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OPEN MEETING

PUBLIC SAFETY COMMISSION

August 4, 2008

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BE IT REMEMBERED that the
above-captioned matter came on for hearing on the 4th
day of August, 2008, beginning at 9:31 o'clock a.m.,
at the Texas Department of Public Safety, Building A,
First Floor Conference Room, located at 5805 North
Lamar Boulevard, Austin, Travis County, Texas, and
was held before the PUBLIC SAFETY COMMISSION, and the
following proceedings were reported by Lydia L.
Edwards by machine shorthand, and reduced to writing
and set out as follows:

<p style="text-align: right;">2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 PUBLIC SAFETY COMMISSION:</p> <p>4 Allan B. Polunsky, Chair</p> <p>5 Elizabeth Anderson</p> <p>6 Carln Marcy Barth</p> <p>7</p> <p>8 PUBLIC SAFETY COMMISSION STAFF:</p> <p>9 Colonel Thomas A. Davis, Director</p> <p>10 Lt. Colonel David McEathron, Assistant Director</p> <p>11 Dorothy Wright, Executive Assistant</p> <p>12 Duncan Fox, General Counsel</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>	<p style="text-align: right;">4</p> <p>1 Texas Tech University and myself.</p> <p>2 As directed by Mr. Miller, who is the</p> <p>3 Department's procurement representative, we</p> <p>4 independently evaluated each proposal using a score</p> <p>5 sheet that was developed in conjunction with General</p> <p>6 Counsel's Office, with the Department's certified</p> <p>7 procurement managers and as reviewed by Commissioner</p> <p>8 Barth. Based on the results of our evaluation</p> <p>9 process, I recommend the Department enter into</p> <p>10 contract negotiations with the highest ranked firm</p> <p>11 for the internal audit services outlined in RFQ</p> <p>12 405HQ8-9111.</p> <p>13 MR. POLUNSKY: Thank you, Mr. Walker.</p> <p>14 MR. WALKER: Yes.</p> <p>15 MR. POLUNSKY: Are there any questions?</p> <p>16 Ms. Barth, do you wish to discuss this or provide any</p> <p>17 overview or --</p> <p>18 MS. BARTH: You know, I have spoken</p> <p>19 with Mr. Walker regarding the possible candidates to</p> <p>20 handle this and am comfortable with pursuing the</p> <p>21 recommendation out of the assessment to the</p> <p>22 highest -- trying to negotiate the contract with the</p> <p>23 firm that -- with the highest points with respect to</p> <p>24 the evaluation.</p> <p>25 MR. POLUNSKY: Okay. So I believe that</p>
<p style="text-align: right;">3</p> <p>1 MR. POLUNSKY: The regular session of</p> <p>2 the Texas Public Safety Commission is convened in</p> <p>3 accordance with Chapter 551 of the Texas Government</p> <p>4 Code, the Open Meetings Act. During this meeting,</p> <p>5 the Commission will be conducting business from the</p> <p>6 agenda posted in the Texas Register. The quorum of</p> <p>7 the board is now present, and the meeting is now</p> <p>8 declared open. It is 9:31 a.m.</p> <p>9 The first item on the agenda is report,</p> <p>10 discussion, deliberation and possible action,</p> <p>11 including award on the RFQ in internal -- excuse</p> <p>12 me -- for internal audit and risk assessment</p> <p>13 services. Who will be presenting that?</p> <p>14 MR. WALKER: I will.</p> <p>15 MR. POLUNSKY: Mr. Walker, I will ask</p> <p>16 that the name of the company not be discussed.</p> <p>17 MR. WALKER: Yes, sir. On July 19th, a</p> <p>18 three-member evaluation committee met with Ray</p> <p>19 Miller, one of the Department's certified procurement</p> <p>20 managers, who was there to guide us through the</p> <p>21 process to evaluate six proposals submitted by firms</p> <p>22 that were deemed qualified for consideration. The</p> <p>23 evaluation committee was composed of the internal</p> <p>24 audit director at the Texas Department of Housing and</p> <p>25 Community Affairs, the internal audit director of</p>	<p style="text-align: right;">5</p> <p>1 the --</p> <p>2 MS. BARTH: Do you need me to make a</p> <p>3 motion?</p> <p>4 MR. POLUNSKY: We would be recommending</p> <p>5 that the highest scored applicant be negotiated with</p> <p>6 at this point.</p> <p>7 MS. BARTH: Pursue a contract.</p> <p>8 MR. POLUNSKY: If the negotiations are</p> <p>9 successful.</p> <p>10 MS. BARTH: Yes, sir.