of flexibility, we would encourage 10 as you move forward, in terms of hiring the right person 11 into the job with the right charter and with the right 12 resources and allowing them to then work with the -- 13 work with getting the right results. 14 Funding is going to be important. We talked 15 about change management as an active discipline to 16 manage and help these changes stick. And finally, 17 communication is one of the issues that we heard 18 repeatedly within the Department. We'd like to know 19 more about what's going on. We'd like to see -- like to 20 see leadership more. The communication, both inside and 21 outside the Agency, will be important in moving forward. 22 And the last section I have is also the -- 23 is a somewhat busy slide pulling together the three 24 elements of next steps, if you will, from the report and 25 breaking it into the three areas, what would be done in</p>	<p style="text-align: right;">36</p> <p>1 so to be able to hire that kind of support and marry 2 that with resources internally. Figuring out what the 3 direction will be from human resources, there's some 4 significant questions on the table and recommendations 5 that need to be dealt with going into the session as 6 well as a first cut from an information technology 7 standpoint, and then laying out the two-year plan. 8 I won't spend a lot of time on the two-year 9 plan. What you'll see there is really in each of the 10 key areas of recommendation. Some of those things that 11 stand up as being important. Here's where I would -- I 12 would suggest that the -- that most of recommendations 13 will take place within this time frame. 14 So it'll be a question of organizationally 15 once you've decided what is done moving forward, how to 16 implement that in each of the individual 17 recommendations. Recognizing that some of those will 18 run longer. Those are primarily larger systems efforts 19 that will take longer than a two-year period. 20 So in summary, we've had a lot of support, a 21 lot of encouragement within the Department. And outside 22 people, I think, were often very candid and very 23 interested in the right kinds of results. We've tried 24 to bring those back faithfully and sort those through 25 and compare them with -- with what's being done, both in</p>
<p style="text-align: right;">35</p> <p>1 the first 100 days, what would be done across two years, 2 which would be the bulk of the effort and those things 3 which might extend beyond that period. 4 The first 100 days are important both in 5 accomplishing a direction and the boundaries for that. 6 We also deal with the -- the realities of a legislative 7 session that's coming up with response to the Sunset 8 Commission of dealing with the appropriations cycle, of 9 dealing with the assistance the legislature will provide 10 in the legislation that actually comes. 11 So there's a whole legislative agenda. 12 There is -- once things have been prioritized and agreed 13 to, I think communications internally and externally are 14 both important. There's been a lot of look at the 15 Agency in recent years around the state. So this is a 16 question from the legislature, from the media and so on. 17 I mentioned the legislature funding. We 18 have suggested that a program management office, not 19 unlike what was used with the Health and Human Services 20 Commission (Inaudible) what's used in changes such as 21 the merger of Hewlett-Packard and Compaq before, and now 22 the assimilation of DPS and the city organization. 23 Project management skills are not normally 24 available in the -- at the skill level or in the number 25 that are helpful for an agency with this kind of change</p>	<p style="text-align: right;">37</p> <p>1 other states in the federal model, and in other state 2 organizations and try to put together a set of 3 recommendations that we believe are, while difficult, 4 are very doable but will require a great deal of 5 management and oversight over the next several years. 6 Mr. Chairman, that feels like a mouthful. 7 MR. POLUNSKY: Well, we want to get our 8 \$950,000 worth. Thank you, Mr. Beckley. Are there any 9 questions for Mr. Beckley at this time? 10 MR. STEEN: Mr. Chairman, I want to mention 11 something. Of course, this is my first meeting, and 12 I -- I was at the TABC over ten years and was chairman 13 over there for many years like -- like Mr. Clowe here, 14 the Lottery Commission. But I know we want to welcome 15 the public here. And so I'm just looking out in the 16 audience. Are there not seats for you all that are 17 standing around? 18 And I just would like to suggest that -- 19 that if we meet that we have enough chairs that any 20 member of the public wants to come in that doesn't have 21 to stand through the meeting that would have a chair to 22 sit in. So I know you all would agree with that to -- 23 to -- to have that as our -- 24 MR. POLUNSKY: Certainly I agree with your 25 observation. The first thing we did as a new Commission</p>

<p>38</p> <p>1 was to actually move this meeting from the Director's 2 board room in Building "A" that could seat maybe 20, 22 3 people to an auditorium so that we could allow anyone 4 and everyone to have the ability to come to our meetings 5 and see exactly what was taking place, and participate 6 and be knowledgeable of our process and our 7 deliberations, the decisions that we actually make. 8 We're somewhat, I guess, a victim of our 9 success here in that now we've filled up this auditorium 10 to some degree. But I'm sure that we can -- we can make 11 accommodations going forward. But we probably have ten 12 times as many people now as we did, say, a year ago. So 13 we -- we're, I think, going in the right direction. But 14 your comment is duly noted, Mr. Steen, and we will 15 address it. 16 MR. STEEN: Thank you, Mr. Chairman. 17 MS. BARTH: I do have a question about the 18 report with respect to the program management office. 19 DREW BECKLEY: Yes, ma'am. 20 MS. BARTH: Which I view is -- well, first 21 let me step back and thank Commissioner Clowe for 22 keeping us on a very tight time line, took a lot of 23 effort and I really appreciate the work, as well as with 24 Deloitte staying on Commissioner Clowe's and our time 25 frame. But my question has to do with the program</p>	<p>4</p> <p>1 still has the open up the doors, turn on the lights -- 2 DREW BECKLEY: That's right. This is an -- 3 MS. BARTH: -- and keep the agency running. 4 DREW BECKLEY: -- additional function -- 5 that's right. This is on top of what everyone would do. 6 Now, your question was also in terms of how long. I 7 would -- our recommendation would be that initially this 8 reports to the Commission as you pull it together. And 9 then with the selection of the director and the 10 leadership team, there will be a time where it can 11 report more on a day-to-day, week to week, month to 12 month basis within the Department. 13 So there would be a transition that was 14 related to the success of -- of agreeing on putting in 15 place the leadership team and the ability to the 16 organization, frankly to start following through on the 17 individual programs. 18 Where we see this struggle often is we can 19 lay out the initial priorities and the programs and 20 everyone agrees when the budget is placed, but then 21 within the organization, there's still a lot of this -- 22 this is new business on top of existing business. And 23 so pushing it out can sometimes slow it down. And it 24 needs a continual push from the time. 25 MS. BARTH: Thank you.</p>
<p>39</p> <p>1 management office and whether you see that as a -- I 2 don't want to call it a contract function or something 3 that would stay on for a very long period of time. How 4 do you see that staffed, whether internal or external. 5 Because I really view that as (Inaudible) 6 DREW BECKLEY: It is -- several -- several 7 question -- or several points with that. One is that in 8 the context, if the Commission and the Department were 9 to move forward with something representing this degree 10 of change, and with the degree of change that 11 potentially there is in leadership, that would have an 12 impact on what I would say to you. 13 I would see it as being contract with 14 internal employees as well because it tends to work best 15 that way. At least, that's the model that I've seen 16 work well. But bringing in the expertise and then 17 marrying it with the interface into the organization, it 18 takes -- if we looked at the perhaps approaching 100 19 recommendations, the degree of change in different 20 areas, just organizing what happens next and where 21 everyone is, is a significant skill. And I believe it 22 's best brought in and then with a combination of both 23 outside people and internal. Does that answer your 24 question? 25 MS. BARTH: At the end of the day, someone</p>	<p>4</p> <p>1 MR. POLUNSKY: Let me just say that I 2 completely concur with Commissioner Barth's observation. 3 In order for us to really attain the success that we are 4 all looking for here, we need to be able to implement 5 the changes and have a mechanism in place in order to 6 effectually make the changes. So I think it's very 7 important that we have a good strategy going forward 8 with respect to a program or project manager. 9 And actually, I placed it on the agenda and 10 I obviously misplaced it in the sense that it's a little 11 further down. It is -- it's item number "8D." But that 12 is something that I did want to discuss as to what we 13 might want to do next. But let's defer that for a 14 second. Do y'all have -- Mr. Clowe, do you -- 15 MR. CLOWE: Indeed I do. 16 MR. POLUNSKY: All right. You're on. 17 MR. CLOWE: Mr. Beckley, I want to thank you 18 for this report and tell you that when the chairman 19 charged me in March of this year with doing a study and 20 making a recommendation for a study, and I came back at 21 our April meeting and recommended a study be conducted, 22 my hope was that we would have the kind of study that 23 you presented to us this morning. 24 And I want to talk with you about it. And 25 my questions don't infer approval or disapproval at this</p>

<p style="text-align: right;">42</p> <p>1 point. I'm wanting to understand and comprehend. And 2 as I said to you earlier this morning, I don't want in 3 any way for this to be soft pedalled. In my opinion, 4 this represents a major change, a "C" change for the 5 Department of Public Safety, and it's going to effect 6 everybody who is associated with this agency in some way 7 or another sooner or later.</p> <p>8 A culture change is what you're calling for 9 here, and that is in fact the most difficult change to 10 affect. It takes the longest and it's the one that 11 frightens people more than anything else. Probably 12 those people who are the lowest on the organizational 13 structure are the least effected. But the leadership is 14 where the major change occurs, and that's where 15 ordinarily you find the greatest resistance.</p> <p>16 My experience in doing these things around 17 changing organizations is that you can put any kind of 18 an organizational chart on paper, and the boxes move 19 very nicely and it's easy to do that. But the people 20 who are involved in the change and the success of those 21 people is what determines whether you achieve your goals 22 or not.</p> <p>23 A criticism that I have heard of the study 24 that I want to address immediately is that, as I see it, 25 your study does not criticize or in any way fault the</p>	<p style="text-align: right;">44</p> <p>1 this way. The -- there certainly are spans of control 2 and focus issues when you have 15 direct reports to the 3 director. I don't know if that's what's meant by top 4 heavy. If it's having what is sometimes turned two in a 5 box with a director and an assistant then everyone else 6 reporting to that, that may be an element of top heavy.</p> <p>7 From my perspective in looking at the 8 changes that are necessary, I would say in terms of the 9 skill set and the ability to execute the Department is 10 not top heavy and it's going to need skills and 11 abilities that aren't there in the numbers that are 12 necessary. I go back -- I agree with you, we can put an 13 org. chart up on the wall, and that's a starting point. 14 But the key is the people that are hired, the charges 15 they have, the ability they have to go do things, how 16 well they work together and how well they're able to 17 execute on the agenda and priorities that are put out 18 there.</p> <p>19 And the organization chart can be frankly 20 not that important with the right people doing the right 21 things. In this case, the organization as it was, was 22 allowing people to over time become more insulated 23 rather than integrated within their individual areas. 24 So if top heavy meant that there was a -- an 25 accumulation of leadership within Austin and the central</p>
<p style="text-align: right;">43</p> <p>1 performance of this agency. There has been the comment 2 that they say there's just so much wrong here. And my 3 view is that what you're saying there's a lot right 4 here, but there can be better effort for improved 5 results, and there, after 50 years, has come a time to 6 make these changes. That's my view and I hope I can 7 read that into your view.</p> <p>8 This agency has done a wonderful job since 9 it was formed and its success speaks for itself. But 10 what we're talking about is a moving away from the 11 mindset of this is the way we've always done it and 12 we're going to continue to do it that way, and we just 13 won't be welcoming to change. But in fact, we are going 14 to embrace change and we're going to do it in a way that 15 it's meaningful, it produces results, and it's 16 beneficial to the people of the state of Texas.</p> <p>17 I want to squeeze some more value out of you 18 for our \$950,000. Looking at this organizational chart, 19 you've got, really, eight positions of leadership. And 20 my sense is that they would all be new positions. A 21 criticism of this that I've been exposed to is this 22 organization is top heavy. What would your answer be to 23 that comment?</p> <p>24 DREW BECKLEY: In terms of it being top 25 heavy, I'm not sure how to answer that, but I'll do it</p>	<p style="text-align: right;">45</p> <p>1 offices compared to the regions, that might be a fair 2 comment and would be related to what we were suggesting 3 in terms of deploying within the regions of law 4 enforcement functions and trying not to have it be 5 headquarters focus, if you will.</p> <p>6 So I guess our recommendations are twofold, 7 one is to get the right people doing the right things in 8 a more limited set of jobs reporting directly to the 9 director to consolidate the law enforcement functions, 10 which really becomes the chief law enforcement officer, 11 if you will, and to remove the responsibility for 12 deployment out into the region where it's closer to the 13 challenges at hand and not following a central office to 14 region hierarchy among several services where 15 communication would go up and down and parallel.</p> <p>16 I'm not sure I've answered your question 17 directly, but at least that's what I would see and how 18 it might fit with it. I'll try some more if you'd like.</p> <p>19 MR. CLOWE: I think I understand that. And 20 staying on the organizational chart, give me the logic 21 that you followed in assigning these tasks where you 22 came up with two deputy directors and five assistant 23 directors.</p> <p>24 DREW BECKLEY: First of all, starting from 25 the position that form follows function as we do</p>

<p style="text-align: right;">46</p> <p>1 organization work. Frankly, it's less the organization 2 than the organization -- than putting together resources 3 in a way that things can happen. So the organization 4 followed what we believe are the organizational 5 challenges that need to be addressed, whether it is 6 integrated deployment of law enforcement resources or it 7 is a significant upgrading of administrative support in 8 human resources finance information and broader 9 administration, so that that -- that lay underneath 10 that. In an organization that has a mature HR -- a 11 human resource function, it might not require the same 12 degree of emphasis. In this case, there's a lot of work 13 that needs to be done. So that was the basic structure. 14 Then in terms of whether or not they are a 15 deputy director or assistant director, we actually put 16 those terms in here. The intent was twofold. One is 17 looking at state schedules to allow the Department the 18 ability to hire the skills they need in those 19 significance in jobs. So whatever they're called in the 20 end, to structure them so that you can hire the people 21 you need, to get someone, for instance, as a CIO who has 22 both the technology and law enforcement skills to be 23 able to fill that job, probably even more so on the 24 technology side at this point in time. 25 The two deputy directors over the licensing</p>	<p style="text-align: right;">4</p> <p>1 MR. CLOWE: Let's go into that a little more 2 in depth. My understanding of your recommendation is 3 that these top eight positions be civilians and not 4 necessarily be required to be commissioned police 5 officers; am I understanding that correct? 6 DREW BECKLEY: No, sir. Our suggestion 7 was -- our recommendation was to consider civilian 8 personnel for those positions. There would be a 9 different -- in other words, to open it to that, and a 10 civilian might well include someone coming from a 11 federal agency, but not necessarily commissioned in the 12 sense of being within DPS. So our recommendation was to 13 consider them but not that they had to be civilian 14 positions. 15 MR. CLOWE: Well, I think we got to the same 16 place in the end, that if I understood it correctly, 17 that they would function in these new eight positions, 18 not as commissioned police officers, but in the title 19 that you recommend in the job; is that -- 20 DREW BECKLEY: That's correct. 21 MR. CLOWE: So they would be subject in fact 22 to Schedule "B" compensation, except for the director. 23 And not Schedule "C" compensation. 24 DREW BECKLEY: Correct. 25 MR. CLOWE: So, you know, this is getting a</p>
<p style="text-align: right;">47</p> <p>1 and regulation and other law enforcement, there were a 2 couple thoughts at play. One is if you look at the 3 organization on the law enforcement side, almost half of 4 the organization is -- is in that section. So it will 5 be under that where we've termed the deputy director. 6 About a quarter of it is within the licensing and 7 regulatory functions. 8 So from pure magnitude of resources, they're 9 heavily concentrated in those two. The other areas are 10 important to get the right people, they're much smaller 11 in terms of supervision. And there was also frankly a 12 consideration that one of the challenges culturally is 13 to maintain the importance of law enforcement but lift 14 up -- we've got to have a customer focus well 15 functioning, consumer looking regulatory and licensing 16 function so that those two positions ought to have some 17 parity and title to recognize the importance of one 18 cultural professionalism. 19 Doesn't mean that one is greater or lesser, 20 necessarily, than another. And we've also been asked 21 the question, why don't you make them all assistant 22 directors. Part of it was to make sure you can also 23 hire the people in those jobs at compensation that's 24 appropriate but also to recognize their importance to 25 the organization.</p>	<p style="text-align: right;">4</p> <p>1 little to the nuts and bolts, but I think we've got to 2 understand how we get to the compensation for the IT 3 assistant chief. The top in that "B" schedule is "B-22" 4 that goes up to, I think, about 220,000 a year where 5 statutorily the director is capped at 157,000. 6 DREW BECKLEY: Yes, sir. 7 MR. CLOWE: And that's how you get there? 8 Is that your thinking? 9 DREW BECKLEY: That's correct. 10 MR. CLOWE: Now, there's a comment -- 11 DREW BECKLEY: Now, that doesn't establish 12 those. The idea is to provide for the capability of 13 getting people you need to in those positions. 14 MR. CLOWE: It opens the door. 15 DREW BECKLEY: That's correct. 16 MR. CLOWE: Now, there are those who say 17 that the director of the DPS should be someone who has 18 worn a badge, carried a gun, put handcuffs on people, 19 your words. 20 DREW BECKLEY: Well, actually I was 21 repeating a quote from the San Antonio newspaper. But 22 that's correct. 23 MR. CLOWE: Give me your answer to that 24 comment. Give us your answer. 25 DREW BECKLEY: I don't believe that's</p>

<p>50</p> <p>1 necessary. I think as we look particularly at the 2 federal model and what's done in federal agencies, 3 whether you're looking at the FBI or the CIA, or if you 4 move into the military where there is a long history of 5 the ability to deploy resources, to deploy military 6 resources, to deploy law enforcement resources on the 7 civilian side under civilian leadership, it's a balance 8 of control question to have for the military, to have 9 civilian leadership at the secretary level, whether it's 10 defense or the individual services, and that the 11 depute's at the assistant secretary level, and that 12 that's used as a measure for how to effectively deploy 13 and balance the deployment.</p> <p>14 The issues at the state level are different 15 from those. But that's proven to be effective over time 16 as it has in the intelligence and law enforcement 17 agencies as well. Not all states require it. We have a 18 history here where all the directors except one, as I 19 understand it, have been commissioned and come up 20 through DPS.</p> <p>21 MR. CLOWE: Well, they've all come up 22 through, but the one director who came in from the 23 outside was a commissioned police officer. That's a big 24 change, in my mind. And I think we need to talk about 25 that fully in that. If we went that route, the director</p>	<p>52</p> <p>1 place, then our recommendation would be that the program 2 management office were reporting to the director and 3 executing a plan that had been approved by the 4 Commission and the director. Not knowing the timing of 5 that or the -- or the filling of the other positions, 6 our recommendation was initially to have it report to 7 the Commission so that you're able to organize and move 8 forward with the effort including the filling of the 9 positions at the senior level.</p> <p>10 And as I mentioned in response to 11 Commissioner Barth's question, then as that was in 12 place, you would -- you would expect to see that move. 13 And if -- If -- If the organization -- If the leadership 14 were in place, then the recommendation would still be to 15 have that because of its need -- the need for it and 16 change, but it would be reporting to the director at 17 that point.</p> <p>18 MR. CLOWE: That's very helpful. Thank you. 19 But what would the rule be if the director is in place 20 and the director, with the involvement of the board, 21 then begins to fill these seven key positions if your 22 recommendation were adopted as it's set forth. What 23 would the role of the project management office be 24 reporting to the director? Explain that relationship a 25 little more detailed, if you would.</p>
<p>51</p> <p>1 would not be called the colonel. And the deputy 2 directors would not be called colonel. They would be 3 directors and deputy directors. That's a big change in 4 the culture of the DPS.</p> <p>5 This is a paramilitary organization to a 6 certain extent. And in my mind, there's always been 7 those who are commissioned police officers and those who 8 are not. And I think we have to address that and we 9 have to reconcile that difference if we're going to 10 achieve what's recommended here and go forward in a 11 culture change that would blend and create the kind of 12 organization that you're recommending. That's a big 13 change.</p> <p>14 I'd like to get some more information from 15 you about what the role of the director is in this 16 relative to the project management office. I'm not 17 quite clear on how that works. In my mind, this 18 Commission would be, when it posts that position for the 19 director, looking for a leader that is dynamic and is 20 capable and can effect change that the Commission 21 directs in whatever it adopts. And I'm not quite clear 22 where that person works with the office of project 23 management and how that happens day-to-day and where you 24 avoid conflict.</p> <p>25 DREW BECKLEY: If the director were in</p>	<p>53</p> <p>1 DREW BECKLEY: Certainly. It would be -- I 2 would assume at that point so I'm not moving forward and 3 saying we have -- we've submitted our recommendations to 4 the Commission. The Commission has developed whatever 5 plan it is moving forward. And let's say the director 6 is in place and there is now a plan that the director 7 has for the Department which has been approved by the 8 Commission. And at that point, I would expect the PMO, 9 as we've recommended, would report to the director.</p> <p>10 The activities within that would include the 11 pulling together of the detailed plans. If, for 12 instance, the chief human resource officer were in place 13 or the chief information officer were in place, they 14 would be at the center and actually developing plans. 15 What the -- what the program management office does is 16 make sure that the plans are there and they are 17 complete; that there is a time line which is being 18 tracked and funding which is being tracked, probably 19 within the CFO organization if that were in place.</p> <p>20 But to make sure that those things are 21 happening so that we know that this month and next month 22 these are the individual sets of activities which need 23 to occur. And if you might visualize on the wall a set 24 of things that says, all right, within five or six areas 25 we have these 80 recommendations that are -- and they're</p>