</p> <p>11 MR. POLUNSKY: Okay. Go ahead.</p> <p>12 MS. BARTH: I move that direct the</p> <p>13 Audit as well as Procurement and General Counsel to</p> <p>14 negotiate a contract to handle the internal audit</p> <p>15 risk assessment services for the Department as</p> <p>16 specified by the RFQ to the firm with the highest</p> <p>17 score on the evaluation.</p> <p>18 MS. ANDERSON: Second.</p> <p>19 MR. POLUNSKY: It has been moved and</p> <p>20 seconded that we go forward as set out in the motion</p> <p>21 presented by Commissioner Barth. Any discussion on</p> <p>22 the motion?</p> <p>23 (No response.)</p> <p>24 MR. POLUNSKY: There is none. All in</p> <p>25 favor please say aye.</p>

<p style="text-align: right;">6</p> <p>1 MS. BARTH: Aye. 2 MS. ANDERSON: Aye. 3 MR. POLUNSKY: Any against? 4 (No response.) 5 MR. POLUNSKY: Motion passes. Next 6 item on the agenda is discussion and possible action 7 on the audit process. 8 MS. BARTH: I requested this item and 9 would ask that Mr. Walker walk through with the 10 Commissioners briefly from start to finish a typical 11 audit and when the Commissioners would see the audit. 12 MR. WALKER: Typically we'll announce 13 an audit to the people involved -- or an inspection, 14 for that matter, giving you some idea of the 15 objectives of that audit and in general as we know 16 them at the time. We'll meet with those people in an 17 entrance conference to discuss our approach, our 18 timing and so forth, get their input into the audit 19 objectives or the inspection process. We'll solicit 20 any concerns that they have that we might can 21 accommodate as we go through those processes. 22 For audits we will then proceed to do a 23 preliminary evaluation of -- of the area to gain an 24 understanding of the operations, perform a risk 25 assessment to determine if our audit objectives are</p>	<p style="text-align: right;">8</p> <p>1 We will then send a copy of -- in the 2 case of inspections, we'll send a copy of the draft 3 report to the Colonel's office. When we get 4 management's responses, we will also send a copy to 5 the Colonel's office as we do audit reports at least 6 10 days in advance of the commission meeting. And 7 that's generally our process. 8 MS. BARTH: I think that we need to see 9 these -- as Commissioners these reports in a little 10 earlier phase than I think we're seeing them. Okay. 11 That would be my recommendation. I think we need to 12 look at them in a more draft process and would like 13 to talk to you or talk to the Commissioners with 14 respect to when we'll get them. I know on the -- 15 both the audit side and the inspection side they've 16 gone through a few iterations here before we ever get 17 to see them. So I don't know what your thought 18 process is, but it's something that does concern me. 19 MR. WALKER: I would suggest that you 20 consider getting them no sooner than we get 21 management's responses. It's not -- it's not 22 frequent, but it does happen from time to time where 23 we have a misunderstanding. We've been told -- or 24 have an understanding in one direction, and when -- 25 when we get with management, we get another view of</p>
<p style="text-align: right;">7</p> <p>1 correct and to do some things to determine the scope 2 of our audit. We will then enter into field work 3 based on our audit plan. We'll meet with management 4 either periodically during the audit depending on 5 what we find or as we conclude field work and after 6 we've developed a draft of the report again to make 7 sure that we haven't made any factual misstatements, 8 get any input about concerns that they have about the 9 report as it's drafted. And then we will solicit 10 management's input using an abstract form that 11 outlines the issue as we've raised it in the report 12 in brief, the recommendation, and then we have a 13 space for them to write their response along with 14 dating it and getting approval from their chain of 15 command. 