<p>54</p> <p>1 going to require even other things in terms of doing, 2 who's responsible for those; how well are they 3 progressing against that; do they have the funds, do 4 they have the people resources in place to do those. 5 So the role of the office is to make sure 6 the plans are there; to help fill in the gap when 7 necessary in developing those; to organize the 8 reporting, not only in pulling it back, but in actually 9 interacting with everyone who's doing that and be able 10 to respond to the director to say, this is the agreed to 11 plan. Here's where we are. Here's who's responsible. 12 And even organizing the reviews and meetings to sit down 13 and say, all right, you're responsible for this 14 particular initiative. Where's the charter and the 15 budget. Here's the schedule. How are you progressing. 16 With the intent being that -- something that 17 at least we call day one. And if we were to look out 18 and say it's 18 months down the road, we might define 19 that as day one when it was done. Same thing was done 20 with Health and Human Services. At the day the 21 consolidation would be complete, what are the things 22 that must be in place. Therefore, we're tracking all 23 the of the activities and all of the responsibilities 24 within the agency, and any outside people that are 25 involved with them, to make sure that at that point</p>	<p>5</p> <p>1 long It will take the Commission to find a director and 2 to make that appointment. Certainly, it would move -- 3 it will move with more momentum and with better resource 4 alignment. 5 In other words, it's going the move better 6 if the director's in place and -- and the rest of the 7 leadership team is there, it'll be easier to do things. 8 However, there are activities that should be addressed 9 along the way. And I think part of the -- what we laid 10 out was the initial step under the 100-day plan was to 11 figure out what needs to be done over the next 100 days. 12 Clearly, there's communication that needs to 13 be done that shouldn't wait for a director. Clearly, 14 there's preparation for a -- the legislative session, 15 that can't wait either. There will be certain things 16 that are worth addressing early, such as the 17 recommendations around compensation. And they would 18 affect the session. There will be other things that 19 can't be done initially, such as laying out all the 20 details that are necessary either on intelligence and 21 counterterrorism, for instance, is one. Or in the CIO 22 organization is another. Those will require plans that 23 would not be in the first 100 days. So depending upon 24 the progress toward the designation of the director, 25 you'd be modifying frankly what the program management</p>
<p>55</p> <p>1 those things that occur -- have occurred. 2 And therefore, along the way, to be 3 identifying early those things which are off track and 4 which require remediation. So in terms of interaction 5 with the director, let's say it's then functioning or 6 working with the director, that would be weekly, 7 biweekly, monthly and quarterly depending upon the level 8 of review and the type of activity. Is that helpful? 9 MR. CLOWE: And then the question naturally 10 follows, do you offer your firm in that role? 11 DREW BECKLEY: That is a function that we've 12 performed in the past. 13 MR. CLOWE: Is it your thought that the 14 Commission would move forward with this plan and 15 deliberate and adopt whatever would come out of those 16 deliberations prior to the employment of a director 17 concluded by a search, or defer this until a director is 18 determined on a permanent basis and brought into the 19 organization or coming in from within the organization? 20 What's your sense of that? 21 DREW BECKLEY: That was really part of the 22 100-day versus the two-year plan. With the intent that 23 certain -- and the recommendation, that certain things 24 need to be addressed now and they need to be addressed 25 going into the legislative session. I can't answer how</p>	<p>5</p> <p>1 office would be doing. 2 MR. CLOWE: It seems important to me to get 3 those steps right. And the chairman's indicated he has 4 the OPM on the agenda for further discussion today. And 5 we're moving ahead as rapidly as possible with the 6 search for a director. And certainly, the Commission 7 has to make a determination how it feels about these 8 other positions. But it's critical, in my mind, to not 9 get "B" before "A" or "C" before "B." It's got to fit 10 sequentially so that you don't find that you have 11 misstepped and get caught up in a situation where you 12 hit a dead end on this project. That's a critical need 13 as I see it. 14 I'd like to ask you about these regional 15 headquarters and regional commanders aspect of the 16 organizational chart. On this proposed chart, that's 17 the only thing that's listed there. Could you expand on 18 that just a little bit? 19 DREW BECKLEY: For the regional commanders 20 within law enforcement, the recommendation there is to 21 create common regions so that in fact everyone's 22 definition of the regions fits the same. As a starting 23 point, that there are regional commanders hired, 24 designated. And I guess I want to take a step and go 25 back earlier, you mentioned eight or so key hires. I</p>

<p style="text-align: right;">58</p> <p>1 would probably put the list more at 20 to 25.</p> <p>2 MR. CLOWE: 25 is the number.</p> <p>3 DREW BECKLEY: And -- but, I mean, because</p> <p>4 this becomes an important part of those -- of that</p> <p>5 leadership team as does who's selected for intelligence</p> <p>6 and counterterrorism. So beyond the assistant or deputy</p> <p>7 director, if you will. So those people become an</p> <p>8 important part of hiring that. And then -- or filling</p> <p>9 that out. Those are important hires.</p> <p>10 The -- it is not that they would build a new</p> <p>11 organization but there would be a need to have some.</p> <p>12 And we didn't define the number of people because it</p> <p>13 would -- depending upon how it was structured in each</p> <p>14 region. There would be a regional commander. And the</p> <p>15 forces within that -- the services within that region</p> <p>16 would be under that person's direction.</p> <p>17 Together, whether that were a trooper or</p> <p>18 that were a CLE, they would be reporting up to the same</p> <p>19 deputy director. So the arbiter, if you will, is that</p> <p>20 deputy director for law enforcement. And they would</p> <p>21 develop plans within each of the regions as to what are</p> <p>22 the threats and challenges within that region and what</p> <p>23 are the necessary types of deployment, and whether or</p> <p>24 not they require full-time teams that cross the services</p> <p>25 or whether they are part-time and need to be designated,</p>	<p style="text-align: right;">60</p> <p>1 DREW BECKLEY: And actually, you'll see this</p> <p>2 ad hoc. It's already -- I mean, this is not necessarily</p> <p>3 a new model. It -- it actually works quite well. When</p> <p>4 the threat or the disaster is significant enough, it</p> <p>5 seems as if the barriers to communicating and working</p> <p>6 together are not easily, but they're overcome.</p> <p>7 MR. CLOWE: I -- thank you for making that</p> <p>8 point. I wanted that point to be made in our</p> <p>9 discussion. That my sense, in the short time I've been</p> <p>10 here, is that when there is a need in a region, all the</p> <p>11 resources of the DPS and other agencies come together to</p> <p>12 deal with that issue. And it's done almost as a matter</p> <p>13 of natural act it occurs. And what you're saying is we</p> <p>14 formalize that and make it a protocol within the culture</p> <p>15 change of the future.</p> <p>16 DREW BECKLEY: And do the planning so that</p> <p>17 when significant events occur it's less reactive and</p> <p>18 more ready to go.</p> <p>19 MR. CLOWE: And did you look at the regions,</p> <p>20 the boundaries of the regions, and is there thought</p> <p>21 given to that?</p> <p>22 DREW BECKLEY: Yes. I mean, we've actually</p> <p>23 laid out what we thought was the basis for a common set</p> <p>24 of regions that would fit the definitions that are most</p> <p>25 commonly used. The differences are not major. So that</p>
<p style="text-align: right;">59</p> <p>1 how they would go about doing joint exercises as they</p> <p>2 learn to work together within that.</p> <p>3 And those regional plans would be different</p> <p>4 for each one of the regions. So with the designation of</p> <p>5 the regional commanders, they would then, with that</p> <p>6 deputy director and the individual service directors,</p> <p>7 such as highway patrol and the rangers, that they would</p> <p>8 then put together the plans for that region.</p> <p>9 Part of the recommendation also was that --</p> <p>10 I mean, going back to the point you've made, and I guess</p> <p>11 I'm trying to make also, and that is that the people who</p> <p>12 are hired in those positions need to represent trying to</p> <p>13 run a regional integrated deployment services, not</p> <p>14 necessarily the winning or losing among individual</p> <p>15 services.</p> <p>16 MR. CLOWE: So that individual is a regional</p> <p>17 commander, as I would see it, in a military sense. If</p> <p>18 you have a theater of operations, and that would be a</p> <p>19 region, and that person would be either Army, navy,</p> <p>20 marine or Air Force, that designated commander is in</p> <p>21 charge of all forces on a project brought to bear.</p> <p>22 DREW BECKLEY: That's correct.</p> <p>23 MR. CLOWE: My sense --</p> <p>24 DREW BECKLEY: Oh, I'm sorry.</p> <p>25 MR. CLOWE: Go ahead.</p>	<p style="text-align: right;">61</p> <p>1 would be easily set.</p> <p>2 MR. CLOWE: Did you additionally, while you</p> <p>3 were doing that, give thought to where the regional</p> <p>4 headquarters are located to see --</p> <p>5 DREW BECKLEY: No, we did not.</p> <p>6 MR. CLOWE: Could that be an issue?</p> <p>7 DREW BECKLEY: It could. We did not look at</p> <p>8 that issue.</p> <p>9 MR. CLOWE: I've been asked why the</p> <p>10 headquarters is in Midland and not in El Paso. That's</p> <p>11 the reason I ask you that question.</p> <p>12 DREW BECKLEY: Every time -- whether it --</p> <p>13 regardless of the Agency and this question and the large</p> <p>14 state in which we live comes up, those questions are</p> <p>15 always raised. Why is -- why is the disaster recovery</p> <p>16 center for DIR in San Angelo.</p> <p>17 MR. CLOWE: And those questions do come up</p> <p>18 and --</p> <p>19 DREW BECKLEY: That's correct.</p> <p>20 MR. CLOWE: -- we need to be able to answer</p> <p>21 them. I noticed you put the rangers under deputy</p> <p>22 director. Talk to us about that, if you would.</p> <p>23 DREW BECKLEY: Well, it comes back to the</p> <p>24 question of integration of delivery of services, and the</p> <p>25 regional concept with the idea being that the rangers,</p>

<p style="text-align: right;">62</p> <p>1 as with the highway patrol, would be part of that 2 structure as they are informally today. With the 3 consolidation of all law enforcement services under one 4 deputy director, the only place that comes together now 5 is at the director level. The intent here was to put 6 together integrated law enforcement and that they would 7 be integrated as with the other services. 8 MR. CLOWE: But you don't see that as a 9 change in the structure of the change of the rangers per 10 se? 11 DREW BECKLEY: Well, I think some would see 12 it as a change in that it's been said, well, they need 13 to report to the director, which was something that, I 14 think, actually was done about 30 years or so ago. I 15 don't see it from the standpoint if you take step back 16 and say, law enforcement, what -- where within the 17 organization do all law enforcement activities come 18 together. The intent was to put them all under that 19 deputy director. 20 Under the current organizational model, 21 because they exist next to each other, they all report 22 directly to the director. In this case, it would be in 23 effect to take the same theory and put everyone together 24 so that you wouldn't have an organization that was not 25 included when we're looking at trying to integrate</p>	<p style="text-align: right;">6</p> <p>1 of these questions will need to be addressed as we go 2 through the session where others will choose to raise 3 them within that period. So it was to prepare -- one, 4 to create momentum, and two, to be prepared at the 5 beginning of the session. 6 MR. STEEN: Mr. Chairman, you know, what I'm 7 noticing is that, you know, we're moving forward and we 8 don't have a permanent director. I know -- I know we're 9 working on that. But it seems like that's probably the 10 most important thing, is to really fast track so that 11 you get your leader on board. I just feel uncomfortable 12 doing a lot of things, especially starting -- if you 13 start the hiring process at these other levels, or even 14 starting to staff the PMO without having a director in 15 place. I don't know how you feel about that. 16 MR. POLUNSKY: Well, I don't think that 17 we're talking about hiring people. 18 DREW BECKLEY: It's not the recommendation 19 to be filling in the other positions before the 20 director. You may be looking at potential candidates, 21 but certainly not going through that process without the 22 director selected. 23 MR. POLUNSKY: It's my -- I think this is 24 essentially what you've just said, that there's -- as I 25 see it, there's strong recommendation that we focus very</p>
<p style="text-align: right;">63</p> <p>1 services at communication information and so on. 2 MR. CLOWE: Thank you, sir. I'd like to 3 take a breath. 4 MR. POLUNSKY: No more questions for right 5 now? 6 MR. CLOWE: No, not right now. Thank you. 7 Mr. Steen. 8 MR. STEEN: Thank you, Mr. Chairman. 9 MR. STEEN: You keep referring to the 10 100 days. When would these 100 days begin when all this 11 activity starts? 12 DREW BECKLEY: As we put the recommendation 13 together, frankly the loop was twofold around 100 days. 14 In our own experience in generating momentum and putting 15 together the plans and establishing a direction, it's 16 better done quickly than slowly. But not all the 17 answers are available. So to get it going, to get 18 assignments there to understand what the plans are, 19 that's pretty common for this kind of change, to look 20 and say, what can I do over a three-month period or so. 21 We were also frankly looking at -- that 22 coincides, with as we started putting the 23 recommendations together, the time available through 24 October and November, and now November and December and 25 January with the beginning of the session. So a number</p>	<p style="text-align: right;">6</p> <p>1 quickly on bringing in a permanent director -- 2 DREW BECKLEY: That's correct. 3 MR. POLUNSKY: -- and then that permanent 4 director is going to be very much involved in 5 implementing many aspects of what needs to be 6 implemented, but most certainly choosing those various 7 key positions that have been identified in the 8 recommendation. So none of that is going to take place 9 unless, I guess, we decide otherwise. I mean, we're not 10 bound by this. 11 MR. STEEN: Well, what's -- what would be 12 the timetable then for hiring a director? 13 MR. POLUNSKY: Well, it's on the agenda now 14 as far as going forward with a search for one. 15 MR. STEEN: But what are we -- what's the 16 expectation -- 17 MR. POLUNSKY: I guess we'd have to receive 18 that in our report from Ms. Logan. But it could be done 19 quickly. 20 MR. STEEN: And just reading your report, 21 this is something that -- talking about the driver's 22 license offices and, of course, that's where we really 23 interact with a lot of the -- you know, our fellow 24 Texans. And it just struck me, is there a reason that 25 we're using commissioned law enforcement officers rather</p>

<p>66</p> <p>1 than civilians in the driver's license offices?</p> <p>2 MR. POLUNSKY: You want to answer that? Or</p> <p>3 I can give you my opinion. My opinion is that -- you</p> <p>4 can jump in there as well, Mr. Beckley -- that's the way</p> <p>5 we've always done it. That's one of the basic issues</p> <p>6 that we're trying to address here, and that is that</p> <p>7 there's a culture at DPS that we've always done it this</p> <p>8 way. Maybe it worked fine in the past. And I'm not</p> <p>9 saying it's not working totally well today.</p> <p>10 But I believe there's a consensus out there,</p> <p>11 certainly from the Sunset Commission staff, the members</p> <p>12 of the Sunset Commission, from Deloitte, and I think</p> <p>13 from the members of the Commission that have been here</p> <p>14 for a while, that it would probably be better to go</p> <p>15 ahead and civilianize or take a big step in that</p> <p>16 direction with respect to the Driver's License Division</p> <p>17 to "A," move a number of those commissioned officers,</p> <p>18 how to put them into more traditional law enforcement</p> <p>19 roles, which is what they were trained to do, and also</p> <p>20 bring in a group of people who are somewhat better</p> <p>21 trained, or theoretically better trained to deliver</p> <p>22 these consumer functions that are so important to be</p> <p>23 done in a business like manner so that our customer</p> <p>24 service is approved. And that our systems are enhanced,</p> <p>25 and that some of the problems and issues that we've had</p>	<p>68</p> <p>1 with you and tested you and licensed you. That is not</p> <p>2 the case today. We have changed a lot of that.</p> <p>3 But our basic supervisory staff out in the</p> <p>4 fields are driver's license captains, lieutenants,</p> <p>5 sergeants who supervised these offices. And it has been</p> <p>6 that way for the 35 years that I've been with the</p> <p>7 Department. It has worked well.</p> <p>8 Now, Chief Brown has got a pilot project</p> <p>9 going as we speak right here in our North Lamar office</p> <p>10 where she has in effect removed the commissioned</p> <p>11 supervisor and is running that office with a civilian.</p> <p>12 And we'd have to defer to Chief Brown to see how that's</p> <p>13 going. But historically, as the Chairman said, that is</p> <p>14 why it has always been.</p> <p>15 We have got plans in effect right now -- we</p> <p>16 have 254 commissioned driver's license officers. Now,</p> <p>17 there's going to be a void that has to be filled. When</p> <p>18 you take two assistant chiefs, a major, eight captains,</p> <p>19 17 or so lieutenants, 62 sergeants out of supervisory</p> <p>20 positions that currently exist, now those have to be</p> <p>21 replaced with trained civilians that have the</p> <p>22 institutional knowledge to manage the driver's license</p> <p>23 operations.</p> <p>24 That is a significant task. We've been</p> <p>25 working on that. We're listening to the Sunset</p>
<p>67</p> <p>1 in the past hopefully would be eliminated, certainly</p> <p>2 reduced. What's your thought?</p> <p>3 DREW BECKLEY: And I think -- I mean, the</p> <p>4 point has been raised that occasionally there are</p> <p>5 arrests which take place within the offices. I mean,</p> <p>6 that's what we would hear as a justification for that.</p> <p>7 I know that when we talked this through with Governor</p> <p>8 Ridge, he said, well, a model this way -- one model, not</p> <p>9 necessarily the best one -- is what's done in Virginia</p> <p>10 where you really don't have that. But also, how the</p> <p>11 customer service function works.</p> <p>12 And his report was, well, we finally got</p> <p>13 that straight in Pennsylvania; you thought to use</p> <p>14 Pennsylvania's example for that. But the point is that</p> <p>15 from the commissioned officers in the driver license</p> <p>16 offices, that's an anomaly, not common practice, and you</p> <p>17 just don't see that now.</p> <p>18 MR. STEEN: So the only reason -- and</p> <p>19 Colonel Clark, I might ask, is the only reason that</p> <p>20 there might be arrests at various times?</p> <p>21 MR. CLARK: Well, sir, let me just trace</p> <p>22 back our history. This was an established program, of</p> <p>23 course, by the legislature, years ago. And everyone in</p> <p>24 this room, for the most part, when you took your</p> <p>25 driver's test, it was a trooper that sat in that car</p>	<p>69</p> <p>1 Commission. We know what their intentions are as well</p> <p>2 as Deloitte. And this is our opportunity to hear from</p> <p>3 the Commission on the exact direction that we need to</p> <p>4 go. But in a nutshell, that's why we have done what we</p> <p>5 do.</p> <p>6 MS. BARTH: And let me say this, it's not</p> <p>7 just my observation, it's not just people, it's</p> <p>8 processes within the DL office. We focus so much on the</p> <p>9 DL office because for the most part, you know you're</p> <p>10 going to have not such a pleasant experience, let's say,</p> <p>11 when you get a ticket for speeding. And the other, you</p> <p>12 know, contact you have is in the DL office, and that's</p> <p>13 really where people get exposure to the Public Safety.</p> <p>14 So from our end, I think it's important</p> <p>15 obviously to have some presence, I believe, for the</p> <p>16 outstanding warrant, and there's no question in my mind.</p> <p>17 But on the flip side, as you have pointed out, this is</p> <p>18 not -- the current model we have is not a model you're</p> <p>19 seeing going forward. And there is so many new</p> <p>20 alternatives out there, just the Internet itself, we</p> <p>21 just, you know, are just getting started on addressing</p> <p>22 over the last couple of years. So I think part of it is</p> <p>23 people, you know, part of it is the processes within the</p> <p>24 office itself.</p> <p>25 DREW BECKLEY: It is absolutely the</p>

<p style="text-align: right;">70</p> <p>1 processes as well as the people in training, and the 2 system that needs to support those processes that make 3 it work well. 4 MR. POLUNSKY: Mr. Clowe. 5 MR. CLOWE: May I -- I've drawn a breath. 6 Commissioner Steen, I want to give you some folklore 7 that unless you're by the campfire late at night you 8 don't get this. 9 MR. STEEN: Yes, sir. 10 MR. CLOWE: Colonel Clark goes back 35 years 11 with the DPS. I go back 50 years. And I took my 12 driver's license test at Fair Park. And as he says, a 13 DPS trooper got in the vehicle with me and gave me 14 driving examination, and then he licensed me. 15 In those days, a driver's license was a 16 license to operate a motor vehicle on the highways and 17 streets of the state of Texas. Today, it is virtually a 18 national identity card. And I'd like to make that point 19 very forcibly with you that when you board an air plane 20 or you cash a check, in many cases, when you present a 21 credit card, or when you enter a federal building in 22 some cases, you're asked for a photo identity card. And 23 in most ever case, you produce your Texas driver's 24 license. 25 So that additional function of the issuance</p>	<p style="text-align: right;">7</p> <p>1 this is not taking care of the people of the state of 2 Texas. And this Commission had responded to that, as 3 Colonel Clark has told you, and we are moving to correct 4 that. But the uniform presence in the office has been 5 an element that has resulted -- If the information I've 6 been given is correct, those officers have made more 7 arrests per officer than the officers out on the 8 highway, because people come in and they are the subject 9 of an arrest warrant or a subpoena, and it comes up and 10 it's made known at that point in time. 11 Also, there are unruly people who misbehave. 12 Some come in under the influence of drugs or alcohol, 13 and an officer, his presence is necessary. So as the 14 Commission has directed the Department to move ahead 15 with going to a civilian model, those issues are all 16 being balanced. And we are in transition, as I see it 17 now. 18 We are going to be responsive to the people 19 of Texas, to the legislature, to the Sunset 20 recommendation. And we're coming from a place that we 21 did not accommodate the citizens of the state to where 22 we do. But we're going to keep these requirements for 23 this identity card, which is important to keep in mind 24 so that the issuance of driver's license is done 25 correctly. It is a very interesting issue to pursue, in</p>
<p style="text-align: right;">71</p> <p>1 of driver's license is an important thing, in my mind. 2 Now, in my opinion, I want to be very candid with you 3 about this, our driver's license people who issue these 4 licenses are some of the most underpaid, maybe they're 5 well trained, that's questionable in my mind. We 6 certainly have very high turnover there. And they are 7 subject to pressures that are problematic. They are 8 offered bribes to issue a driver's license. And the 9 requirements for qualification are substantial. 10 You just don't show up at one of our offices 11 and get a driver's license. I had a call from a citizen 12 in my home the other day and he said, I don't know what 13 you do with the DPS, but I'm making my third trip there 14 trying to get the right documentation. And I'm mad and 15 I'm unhappy. I didn't give him your phone number, Chief 16 Brown. 17 But if you will take the time to go in some 18 of these offices, you will find that the lines are long, 19 they go out the door and around the block. It's hot. 20 It's uncomfortable. The restrooms are overused. It's 21 not a pretty place. And our hours have not accommodated 22 the public. We're currently only answering about 30 to 23 40 percent of the phone calls that come into the call 24 centers. 25 And Sunset correctly pointed out, you know,</p>	<p style="text-align: right;">72</p> <p>1 my mind, and we're on the right track. It's going to 2 take some work to get there. 3 MR. STEEN: Thank you. 4 MR. POLUNSKY: Anything else, Mr. Steen? 5 MR. STEEN: Well, I'm hearing what 6 Commissioner Clowe says. Yet I'm reading, Mr. Beckley, 7 in your report that you said that more than 200 8 commissioned law enforcement officers now work in the 9 Driver's License Division, and that DPS should 10 reassign -- okay, you say most of these officers -- to 11 law enforcement duties within the same locale wherever 12 possible. So you're recognizing that we're not going to 13 move all the law enforcement people out of driver's 14 license. 15 DREW BECKLEY: I think the -- what's 16 important is to pull all the questions together at the 17 same time. It is a question of process; it is a 18 question of facility; it is a question of a system that 19 supports them; it is having proper supervision and 20 proper training for people. So one piece -- one element 21 of it would be this is where the Department might decide 22 it's going as the model. And then the question is how 23 do you move there from the current model, because you 24 just don't reassign the people without taking into 25 account all the elements of training and supervision, a</p>