16 In the inspection process after the 17 initial announcement and solicitation for additional 18 input and concerns that they may want us to address 19 in the process, we'll send out surveys to people in 20 the operational unit or the field service and get 21 some feedback that way. The inspectors will 22 interview, if not all, most of the personnel in that 23 service or area being inspected and similarly draft a 24 report, get that to management, discuss it and then 25 provide them abstracts on which to respond.</p>	<p style="text-align: right;">9</p> <p>1 that situation and maybe a clearer understanding of 2 what's going on. 3 MS. BARTH: And would you mind going 4 through -- maybe Commissioner Polunsky and 5 Commissioner Anderson are already familiar with the 6 inspection side of the audit. I don't know whether 7 you are or not. 8 MS. ANDERSON: Just from reading the 9 reports. I mean -- 10 MS. BARTH: And the role of the 11 inspectors and how they're different from the audit 12 side. 13 MR. WALKER: The inspectors are charged 14 by statute to -- to look at all department programs. 15 Initially as we were merged, there the focus was 16 primarily field service inspections. We do what's 17 referred to as a staff inspection process. That's 18 where we're looking at a higher level than -- than 19 the field service who may conduct line inspections, 20 looking at smaller things like car books, weapons, 21 detailed items. We -- we -- we are focused on a 22 little higher level in looking at the service, not 23 that we don't also kind of follow behind the line 24 inspectors and look at some of those issues to make 25 sure that they appear to be doing a good job. But</p>

<p style="text-align: right;">10</p> <p>1 we're looking generally at higher level issues. 2 In the inspection report, you'll see a 3 report card -- 4 MS. ANDERSON: Right. 5 MR. WALKER: -- with different things. 6 That's a check list of all the areas that they're 7 looking at. They're looking at the facilities -- 8 MS. ANDERSON: Right. 9 MR. WALKER: -- just any number of 10 things listed there. We we have a chance to -- 11 through the surveys and through interviews to gauge 12 morale, to get some idea of the quality of leadership 13 in the field, and that, I believe, is valuable in 14 that it'll -- it'll give the chiefs and the 15 colonels -- 16 MS. ANDERSON: And the Commissioners. 17 MR. WALKER: -- an independent look 18 at -- 19 MS. ANDERSON: A little feel. You get 20 another data point. 21 MR. WALKER: Right. They -- they can 22 see what the consensus is, if nothing else, and are 23 able to maybe make adjustments, get additional 24 training from folks occasionally, things like that, 25 or their thoughts are confirmed, which is also a</p>	<p style="text-align: right;">12</p> <p>1 that's -- that's how we've gone about it in the past. 2 We've simply put the regions on a rotational basis. 3 During the legislative year, for instance, we'll have 4 our inspection in Region 6 so we can kind of have 5 short day trips or a few day trips and still get back 6 here to do what needs to be done for the legislative 7 process. What -- in the past, we've looked at seized 8 property, entrusted property. We still do that, but 9 if we find an area that has particular issues, we 10 would do a little more data analysis in that area 11 than we would in other areas that we're looking at 12 that -- that appear to be doing okay. 13 MS. BARTH: And if you've had an issue 14 in an area, do you go back? What's the frequency of 15 going back? 16 MR. WALKER: We -- I have asked the 17 chief inspector to consider and develop a revised 18 inspection process. Right now we -- we don't have a 19 follow-up process. It takes us several years -- 20 MS. BARTH: That's the problem. 21 MS. ANDERSON: Yeah. 22 MR. WALKER: -- to get back to a 23 region. 24 MS. ANDERSON: Right. 25 MR. WALKER: It's going to take us</p>