<p style="text-align: right;">74</p> <p>1 system and process and facility.</p> <p>2 So they need to all be considered together</p> <p>3 not in a vacuum. I think there was some recognition as</p> <p>4 we did that. There may be -- in that recommendation</p> <p>5 that all those pieces need to be put together. And we</p> <p>6 don't know exactly what the answer would be.</p> <p>7 MR. STEEN: Thank you.</p> <p>8 MR. POLUNSKY: Mr. Clowe.</p> <p>9 MR. CLOWE: Thank you, sir.</p> <p>10 MR. POLUNSKY: Well, let me just generally</p> <p>11 state that I personally am pleased with the substance of</p> <p>12 the report that Deloitte has produced. I feel that it</p> <p>13 will be a very good blueprint for us to go forward with.</p> <p>14 I think it's very important that everyone understands</p> <p>15 that not necessarily everything that is incorporated in</p> <p>16 this report and recommendations contained therein will</p> <p>17 eventually be adopted.</p> <p>18 The Commission has a set of recommendations</p> <p>19 that have come in. There's been quite a bit of research</p> <p>20 done that has resulted in these recommendations being</p> <p>21 formulated. And as I said, I think that collectively</p> <p>22 it's a very good beginning. It is a good framework for</p> <p>23 us to utilize as a starting point for reformation of the</p> <p>24 Department and the change we've been discussing over the</p> <p>25 last number of months.</p>	<p style="text-align: right;">76</p> <p>1 into the fabric of the Department and the direction that</p> <p>2 we need to go forward in since the legislature</p> <p>3 Commission study back in the early 1930s that led to the</p> <p>4 creation of the Department of Public Safety by bringing</p> <p>5 in highway patrol from the Highway Department and the</p> <p>6 rangers, and combining it all into what is now known as</p> <p>7 the Department of Public Safety.</p> <p>8 Up until now, that's been, you know, the</p> <p>9 most important document. But now this is -- this is</p> <p>10 right up there with it, and I think it's something that</p> <p>11 is going to serve us very well going forward.</p> <p>12 As far as how we're going to do this and</p> <p>13 when we're going to do this and so on, I -- I would like</p> <p>14 to see the machinery put into motion very quickly here.</p> <p>15 As we've discussed during the last few minutes, we're on</p> <p>16 a dual track here as far as going out and searching for</p> <p>17 a possible new director. I'm not eliminating Colonel</p> <p>18 Clark as a candidate. But there's the rest of the world</p> <p>19 as well that we're going to be looking at, and we want</p> <p>20 to bring that person in or confirm that person as</p> <p>21 quickly as possible.</p> <p>22 But still there are a number of things that</p> <p>23 I feel that we can do short of hiring the senior staff</p> <p>24 and the key people that have been identified in this set</p> <p>25 of recommendations or the study that Deloitte has done</p>
<p style="text-align: right;">75</p> <p>1 But not every last recommendation is going</p> <p>2 to be adopted. We will, as a Commission with the</p> <p>3 assistance of your senior staff going forward, and also</p> <p>4 receiving input from the stakeholders here, the members</p> <p>5 of the Department itself and others that are effected by</p> <p>6 all of this, will have the opportunity to come forward</p> <p>7 and make certain suggestions, comments, recommendations</p> <p>8 on their own and so on that may lead to other directions</p> <p>9 or implementing -- or not implementing, recommendations.</p> <p>10 So for those in the audience and for the</p> <p>11 8,000-plus members of -- or employees of the Department</p> <p>12 of Public Safety, I think it's very important that it be</p> <p>13 understood that this is not the final set of</p> <p>14 recommendations, or it is not the final plan, I guess I</p> <p>15 should say, that will be in place a number of months</p> <p>16 down the road. It is -- it is the launching point. I</p> <p>17 think it's a good launching point, as I said previously.</p> <p>18 I'm pleased with the -- with the study, and I think that</p> <p>19 it was money well spent by the State of Texas to -- to</p> <p>20 bring you in.</p> <p>21 And looking at the Department, looking at</p> <p>22 the history of the Department, I find this to be,</p> <p>23 without question, the most important document that has</p> <p>24 been generated analyzing the status of the Department,</p> <p>25 the deficiencies that may be in place, or interwoven</p>	<p style="text-align: right;">77</p> <p>1 that can be commenced almost immediately.</p> <p>2 So I would recommend, or I would suggest to</p> <p>3 the Commission that we start the ball rolling, that we</p> <p>4 begin the process, that we decide, if not today,</p> <p>5 certainly by our next meeting, how we're going to select</p> <p>6 or structure a program or project manager and some of</p> <p>7 the other things that need to be done in order to move</p> <p>8 this on.</p> <p>9 Does anybody feel differently on that?</p> <p>10 Well, what I would like to do, and I'll be announcing</p> <p>11 some other assignments as we go forward here, but I</p> <p>12 would like to appoint a committee of two commissioners</p> <p>13 to embrace this responsibility and begin the process as</p> <p>14 of today to go forward. I would like to have Mr. Clowe</p> <p>15 chair that committee. I would like to have Mr. Steen</p> <p>16 serve on that committee. And the two, certainly with</p> <p>17 input from other members of the Commission, but</p> <p>18 primarily these two members, begin the process.</p> <p>19 So unless anyone on the Commission disagrees</p> <p>20 with that approach, I'd like to handle it that way.</p> <p>21 Mr. Clowe, is that okay with you?</p> <p>22 MR. CLOWE: Yes, sir.</p> <p>23 MR. POLUNSKY: Mr. Steen, would you be</p> <p>24 willing to serve on this committee?</p> <p>25 MR. STEEN: I would. Thank you.</p>

<p style="text-align: right;">78</p> <p>1 MR. POLUNSKY: Okay. Well, that is -- that 2 is how we'll handle it. And as of today, we're going 3 forward on this. With respect to the item on project 4 manager, I'm not sure we need to do anything on that 5 today. I just put it on the agenda in case we did. Is 6 there any feeling on that? Mr. Clowe, do you have any 7 feeling? 8 MR. CLOWE: No. But Mr. Chairman, I think 9 part of this discussion which would be appropriate to 10 take out of order is the procurement for executive 11 services for appointment of director, if that would suit 12 you at this time. 13 MR. POLUNSKY: That's fine. 14 MR. CLOWE: It's germane to where you are, I 15 think, and it fits with the project manager office as 16 well. 17 MS. BARTH: I'd like to start with the 18 project management office. 19 MR. CLOWE: You'd like to what? 20 MS. BARTH: I'd like to start with item "D," 21 though, because I think truly just getting the 22 procurement process going takes some time, as you know. 23 And so it would seem to me, and I'm not sure it actually 24 matters in retrospect as to order, but that we -- just 25 to get the RFQ in writing that we ought to, as we know</p>	<p style="text-align: right;">8</p> <p>1 the first of the year. 2 MS. BARTH: That's why I wanted to get 3 started with the RFQ. 4 MR. CLOWE: And I just -- I think 5 Commissioner Steen and I will take your direction if 6 that's your will at this time. And I think I understand 7 that relationship now more clearly than I did at the 8 beginning of this discussion. And I'd be prepared to 9 work with Commissioner Steen and move that forward if 10 that's the will of the Commission. 11 MR. STEEN: Commissioner Clowe, I'm just 12 looking at page seven of this report, and Mr. Beckley 13 writes as a first step forward toward implementing the 14 recommendation in the report, so it's the first step of 15 the Commission. And he used the adverb quickly 16 establish a program management office PMO to lead and 17 coordinate the efforts. So I think you're saying that's 18 something we should jump on right away. And is this the 19 idea we're going to hire people to do this is employees 20 of DPS? 21 MR. CLOWE: No. My sense from Commissioner 22 Barth's recommendation is that it be an outside entity 23 that would be employed as a project. 24 MR. STEEN: Because your report says 25 full-time staff, right?</p>
<p style="text-align: right;">79</p> <p>1 from previous RFQs that we've put out, it just takes a 2 while. 3 So to me, it doesn't seem like we're getting 4 out of order, so to speak, by at least starting -- you 5 know, putting together an RFQ for that particular -- if 6 that's what we decide we want on the project manager 7 from the outside. 8 MR. POLUNSKY: Well, I think that's what we 9 need to decide we want. Because as we discussed early 10 on, we can go outside, we can bring a consulting 11 company, or we can do it internally. That's -- that was 12 one of the issues that I did want to discuss today. So 13 what are your thoughts? 14 MS. BARTH: You know, I think that we ought 15 to look to bring from the outside. I think it's -- the 16 organization can continue to run and have this -- and I 17 wouldn't just say everybody from the outside, just, you 18 know, some leadership from the outside to work with 19 leadership on the inside. I'd like to see (Inaudible) 20 MR. POLUNSKY: Mr. Clowe, what are your 21 thoughts? 22 MR. CLOWE: I agree with Commissioner Barth. 23 And I think the way to approach it is the RFP, or the 24 RFQ, whichever it is. And I think that, you know, the 25 practicality of the situation is we're looking at after</p>	<p style="text-align: right;">8</p> <p>1 DREW BECKLEY: No. Our recommendation would 2 be that it's a combination of people within the 3 Department and from outside. 4 MR. STEEN: Where I'm reading, says the PMO 5 should be composed of a team of a full-time staff. 6 DREW BECKLEY: That's not intended to mean 7 staff of the Commission. 8 MR. STEEN: Okay. 9 MR. CLOWE: We have some, in my opinion, 10 very competent people in the Department that could work 11 with those people who are selected through the process. 12 I've seen, for example, Colonel Beckworth work very 13 effectively with Deloitte in bringing this study to 14 fruition. That's the kind of assistance that you have 15 to have from a person who knows all about the Department 16 to make the outside entity more productive, and 17 certainly get your money's worth. And I sense that's 18 what you're recommending. Is that -- 19 DREW BECKLEY: That's correct. It would be 20 inappropriate for it to be all outsiders, because it 21 really needs to be a combination of what skills are 22 needed within the team, that all the linkages within the 23 Department. And it should be under leadership, I would 24 agree with that as well. 25 MR. CLOWE: And I see that as the way, Drew,</p>

<p style="text-align: right;">82</p> <p>1 It will really work. And I'm -- and I'm imagining now 2 that this process will dovetail with a search for the 3 director, and that there will be fitting together of 4 these if that's the Commission's will. Mr. Chairman, 5 that's for the Commission to make a determination. But 6 if you set us on that path, the timing, I think, fits. 7 MR. POLUNSKY: I agree with Commissioner 8 Barth. My thought was we need to have some type of 9 outside consulting come in and provide some expertise 10 over and above what could be provided by a person from 11 within. I agree with your assessment, Mr. Clowe, that 12 there are certainly people within the Department that 13 can contribute to this process quite well. 14 I second your observation that the work with 15 certainly others, but in particular, Colonel Beckworth 16 provided as a project manager for the organizational 17 study in conjunction with Deloitte was extraordinarily 18 good. I'd like to thank you, Lamar. You did a great 19 job. So some combination thereof going forward, I 20 think, is certainly a very good way to do it. So I 21 agree. Would you like to make a motion? 22 MS. BARTH: Commissioner Brown, do you have 23 anything to add? 24 MS. BROWN: No. 25 MS. BARTH: Then I'd like to move that we</p>	<p style="text-align: right;">84</p> <p>1 MR. STEEN: I'm just asking the expectation 2 of what Commissioner Clowe and I are supposed to do at 3 the next meeting. 4 PAULA LOGAN: Are we talking about the 5 executive or getting a project manager? 6 MR. POLUNSKY: Right now we're talking about 7 project manager. I think he wants you to discuss the 8 executive director as well. 9 MR. CLOWE: When you're ready. 10 PAULA LOGAN: Okay. I'm Paula Logan, I'm 11 the HR Director for the Agency. And I think the RFP can 12 probably be put together fairly quickly since we have 13 some models of some recent RFPs. And we can move 14 forward with that with help from the Comptroller's on 15 expediting, getting that RFP posted. But you probably 16 would be, after the beginning of the year, getting the 17 bid proposals in and, you know, finalizing something. I 18 don't really see it happening before mid- to late 19 January. On the executive director search, we have -- 20 and I can give you a fuller -- 21 MS. BARTH: First, one second. 22 PAULA LOGAN: Okay. 23 MS. BARTH: Is it realistic to -- to make 24 the assumption by February 1 we'd have a project manager 25 on board?</p>
<p style="text-align: right;">83</p> <p>1 charge a subcommittee with putting together an RFQ to 2 procure a project manager to implement the organization 3 changes. 4 MS. BROWN: I'll second that. 5 MR. POLUNSKY: All right. It has been moved 6 by Commissioner Barth and seconded by Commissioner Brown 7 that the committee that was appointed here just a few 8 minutes ago be charged with the responsibility of 9 putting an RFQ together to procure a outside firm to be 10 involved in the program management team, oversee the -- 11 Is it oversee or be involved in? Make any difference? 12 MS. BARTH: I'd probably say oversee. 13 MR. POLUNSKY: Oversee? The project 14 management office that will be created to oversee and 15 implement the changes that the Public Safety Commission 16 will be implementing going forward based on the 17 recommendations that primarily have come out of the 18 Deloitte study; is that correct? Any discussion? 19 MR. STEEN: Mr. Chairman -- 20 MR. POLUNSKY: Mr. Steen. 21 MR. STEEN: -- help me with the timetable. 22 So we -- we pass this motion now, and then take me 23 forward. 24 MR. POLUNSKY: Ms. Logan. I'm passing the 25 ball to her.</p>	<p style="text-align: right;">85</p> <p>1 PAULA LOGAN: I would think that would be 2 very optimistic, but it's not outside the realm of 3 possibility. 4 MR. CLOWE: And, Commissioner, I think she's 5 being overly optimistic. Sometime in January would be 6 more realistic. 7 MS. BARTH: I was giving it February to have 8 it -- 9 MR. CLOWE: I think that's more realistic. 10 MS. BARTH: That's what I was saying. 11 PAULA LOGAN: Yes. 12 MS. BARTH: February 1. 13 PAULA LOGAN: Yes. 14 MR. CLOWE: Because you've got to get it 15 out, you've got to give them reasonable time to respond, 16 and then you've got to have a selection committee, and 17 then Commissioner Steen and I have got to come to you, 18 and I understand the charge from the Chairman was the 19 recommendation. 20 MS. BARTH: That's why -- that's why I threw 21 out February 1. 22 MR. CLOWE: I think in our February meeting 23 we might be able to come to that. That's my sense, 24 Paula. I don't want you to get -- 25 PAULA LOGAN: Yes. I think February 1st</p>

<p style="text-align: right;">86</p> <p>1 Is -- you know, and certainly if you're having a 2 meeting, you know, sometime mid-February, maybe that 3 person could be there at that meeting and ready to 4 launch, you know, forward. 5 MR. POLUNSKY: Person or firm. 6 PAULA LOGAN: Or firm. And on the executive 7 director, we hope to have that firm in place by around 8 the 10th of December, we're hoping to have a firm in 9 place. And then they would in turn be -- be getting the 10 process to meet with the Commission, whatever 11 stakeholders you designate that they need to talk to 12 come up with the description of what you're looking for 13 in an executive director. 14 And then spending four to six to eight 15 weeks, depending on your personal preference on the time 16 line to develop those candidates and lead them down to 17 the top, you know, three to -- three to five that the 18 Commission's actually going to look at. And so, you 19 know, you're probably looking at the end of March before 20 you would have a executive director on board. 21 MR. STEEN: So you're saying doing it 22 quickly, but realistically, that we could do one by 23 February 1st and the other by April 1st? 24 PAULA LOGAN: Yes. 25 MR. CLOWE: You want a little more detail on</p>	<p style="text-align: right;">8</p> <p>1 committee. And they will make a recommendation to 2 meet -- 3 PAULA LOGAN: Based on the written -- 4 written -- they'll reveal the written proposals and come 5 up with the top bidders. 6 MR. CLOWE: The top firms. 7 PAULA LOGAN: Right. 8 MR. CLOWE: And then we would conduct 9 personal interviews, which we think is very important in 10 this because the chemistry with the firms, to be able to 11 select the right candidates and find the right 12 candidates is very important. And then the track we're 13 on is to give them a reasonable time to find those 14 candidates. 15 And then your instruction to me, I think, 16 was to bring the top three to the board. And you may 17 want to change that or you may want to make a different 18 direction. But that's the track we're on at this time. 19 MR. POLUNSKY: I'm fine with that track. 20 However, since we now have a full Commission and we are 21 breaking out in committees now as opposed to just 22 designating individuals to oversee this or that, I would 23 like to make this into a committee, have you chair it, 24 Tom, and add Carin to that committee as well. 25 MR. CLOWE: Very good.</p>
<p style="text-align: right;">87</p> <p>1 this? 2 MR. POLUNSKY: Absolutely. 3 MR. CLOWE: You will remember that this 4 issue was deferred in a prior Commission meeting by a 5 former Commission who came with a recommendation to move 6 ahead. And I think in the hope that there might be a 7 way to increase the level of compensation, we deferred 8 this at a meeting. So we're a month behind where we 9 would've been. But we have the responses for the RFQ. 10 And Paula, can I announce where we are on that -- 11 PAULA LOGAN: Yes. 12 MR. CLOWE: -- legally at this time? 13 PAULA LOGAN: Yes. We have seven bids and 14 the names of those bidders are appellate record at this 15 point. 16 MR. CLOWE: And so we feel that there are 17 good responses in that group of seven. And Chairman 18 Polunsky, you correct me if I'm wrong, but you asked me 19 to lead this effort, and so I've done that to this point 20 in time, and you may want to change those directions. 21 But I met this morning with the committee that has been 22 working on this. And Paula is the chairman of the 23 selection committee. We're going to have three outside 24 people outside of the Agency who are skilled and 25 experienced in personnel work to serve on a selections</p>	<p style="text-align: right;">8</p> <p>1 MR. POLUNSKY: So what are we -- do we need 2 to do anything else on this, Paula? 3 PAULA LOGAN: No. 4 MS. BARTH: So let me just understand the 5 timing on the selection of an executive search, when do 6 you think we would be -- do you have all the RFP's in 7 right now? 8 PAULA LOGAN: Right. And we're going to be 9 doing a reference check and the written scoring between 10 now and Thanksgiving. And hopefully the first week of 11 December we will be able to schedule the oral -- 12 MS. BARTH: When you say, written scoring -- 13 PAULA LOGAN: Based on the -- 14 MS. BARTH: No, no, no, who's doing the 15 written scoring again? Help he here. 16 PAULA LOGAN: We've discussed having myself 17 and an HR director that has -- from another municipality 18 probably that's done a lot of these searches. And an 19 executive director that -- from the state bar that 20 Commissioner Clowe knows. And we haven't asked these 21 people, so we're working on -- 22 MS. BARTH: So we don't have a committee set 23 up yet; is that right? 24 PAULA LOGAN: We're working on putting -- 25 getting those people scheduled to do this process.</p>