<p style="text-align: right;">11</p> <p>1 valuable data point, as you say. It's good to know 2 that they're getting good information. 3 MS. BARTH: But your -- the inspectors, 4 for example, look at pressure point accuracies. 5 MR. WALKER: Yes. They're going to 6 look in personnel files. They look at things like 7 crash reports, other reports that are being used and 8 are submitted. 9 MS. BARTH: And do we do a cycle in 10 terms of what they look at? We'll just put it on 11 with the crash reports in terms accuracy. Do we 12 do -- we'll do four or five one year in terms of the 13 regions, so to speak? You know, how does the process 14 work -- 15 MS. ANDERSON: Frequency. 16 MS. BARTH: -- and the cycles -- 17 MR. WALKER: We -- we have -- 18 MS. BARTH: -- and the decision making 19 on where to do it. 20 MR. WALKER: We do -- we just have a 21 schedule that I could give you. We generally do two 22 regions a year because our inspectors are out -- 23 they'll ride with the troopers, for instance. Some 24 inspectors have two services, so to speak, to look 25 at, maybe Crime Lab and Rangers, for instance. But</p>	<p style="text-align: right;">13</p> <p>1 about three years to get back to a region. Many 2 times the issue is found unless there are larger 3 issues maybe like entrusted property or crash 4 records. They'll have those things corrected by the 5 time we get our report issued. They'll jump right on 6 them because they'll see the need. It's something 7 they can get done, and they'll have that done. And 8 we'll have some knowledge of that. On larger issues, 9 it's taken more time. 10 MS. BARTH: Well, I would really like 11 to see us have a better follow-up process on the 12 inspection side because I do think this -- you know, 13 this cycle, the way it's set up right now, you don't 14 know -- you may not know for several years. 15 MS. ANDERSON: Right. The other thing 16 I am curious about is when -- I mean, these documents 17 are public record. When there is an issue in a 18 region around a function, seized property management, 19 crash records, whatever functional area, then is that 20 something in your experience where the chiefs then 21 communicate to their other regions saying, you know, 22 "We're going to do better in this region based on 23 these findings, and so all you other regional heads 24 redouble your" -- you know, "check yourself, redouble 25 your efforts"? Does that kind of internal</p>

<p style="text-align: right;">14</p> <p>1 communication go on in your experience?</p> <p>2 MR. WALKER: Jude, you want to address</p> <p>3 that?</p> <p>4 MAJOR SCHEXNYDER: Sure.</p> <p>5 MR. WALKER: This is Major Schexnyder,</p> <p>6 our chief inspector. He attends the -- the regional</p> <p>7 commanders' meetings frequently --</p> <p>8 MS. ANDERSON: Okay.</p> <p>9 MR. WALKER: -- and the captains'</p> <p>10 meetings.</p> <p>11 MAJOR SCHEXNYDER: And that kind of</p> <p>12 internal communication does go on --</p> <p>13 MS. ANDERSON: Okay.</p> <p>14 MAJOR SCHEXNYDER: -- at least I can</p> <p>15 say. In Chief Elliston's staff meetings, he</p> <p>16 routinely tells the regional commanders, "You know</p> <p>17 exactly what they're looking for up front. These are</p> <p>18 the issues that they've found. Now is the time to</p> <p>19 get ready and prepare for those."</p> <p>20 MS. ANDERSON: Make sure your house is</p> <p>21 clean.</p> <p>22 MAJOR SCHEXNYDER: Right.</p> <p>23 MS. ANDERSON: Yeah. Okay.</p> <p>24 COLONEL DAVIS: Also, in the</p> <p>25 preinspection when they start -- before they start an</p>	<p style="text-align: right;">16</p> <p>1 attention. In Internal Audit, we are going to focus</p> <p>2 more on smaller processes.</p> <p>3 MS. ANDERSON: And tests.</p> <p>4 MR. WALKER: Yeah. We follow the</p> <p>5 professional standards, have working papers that are</p> <p>6 more complete than -- than the inspectors' notes that</p> <p>7 they generally have. We'll -- we'll do whatever</p> <p>8 testing and gather whatever evidence we need in order</p> <p>9 to pass our peer reviews that we have periodically</p> <p>10 and be prepared for those. When necessary, we'll --</p> <p>11 we'll do various kinds of tests to again document</p> <p>12 with certainty what we're finding. So the focus is</p> <p>13 very different. The auditors typically aren't</p> <p>14 competent to -- to look at law enforcement issues.</p> <p>15 There are certain things like maybe handling</p> <p>16 evidence, impress funds --</p> <p>17 MS. ANDERSON: Inventory is inventory,</p> <p>18 you know, but --</p> <p>19 MR. WALKER: -- things that are --</p> <p>20 yeah, are --</p> <p>21 MS. ANDERSON: Yeah.</p> <p>22 MR. WALKER: -- somewhat accounting</p> <p>23 related --</p> <p>24 MS. ANDERSON: Right.</p> <p>25 MR. WALKER: -- that we could do.</p>