<p>90</p> <p>1 We'll be doing that in the next week. But we discussed 2 some candidates for that and will be contacting them to 3 get them together. And then hopefully in the next 4 week-and-a-half we will complete that part of the 5 process, identify the top bidders, and then the -- 6 notify them that they are the top bidders and arrange 7 for an oral presentation to the Commissioner Clowe and 8 yourself, and whoever else that you want to be on that 9 second tier evaluation.</p> <p>10 MS. BARTH: So let me just -- I'm a little 11 confused. You have to have two tiers of evaluation; is 12 that what I'm hearing?</p> <p>13 PAULA LOGAN: Yes. We're doing two tiers.</p> <p>14 MS. BARTH: So you're going to have the 15 first group just look at the information on paper? 16 PAULA LOGAN: Right.</p> <p>17 MS. BARTH: Okay. And you haven't quite put 18 in concrete that first group. And then the thought 19 process was to then hand it off for oral presentations 20 to myself and Commissioner Clowe; is that what I'm 21 hearing?</p> <p>22 PAULA LOGAN: Yes. To make the secondary 23 scoring.</p> <p>24 MS. BARTH: Well, I would like to get with 25 you to see the three people.</p>	<p>92</p> <p>1 Commissioner Barth to come up with an RFP to procure an 2 outside project manager -- that was on -- to oversee the 3 project manager and seconded by Brown. And then we went 4 to discussing the director.</p> <p>5 MR. POLUNSKY: Okay. So you're correct, 6 Mr. Steen, there is a motion on the floor made by 7 Commissioner Barth, seconded by Commissioner Brown. Is 8 there any discussion on this particular motion?</p> <p>9 MR. STEEN: Call the question.</p> <p>10 MR. POLUNSKY: Question's been called. All 11 in favor, please say, "Aye."</p> <p>12 COMMISSIONERS BROWN, CLOWE, STEEN: Aye.</p> <p>13 MR. POLUNSKY: Any against? No. Motion 14 passes. Mr. Beckley, I think your work is done.</p> <p>15 MR. CLOWE: I had one more question. In 16 your opinion, does your recommendation encompass totally 17 everything that was covered by the Sunset Committee?</p> <p>18 DREW BECKLEY: No, I don't believe it does. 19 But I -- that was not our charter. I mean, there were 20 elements that were brought up in the Sunset Commission 21 that were not within the scope of the (Inaudible)</p> <p>22 MR. CLOWE: Can you be more specific?</p> <p>23 DREW BECKLEY: I can if I pull out the 24 Sunset Commission report.</p> <p>25 MR. CLOWE: Would you do that and furnish</p>
<p>91</p> <p>1 PAULA LOGAN: Okay.</p> <p>2 MS. BARTH: This is a very important 3 function, in my mind, because it's just -- as we know 4 from the RFP, it is focussed on the top person but it 5 does give us the opportunity to utilize that resource 6 for other positions. That's how the RFP was written so 7 that if we needed outside assistance and whatever 8 organizational chart we chose to adopt, we could not 9 have to write another RFP. Well, do you think by 10 January 1 we would be prepared to hire -- have a firm in 11 place?</p> <p>12 PAULA LOGAN: I'm hoping that by the end of 13 the first week of December we'll initiate the contract 14 provision. So depending on how long that takes and when 15 your Commission meeting is for December, we may possibly 16 have one in place. But certainly by January 1st, I 17 would hope that the contract negotiations would be 18 completed and we have somebody in place.</p> <p>19 MR. STEEN: Mr. Chairman, I think you've got 20 a motion pending, correct?</p> <p>21 MR. POLUNSKY: Which motion is that? I'm 22 sorry, Mr. Steen.</p> <p>23 MR. STEEN: I don't know if you want to -- 24 can you read back the motion?</p> <p>25 DOROTHY WRIGHT: I found it. Motion by</p>	<p>93</p> <p>1 that to us?</p> <p>2 DREW BECKLEY: I'll be glad to do that.</p> <p>3 Shall I do that in form of a memo or to give you a call?</p> <p>4 MR. CLOWE: I think you ought to send all 5 the commissioners a short memo and just let us --</p> <p>6 DREW BECKLEY: I'll be happy to do that. 7 Because they were actually, as I remember, six or seven 8 areas. And I believe there were two or three that we 9 were not directly addressing.</p> <p>10 MR. CLOWE: That would be helpful.</p> <p>11 MR. BECKLEY: Okay.</p> <p>12 MR. STEEN: Mr. Beckley, I've got a 13 question, in terms of the scope of what you've been 14 doing, what are your -- are you through today or do you 15 have responsibilities going forward? Explain that to 16 me.</p> <p>17 DREW BECKLEY: I believe our 18 responsibilities are complete as of today from the 19 standpoint of the contract. I have both shared with 20 Colonel Beckworth and with Chairman Polunsky that if 21 there were a need for us to explain that as part of the 22 legislative process, which would not surprise me, we'd 23 certainly be available to do that.</p> <p>24 MR. STEEN: And that would be part of 25 your --</p>

<p style="text-align: right;">94</p> <p>1 DREW BECKLEY: That's correct.</p> <p>2 MR. STEEN: -- current fee arrangement? And</p> <p>3 then before you go, just to say I think you did an</p> <p>4 outstanding job and thank you for briefing-me on this.</p> <p>5 DREW BECKLEY: You're very welcome. Thank</p> <p>6 you.</p> <p>7 MR. POLUNSKY: Okay. We're going to break</p> <p>8 in a minute for Executive Session. But I want to move</p> <p>9 something up on the agenda, at least partially, on an</p> <p>10 item that is in pursuant to a number of people, it</p> <p>11 appears. So I'm going to move to item number 11, which</p> <p>12 is Commission member discussion.</p> <p>13 What I'd like to do is make reference to an</p> <p>14 item that has been discussed quite a bit here in the</p> <p>15 last few days or even before the last few days.</p> <p>16 Actually, this issue was brought up in letter form in</p> <p>17 our last meeting by Senator Hinojosa.</p> <p>18 But what I would like to do is make</p> <p>19 reference to the request that I signed on behalf of the</p> <p>20 Public Safety Commission on September 8th to the</p> <p>21 Attorney General asking for the opinion of the Attorney</p> <p>22 General as to whether the Department of Public Safety</p> <p>23 would qualify to authorize a statewide driver's license</p> <p>24 check points.</p> <p>25 And I think that the gist of what that</p>	<p style="text-align: right;">9</p> <p>1 of the state or certainly the Department of Public</p> <p>2 Safety. And certainly that was not the intent in any</p> <p>3 way, shape or form of what this request for an AG's</p> <p>4 opinion was aimed toward. So to a certain degree, that</p> <p>5 has been misunderstood.</p> <p>6 But again, nevertheless, there are members</p> <p>7 of the legislature who I've talked to, as I've</p> <p>8 mentioned, and who I've talked to others and also</p> <p>9 publicly spoken to this issue that feel that the Public</p> <p>10 Safety Commission probably should not be involved in</p> <p>11 this issue at this time. And it's something that will</p> <p>12 be discussed in the next session of the legislature that</p> <p>13 obviously is forthcoming here in the next couple of</p> <p>14 months.</p> <p>15 So that being said, and the fact that this</p> <p>16 is not a critical issue for the Department, my feeling</p> <p>17 and my recommendation to the Public Safety Commission is</p> <p>18 that we send a letter to the Attorney General</p> <p>19 withdrawing our request for the opinion and allowing the</p> <p>20 state legislature to debate, address, and possibly act</p> <p>21 on this particular issue in the next session of the</p> <p>22 legislature.</p> <p>23 Is there any discussion? I would ask for a</p> <p>24 motion if there are people who agree with my position on</p> <p>25 this. But before that, is there any discussion from any</p>
<p style="text-align: right;">95</p> <p>1 request is is pretty much public knowledge. But what</p> <p>2 has happened is that it, as I said, has generated quite</p> <p>3 a bit of discussion over the last few weeks. And quite</p> <p>4 frankly, I've talked to a number of members -- various</p> <p>5 members of the state legislature that do have concerns.</p> <p>6 So let me -- let me make some general</p> <p>7 comments first, and that is that as I've mentioned</p> <p>8 previously, it is not the intention of the Department of</p> <p>9 Public Safety or the Public Safety Commission, nor is it</p> <p>10 our -- or was our intention going forward to institute</p> <p>11 driver's license check points.</p> <p>12 This request for the AG's opinion was really</p> <p>13 for informational purposes and just to determine whether</p> <p>14 in the future the Department of Public Safety would have</p> <p>15 that ability to either implement driver's license check</p> <p>16 points or actually delegate that to other law</p> <p>17 enforcement agencies within other jurisdictions around</p> <p>18 the state.</p> <p>19 Beyond that, I want to make it very clear,</p> <p>20 and I have, I think, in past instances affirmed our</p> <p>21 position. And our position, being the Department of</p> <p>22 Public Safety, is that we are not here to enforce</p> <p>23 immigration policy. We don't enforce immigration policy</p> <p>24 and have no plans to enforce immigration policy. That</p> <p>25 is a federal responsibility and not the responsibility</p>	<p style="text-align: right;">9</p> <p>1 of the other members of the Commission on this</p> <p>2 particular issue?</p> <p>3 MS. BROWN: I'd like to -- to chime in</p> <p>4 there. I've been thinking about this issue, too, and I</p> <p>5 think that -- I think that withdrawing the request for</p> <p>6 the opinion would be wise. I don't know exactly how</p> <p>7 everything got kind of got turned around into an</p> <p>8 immigration issue. You and I have discussed it at</p> <p>9 length that -- I mean, I know that certainly not the</p> <p>10 motivation when these changes were thought about. But I</p> <p>11 agree, I think that would be best, in our best interest</p> <p>12 at this time, to -- to not request that opinion.</p> <p>13 MR. STEEN: Mr. Chairman.</p> <p>14 MR. POLUNSKY: Mr. Steen.</p> <p>15 MR. STEEN: I've got a procedural concern,</p> <p>16 and I'll ask the general counsel about this, but I'm not</p> <p>17 sure that if we haven't put this -- if this is not</p> <p>18 specifically on the agenda, can we take action like</p> <p>19 this?</p> <p>20 DUNCAN FOX: It is not opposed to as a</p> <p>21 specific action item so that is not -- it can be a -- it</p> <p>22 can be discussed in general as part of the Commission's</p> <p>23 discussion. But as far as formal action, I would</p> <p>24 recommend that it not be taken as a formal action at</p> <p>25 this time.</p>

<p style="text-align: right;">98</p> <p>1 MR. STEEN: And that's just a concern that</p> <p>2 we don't run foul of the Open Meetings law.</p> <p>3 MR. POLUNSKY: Okay. Thank you for bringing</p> <p>4 that point up. How would you address this, Mr. Fox?</p> <p>5 DUNCAN FOX: This could be a direction from</p> <p>6 the Chair in communicating with the Director that this</p> <p>7 is, as you are the direct requestor, you could provide</p> <p>8 direction (Inaudible) you provide a direction to the</p> <p>9 Director that we could proceed with withdrawing the</p> <p>10 request or we could set this up for the meeting in</p> <p>11 December to take formal action on it.</p> <p>12 There's not -- It's not scheduled to be</p> <p>13 acted upon by the Attorney General before. I think</p> <p>14 their due date is in March. So I don't think it's</p> <p>15 necessarily that it would be an issue before then. But</p> <p>16 we could definitely let the AG know from my office that</p> <p>17 the Commission is reconsidering our (Inaudible) whether</p> <p>18 or not to proceed with this (Inaudible) Attorney General</p> <p>19 and then do it by formal motion.</p> <p>20 MR. POLUNSKY: All right. But short of</p> <p>21 that, if I understand you correctly, you're saying that</p> <p>22 we could possibly have basically a consensus or a</p> <p>23 discussion here that's nonbinding, that's not</p> <p>24 necessarily in the form of a motion so that I as</p> <p>25 Chairman could get the feeling of the Commission and on</p>	<p style="text-align: right;">100</p> <p>1 MR. POLUNSKY: Okay. So if I'm reading</p> <p>2 everybody correctly, everybody is in agreement that in</p> <p>3 December we will take whatever action is necessary in</p> <p>4 order to bring the -- withdraw the request.</p> <p>5 MR. STEEN: And it sounds like that's not a</p> <p>6 problem because you're saying that if even if it was</p> <p>7 going forward without us doing anything, you wouldn't</p> <p>8 expect an opinion until March.</p> <p>9 DUNCAN FOX: That's right. And we can also</p> <p>10 communicate with the Attorney General. I can</p> <p>11 communicate with the Attorney General opinions office</p> <p>12 that this is a matter that's being reconsidered by the</p> <p>13 Commission and the Department.</p> <p>14 MR. POLUNSKY: Okay.</p> <p>15 MR. STEEN: I'm sorry, Mr. Chairman, but I</p> <p>16 just don't want us to get in trouble.</p> <p>17 MR. POLUNSKY: Well, I don't either. Your</p> <p>18 point is well taken, Mr. Steen. I appreciate it. Okay.</p> <p>19 That's what we're going to do.</p> <p>20 The Commission now adjourns to Executive</p> <p>21 Session which is closed to the public in accordance with</p> <p>22 the Texas Government Code, Sections 551.71 and 551.74.</p> <p>23 We will be moving to a room down here so there's no need</p> <p>24 for the people in this room to vacate, if you wish not</p> <p>25 to.</p>
<p style="text-align: right;">99</p> <p>1 my own take this action or go through the Director?</p> <p>2 DUNCAN FOX: The best practice would be, I</p> <p>3 believe, to set it for -- schedule it for the December</p> <p>4 meeting as a formal action, since this was proposed and</p> <p>5 adopted as a formal action by the Commission, to ask for</p> <p>6 it. We will follow the same procedure, then we would</p> <p>7 set it for the December meeting. And I could certainly</p> <p>8 do a letter to the Attorney General through the Director</p> <p>9 asking them not to take action on this matter until the</p> <p>10 Commission reviews this at the December meeting.</p> <p>11 MR. POLUNSKY: Okay. That would be the only</p> <p>12 way that you would recommend that we do --</p> <p>13 DUNCAN FOX: That's how I would recommend</p> <p>14 you do it.</p> <p>15 MR. POLUNSKY: Okay.</p> <p>16 MR. CLOWE: In the -- In the process of this</p> <p>17 discussion, which is ongoing and within the bounds, if I</p> <p>18 understand correctly, I would say that if you cause this</p> <p>19 to be put on the agenda for our December meeting, I will</p> <p>20 make a motion to withdraw the request.</p> <p>21 MR. STEEN: I think you clearly have the</p> <p>22 sense of this Commission, because I concur. But I think</p> <p>23 that would be the way to do it, would be just to say</p> <p>24 we'll put it on the agenda for action at the December</p> <p>25 meeting and go from there.</p>	<p style="text-align: right;">101</p> <p>1 (Break for Executive Session).</p> <p>2 MR. POLUNSKY: The regular</p> <p>3 meeting of the Public Safety Commission now reconvenes.</p> <p>4 It is 3:08 p.m. Next item on the agenda, discussion and</p> <p>5 possible action regarding Sunset Commission</p> <p>6 recommendations and other legislation affecting the</p> <p>7 Department and the Public Safety. Who's going to</p> <p>8 present this? Colonel Clark.</p> <p>9 MR. CLARK: I did not have the</p> <p>10 presentation ready, Mr. Chairman.</p> <p>11 MR. POLUNSKY: I'm sorry, I --</p> <p>12 MICHAEL KELLY: Good afternoon, Mr. Chairman</p> <p>13 and Commissioners. I'm Michael Kelly. I'm the</p> <p>14 legislative liaison. What we have to update you on is</p> <p>15 the Sunset Commission has advised us that they're not</p> <p>16 sure exactly who's going to carry bills yet for the</p> <p>17 Sunset bills, but we have an idea.</p> <p>18 And also, we're not sure if they're going to</p> <p>19 break out the Private Security Act, that's Occupation</p> <p>20 Code 1702, into a separate bill and then have the</p> <p>21 Government Code 411 in a separate bill. So we're</p> <p>22 waiting to get finalization on what version they would</p> <p>23 like. Amy Trost, from the Sunset Commission staff, is</p> <p>24 here if you have any questions. And she told me she'd</p> <p>25 be glad to come up if you have any questions</p>

<p style="text-align: right;">102</p> <p>1 specifically about where the Sunset Commission is at 2 this time.</p> <p>3 They have been provided copies. They were 4 provided, in fact, the very first copies of the Deloitte 5 report to ensure that Sunset knew we were being 6 responsive to their request to have a copy of that 7 report. We are also at this time sending out copies of 8 the Deloitte report. We've notified all the members of 9 the legislature that the report is online. We are 10 providing hard copies to all the offices and all of our 11 key contacts so that they have that in their hands as 12 well and they're fully aware of what we're trying to do.</p> <p>13 As far as the legislation that last -- when 14 we last met was a Friday after our last Commission 15 meeting. We've taken that legislative packet that you 16 approved and sent it out to our key oversight officials, 17 many of whom were in the room that day. They are now 18 working.</p> <p>19 And we met -- even today we got an update. 20 Senator Corona's office, the transportation of Homeland 21 Security and the Senate, has offered to work on the bill 22 drafts to get the very first drafts of all those drafts 23 completed and will work with us and Chairman Driver in 24 the House to try and make sure that those drafts meet 25 what our intent is for what we want, and then to work</p>	<p style="text-align: right;">10</p> <p>1 MR. POLUNSKY: Thank you very much. Next 2 item, reports, discussion, deliberation and possible 3 action regarding the following: Internal audit risk 4 assessment services. Mr. Walker.</p> <p>5 FARRELL WALKER: Name's Farrell Walker. I'm 6 director of Audit Inspection. Mr. Chairman, 7 Commissioners, our project with Clifton Gunderson 8 continues to go well. They have finished -- or in the 9 process of finishing all ten audit projects that we 10 contracted with them. Four of them have been completed 11 and delivered to me, one of which was delivered to you 12 in your packet. The others are -- are pending 13 management responses.</p> <p>14 The risk assessment is going on schedule. I 15 talked to their project manager yesterday, and I'm 16 supposed to have a draft of the risk assessment in a 17 week or ten days, which is right on schedule. And they 18 plan to have the final report as planned December 4th. 19 So far, I've been satisfied with their performance. 20 We've had a few glitches here and there, but 21 everything's gone very well.</p> <p>22 MR. POLUNSKY: Any questions for Mr. Walker? 23 MS. BARTH: I've got a couple questions. 24 One, why did the accounts payable audit go way over 25 budget? That was a third over budget.</p>
<p style="text-align: right;">103</p> <p>1 with us to find bill authors and bill sponsors. So that 2 way we can make sure that we have members of the House 3 and Senate ready to carry that legislation.</p> <p>4 One benefit of this being a Sunset year is 5 much of what you have authorized would fit into a 6 Sunset -- to the Sunset legislation. So there is a 7 possibility we may not even need numerous separate 8 bills. Although, some may be controversial, may need to 9 be on -- stand alone on their own. Or maybe it's a 10 separate issue that the legislature wants to address 11 outside of Sunset.</p> <p>12 But we do have the ability to make small 13 changes in the -- through the Sunset legislation by 14 amending those ideas into the Sunset bill. And that's 15 all I have to present at this time, but I'd be glad to 16 answer any questions you might have.</p> <p>17 MR. POLUNSKY: Are there any questions for 18 Mr. Kelly at this time? I think I do know who's going 19 to be carrying our bill in the Senate.</p> <p>20 MR. KELLY: Yes, sir, you mentioned that. 21 MR. POLUNSKY: I'll talk to you about that 22 later.</p> <p>23 MR. KELLY: Yes, sir. Okay. 24 MR. POLUNSKY: I think we'll be good. 25 MR. KELLY: Okay. Thank you.</p>	<p style="text-align: right;">10</p> <p>1 FARRELL WALKER: That's due in part to the 2 staff person that worked on that, who's no longer with 3 us.</p> <p>4 MS. BARTH: I guess a comment on the capital 5 asset report on Clifton Gunderson.</p> <p>6 FARRELL WALKER: That -- when I give my 7 audit report, I'll let you know that that's a mistake. 8 That and the procurement audits were in progress at the 9 time and should not have been included with your report. 10 That was a mistake on our part.</p> <p>11 MS. BARTH: You want to go ahead and do your 12 audit report?</p> <p>13 FARRELL WALKER: Oh, sure. I'm not sure 14 exactly what happened, but you were supposed to have 15 five audit reports in your packet, two that were 16 reported as completed here, the procurement card, and 17 capital asset audits were actually in progress. We were 18 working through our management responses at the time, 19 and I apologize for that mistake.</p> <p>20 In fact, our responses went to them on those 21 two particular projects yesterday and today. So they 22 are virtually complete. They'll include those and have 23 copies of the report to me probably next week. As you 24 can see, we -- I guess the only comment I might have 25 about a couple of our reports is the general ledger</p>