<p style="text-align: right;">15</p> <p>1 inspection, they send out a questionnaire to the --</p> <p>2 to the major division chiefs asking them are there</p> <p>3 any issues that they want them to address while</p> <p>4 they're there, whether it's -- and it may come from</p> <p>5 my office or Recruiting or whatever the issue may be.</p> <p>6 But those things are asked pretty much at the</p> <p>7 direction of the administration and the division</p> <p>8 chiefs.</p> <p>9 CHIEF ELLISTON: We've asked recently</p> <p>10 to have an individual meeting, just have a group</p> <p>11 meeting where everybody got together. I felt like it</p> <p>12 was more beneficial to sit down with the inspectors</p> <p>13 that are going out and do that so we could have a</p> <p>14 one-on-one as to everybody in the room, all the</p> <p>15 division chiefs. You know, some -- some people may</p> <p>16 be uncomfortable with saying, "I want you to look at</p> <p>17 this particular thing out in an open forum." So that</p> <p>18 communication does go on, "We want you to look at</p> <p>19 these issues to make sure that we're in compliance"</p> <p>20 or "We think we may have an issue to look at."</p> <p>21 MR. WALKER: And to further answer your</p> <p>22 question, the inspectors look -- like you say, is --</p> <p>23 it's a fairly high level. They occasionally will, of</p> <p>24 course, find some things that appear to be detailed</p> <p>25 that they have to address because they came to their</p>	<p style="text-align: right;">17</p> <p>1 But -- but a lot of the law enforcement aspect, it</p> <p>2 would not be good to have noncommissioned people</p> <p>3 conducting those things. The -- it's my belief based</p> <p>4 on all I've heard over the years that the troopers</p> <p>5 and the folks in the field get a lot of information</p> <p>6 from our inspectors as they -- they go about their</p> <p>7 work. So it's -- there's a lot of communication that</p> <p>8 goes on. They're curious about what's happening at</p> <p>9 headquarters about different issues. They also --</p> <p>10 the inspectors have an opportunity to discuss policy</p> <p>11 and procedures with them while they're out there, and</p> <p>12 that's been helpful.</p> <p>13 Our guys have also participated as</p> <p>14 instructors at the training academy. They've -- I</p> <p>15 believe they've helped Highway Patrol in particular</p> <p>16 with certain issues that have come up in inspection</p> <p>17 reports in connection with entrusted property and</p> <p>18 maybe crash reports, too, for that matter. And as a</p> <p>19 result, I believe -- it's my belief that the services</p> <p>20 are kept sharp as a result of these looks</p> <p>21 occasionally.</p> <p>22 MR. POLUNSKY: Ms. Barth, do you have a</p> <p>23 specific recommendation that you'd like to report?</p> <p>24 MS. BARTH: Well, I would like to see</p> <p>25 us ask Mr. Walker to put together a plan where we're</p>

<p style="text-align: right;">18</p> <p>1 not waiting three years on the inspector side, so to 2 speak, to get through the cycle. And if that means 3 using outside resources, you know, I just -- I think 4 that this is too long of a cycle to do follow-up. 5 MS. ANDERSON: Or maybe -- maybe we're 6 doing a lot of this and it stretches us thin in other 7 areas. But because of the law enforcement expertise 8 required on the inspection side, you know, maybe you 9 have some rotation between -- you know, Chief 10 Elliston gets to give at the office again. But -- 11 MS. BARTH: Somehow we -- 12 MS. ANDERSON: Because outside 13 resources on the inspection side would be difficult. 14 MS. BARTH: Somehow we have to in my 15 mind have a shorter time span on the follow-up. 16 MS. ANDERSON: On the follow-up. 17 COLONEL DAVIS: It's my belief we have 18 a process in place where there's a deficiency where 19 Farrell and them have reported in a report to the 20 Commission that we come back, and Farrell has a form 21 to show when those were implemented. So if there's a 22 recommendation to do something, it's my belief the 23 Commission is advised of that even if we choose not 24 to do it for one reason or the other, that there's a 25 list that's prepared that shows that's an ongoing</p>	<p style="text-align: right;">20</p> <p>1 MS. ANDERSON: With alternatives or 2 options. 