<p>106</p> <p>1 reconciliation audit demonstrated significant progress 2 on the part of the accounting budget control since the 3 last time we looked at this situation. I was pretty 4 pleased with the condition that it's in as compared to 5 previous years.</p> <p>6 The vehicle inspections audit, they brought 7 up some program issues that management has agreed to 8 work through that were significant. And that was a 9 worthwhile project, I believe. In our third quarter 10 implementation status report, you'll notice that 23 of 11 the 47 recommendations that are reported there have been 12 fully implemented according to management. We still -- 13 we have yet to verify that. But -- and five more are 14 substantially complete. Ten remain in progress and nine 15 were either pending funding or pending the Deloitte 16 study as to taking further action. But management 17 continues to work down those recommendations and we're 18 making progress.</p> <p>19 I hope in the next few months to have a much 20 smaller report to you next time we give you one of these 21 updates. And that concludes my report, really, unless 22 you have some questions.</p> <p>23 MR. POLUNSKY: Any questions? Thank you, 24 Mr. Walker. IT optimization assistance in the 25 development of IT strategy. Chief Lane.</p>	<p>108</p> <p>1 technology strategy to get us from where we are today to 2 where we should be following the best practices and 3 standards. And then thirdly, they delivered for us a 4 road map for accomplishing the strategy changes that 5 they recommended.</p> <p>6 A few other conclusions that they came up 7 with, I'd just briefly highlight, is the one -- number 8 one conclusion was that DPS IT capability is 9 unsustainable due to a lack of hiring and retaining IT 10 personnel. Other findings that they had as well, I'd 11 like to point out, is the vast majority of the IT 12 spending that's outside of the IMS budget. Which, 13 again, Deloitte kind of spoke to that earlier today as 14 their recommendation.</p> <p>15 And that decentralized IT decision making 16 has led to less than effective IT fund management by the 17 operation and by the Agency. And finally, also that 18 data's not centrally managed with a varying level of 19 security duplication and recoverability. So those all 20 align, sir, to similar findings that Deloitte had 21 identified in their study.</p> <p>22 Gardner then followed that part of their 23 conclusions up with 13 recommendations. The top four, 24 just very quickly and high level, is to optimize our 25 organizational service delivery model, i.e. reorganize</p>
<p>107</p> <p>1 BRYAN LANE: Good afternoon, Chairman 2 Polunsky. I've also asked -- I'm Bryan Lane, acting 3 Chief, Information Management Services. I've also asked 4 Assistant Chief, Tully Brown, to join me for this 5 overview. Happy to report that the Gardner IT 6 assessment has been completed. The project was 7 completed on time and within the budget that we 8 allocated.</p> <p>9 I provided the Commission last week an 10 executive summary, which I'm fully prepared, if you'd 11 like to discuss today, the findings of the summary. But 12 other than what we -- what you see here and what you've 13 been able to review, many of the findings at Gardner 14 have identified in their assessment of our operation 15 have also been identified and aligned with some of the 16 Deloitte findings such as a centralized management model 17 for managing all IT resources including budgetary and 18 operational resources, and beginning to build through a 19 model -- a more traditional IT model accountability and 20 for delivery of information technology throughout the 21 agency.</p> <p>22 The Gardner assessment was -- for the 23 benefit of the two new commissioners, was to conduct a 24 comprehensive evaluation of our operation. The second 25 step was to provide us an overall comprehensive</p>	<p>109</p> <p>1 the Information Technology or the IMS organization to be 2 able to deliver using the new model; to establish 3 stronger IT governance models and processes; to 4 implement IT strategic planning at an agency level 5 instead of at an individual level, and then also to 6 establish an IT sourcing approach and plan.</p> <p>7 Those are things that the Agency had 8 identified ourselves and Gardner came back and supported 9 what we thought we had found along with nine other 10 recommendations. The conclusion is there are issues 11 within the Agency around how we leverage information 12 technology and the information technology budgets that 13 we have today, both at an agency level and as well as 14 within IMS.</p> <p>15 Our challenge moving forward will be how we 16 build the Information Technology organization or the IMS 17 organization in correlation with the new re-org. 18 structure that we're looking at at overall agency.</p> <p>19 As Chief Brown and I have looked at this, I 20 would say 90 percent of what they're recommending in 21 their new org. structure fits within any business 22 operation. It is providing a fundamental foundation and 23 accountability for the delivery of information and 24 services to the business units which aligns us to those 25 business divisions or business units to ensure we can</p>

<p style="text-align: right;">110</p> <p>1 support their strategy. With that, I'd be open to any 2 questions, sir. 3 MR. POLUNSKY: Thank you, Chief. Questions? 4 Mr. Clowe. 5 MR. CLOWE: I wish I knew enough about this 6 to ask you some smart questions. 7 BRYAN LANE: Yes, sir. 8 MR. CLOWE: And I probably shouldn't but I'm 9 going to try anyway. This seems to be a good high level 10 report. 11 BRYAN LANE: Yes, sir. 12 MR. CLOWE: And after reading it and 13 rereading it, it seems to be in line with much of what 14 Deloitte has recommended. But of all of our functions, 15 this one seems to be in the need of help immediately and 16 more help. And so I guess my question to you is what 17 can be done and what help do you need to move in the 18 direction that these people are recommending on this one 19 through four, if those are your top objectives -- and 20 they're all -- looks like to be begun and ended in '09, 21 and what do you need from this Commission to get this 22 thing headed in the right direction? 23 BRYAN LANE: Yes, sir. I began with, I 24 think, what we have discussed all morning, or the 25 majority of the morning, which is once we lock on an</p>	<p style="text-align: right;">11</p> <p>1 importance. And you see some reflection of that in the 2 IT board meetings that we're holding on a monthly basis 3 to talk about our IT strategy. How do we want to 4 deliver projects, how do we want to deliver technology, 5 how do we build enterprise architecture, those type of 6 issues. 7 Short term, sir, if -- to build skills such 8 as an enterprise architect, to build network 9 architecture skills, those type of things, I do not 10 believe the Agency has the time today to go out and find 11 someone and train them up in those. We are, as you 12 know, a well over a billion dollar operation, and those 13 are big time skills that demand quite a bit of funding 14 in the marketplace today. Trying to attract them into 15 our operation is difficult at best. So that's some of 16 our high level challenges. Chief Brown, is there -- 17 TULLY BROWN: I would just like to add that 18 we continue to hemorrhage qualified, excellent 19 performers that have been with the Department for years. 20 They accept positions with other agencies. They accept 21 demotions for pay raises. That's a profound statement. 22 MR. CLOWE: Would you expand on that? 23 TULLY BROWN: I have several managers that 24 have departed the Department after several years who 25 have taken lower level responsibility jobs, either line</p>
<p style="text-align: right;">111</p> <p>1 organizational structure for the -- for the entire 2 Agency, we'll be able to tweak and define the 3 Information Technology organizational structure 4 appropriately. However, there are many things that we 5 can do moving forward. 6 Our challenge today, like many of the 7 operations within the Agency, Commissioner, is the 8 ability to retain skilled, knowledgeable resources. We 9 are seeing -- we're running still over a 20 percent 10 attrition rate. We're becoming very much a training 11 operation where we are training folks and they're moving 12 to other agencies. 13 So our biggest challenge today is just 14 retaining the skill sets or obtaining the skill sets 15 that we need to move into a model such as outlined by 16 Gardner and outlined by many other operations including 17 other state government operations on how you manage 18 information technology. I think that's probably our 19 number one challenge we have today. 20 Secondly, is as we build out the leadership 21 teams is building the appropriate recognition of the 22 Information Technology organization being a key player 23 within the operations of the delivery on the missions of 24 the Agency. Colonel Clark and Colonel Beckworth have 25 both been voicing that in all of our meetings of the</p>	<p style="text-align: right;">11</p> <p>1 level or lower level manager, and have taken 12- to 2 \$16,000 pay increases with less responsibilities. 3 MR. CLOWE: How many open FTEs do you have 4 now? 5 BRYAN LANE: We're carrying about 20 6 percent, so close to 50 openings. Around 46 or 47 from 7 the last FTE report. 8 MR. CLOWE: Are you posting jobs? Do you 9 have -- 10 BRYAN LANE: Yes, sir. 11 MR. CLOWE: -- postings open? And what's 12 your level of response to those? 13 TULLY BROWN: Very, very low. We have 14 several vacancies that have been posted three times, and 15 still no response. 16 BRYAN LANE: Or the respondents are fully 17 unqualified. 18 TULLY BROWN: Don't even pass the HR filter. 19 MR. CLOWE: What can be done to increase the 20 salaries for those postings and get those jobs filled? 21 BRYAN LANE: Well, sir, I'll start. One of 22 the changes that we've seen with the new leadership is 23 our ability to post above our minimum salary level. As 24 you know, we'll have a salary range. And in the past, 25 just because of funding shortages, we've been in the</p>

<p style="text-align: right;">114</p> <p>1 position where we've posted -- for instance, for a data 2 base administrator, it's \$4,166. But that range goes 3 all the way to 7,100, I believe. 4 So as you try to get someone that's 5 supporting law enforcement systems or mission critical, 6 life critical information for 4,166, for a time, we're 7 getting folks from other state agencies come over and 8 apply with us with the anticipation that was a 9 negotiable range, which it wasn't. With Colonel Clark 10 and Colonel Beckworth, what we've been able to 11 successfully do is bump that up, recognizing these 12 critical positions. Not all positions are. So we're 13 making, you know, judgment calls on which ones that we 14 absolutely cannot fill, cannot get a response to, and 15 posting those at a higher rate. 16 But we are battling a little bit of our own 17 history in our own making meaning that there's still 18 folks out there that look at that and go, well, they're 19 only going to pay a minimum range. So we're addressing 20 some things through our postings where we're able to 21 post them at mid-range. And that should help us, I 22 think. Unfortunately, the economy today should help us. 23 I think as people look for a safer haven than the 24 private sector that they'll look within state 25 government. So we're hoping that we can pick up a few</p>	<p style="text-align: right;">116</p> <p>1 this report and say, okay, that's very nice. It dove 2 tails with Deloitte. We can't wait. We've got to do 3 something right away because this problem is there and 4 if something breaks, I'm afraid we might not be able to 5 fix it and move on. 6 BRYAN LANE: Yes, sir. If you read through 7 their -- through the entire report, they discuss quite a 8 bit about disaster recovery, about our -- you know, our 9 resources, about falling hardware that we just have not 10 had the funding in the oast to stand up. Disaster 11 recoveries industry standard that we've been reading 12 about is around 7 percent of your It budget. It goes 13 toward disaster recovery. I think we're budgeted for 14 less than 1 percent of our budget today that we spend on 15 disaster recovery. So we're well underfunded. It's 16 just a new model. We've struggled financially, and 17 we -- it's come to a head at this point. 18 MR. CLOWE: You know, I think all of you are 19 there and done a wonderful job with what you have to 20 work with. Is the shutdown rescheduled or what's the 21 status of it? 22 TULLY BROWN: We project two additional shut 23 downs in order to bring the UPS fully online. Those are 24 scheduled for the December and the January time frame. 25 I would rather not make it a public record as to when</p>
<p style="text-align: right;">115</p> <p>1 people like that. 2 But specifically, the data base 3 administrator, which is pretty critical to our 4 information sharing infrastructure, we have posted on 5 two or three different occasions and have gotten no 6 qualified individuals at the range that we're paying. 7 MR. CLOWE: In my opinion, this is probably 8 the most dangerous area as far as near to failure that 9 we have. 10 BRYAN LANE: Yes, sir. 11 MR. CLOWE: You know, and I'm not being 12 critical. I'm just trying to recognize what I think is 13 a current situation. And if I'm incorrect, please 14 correct me. But I'm really concerned about what you all 15 do and how you provide information to everybody in the 16 Agency. And something happening that throws you over 17 the line and starts a melt down, so to speak. 18 I wish I knew more. Maybe the new 19 commissioners or the existing chairman and commissioner 20 know more than I do about it. But I know Colonel 21 Beckworth has spent some time with you and assured you 22 of his interest and support, and suppose Colonel Clark 23 has, too. 24 But I don't feel like we're doing enough to 25 help you. And I'm concerned that, you know, we just get</p>	<p style="text-align: right;">117</p> <p>1 those occur. 2 MR. CLOWE: I wouldn't want you to, I 3 just -- is everything going to come back up? 4 TULLY BROWN: Yes, sir. 5 MR. CLOWE: You know, those things are as 6 old as I am and I just wonder if they're going to really 7 wake up when you try to wake them up. 8 BRYAN LANE: Well, Commissioner, bringing 9 them down on a planned out is much better than them just 10 coming down. So we've got a higher -- much higher 11 success rate that they'll come up if we bring them down 12 with soft gloves, if you will. We had a hard shutdown, 13 as you know, in January -- in July. And we were 14 fortunate enough that everything came back up within 15 about an eight-hour period there was an unplanned outage 16 because of power. 17 But I want to complete one other thought, 18 Commissioner. Along with the report that Gardner 19 provided us is also their model on how we can look at 20 sourcing. So if we can't bring in the skill set, 21 they've got a pretty complex model about how you do an 22 evaluation of right sourcing. I can use the term that 23 they coined on bringing on the skill sets to provide you 24 that protection that we need regarding, you know, 25 critical systems and critical operations.</p>

<p style="text-align: right;">118</p> <p>1 Unfortunately in our business, pretty much 2 everything we do at this state of police operations is 3 critical to our success. 4 TULLY BROWN: Commissioner, for the benefit 5 of the new Commissioners, I would like to make sure that 6 they fully understand the scope of the network that we 7 support, the TLETS network that goes throughout the 8 state of Texas supports every county, every city, the 9 police department, every county sheriff's office, and 10 roughly 1,080 law enforcement agencies including federal 11 agencies within the border of the state of Texas. That 12 level of dependancy for all law enforcement in the state 13 of Texas is all riding on this division's shoulders. We 14 owe it to the troopers and every law enforcement officer 15 to ever have planned out. 16 MR. CLOWE: Well, there's that and then 17 there's a lot more, too. And I'm really concerned about 18 where you are and you getting in worse shape. I think 19 it's your job as the chief to continue to pursue this 20 with the Colonel. And I'm going to ask you every month 21 how you're doing on FDEs and how you're doing on work 22 product, and I want this Commission to be told 23 specifically whether you're making progress or not. 24 BRYAN LANE: Yes, sir. 25 MR. CLOWE: And that's your responsibility,</p>	<p style="text-align: right;">12</p> <p>1 with Oscar concerning funding above the minimal. We 2 have got to do what we can as we can afford. It doesn't 3 just apply to the IT part of it. Jack Colley's got 4 issues with his people. Oscar has the same problems, 5 losing good, qualified individuals, because we've always 6 paid people at the minimum of the salary range. 7 And as our finances will allow, you know, I 8 plan to allow these chiefs, give them the responsibility 9 to identify those critical individuals and pay them 10 accordingly. We've got to do -- it's cheaper to pay 11 them in the mid-range of the salary group than lose them 12 and have to struggle to fulfill our requirements to fill 13 these FTEs. So we have further discussions with my 14 chief of finance. But that is our plan, to address that 15 issue right there. 16 MR. POLUNSKY: I would like to see an action 17 plan. I would like to see you come forth with 18 recommendations or numbers or a strategic plan -- 19 BRYAN LANE: Yes, sir. 20 MR. POLUNSKY -- as to how to fill these 21 FTEs, what it's going to take in order to do that. I 22 want to -- I want to see something. 23 BRYAN LANE: Absolutely. 24 MR. POLUNSKY: You know, how do we fix this, 25 what do we need to do to get to where we're competitive,</p>
<p style="text-align: right;">119</p> <p>1 to keep asking for help. 2 BRYAN LANE: Okay. 3 MR. CLOWE: We don't expect you to do any 4 more than is humanly possible with what you have to work 5 with, but you've got to squeak and keep squeaking on the 6 colonels and telling them, we need more, we've got to 7 have it. Because if it breaks down in any area, then 8 we're all going to be looking at you. 9 BRYAN LANE: Absolutely. 10 MR. CLOWE: Thank you for what you do. I -- 11 please understand I'm not complaining or in any way 12 saying that, you know, you're not giving your best 13 effort. I just want help for you. 14 BRYAN LANE: Thank you for that. I have a 15 five-inch binder that's the entire report that I'll make 16 available to you at your request or we can have -- ship 17 off to the Colonel's office. I didn't want to bring 18 that burden to you today. But that's the entire report. 19 So -- 20 MR. POLUNSKY: Mr. Steen. 21 MR. STEEN: Would it be appropriate to have 22 Colonel Clark respond? 23 MR. CLARK: Well, I could just tell you 24 this, that Colonel Beckworth and I understand the 25 problems, especially with the FTE issue. We visited</p>	<p style="text-align: right;">12</p> <p>1 what it's going to cost, how we can possibly reallocate 2 funds or look for funds or whatever. But this -- this 3 stumbling along, and I don't mean that as a derogatory 4 sense. But just because you've got almost two hands 5 tied behind your backs here, I don't think we can 6 continue on in that manner. 7 I mean, we -- we need to fill these 8 positions. We need to give you the tools you need in 9 order to succeed. Because this -- this function, I'm 10 not minimizing any of the functions here. But this 11 function makes everything else work. So come back 12 with -- 13 BRYAN LANE: Absolutely. 14 MR. POLUNSKY: Come back with a plan. 15 BRYAN LANE: Okay. 16 MR. CLARK: Mr. Chairman, if I may, what -- 17 what I was discussing is an immediate fix. If you would 18 let me defer to Colonel Beckworth to discuss our 19 acceptional item regarding IT for the new Commissioners 20 so they can be familiar with -- 21 MR. BECKWORTH: Commissioner, we just 22 recently presented an LAR request from the legislature. 23 First priority on that particular request is shortfalls 24 in salary because of critical positions that they're 25 asking for. We're asking well over \$7 million for that</p>

<p style="text-align: right;">122</p> <p>1 particular purpose. In addition to that, we realize how 2 critical our IT structure is. We're asking over 3 \$7 million the first year over the biennium to help us 4 to develop that structure we need to continue to run our 5 operation. 6 So those priority things that are on our 7 LAR, that's critical to our need. And we have elevated 8 into a higher position than we have in the past because 9 of the critical nature of this particular request. 10 MR. CLARK: So we need everybody's help with 11 the legislature. 12 MR. POLUNSKY: And we are committed to 13 provide that help. But -- 14 BRYAN LANE: Yes, sir. 15 MR. POLUNSKY: -- give us a road map here. 16 BRYAN LANE: Okay. 17 MR. POLUNSKY: Let me correct one statement 18 Mr. Clowe made. I know we have antiquated equipment, 19 but there's no way to be anywhere near as old as 20 Mr. Clowe is. 21 MR. CLOWE: For the record, I stand 22 corrected. 23 MR. POLUNSKY: Thank you, Chief -- 24 MR. CLOWE: And for the record, did our 25 court reporter quit or --</p>	<p style="text-align: right;">124</p> <p>1 the chief? Ms. Barth? 2 MS. BARTH: I do. You know, I find these 3 clauses not time of the essence not to be put into the 4 contracts. You know, it's just -- It doesn't -- and I 5 understand that someone may say, well, are they going to 6 charge the board to have that in there. I'm just -- I'm 7 really struggling with -- especially DL, you know. And 8 so our contract is -- you know, can't abide -- I know 9 there's clauses. That just seems odd that it wouldn't 10 be in the contracts. 11 JUDY BROWN: Commissioner Barth, the 12 contract that you're referring to is written with the 13 American association of Motor Vehicle Administrators. 14 That contract is for the network that supports our 15 commercial driver's license pointer driver system 16 (Inaudible). Those are -- some of those are federal 17 mandates with regards to commercial drivers. They're 18 mandates with regards to reciprocity with other states. 19 AAMVA has a time of essence clause in their 20 contract with a provider of these services. We just 21 don't have that time of essence clause between us and 22 AAMVA. But the -- the contract that supplies these 23 services does have that clause in it. 24 MS. BARTH: Well, none of the these have 25 the -- none of the three contracts you've presented --</p>
<p style="text-align: right;">123</p> <p>1 MR. POLUNSKY: She's not feeling well. 2 MR. CLOWE: Who did that? 3 MR. POLUNSKY: She asked for permission to 4 leave because she was not feeling well. Procurement of 5 executive search services, we've already basically done 6 that, correct? All right. Let's move on to discussion 7 and review of pending contracts, commitments and change 8 orders, including the following: Renewal of the network 9 services with AAMVA to ensure the continued integrity of 10 driver license issuance and renewal process in Texas; 11 132 Dual Antenna Radar Systems; and the Watchguard Video 12 DV-1 System. Chief Ybarra. 13 OSCAR YBARRA: Mr. Chairman, Commissioners, 14 Oscar Ybarra, Chief of Finance. For the new 15 commissioners, this is a policy that was put in place by 16 the Commission to ensure that certain contracts reach 17 certain limitations or amendments that we served 18 limitations, I present to the Commission for their 19 review, peer review. They're presented to the 20 Commission, and as they desire, they can ask questions 21 regarding the items. The divisions will stand ready to 22 answer any questions. With that stated, if the 23 Commission has any questions regarding these contracts, 24 I submit these for the Commission's review. 25 MR. POLUNSKY: Are there any questions for</p>	<p style="text-align: right;">125</p> <p>1 maybe I read it wrong from Mr. Fox, but none of them 2 have time of the essence. 3 DUNCAN FOX: The DL is not -- the next 4 contract presented is Texas Highway Patrol dual antennas 5 which is a blanket purchase through the Comptroller's 6 Office and also does not include time of essence. The 7 last contract was THP videos, so that's (Inaudible). 8 MS. BARTH: Okay. I'd like it to be known 9 that in contracting, it's an important clause, as far as 10 I'm concerned. 11 MR. POLUNSKY: Mr. Steen. 12 MR. STEEN: You said that you have a 13 contract. You're saying this first one's over a million 14 dollars. Who signs that contract on behalf of DPS? 15 OSCAR YBARRA: There's five authorized 16 signers; two directors; myself, the Chief of Finance; 17 the Assistant Chief of Finance; and account manager of 18 Accounting & Budget Control. 19 MR. STEEN: You're saying they're all 20 authorized but just one would sign? 21 OSCAR YBARRA: That's correct. There's a 22 tracking process we utilize. It goes to all of the 23 parties involved; General Counsel, Accounting & Budget, 24 the directors. Before it even comes to us, the division 25 chief has to be approached by the person that's seeking</p>

<p style="text-align: right;">126</p> <p>1 the contract and approves the contract, and that 2 tracking mechanism begins. So that contract cannot be 3 executed unless it goes through that process. 4 MR. STEEN: So people are signing off on it? 5 OSCAR YBARRA: Yes. They're signing off on 6 a tracking sheet before it's executed. 7 MR. STEEN: And then that tracking sheet 8 goes in the file so that you know all those people -- 9 OSCAR YBARRA: Yes, sir. 10 MR. STEEN: -- It was reviewed by legal? 11 OSCAR YBARRA: That is correct. 12 MR. STEEN: Thank you. 13 MR. POLUNSKY: Any other questions? Since 14 you're here, budget matters. 15 OSCAR YBARRA: Yes, sir. Mr. Chairman, 16 Commissioners, the only report that I'd like to give is 17 that Colonel Clark, Colonel Beckworth and myself 18 attended an October 28th senate finance hearing that 19 left a senate finance border security. Steve McCraw of 20 the Governor's office, director of Homeland Security, 21 provided testimony, and Colonel Clark was a primary 22 resource witness. 23 The LBB attended the meeting also and pretty 24 much identified the expenditures for 2008 for border 25 security. For the Commissioners -- the new</p>	<p style="text-align: right;">12</p> <p>1 MS. BARTH: I don't have one. 2 MR. POLUNSKY: Mr. Clowe? 3 MR. CLOWE: No, sir. 4 MR. POLUNSKY: We diverted to Commission 5 member discussion previously. However, if there's any 6 other discussion, now would be the time to bring 7 anything up that you would like. 8 MR. STEEN: Mr. Chairman, this is -- just 9 learning about everything as this is my first meeting. 10 But I'd like to suggest, and I don't know if we can act 11 on it today, but in -- that instead of having a 12 transcript of the meeting, that perhaps our meetings be 13 recorded, and then we produce minutes and then those 14 minutes are then approved at the next meeting by the 15 Commission. 16 I think that's the more traditional way of 17 doing it than -- as -- as -- as I look -- as I've looked 18 at other state agencies that actually have a transcript, 19 you know, like a hearing or a trial, what have you. 20 Maybe I'll ask Mr. Fox, is that something we can -- 21 DUNCAN FOX: My recommendation is, although 22 it's policy and procedure, that you could set that 23 for -- 24 MR. CLOWE: Could you speak up, please? 25 DUNCAN FOX: Sorry. I would recommend that</p>
<p style="text-align: right;">127</p> <p>1 Commissioners, the 80th legislative session appropriated 2 approximately \$107 million to the Agency. Part of it in 3 Article 5, which is the DPS article, and the rest of the 4 Article. Approximately \$44 million were appropriated to 5 Article 5 for the addition of FTEs and equipment to 6 support those FTE's in, Highway Patrol, Criminal Law 7 Enforcement, the Texas Rangers, and also some recruit 8 dollars. 9 I provided a spreadsheet in my report that 10 identifies the expenditures for fiscal year '08. Once 11 you apply these encumbrances for the helicopters, the 12 Agency expended 94 percent of those dollars. GDEM, the 13 Governor's Division of Emergency Management, was also 14 appropriated \$20 million for grants in 2008 which they 15 awarded almost \$20 million of grants. 16 There's additional dollars in Article 9 that 17 were appropriated, and specifically for GDEM for border 18 surge operations, for overtime, some equipment, and per 19 diem. Those grants will continue to be awarded in 2009. 20 That pretty much concludes my report. I'll be glad to 21 answer any questions if you have any. 22 MR. POLUNSKY: Are there questions for Chief 23 Ybarra? Thank you very much. Next item, Commission 24 member reports. Are there any Commission members that 25 have a report that they would like to make at this time?</p>	<p style="text-align: right;">12</p> <p>1 that be set as an agenda item. Because there's a policy 2 of the Commission that was established so I would 3 recommend setting it for the next meeting. 4 MR. POLUNSKY: Well, right now, we're -- I 5 appreciate that, Mr. Fox. It's just being discussed. 6 But Mr. Steen has advanced a feeling or idea. Any 7 discussion -- further discussion on this? 8 MR. CLOWE: With all respect, and that's one 9 of the great things about having five commissioners, I 10 guess. I'm more comfortable with a transcript that is 11 taken by a court reporter and is then published on the 12 website of the Agency, in that when I came on this 13 board, we were doing just what you suggested. And I 14 began to get minutes which were summary in nature. And 15 my question is do they really reflect what was said. 16 And in many cases, I've wanted to go back 17 and look at the transcript and see exactly what was said 18 by me and by others. And you can only do that in a 19 transcript. You can't do it when you have, what I call, 20 summary minutes. 21 So I'd like to offer that view and ask for 22 you to consider. And I'm happy with whatever the 23 Commission wants to do. I -- It's not a, you know, a 24 big issue. But since you brought it up, I'd like to 25 give you the other viewpoint.</p>

<p style="text-align: right;">130</p> <p>1 MR. STEEN: Well, I think it's fine to have 2 a recording and you could go back and check the -- the 3 recording of the -- of the meeting -- 4 MR. CLOWE: You can -- 5 MR. STEEN: -- as opposed to transcript. 6 But the minutes also give -- the minutes -- it's what 7 most people do. You'd have the minutes at the next 8 meeting, you'd read them. And if you needed to -- 9 that's why the chairman would ask for any additions or 10 corrections, so there is an opportunity to review them 11 and correct anything that you think is -- is -- is 12 not -- is not as it should be. 13 MR. CLOWE: I agree with that. It can't be 14 put on the website. It can't be -- the minutes are 15 available on the website to the public, but not the 16 recording. And I like the -- I like the transcript 17 being on the website so it's available to the public and 18 they can see exactly what was said. And that's just a 19 personal preference. 20 MR. STEEN: Being a lawyer -- I know -- 21 MR. CLOWE: Oh, you're going to gang up. 22 MR. STEEN: I think when you're -- when 23 you're dealing -- and I'll just express this. If you 24 have a transcript, I think you have to be so careful 25 about everything you say, you don't say, "Er" or "Uh."</p>	<p style="text-align: right;">132</p> <p>1 transcript? I mean, is -- because I can see both -- not 2 really a lawyer here, but I can see both sides of it. 3 On the one hand, you want -- 4 MR. STEEN: We'll let the judge decide. 5 MS. BROWN: You want people to feel 6 confident and comfortable talking. It's already, you 7 know, difficult to talk in front of people without 8 everything being recorded. On the other hand, it's 9 certainly the public's right to know what's going on 10 here. 11 The question is do people go and avail 12 themselves of this. Do we have, you know, ten people 13 downloading the transcripts. Are people really reading 14 them? 15 DUNCAN FOX: That's something we can 16 certainly see if we can give you some information on 17 that. Perhaps we can get a hit count or something. 18 MS. BROWN: Okay. Thank you. 19 MR. CLOWE: I have -- if I may, 20 Mr. Chairman, I have the personal experience of having 21 people ask me, well, you haven't posted the minutes, and 22 when are they going to be on the website, I want to read 23 them. And I can always say, yes, you know, that not the 24 minutes, but the transcript will be forthcoming. 25 And I guess we're all prisoners of a past</p>
<p style="text-align: right;">131</p> <p>1 And I would like for us to feel like we can really have 2 good discussions here and not so much worry about things 3 like that. 4 So if I had to -- to use a word, maybe it's 5 a little bit chilling on the discussion, to think, well, 6 this is being -- everything I say is being transcribed 7 word for word. I like the system where it's recorded. 8 It's -- if somebody wants to go listen to the recording, 9 if they want to find out exactly what was said. 10 But -- but you -- you know, I just like -- 11 it's -- I like having the minutes there. And I think 12 it's something that -- I don't think a member of the 13 public necessarily wants to go through a long 14 transcript. I think that's -- it's also a service to 15 the public that someone makes the effort to summarize 16 what went on so you can get -- you can read the minutes 17 and get a -- it doesn't take you that long. You get a 18 good idea what happened, what actions were taken. 19 MR. CLOWE: You're very persuasive. 20 MR. POLUNSKY: Any -- Ms. Wright, can you 21 put this on the -- put this as an item on the agenda for 22 the December meeting, please. 23 MS. BROWN: Well, I've got a question to 24 follow up on that. Is there any way to know, as it 25 stands currently, are people going and downloading the</p>	<p style="text-align: right;">133</p> <p>1 experience. That was a big issue in my prior life, of 2 the minutes -- the transcript being available, because 3 they were -- it was closely watched. And I do say, "Er" 4 and "Uh," and that's an embarrassment. But I still feel 5 free. 6 MS. BROWN: And you are getting people 7 requesting or at least asking you about the transcript? 8 MR. CLOWE: Yeah. Not six a day, but from 9 time to time somebody will say, the transcript isn't 10 posted yet, when is it going to be up? And I've gone 11 back and looked at the transcript. The Chairman gave me 12 a responsibility at a prior meeting, and I wanted to go 13 back and get it word for word when he gave me a charge. 14 And we didn't have a transcript, so I asked Dorothy to 15 go back into the recording, which she did, and she got 16 the verbiage exactly. 17 I would've liked to have been able to get it 18 myself off the website. It's just a personal 19 preference, not a big deal. And as long as the public, 20 the people who can't come to these meetings, this is my 21 primary concern, can find out what's said and what we're 22 doing, then I'm satisfied. And if the minutes reflect 23 that accurately, then I'd be happy with it. 24 But you put your hands in the -- you put 25 yourself in the hands of the person who gives them</p>

<p style="text-align: right;">134</p> <p>1 summary minutes when you do that.</p> <p>2 MR. POLUNSKY: Okay. Well, it'll be an item</p> <p>3 on the December agenda and then we can make a decision</p> <p>4 at that time. Is that okay, Mr. Steen?</p> <p>5 MR. STEEN: That's fine. Thank you.</p> <p>6 MR. POLUNSKY: Okay. Thank you. Next item,</p> <p>7 division reports. Chief Fulmer.</p> <p>8 VALERIE FULMER: Good afternoon, Chairman,</p> <p>9 Commissioners, and welcome to our two new Commissioners.</p> <p>10 You have my administration report in front of you. I</p> <p>11 also wanted to talk a little bit about the instructions</p> <p>12 that you gave last month regarding the recruit school.</p> <p>13 We're looking at ways to decrease the attrition rate in</p> <p>14 our recruit school, and I'd like to let you know the</p> <p>15 progress that they're making on that.</p> <p>16 They are working on -- on some</p> <p>17 recommendations. I've seen a draft copy that they're</p> <p>18 still working on. Fortunately, we have the benefit of a</p> <p>19 survey that was sent out to the states fairly recently.</p> <p>20 And so we have input from 17 different states on their</p> <p>21 recruit schools, their attrition rates, the types of</p> <p>22 functions that they do, and it's given us some very good</p> <p>23 ideas for possible changes. We expect to have a report</p> <p>24 ready for the Commission at the December meeting with</p> <p>25 more information.</p>	<p style="text-align: right;">13</p> <p>1 VALERIE FULMER: Absolutely.</p> <p>2 MS. BARTH: No surprises.</p> <p>3 VALERIE FULMER: Will do.</p> <p>4 MS. BARTH: Thank you.</p> <p>5 MR. POLUNSKY: Chief Fulmer, you and I --</p> <p>6 you and I have touched on this or discussed this to some</p> <p>7 degree in the past, but let me just go on the record, I</p> <p>8 don't like the physical readiness test.</p> <p>9 VALERIE FULMER: Okay.</p> <p>10 MR. POLUNSKY: It needs to be adjusted. I</p> <p>11 don't think it's fair. So whatever we need to do in</p> <p>12 order to update or take into consideration various</p> <p>13 issues such as age, possibly gender, possibly injuries</p> <p>14 that are sustained in the line of duty, other things</p> <p>15 that may, you know, act as disincentives for people to</p> <p>16 promote or even stay in the Department. I want to get</p> <p>17 going on that.</p> <p>18 When I go out and talk to the troopers,</p> <p>19 which I like to do, and ask questions and this and that,</p> <p>20 this always seems to come up. And I'm talking about</p> <p>21 people who don't have a problem with it, but they might</p> <p>22 down the road or something. And I'm not saying gut it,</p> <p>23 and I'm not saying throw it out the window. And I</p> <p>24 understand there's a statute that requires something.</p> <p>25 But we're the ones that are the -- the</p>
<p style="text-align: right;">135</p> <p>1 MR. POLUNSKY: Good.</p> <p>2 VALERIE FULMER: And I'm available for any</p> <p>3 questions that the Commission has about the</p> <p>4 administration report.</p> <p>5 MS. BARTH: I don't have a question about</p> <p>6 the report necessarily, but a question about the</p> <p>7 generator in Houston.</p> <p>8 VALERIE FULMER: We are working on the</p> <p>9 generator in Houston. We've got a high level estimates</p> <p>10 for generators in all of our locations, and it's --</p> <p>11 MS. BARTH: (Inaudible).</p> <p>12 VALERIE FULMER: It's not pretty number.</p> <p>13 Yeah, it's not a pretty number. So what we are looking</p> <p>14 at as our -- as our plan "B," is generators in Houston</p> <p>15 and a few of the other areas on the coast --</p> <p>16 MS. BARTH: Beaumont?</p> <p>17 VALERIE FULMER: Yeah, Beaumont. The areas</p> <p>18 on the coast that are likely to have that sort of</p> <p>19 disaster. And then some traveling generators to take</p> <p>20 elsewhere. Say we have a situation, somewhere we</p> <p>21 weren't expecting it, they make them on -- literally on</p> <p>22 trailers so that we can take out there. So we're</p> <p>23 looking toward that right now.</p> <p>24 MS. BARTH: So every meeting until we get</p> <p>25 them, we need an update.</p>	<p style="text-align: right;">13</p> <p>1 architects of what are required, the requirements that</p> <p>2 are in place. I just think that we may want to</p> <p>3 modernize them or adjust them, make them a little more</p> <p>4 reasonable. So at our next meeting, can you be prepared</p> <p>5 to discuss that in some manner?</p> <p>6 VALERIE FULMER: Certainly.</p> <p>7 MR. POLUNSKY: You know, I know that we --</p> <p>8 the Department hired a consulting firm and they made</p> <p>9 recommendations. There are legal issues involved. I --</p> <p>10 I don't minimize any of that. But still, I think we</p> <p>11 can -- you know, we can make some movement there and</p> <p>12 still keep the integrity of the -- of the requirements</p> <p>13 that our troops be physically fit and able to perform</p> <p>14 their duties. And some of the reasons that this law was</p> <p>15 passed in the last session and so on, you know,</p> <p>16 addressed, at the same time not be overbearing or</p> <p>17 unreasonable or whatever.</p> <p>18 VALERIE FULMER: And our General Counsel's</p> <p>19 office is actually looking at the matter right now of --</p> <p>20 with regard to what we're required to do by statute,</p> <p>21 what the original consulting in the study recommended,</p> <p>22 and what we can do that would -- that would meet both of</p> <p>23 those. So yes, we will certainly provide an update next</p> <p>24 month. I would like the PRT to be adjusted to where I</p> <p>25 can pass it. That's what I'm looking for.</p>

<p style="text-align: right;">138</p> <p>1 MR. POLUNSKY: I'm just glad that, you know, 2 the Commissioners don't have to pass it, because I know 3 I'd be out the door for sure. But I've -- but I've 4 heard and seen instances where people who -- you know, 5 obviously there are some people who are just not 6 physically fit and shouldn't be here, or certainly 7 shouldn't be promoted or whatever. I mean, they're just 8 egregiously out of shape or unable to do -- perform 9 basic functions.</p> <p>10 But there are other situations where a minor 11 inability here, or in some cases, you know, physical 12 issues may which come up, as I said, in the line of duty 13 are now coming back to haunt people. And I think we 14 just need to look at the broad picture here.</p> <p>15 VALERIE FULMER: And I do think the statute 16 gives us some room on that.</p> <p>17 MR. POLUNSKY: I think it does, because I've 18 read the statute. Are there any other questions? Thank 19 you.</p> <p>20 VALERIE FULMER: Thanks.</p> <p>21 MR. POLUNSKY: CLE, Chief Brubaker.</p> <p>22 JAMES BRUBAKER: Mr. Chairman, 23 Commissioners, you have my report. I don't have 24 anything to add to it. I'll answer any questions you 25 might have.</p>	<p style="text-align: right;">140</p> <p>1 we would not give another rollout date to the directors 2 until we could affirm and make sure that that date would 3 not slip. So I would hope that by December I can report 4 that firm date and give you an idea of what that new 5 system will provide.</p> <p>6 The legislative session is obviously off to 7 a great kickoff. The first two days there were over 500 8 bills filed. We had over 20 bills filed related to 9 driver's license already. So in addition to the 10 initiatives that we spoke to the Commission about 11 before, we anticipate we'll have a busy session. That 12 concludes my report, unless you have questions.</p> <p>13 MS. BARTH: Could you talk about item on the 14 transformations on the Driver's License Division?</p> <p>15 MR. POLUNSKY: Certainly. That'd be item 16 17.</p> <p>17 JUDY BROWN: Be glad to give you my 18 restructure report. Again, you've got my preliminary 19 report before you. Included in that report on page two 20 are our initial recommendations for the transition of 21 commissioned officers to other services, as well as a 22 request for the upgrade to begin to fill administrative 23 positions that would support not only the transition but 24 the alignment with the restructured proposal. 25 We were very excited to finally get the</p>
<p style="text-align: right;">139</p> <p>1 MR. POLUNSKY: Are there any questions for 2 Chief Brubaker?</p> <p>3 MR. CLOWE: No questions.</p> <p>4 MR. POLUNSKY: Easy day. Driver's license, 5 Chief Brown.</p> <p>6 JUDY BROWN: Good afternoon. You've got my 7 report before you. I am pleased to report that we have 8 completely -- on the driver's license reengineering 9 project, we have completely moved to the new server 10 environment. That platform is being very successful in 11 its current state and in its ability to support our new 12 system.</p> <p>13 The remaining hurdle that we have to meet in 14 order to roll out the driver's license system is the 15 communication piece. The satellite system is not 16 supporting the input that we need, and we are looking at 17 this point, with regards to decommissioning the driver's 18 license piece of the satellite and moving to land lines. 19 We have, before the Commission, in previous months 20 talked about what a shortfall that that will bring.</p> <p>21 We are -- we continue to analyze those costs 22 and will begin testing in the near future on land lines 23 to ensure that it will support exactly how we want to 24 support the new system. As it is now, we continue to 25 work on that specified rollout date. We have said that</p>	<p style="text-align: right;">141</p> <p>1 Deloitte report, and recognize that our previous work 2 was in alignment with Deloitte recommendations. There 3 are very few inconsistencies between the two reports. I 4 think when we put them together we'll add maybe two 5 additional suggestions to our report.</p> <p>6 Again, we're working toward finalizing all 7 the numbers. The success of the DL transition is not 8 specifically related to transition to civilian managers. 9 It hinges most primarily, in any mind, on customer 10 service initiatives, the things that we need to move our 11 business over to make it a business model.</p> <p>12 When we look at the number of complaints we 13 have, those complaints aren't necessarily related to the 14 interaction between my employee and the customer, it's 15 the difficulty getting to my employee the timeliness of 16 that, the facilities, the technology. When we finalize 17 that report for the December meeting, I think you'll be 18 pleased with the number of areas that we've looked into, 19 the research and analysis we've done on each one of 20 those.</p> <p>21 We have piloted in the North Lamar office, 22 which was brought up earlier, a civilian manager for 23 that office. It brings to light exactly what we've 24 talked about in this meeting previously and in other 25 sessions, is that we need to change management. But the</p>

<p style="text-align: right;">142</p> <p>1 process for change management is going to be critical, 2 not only to an organizational structure, but the 3 transition to civilian managers in our DL offices. 4 Once you remove the resistance of the 5 employees to deal with a civilian manager rather than 6 what they're used to in a commissioned supervisor, we 7 begin to see very little negative impact on the customer 8 interaction with the supervisor. We've done some things 9 to modify, i.e., take them out of uniform with a name 10 tag, not in uniform like our officers wear, but a shirt 11 that shows Department of Public Safety that kind of 12 makes her recognized as a supervisor in that office. 13 Again, those things as we work together we're seeing the 14 civilian supervisor can do well in that environment. 15 We have also piloted in the call center 16 changing our hours, working 7:30 to 6:30 with our 17 existing staff. As we reported in the past, part of the 18 solution to the phone center is having enough staff to 19 be able to adequately answer the calls, as well as 20 adding the technology so that some of the baseline calls 21 can begin through an interactive voice recognition 22 system rather than a live body. 23 But as we've changed our hours, we've been 24 into that process a couple of weeks now, we've raised 25 our call volume from 34 to 42 percent. We believe</p>	<p style="text-align: right;">14</p> <p>1 will be -- not to the extent of a large report that 2 Deloitte provided, but they will be very detailed, and 3 maybe cumbersome in the review. So I would offer to 4 each one of you as we finalize those numbers an 5 opportunity to review them to come out to your location 6 and meet with you and answer any questions that I can on 7 an individual basis. That concludes my report, unless 8 you have questions. 9 MR. POLUNSKY: Mr. Clowe. 10 MR. CLOWE: Chief Brown, in your initial DL 11 report, there was a failure on the part of the satellite 12 system; is that a vendor responsibility? 13 JUDY BROWN: That's a -- that's a difficult 14 question to answer, Commissioner Clowe. As we -- as we 15 developed the original proposal for the new driver's 16 license system, we estimated what we thought the 17 (Inaudible) would be, we estimated what we thought the 18 volume would be. And because the Agency had moved in 19 the past and for many years along the pathway of 20 utilizing satellite, we made the decision and continued 21 to work towards satellite as a response to our system. 22 When we put the satellite bid out to expand 23 that satellite network and allow it to support the 24 driver's license system, we did not -- we were not at a 25 point to provide enough specificity that we can claim</p>
<p style="text-align: right;">143</p> <p>1 that's a significant increase for adding on a couple of 2 hours a day. Again, the total solution is adding 3 technology and the bodies to get us 90 percent that is 4 standard in call centers. 5 We have also, through the reconstruction of 6 the Dacoma office in Houston, we had to close that 7 office for construction. So as we did that, we moved 8 personnel out to the Townhurst office. We expanded the 9 office hours in that office from 7 to 7. We've had to 10 do some shifting of personnel to kind of modify the 11 schedule and to assure that we're meeting the customer's 12 needs. But we've gone from a 40-minute wait time to a 13 17-minute wait time. And, again, we feel like that's 14 significant. 15 When you get the final recommendations, 16 we'll see what is involved from a cost standpoint from 17 moving to a 12-hour shift. I don't think the cost is 18 feasible to do that statewide. However, we're looking 19 at some alternatives to do that in specified locations 20 in our large metropolitan areas. And I think we can 21 bring down the cost and bring it to a manageable arena 22 and provide customer service in that scenario. 23 As we finalize our recommendations for the 24 December meeting, I would offer to each of you a 25 personal presentation of those recommendations. They</p>	<p style="text-align: right;">14</p> <p>1 fault on the -- on the part of the network provider in 2 all areas. We have our attorneys working now as we're 3 working on cost proposals as to what the impact is to 4 reduce the satellite away from the expectation that it 5 support DL and it continue to support the TLETS network, 6 the law enforcement network that's on it today. It is a 7 shared response, a shared responsibility, I believe now, 8 between us and the vendors that are involved. 9 MR. CLOWE: Well, did I hear you say we 10 underestimated what our needs were? 11 JUDY BROWN: I would tell you that we were 12 not in a position to -- to articulate those needs to 13 such a specificity that the satellite vendor would 14 provide a solution. So they provided an expanded 15 network, put the network out there. As we began to test 16 on that network, it slows our process down to a crawl. 17 We could put very, very small offices on it, 18 but we would not get the throughput and not get the 19 optimum response from our technology. And one of the 20 things that we wanted to do in the system was become 21 paperless rather than buckets of paper being mailed from 22 offices on a day-to-day basis, rather than applications 23 being made in a DL office today and it not being 24 available for law enforcement for the time frame that it 25 takes to mail it and image it to allow those things to</p>