3 MR. POLUNSKY: -- consider, discuss and 4 talk about other ways that we may possibly like to 5 see you do it? 6 MR. WALKER: Yes. I'll be prepared for 7 that. 8 MR. POLUNSKY: And is that okay with 9 you? 10 MS. BARTH: That's fine. That's what 11 I'm looking for. 12 MR. POLUNSKY: Okay. Any other 13 discussion on this item. 14 (No response.) 15 MR. POLUNSKY: Next item, discussion of 16 DPS relationship with LPB consultants. 17 MS. BARTH: That was also -- I asked to 18 have that put on as well, and I guess I'll lead and 19 then ask Chief Mills and -- yeah. 20 CHIEF YBARRA: I'd just like to -- 21 Oscar Ybarra, Chief of Finance -- identify to the 22 Commission that Eddy Trevino with State Energy 23 Conservation here -- is here today in case you-all 24 have any questions regarding this program. I just 25 wanted to make you aware.</p>
<p style="text-align: right;">19</p> <p>1 recommendation. 2 MS. ANDERSON: I think what at least 3 I'm after -- I won't speak for you -- is more like in 4 the audit parlance where you go and you do a 5 follow-up, independent auditors in this case, 6 inspectors' verification that the corrective action 7 that management, you know, certified had been done, 8 had -- you know, what was, in fact, done and is being 9 sustained. 10 MR. WALKER: Well, we will explore that 11 and get back with you -- 12 MS. BARTH: That's what I'd like to 13 see. 14 MR. WALKER: -- with the process -- 15 MR. POLUNSKY: Is that acceptable, 16 Carin? 17 MS. BARTH: Yeah. That's perfectly 18 fine. 19 MR. POLUNSKY: Mr. Walker, can you 20 bring back at our regular August meeting a 21 presentation to the Commission based on the 22 discussion that we've had here this morning -- 23 MR. WALKER: Yes, sir. I'll -- 24 MR. POLUNSKY: -- that we can -- that 25 we can --</p>	<p style="text-align: right;">21</p> <p>1 MS. BARTH: Is there someone from LPB 2 here, too? 3 MS. NIETZEL: Yes, ma'am. 4 MS. BARTH: Okay. 5 MS. NIETZEL: Jennifer. 6 MS. BARTH: All right. 7 MS. ANDERSON: And one over here 8 (indicating). This lady raised her hand, too, in the 9 black. 10 MS. BARTH: Okay. And I know enough to 11 be dangerous on this topic, but as I understand the 12 Council on Competitive Government several years ago 13 hired LPB to help the state agencies with respect to 14 energy efficiency and conservation plans and we as an 15 agency have -- with the Council on Competitive 16 Government having struck the deal in terms of 17 compensating LPB for their contract. We as an agency 18 have that resource to utilize, and I just would like 19 to have the other Commissioners hear what they're 20 doing and where we are with respect to energy 21 purchasing, with respect to LPB's role on helping us 22 process our utility bills and what resource that 23 might be and also with respect to some of these 24 conservation projects that may be out there on the 25 capital side.</p>

<p style="text-align: right;">22</p> <p>1 So I don't know how you want to --</p> <p>2 Chief Mills, you want to start and walk through? And</p> <p>3 the first thing I want to do is, I do want to thank</p> <p>4 Chief Mills. We've just spent a lot of time over the</p> <p>5 last couple of days working through this whole</p> <p>6 program. And these are huge dollars, both the</p> <p>7 Commissioners, in terms of budget on the energy side</p> <p>8 as we all know where utility prices have gone.</p> <p>9 CHIEF MILLS: My name is Lester Mills.</p> <p>10 I'm assistant chief in Administration, Staff Support</p> <p>11 Service. I apologize for the first page of this</p> <p>12 report. I was trying to get this done over the</p> <p>13 weekend and get it to you. There are some errors on</p> <p>14 it, that my secretary is making changes now, and</p> <p>15 we'll get that -- we'll get those to you.