<p style="text-align: right;">146</p> <p>1 be done at the time that they're produced in the office 2 environment and be transmitted. 3 The satellite is not allowing us to transmit 4 those realtime. And in offices that have any -- I would 5 tell you probably four or more personnel, we don't even 6 have enough time to transmit those in a 24-hour period 7 if we began to do it by batch at night. 8 MR. CLOWE: Let me try to get it out a 9 different way. Who's paying for the increased cost? 10 JUDY BROWN: I expect -- and again, we're 11 working this out through the satellite vendor and as 12 well through AT&T network. We expect that the cost of 13 the satellite network will be reduced as we move 14 driver's license off of it. And then we will see an 15 increase to move to land lines. That increase to land 16 lines would have been relevant to us if we had gone land 17 lines in the beginning. 18 So I don't see that -- at this point we may 19 see a minimum penalty as we reduce from satellite. That 20 is yet to be determined and negotiated. But we will -- 21 we will incur a cost on the -- on the land line side 22 that we would not have incurred on the satellite side. 23 My technical people, I think, are back there. They're 24 probably all ducking at this -- at this juncture. 25 MR. CLOWE: Would you give us what the final</p>	<p style="text-align: right;">148</p> <p>1 license, we have 254 counties in the state of Texas. We 2 issue in all but five or seven counties. We have 299 3 issuing locations, 254 of those are full-time. And the 4 others are part-time offices where we may go to a county 5 seat on the first and third Monday and Wednesday of the 6 month. And we rotate on some of those smaller -- 7 smaller setups. 8 We have Commission supervisors today. We 9 have 63 sergeants that manage all of those offices. As 10 you will see, as we begin -- as you begin to encounter 11 the DL restructure proposal, you know, part of the -- 12 the difficulty in managing those offices, trying to 13 manage 250-plus offices with 63 supervisors. And so as 14 we move to a civilian model, we're recommending that we 15 increase our number of supervisors for adequately being 16 able to manage those facilities. 17 But we have 118 troopers. So they are not 18 at every driver's license office. We have them in the 19 larger metropolitan areas along with sergeants that may 20 share a responsibility for two or more offices in their 21 area or in their district. 22 MR. CLOWE: So the network is extensive but 23 there are many offices that are just open at a certain 24 time? 25 JUDY BROWN: We issue approximately six</p>
<p style="text-align: right;">147</p> <p>1 outcome of that is cost wise? 2 JUDY BROWN: I absolutely can do that. We 3 should be able to do that within the next couple of days 4 and I can forward that out to the Commission. 5 MR. CLOWE: Give the Board those numbers so 6 we can understand what the result is, if you will. 7 JUDY BROWN: I'll be glad to do that. 8 Commissioner Clowe, if you'll recall, we brought before 9 the Public Safety Commission a couple of months ago a 10 shortfall for the reengineering project. And in that 11 shortfall, we already knew that the satellite was not 12 supporting our system. So we had some numbers in that 13 shortfall identified as potential needs if we had to 14 move to land lines. But I will take that, modify it, 15 provide you the exact details. 16 MR. CLOWE: I do not remember it, and I 17 would appreciate you giving this Board that answer that 18 I've asked for. 19 JUDY BROWN: Be glad to do that. 20 MR. CLOWE: For the benefit of Commissioner 21 Brown and Commissioner Steen, would you just tell them 22 briefly what our office setup is in every county in the 23 state, just -- just a short overview so they'll have 24 that information. 25 JUDY BROWN: Short overview, driver's</p>	<p style="text-align: right;">149</p> <p>1 million licenses a year. The majority of those being 2 through driver's license offices. We -- we generally 3 operate on a 7:30 a.m. to 5, 5:30 p.m. schedule, and 4 that is done with a 40-hour employee. We do that 5 through the -- that require overtime, comp time and 6 begin to take those off during the days. It is a -- 7 it's a difficult situation to manage. As well, we stay 8 open in our metropolitan areas. We try to have each of 9 the large offices in the metroplex areas open at least 10 one night a week. 11 MR. CLOWE: Those offices are open five days 12 a week and they're closed on state holidays. 13 MS. BROWN: So by and large, it sounds like, 14 for the public, the interaction with DPS almost always 15 is through driver's license; is that right? 16 MR. CLOWE: Unless they get a ticket. 17 MR. POLUNSKY: Unless you're going 95 on the 18 toll way. 19 MS. BROWN: So that's a more pleasant 20 interaction probably. 21 MR. CLOWE: Well, it can be pleasant on the 22 highway. 23 JUDY BROWN: We are acutely aware that we're 24 operating in an arena that we are not meeting our 25 customer's expectations. As I spoke with many of the</p>

<p style="text-align: right;">150</p> <p>1 legislators, as we were going through the Sunset study 2 and as I spoke with Chairman Polunsky, we're funded like 3 a state agency and we operate like a state Agency. 4 We're challenged with operating like a business, and we 5 can obtain funding to operate like a business. 6 There is no doubt in my mind that we can run 7 like a business. We have ideas that have constantly 8 been put in file cabinets because we've not had the 9 funding to support those things. And I fully believe 10 that if we can attain some funding and some support, not 11 only from the Public Safety Commission but from the 12 legislation, we can make this operation run like a 13 business and provide the expected services from -- to 14 the public. 15 MS. BROWN: Thank you. 16 MR. POLUNSKY: Mr. Steen. 17 MR. STEEN: Earlier in your presentation you 18 mentioned a reduction wait time, and are you measuring 19 that regularly? 20 JUDY BROWN: Not scientifically. But yes, 21 we are measuring it regularly. We do -- again, one of 22 the technologies that Deloitte laid out in their study 23 is a cueing system and an appointment system. And we've 24 looked at those in the past. Those are in our 25 acceptance item request for this legislative budget</p>	<p style="text-align: right;">15</p> <p>1 the online services to determine how do we cause people 2 to utilize our online services more than they do today. 3 And so, again, we're -- we're reaching forward with some 4 of those technologies to provide some of those 5 solutions. 6 But in our DL offices as well as external to 7 our physical facility where they have an opportunity to 8 renew their license, and in other situation, maybe from 9 a kiosk in a mall or a shopping Wal-Mart, HEB, those 10 types of things. But there's -- there's -- within our 11 final recommendation, you'll see probably no less than 12 eight responses specifically that address the wait time. 13 MR. STEEN: But as we progress -- as you 14 progress on this, or we progress, are we going to be 15 able to say -- are we going to have the -- are we 16 measuring it now so that we can say as a result of these 17 actions the wait times have been reduced and be able to 18 give the numbers on that? 19 JUDY BROWN: Yes, sir, we will be able to 20 measure it. But it's my goal that we would be able to 21 prepare an electronic measurement against what we're 22 doing today manually. 23 MR. STEEN: Thank you. 24 MR. POLUNSKY: Are there any other questions 25 for Chief Brown? So there's no action item here?</p>
<p style="text-align: right;">151</p> <p>1 process where that would be done automated for us. We 2 could -- we could schedule a note at any point in time 3 at any day what the wait times were in our officers. 4 We do that today, but we do it manually. 5 And most of our offices, we monitor and they report to 6 us what those times are, what those waits are so that we 7 can begin to evaluate those, know where our needs are, 8 know where our staffing needs are, and know where our 9 most extensive wait times need to be addressed. 10 MR. STEEN: But is it -- but so you're 11 watching those, would you call them performance 12 measures, trying to reduce the average wait time; is 13 that something you're working on? 14 JUDY BROWN: Yes, sir. 15 MR. STEEN: And how are you doing that? 16 JUDY BROWN: When you -- when you see my 17 final report, you'll see several recommendations that we 18 believe will address those wait times and reduce those 19 down to a manageable wait. You know, you throw dollars 20 and people at things, you begin to see massive 21 opportunity to move forward to provide advantage. We 22 don't believe that's the only solution. And so we're 23 looking at technology, we're looking at making our 24 online services more optimum. 25 We've done several studies with regards to</p>	<p style="text-align: right;">15</p> <p>1 JUDY BROWN: Not unless you want to look at 2 page two of the report and act on that, as you can act 3 on it today or we can act on those as a part of the 4 final overall recommendations. 5 MR. POLUNSKY: What is your recommendation? 6 JUDY BROWN: I think -- on page two we 7 discussed approving the transfer for 118 troopers, ten 8 sergeants, four lieutenants from DL to Highway Patrol. 9 Well, I believe that it may be preliminary to actually 10 begin that transfer if -- if we knew the will of the 11 Public Safety Commission, I think we would know far 12 distance in allowing our personnel to begin to 13 understand how they're impacted. 14 We've got a recommendation for the movement 15 to the Highway Patrol Division, we've got a 16 recommended -- recommendation for the captain of the 17 Austin to work as the liaison for the transition 18 process. We've got a recommendation to move a number of 19 sergeants, lieutenants and captains to the CLE Division 20 that would be picking up the responsibility of our 21 existing Fraud Unit plus some additional personnel. And 22 then we've got a recommendation to bring some 23 administrators at the staff level on board that will 24 assist with the transition. 25 It's entirely up to you. We can answer</p>

<p style="text-align: right;">154</p> <p>1 those today or we can answer those as a -- in a complete 2 recommendation package in December. 3 MR. POLUNSKY: Colonel Clark, it seems to me 4 in talking to people out in the field that there's a 5 great amount of uncertainty and discussion and rumors 6 and this and that. I mean, do you feel it would be 7 advantageous for us to be addressing this today so that 8 there is some certainty or this is some direction, or 9 would you suggest that we wait until it's all part of 10 one package? 11 MR. CLARK: Mr. Chairman, I would suggest 12 that we wait and put this together in one package. 13 There are still some issues that we need to discuss 14 before we implement these changes. We're almost ready 15 to go. A lot of the fears have been relieved because I 16 issued a -- an e-mail Department wide addressing the 17 status of a lot of our employees who are on eligibility 18 lists and all services where during this transition 19 period no one is at risk by not being promoted. 20 If they are currently on a -- an eligibility 21 list, they will stay on that list indefinitely. Chief 22 Brown has got people on that list who are quite 23 concerned whether or not they were going to be promoted 24 to a captain. And they're hearing that, well, driver's 25 license, the Commission people are going away, what's</p>	<p style="text-align: right;">156</p> <p>1 Management Division. Mr. Chairman, I provided Dorothy 2 to provide the Commissioners a report called Texas 3 Rebounds. It's one we put together for the governor in 4 short fashion last ten days. This is a \$29.4 billion 5 proposal to provide economic renewal to the cost of 6 Texas from Orange County to Brownsville. It's been a 7 tense effort to do this. 8 Intent will be as the second congressional 9 session begins on the 17th of November to the 22nd of 10 December, it will be the intent to do everything 11 possible to persuade Congress as part of the economic 12 renewal across the nation. This is a vital project for 13 the coast of Texas. Because never before in our history 14 has the entire coast been under a declaration for 15 disaster. And that's obviously due to the events that 16 occurred this summer. 17 So I commend this to you. It's been put 18 together by our organization for the Governor. It's now 19 moved forward. We are in support of the Governor's 20 Commission on renewal, and we have an ongoing effort 21 there that's moving. 22 As far as the recovery for -- that moves on 23 with -- after three hurricanes or tropical storms at the 24 coast, that's massive in terms of what it is, we're not 25 talking millions, we talk billions now in terms of what</p>
<p style="text-align: right;">155</p> <p>1 going to happen to me. That person will be promoted. 2 So before we actually act on that today, my 3 recommendation would be we hold off until next month to 4 give us more time to tighten this whole recommendation 5 up. And I believe colonel Beckworth concurs with my 6 comments there. 7 MR. POLUNSKY: Is that okay with everyone 8 here? Okay. That's what we'll do. We'll be acting on 9 this next month. 10 JUDY BROWN: I think it'll be beneficial 11 when you're able to see the final proposal and see the 12 cost of the that will take us to move to civilian 13 management as well. That's a critical piece of this 14 transfer. I don't want to step backwards and have 15 offices without any supervision -- 16 MR. POLUNSKY: I understand. 17 JUDY BROWN: -- and no funding for that as 18 well. 19 MR. POLUNSKY: That's a good point. Thank 20 you. 21 JUDY BROWN: Thank you. 22 MR. POLUNSKY: The Emergency Management 23 Division, Chief Colley. 24 JACK COLLEY: Good afternoon, Mr. Chairman, 25 Commissioners. I'm Jack Colley, Chief of Emergency</p>	<p style="text-align: right;">157</p> <p>1 that will take and a number of the effort that will go 2 for many times. 3 Mr. Chairman, as we end the year and close 4 out this year, I'd like to, you know, just simply say 5 that in the past year, you know, Texas has certainly 6 been measured in terms of what we've had to respond to. 7 If you look at the definition of Homeland Security, by 8 legislation, I'm talking about our legislature, and our 9 quote from Homeland Security activity means any activity 10 related to the prevention or discovery of, response to 11 or recovery from a terrorist attack, national or manmade 12 disaster, hostile military or paramilitary act, 13 paramilitary action or extraordinary law enforcement 14 emergency. 15 Certainly, the Department of Public Safety 16 has been -- has met that challenge. And I mean that in 17 terms of if you go back and look at since January 1st of 18 this year, of 2008, where 1.5 billion acres of Texas has 19 been destroyed by the worst wildfire season in our 20 state's history. 96 homes were tragically destroyed, 21 but over 6,000 homes were saved by state operations at a 22 value of \$740 million, which is no small amount. 23 If you look at the operation FLDS ranch, 24 which we were thrust into one of the most immediate mass 25 care operations in this state's history, we treated</p>

<p style="text-align: right;">158</p> <p>1 those -- those guests with dignity, and care, and 2 compassion. If you now look at the last 90 days in 3 Texas, with three hurricanes and a tropical storm at the 4 same time, simultaneously, securing the border of Texas 5 through Operation Border Star, \$110 million operation, 6 the legislature entrusted this Department with. 7 At a look within Ike, the stories of, or the 8 results, we're ready to look at were over 3,700 people 9 were rescued. 634 were rescued before landfall who 10 would've surely died if they had not been rescued. Those 11 numbers relate to many things that are not in the 12 Deloitte report, and that is courage, bravery and 13 selfless sacrifice. And those would not have happened 14 in this state if it would not have been for our great 15 disaster district chairmans, those captains, 16 lieutenants, sergeants out there that do this. 17 And I just want to make that point today as 18 we close out the year. This has been an unprecedented 19 year. And you have captains like David Sandlin, Paul 20 Davis, Captain Mulligan, Captain Lawson, Captain 21 Rodriguez, Captain Mathis, Captain Livingston, Captain 22 Bradberry, Captain Lathan and Captain Reney, and on and 23 on and on. One of which lost his life, too, by the way, 24 in this event. 25 I think it needs to be noted that for what</p>	<p style="text-align: right;">16</p> <p>1 the -- the maturity of the operation clearly speaks for 2 itself. Two-and-a-half years ago you would've had any 3 imagination at all in terms of we were running unified 4 joint operations on a border with the state, local, 5 federal, you know, partners. That didn't exist. It 6 exists today, Commissioners. 7 So it's moving forward. It continues to 8 move forward. It'll get better. And as all things, all 9 operations, by the nature of operations themselves would 10 be responsive to disasters or anything else, just the 11 nature of operations. Many things go right, many things 12 need to be approved. The mark of good organizations, 13 though, is one who realizes what needs to be improved. 14 And I can guarantee the Department of Public Safety's 15 doing that along with our local partners. 16 MR. CLOWE: Do we still have the 110 THP 17 troopers on 28-day cycles? 18 JACK COLLEY: I'd refer to Chief Baker on 19 that. But obviously three hurricanes, tropical storms 20 impact on the coast of Texas within 90 days, there had 21 to be allowances to move through, you know, to redirect 22 those resources for all the right reasons. That needs 23 to be commended. I mean, to be able to have the ability 24 to come off that border and respond to -- to -- to a 25 real, you know, threat to the public health, public</p>
<p style="text-align: right;">159</p> <p>1 all we do, we could not do what we do in Texas without 2 these Department of Public Safety captains and 3 lieutenants out there in the field. And I wanted to 4 make that comment today given what's been said, 5 Mr. Chairman. I stand ready to answer any of your 6 questions. 7 MR. POLUNSKY: Thank you very much, Chief 8 Colley. Are there any questions? 9 MR. CLOWE: Chief, you mentioned Border Star 10 briefly. Could you just give us a little more -- I get 11 those reports daily, and thank you for those. But could 12 you verbalize where we are in that effort? 13 JACK COLLEY: Well, clearly it's a big 14 operation. It's a 1,208-mile border. As we now, into 15 our almost third year of operations, before we started 16 to where we're at now, I think, you know -- and that's a 17 perspective I have now going back when we started this. 18 We're quicker, faster, smarter than we've ever been. 19 Nothing's easy. It's hard work because it's dangerous 20 work, it's complicated work. Because you're dealing 21 with a real, you know, (Inaudible) threat down there 22 whose -- whose -- whose goal is to be successful getting 23 across the border. 24 Not talking about immigration, we're talking 25 about criminal enterprise. So when you focus on that,</p>	<p style="text-align: right;">16</p> <p>1 safety on the coast in that amount of time really marks 2 well the Department's ability that do that. And then 3 recover back to the border. 4 I don't think anything was lost, it was all 5 coordinated with the border patrol. They knew we were, 6 you know, uncovering their area. A lot of coordination 7 took place to ensure that that happened. The other has 8 been our DPS aviation. 9 Our helicopters coming on board. They're 10 making a heck of an impact there. And we'll get -- get 11 much better as the newer helicopters on board. If you 12 have now seen the four new helicopters, they are a 13 multiplier for what we're going to be able to do on the 14 border with the (Inaudible) helicopters that the 15 Department has that are not deployed on the border. 16 That will be a major, major value added asset that's 17 going to have an enduring impact on those operations. 18 MR. CLOWE: Thank you. 19 MR. POLUNSKY: Any other questions? Once 20 again, Chief Colley, and I've made statements like this 21 in the past, but you and your people have most certainly 22 distinguished yourselves in the past year. I wish the 23 federal government responded as well as our people here. 24 But in any event, you know, you're special and so are 25 the people who work for you, and the people of Texas</p>

<p style="text-align: right;">162</p> <p>1 appreciate it.</p> <p>2 JACK COLLEY: Thank you, Mr. Chairman.</p> <p>3 MR. POLUNSKY: Texas Highway Patrol. Chief</p> <p>4 Baker.</p> <p>5 DAVID BAKER: Good afternoon, Mr. Chairman</p> <p>6 and new members. My name is David Baker. I'm the Chief</p> <p>7 of the Highway Patrol. You have my report. Be happy to</p> <p>8 answer any questions that you might have about the</p> <p>9 report. I would like to add some information that's not</p> <p>10 contained in this report.</p> <p>11 On November the 12th at around 9:15 p.m. we</p> <p>12 had a trooper in Gainesville by the name of Michael</p> <p>13 Earheart, who was involved in a major fleet crash. He</p> <p>14 was on the service road of Interstate 35 and checked a</p> <p>15 speeding vehicle on the Interstate lanes. And before he</p> <p>16 could make it to the entrance ramp to get off to pursue</p> <p>17 the vehicle, he lost control of his vehicle and crashed.</p> <p>18 And he received broken bones, a bruised lung, and he is</p> <p>19 now recuperating at the house. He was released from the</p> <p>20 hospital today. That concludes my report and I'll be</p> <p>21 happy to answer any questions that you may have.</p> <p>22 MR. POLUNSKY: Mr. Clowe.</p> <p>23 MR. CLOWE: Chief, what's our assignment on</p> <p>24 the border, Border Star?</p> <p>25 DAVID BAKER: We're at the point of 116</p>	<p style="text-align: right;">164</p> <p>1 GERARDO DE LOS SANTOS: Good afternoon,</p> <p>2 Mr. Chairman, Colonels. You have our report. We have</p> <p>3 nothing further, but would be glad to answer some</p> <p>4 questions.</p> <p>5 MR. POLUNSKY: Questions?</p> <p>6 MS. BROWN: I have a question. This is very</p> <p>7 official and very important. Is the story about the one</p> <p>8 ranger, one riot legend or is that true?</p> <p>9 GERARDO DE LOS SANTOS: It's true.</p> <p>10 MS. BROWN: Okay.</p> <p>11 MR. POLUNSKY: As you would expect him to</p> <p>12 say.</p> <p>13 MR. CLOWE: I couldn't give you any other</p> <p>14 answer. The chief retired and you're the acting chief</p> <p>15 now?</p> <p>16 GERARDO DE LOS SANTOS: Yes, sir.</p> <p>17 MR. CLOWE: And I understand that the chief</p> <p>18 position from the Colonel has been posted?</p> <p>19 GERARD DE LOS SANTOS: Yes, sir.</p> <p>20 MR. CLOWE: So that's in process?</p> <p>21 GERARDO DE LOS SANTOS: Yes, sir. And I am</p> <p>22 very interested in that position.</p> <p>23 MR. CLOWE: Wouldn't expect any other</p> <p>24 answer. Very good.</p> <p>25 MR. POLUNSKY: Thank you, Gary. Do you have</p>
<p style="text-align: right;">163</p> <p>1 personnel.</p> <p>2 MR. CLOWE: On 28-day cycles?</p> <p>3 DAVID BAKER: Yes, sir.</p> <p>4 MR. CLOWE: All volunteers?</p> <p>5 DAVID BAKER: Yes, sir.</p> <p>6 MR. CLOWE: Is that settled in and are the</p> <p>7 troops happy with that? What's the morale?</p> <p>8 DAVID BAKER: They're -- 28 days is a long</p> <p>9 time to be away from the house. And I don't want to go</p> <p>10 on the record to discuss our deployment strategy, but we</p> <p>11 are changing that deployment strategy the next 28-day</p> <p>12 cycle. I think the troops will be much happier with</p> <p>13 this new deployment strategy.</p> <p>14 MR. CLOWE: Good. Good. I'll talk with you</p> <p>15 privately about that.</p> <p>16 DAVID BAKER: Yes, sir.</p> <p>17 MR. CLOWE: Thank you.</p> <p>18 DAVID BAKER: You're welcome.</p> <p>19 MR. CLOWE: I'm sorry to hear about the</p> <p>20 trooper and hope he recovers. I thought it was going to</p> <p>21 be something else. I'm sure glad he's out of the</p> <p>22 hospital.</p> <p>23 DAVID BAKER: Me, too.</p> <p>24 MR. POLUNSKY: Other questions? Thank you,</p> <p>25 Chief. Texas Rangers, Chief De Los Santos.</p>	<p style="text-align: right;">165</p> <p>1 additional information, Chief?</p> <p>2 BRYAN LANE: No, sir. If you have any other</p> <p>3 questions about the IMS report, that's all --</p> <p>4 MR. POLUNSKY: Are there any other questions</p> <p>5 on IMS? Thank you.</p> <p>6 BRYAN LANE: Thank you.</p> <p>7 MR. POLUNSKY: Next item is a report by the</p> <p>8 DPS Working Group on DPS promotional process. That</p> <p>9 would be Major Matthews.</p> <p>10 CAREY MATTHEWS: Good afternoon. Mr.</p> <p>11 Chairman, members, Carey Matthews of Texas Highway</p> <p>12 Patrol. The DPS promotional group has completed our</p> <p>13 work as designed by our charge from the executive</p> <p>14 leadership of the Agency. Recently we presented a draft</p> <p>15 presentation of our work and our recommendations to the</p> <p>16 executive leadership. Our group continues to move</p> <p>17 forward with the presentation of our report from a draft</p> <p>18 format to a final format, and we will be prepared to</p> <p>19 make our formal presentation from draft format to final</p> <p>20 during the December meeting as according to our</p> <p>21 originally defined schedule.</p> <p>22 MR. POLUNSKY: Thank you, Major. Discussion</p> <p>23 and possible action on recommendations of the Vehicle</p> <p>24 Inspection working group. Chief Burroughs.</p> <p>25 BOB BURROUGHS: Bob Burroughs, Assistant</p>

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1 Chief of Driver's License. The Vehicle Inspection
2 working group met since the last Commission meeting to
3 formulate performance measures to go into the final
4 report. For the two new Commissioners, the Vehicle
5 Inspection working group was put together as a result of
6 the Sunset Committee recommendation that the Vehicle
7 Inspection program be reorganized with a specified
8 director, and that work measures be established for the
9 performance of the duties.

10 Performance measures that are included in
11 the report are intended to provide efficiency and to
12 provide (Inaudible) to the citizens and to the customer
13 stations. The report stands unless you have any
14 questions.

15 MR. POLUNSKY: Questions? Thank you, sir.
16 Discussion and possible action regarding employment of
17 an assistant for the Commission including development of
18 job description and directions regarding posting of the
19 position. Ms. Logan.

20 PAULA LOGAN: The position has been posted
21 and it closed, and human resources has done the initial
22 screening, and then we talked earlier this week and you
23 and I are going to get together so that you can get
24 copies of that applications of the folks and go forward
25 from there.

1 you would, too. Did you see that?

2 MS. BROWN: Actually, I guess I must've
3 asked a question about that because I'm pretty familiar,
4 kind of, of what they're going to do.

5 MR. STEEN: Okay. Or maybe you can get me
6 a --

7 MS. BROWN: A written description would
8 help. I'll share that with you.

9 MR. STEEN: Yeah. You'd just send that to
10 me.

11 MR. POLUNSKY: Ms. Logan, yeah, maybe before
12 we leave, could you give Mr. Steen a copy of all of
13 that?

14 MR. STEEN: Thank you.

15 MS. BROWN: And I'd like a copy, too,
16 please.

17 MR. STEEN: But -- but no comments on the
18 General Counsel.

19 MR. POLUNSKY: Okay. Thank you. Item 20,
20 discussion and possible action on publication of
21 proposed rules. What I'll do here -- I mean, we can
22 pull any of these out that you would like to discuss.
23 We have "A," "B," "C," "D," "E," "F," "G." Do any of
24 you want to pull anything out for discussion?

25 MR. STEEN: You want a blanket motion?

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16

1 MR. POLUNSKY: Okay. I'll get back to you
2 on this, Paula, and we'll work out a process to reduce
3 that number down so that we can bring some people in for
4 interviews and such.

5 PAULA LOGAN: Okay.

6 MR. POLUNSKY: Does anybody want to ask any
7 questions on this? Thank you. Discussion and possible
8 action regarding appointment of General Counsel.
9 Essentially, I think where we are is we have a couple of
10 finalists. They have both been interviewed by some of
11 the members of the Commission. We have two new members,
12 they now constitute the legal committee. By the way,
13 I'm appointing a legal committee, it'll be chaired by
14 Mr. Steen and Judge Brown will also serve on it.

15 And they will interview the two finalists
16 between now and the next meeting, and they will make
17 recommendations coupled with the recommendations that
18 the other three of us will put forward. And then a
19 recommendation will be made to the Director as to the
20 candidate that at least the Commission would like to see
21 selected for this position. Comment?

22 MR. STEEN: Well, going back to the previous
23 item on the -- on the assistant to the Commission, and
24 we've got a lot of paperwork, if maybe sent it to me.
25 But I'd like to get a copy of the job description; maybe

1 MR. POLUNSKY: We can do that, but I want to
2 make sure that no one wants to discuss any individual
3 rule first.

4 MR. STEEN: Is there anything controversial
5 about any of these?

6 MR. POLUNSKY: You never know. You know,
7 wait till next week and if it pops up on the front page
8 of the Statesman or Chronicle or something, then we'll
9 know if something's controversial.

10 MR. STEEN: I'll put Colonel Clark on the
11 spot. Anything here that we need to know about
12 particularly?

13 MR. CLARK: No, sir. Assured by close
14 friends and everything.

15 MR. STEEN: All right. Well then I'll make
16 a motion.

17 MR. POLUNSKY: This is 100 percent
18 guaranteed not to aggravate any member of the state
19 legislature.

20 MS. BROWN: No liquor adds on school buses.

21 MR. STEEN: Mr. Fox, to make a motion, do I
22 need to repeat all of this or how would you suggest we
23 do it?

24 DUNCAN FOX: You can say, "so moved" about
25 (Inaudible)

<p style="text-align: right;">170</p> <p>1 MR. STEEN: Okay. Then on Item 20, so 2 moved. 3 MR. CLOWE: Second. 4 MR. POLUNSKY: It's been moved by Mr. Steen 5 and seconded by Mr. Clowe that all the proposed rules be 6 published as set out in item 20. Discussion? No 7 discussion. All in favor, please say, "Aye." 8 COMMISSIONERS: Aye. 9 MR. POLUNSKY: Against? No. Motion passes. 10 Item 21, discussion and possible action on adoption of 11 proposed Private Security Act Rules. Chief Fulmer, do 12 you have anything to add here? 13 VALERIE FULMER: Just that these have been 14 (Inaudible) by the public on two separate occasions, and 15 there has not been controversy or comments. 16 MR. POLUNSKY: Okay. 17 MS. BARTH: (Inaudible). 18 MR. POLUNSKY: I'll entertain a motion to 19 adopt these rules. And I have a motion by Commissioner 20 Barth. Is there a second? 21 MS. BROWN: I second. 22 MR. POLUNSKY: Seconded. 23 MR. STEEN: Mr. Chairman? 24 MR. POLUNSKY: Yes, sir. 25 MR. STEEN: Can I ask Colonel Clark the same</p>	<p style="text-align: right;">172</p> <p>1 MR. POLUNSKY: It has been moved by 2 Commissioner Barth and seconded by Judge Brown that the 3 Special Rangers as set out in item 22 be approved for 4 appointment. 5 MR. STEEN: Mr. Chairman, what are we doing? 6 MR. POLUNSKY: What are we doing? We are -- 7 MR. STEEN: Help me with Special Rangers. 8 What is it? 9 MR. POLUNSKY: Well, I can give you a basic 10 understanding, but it might be better for either Colonel 11 Beckworth or Colonel Clark to explain to you the -- the 12 mystique and history of Special Rangers and such. 13 MR. CLARK: In simple terms, when a retired 14 DPS officer retires from the Agency, they can make 15 application to be a Special Ranger. What that 16 Commission does is basically allows them to carry a 17 weapon in lieu of a CHL, Concealed Handgun License. It 18 gives them no authority to do traffic stops or any kind 19 of law enforcement. It's -- basically gives them the 20 authority to carry a weapon. 21 Retired Texas Rangers are they make 22 application and they become retired or honorary Texas 23 Rangers, Special Texas Ranger and gives them basically 24 the same authority. Certain individuals, by statute, 25 for instance, these that Colonel Beckworth just read</p>
<p style="text-align: right;">171</p> <p>1 question on these? 2 MR. CLARK: If Chief Fulmer says there's no 3 problem, I have all the confidence in the world in her 4 judgment. 5 MR. STEEN: Okay. Thank you, Colonel. 6 MR. POLUNSKY: I'm not sure I got an answer 7 there. Okay. Is that okay, Mr. Steen? 8 MR. STEEN: Yes. 9 MR. POLUNSKY: Okay. All in favor, please 10 say, "Aye." 11 COMMISSIONERS: Aye. 12 MR. POLUNSKY: Against? No. Motion passes. 13 Item 22, discussion and possible action on appointments 14 of Special Rangers pursuant to Government Code Chapter 15 411, Sections 411.023 and 411.204 (sic) Colonel 16 Beckworth. 17 MR. BECKWORTH: Mr. Chairman, Commissioners, 18 we had three individuals who are members of the National 19 Insurance Crime Bureau who we recommend for appointment 20 of Special Rangers Commission. And each one of these 21 have been evaluated and recommended for the Commission 22 to consider. 23 MS. BARTH: So moved. 24 MR. POLUNSKY: Is there a second? 25 MS. BROWN: I'll second.</p>	<p style="text-align: right;">173</p> <p>1 off, are entitled to have the Special Ranger Commission, 2 but not the Special Texas Ranger Commission. 3 That is strictly allowed for retired Texas 4 Rangers or the Director of the Department of Public 5 Safety. I would be entitled to that Commission on my 6 retirement. So it's an honorary Commission. But it 7 carries no real law enforcement authority. 8 MR. POLUNSKY: But you -- could you get into 9 how some of these groups are somehow eligible for these 10 commissions. 11 MR. CLARK: Texas Cattle Association -- and 12 I -- I'm sorry, I really don't know the history behind 13 all that. I know that for all of my career, certain 14 individuals have that Commission granted to them. 15 Now -- 16 MR. BECKWORTH: Based on the Code, we can 17 appoint up to 300 other members associations that is 18 determined fall under that category for appointment. We 19 do a background investigation so the Agency determines 20 there is no problem with them. 21 Mr. Steen: And that's in the Code? 22 DUNCAN FOX: (Inaudible) 23 UNIDENTIFIED SPEAKER: Yes, sir, Special 24 Ranger categories. And any retired Texas Rangers are 25 eligible to be Special Texas Rangers.</p>

<p style="text-align: right;">174</p> <p>1 MR. STEEN: Thank you.</p> <p>2 MR. POLUNSKY: We voted on that, did we not?</p> <p>3 Oh, we have not? Okay. All in favor, please say,</p> <p>4 "Aye."</p> <p>5 COMMISSIONERS: Aye.</p> <p>6 MR. POLUNSKY: Against? No. Motion passes.</p> <p>7 Items for future agendas. Are there any items other</p> <p>8 than the one I have asked Ms. Wright to include?</p> <p>9 MS. BARTH: I would like to ask Mr. Duncan</p> <p>10 to see how we can put some of these items into a consent</p> <p>11 agenda.</p> <p>12 MR. POLUNSKY: Okay. Good idea.</p> <p>13 MR. CLOWE: Mr. Chairman, I'd like to ask</p> <p>14 that we also have on the next month's agenda the</p> <p>15 procurement of the executive search services for</p> <p>16 appointment of director and other positions, and the</p> <p>17 procurement of a project manager to implement</p> <p>18 organizational changes.</p> <p>19 MR. POLUNSKY: Ms. Wright. Thank you.</p> <p>20 Anything else?</p> <p>21 MR. STEEN: Well, I've talked to Mr. Fox</p> <p>22 about this, but I think he's going to prepare for us</p> <p>23 some guidelines on compliance with the Open Meetings</p> <p>24 Act. Thank you.</p> <p>25 MR. POLUNSKY: Ms. Brown?</p>	<p style="text-align: right;">1</p> <p>1 THE STATE OF TEXAS)</p> <p>2 COUNTY OF TRAVIS)</p> <p>3</p> <p>4 I, Joy N. Quiroz-Hernandez, Certified Shorthand</p> <p>5 Reporter No. 8391 in and for the State of Texas, do</p> <p>6 hereby certify that the above and foregoing contains a</p> <p>7 true and correct transcription of my stenographic notes</p> <p>8 taken in the above-captioned cause at the Texas Public</p> <p>9 Safety Commission meeting in Austin, Texas.</p> <p>10</p> <p>11 Witness my hand this the _____ day of</p> <p>12 _____, 2008.</p> <p>13</p> <p>14</p> <p>15 _____</p> <p>16 Joy N. Quiroz-Hernandez, CSR</p> <p>17 CSR No. 8391 - Expires 12/31/09</p> <p>18 Integrity Legal Support Solutions</p> <p>19 Firm Registration No. 528</p> <p>20 114 West 7th Street, Suite 240</p> <p>21 Austin, Texas 78701</p> <p>22 (512) 320-8690</p> <p>23 (512) 320-8692-Fax</p> <p>24</p> <p>25</p>
<p style="text-align: right;">175</p> <p>1 MS. BROWN: No questions.</p> <p>2 MR. POLUNSKY: Nothing? All right. There</p> <p>3 being nothing else further, this meeting of the Texas</p> <p>4 Public Safety Commission is now adjourned. It is 4:52.</p> <p>5 (PUBLIC SAFETY COMMITTEE MEETING ADJOURNED)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

IN THE MATTER OF

THE APPEAL OF DISCHARGE OF

CHARLES D. SMITH

§
§
§
§
§

BEFORE THE

PUBLIC SAFETY COMMISSION

IN AUSTIN, TRAVIS COUNTY, TX


ORDER

BE IT REMEMBERED that the Public Safety Commission convened to hear the appeal of discharge of Charles D. Smith, on the 16th day of October, 2008. Mr. Smith received adequate notice of the hearing on this matter and did appear in person and through counsel. Pursuant to §411.007, Government Code, the Commission proceeded to hear evidence in the above-captioned matter.

After reviewing all of the evidence presented at the hearing, the Commission finds that there is just cause to discharge Charles D. Smith and affirms the Director's decision in this matter.

On motion of comm. C/owe, seconded by Comm. Barth, the discharge was affirmed.

ENTERED AND SIGNED on the 14th day of November, 2008.


Allan B. Polunsky, Chair
Public Safety Commission

IN THE MATTER OF § BEFORE THE

THE DISCHARGE OF § PUBLIC SAFETY COMMISSION

PROBATIONARY EMPLOYEE § IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employee was unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to the discharge of this employee:

Employee Name	Employee Title/Division	Date of Discharge
Sandra Rappa-Cruz	Administrative Asst. III, Criminal Law Enforcement	10/21/08

Approved:

Allan B. Polunsky, Chairman
Public Safety Commission
Date: November 14, 2008

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 14, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter N
Section Number 35.222

The Texas Department of Public Safety adopts the repeal of Section 35.222, concerning Limited Reciprocity, without changes to the proposed text as published in the September 19, 2008, issue of the *Texas Register* (33 TexReg 7982).

Adoption of the repeal of Section 35.222 is necessary in order to eliminate a source of confusion on the part of the public and the regulated community, and conflict with the Private Security Act (Chapter 1702, Occupations Code).

No comments were received regarding adoption of the repeal.

The repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 14, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter A
Section Number 35.1

The Texas Department of Public Safety adopts amendments to Section 35.1, concerning Definitions, without changes to the proposed text as published in the September 19, 2008, issue of the *Texas Register* (33 TexReg 7976).

Adoption of the amendments to Section 35.1 are necessary due to the addition of new definitions to define and clarify that the term "application" includes renewal applications for purposes of statutory eligibility and for denial actions under Section 1702.364 or Section 1702.3615; and to define the phrase "due diligence" as employed in 37 TAC Section 35.204, in order to provide guidance to the Board's investigators, staff, and the security industry regarding employers' specific obligations in performing background checks.


No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the Department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 14, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter B
Section Number 35.14

The Texas Department of Public Safety adopts new Section 35.14, concerning Unlicensed General Contractors or Other Intermediaries, without changes to the proposed text as published in the September 19, 2008 issue of the *Texas Register* (33 TexReg 7977).

Adoption of new Section 35.14 is necessary in order to clarify existing policy and to provide guidance to the public and the industry regarding the regulation of service providers in the context of complex projects involving multiple parties.

No comments were received regarding adoption of the new section.

The new section is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 14, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter C
Section Number 35.34

The Texas Department of Public Safety adopts amendments to Section 35.34, concerning Standards of Conduct, without changes to the proposed text as published in the September 19, 2008, issue of the *Texas Register* (33 TexReg 7977).

Adoption of the amendments to Section 35.34(j) is necessary in order to clarify the obligations of employers who are made aware of arrests or offenses of their regulated employees.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the Department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 14, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter E
Section Number 35.60

The Texas Department of Public Safety adopts new Section 35.60, concerning Guard Company Manager Requirements, without changes to the proposed text as published in the September 19, 2008, issue of the *Texas Register* (33 TexReg 7978).

Adoption of new Section 35.60 is necessary in order to establish the experience and eligibility requirements for guard company managers.


No comments were received regarding adoption of the new section.

The new section is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 14, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter E
Section Number 35.61

The Texas Department of Public Safety adopts amendments to Section 35.61, concerning Written Examination, without changes to the proposed text as published in the September 19, 2008, issue of the *Texas Register* (33 TexReg 7979).

Adoption of the amendments to Section 35.61 is necessary in order to clarify the scope of the manager's examination and to provide for discretion on the part of the Private Security Bureau manager in establishing the examination's passing score.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the Department's work; and Texas Occupations Code, Section 1702.061(b) which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 14, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter E
Section Number 35.78

The Texas Department of Public Safety adopts new Section 35.78, concerning Evidence of Insurance, without changes to the proposed text as published in the September 19, 2008, issue of the *Texas Register* (33 TexReg 7980).

Adoption of new Section 35.78 is necessary in order to clarify the statutory requirements for proof of insurance for licensees and to facilitate enforcement of those requirements.

No comments were received regarding adoption of the new section.

The new section is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 14, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter F
Section Number 35.97

The Texas Department of Public Safety adopts new Section 35.97, concerning Entry of Appearance Required, without changes to the proposed text as published in the September 19, 2008, issue of the *Texas Register* (33 TexReg 7980).

Adoption of new Section 35.97 is necessary in order to provide for more efficient handling of contested cases and allow for the administrative disposition of cases in which the respondent fails to make an appearance.


No comments were received regarding adoption of the new section.

The new section is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 14, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter N
Section Number 35.221

The Texas Department of Public Safety adopts the repeal of Section 35.221, concerning General Reciprocity, without changes to the proposed text as published in the September 19, 2008, issue of the *Texas Register* (33 TexReg 7981).

Adoption of the repeal of Section 35.221 is necessary in order to eliminate a source of confusion on the part of the public and the regulated community, and conflict with the Private Security Act (Chapter 1702, Occupations Code).

No comments were received regarding adoption of the repeal.

The repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On November 14, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter Q
Section Number 35.257

The Texas Department of Public Safety adopts amendments to Section 35.257, concerning Training Courses, without changes to the proposed text as published in the September 19, 2008, issue of the *Texas Register* (33 TexReg 7982).

Adoption of the amendments to Section 35.257 are necessary in order to allow applicants who are recently retired full-time peace officers to be exempted from training under the same conditions currently provided to active peace officers, on the grounds that such individuals have received training identical to that of active full-time peace officers.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the Department's work; and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


Allan B. Polunsky, Chair
Public Safety Commission