</p> <p>16 If I could, I'd like to digress and</p> <p>17 talk about the energy conservation part of the</p> <p>18 project first and then the part that LPB manages</p> <p>19 after that. It was probably in 2005 we became aware</p> <p>20 of the statute. Actually Colonel McEathron gave me</p> <p>21 an article. We were working on deferred maintenance</p> <p>22 trying to figure out how we can get more money to</p> <p>23 address those issues, and he gave me an article from</p> <p>24 HHSC. He said they were going to get the million</p> <p>25 dollars to do theirs, and he said, "How could they do</p>	<p style="text-align: right;">24</p> <p>1 TAC America to do that audit. And from their audit,</p> <p>2 they determined that we could reduce our energy</p> <p>3 consumption by 29 percent over a 15-year period of</p> <p>4 time in order to lower our -- lower our utility cost</p> <p>5 and consumption. So from that step, we went into a</p> <p>6 request for a proposal in which we sought to hire a</p> <p>7 company to basically determine what those energy</p> <p>8 conservation issues were, and we're in that process</p> <p>9 right now.</p> <p>10 We selected -- we put out the RFP, and</p> <p>11 we got six respondents. We interviewed those six to</p> <p>12 find out who they were. In our selection process,</p> <p>13 then we required those -- we selected the top three,</p> <p>14 and we inquired those three to go out into our --</p> <p>15 seven of our offices, Headquarters Complex, Garland,</p> <p>16 Corpus Christi, Houston regional office, Abilene and</p> <p>17 our Tyler offices to look and -- and to figure out</p> <p>18 who we are, learn who we are, then come back and</p> <p>19 interview with us and tell us how they could -- could</p> <p>20 help us reduce our energy conservation and stuff.</p> <p>21 And they did that. They came back, we interviewed</p> <p>22 them, and we ultimately selected TAC America to do</p> <p>23 that for us. So they're in the process of doing the</p> <p>24 detailed utility audit at this time.</p> <p>25 Now, in that contract, they will look</p>
<p style="text-align: right;">23</p> <p>1 that? And look into it." So we got to researching</p> <p>2 and found out that the statute was on the books that</p> <p>3 required energy conservation projects, and that's how</p> <p>4 they were able to get their projects done, through</p> <p>5 the energy conservation.</p> <p>6 So in our research, we eventually found</p> <p>7 Eddy Trevino over at SECO and -- well, you weren't in</p> <p>8 that position at that time. There was someone else</p> <p>9 that we talked to, but you ended up taking over.</p> <p>10 But it led us to SECO and their program</p> <p>11 that required agencies to do energy conservation</p> <p>12 projects to reduce our energy consumption. There</p> <p>13 was -- there was an executive order from the</p> <p>14 Governor's Office that also required us to do that.</p> <p>15 And in working with Eddy and his office, it</p> <p>16 eventually led us to LPB Consulting which has the</p> <p>17 state contract to also help agencies manage their</p> <p>18 energy conservation projects and do work on the</p> <p>19 energy supply and energy demand side of the house and</p> <p>20 stuff. And so all of this has been going on since</p> <p>21 2005.</p> <p>22 We initiated basically -- once we filed</p> <p>23 our plan, we initiated a -- we initiated a process --</p> <p>24 energy conservation plan that required us to do a</p> <p>25 preliminary energy audit assessment, and we selected</p>	<p style="text-align: right;">25</p> <p>1 at every -- every one of our offices in two phases.</p> <p>2 We wanted to split it up simply because our</p> <p>3 manpower -- our capabilities are here to support</p> <p>4 their efforts and stuff. So they're going to look at</p> <p>5 all of our buildings, come back with recommendations</p> <p>6 on what to do. That work we've contracted with them,</p> <p>7 it's going to cost \$190,892 to do that. Now, the</p> <p>8 cost of doing that -- if we proceed with their</p> <p>9 recommendation and do the work, those costs are</p> <p>10 rolled into the overall project. So ultimately it's</p> <p>11 that -- those -- those fees will be paid for out of</p> <p>12 our energy savings. If we opt not to go forward with</p> <p>13 their recommendations, then we owe them \$190,000 and</p> <p>14 stuff. So right now they're proceeding with that,</p> <p>15 and those are the requirements of that program.</p> <p>16 MS. BARTH: Is that -- Mr. Fox, is that</p> <p>17 right, that if we choose -- where is our General</p> <p>18 Counsel? If we chose not to go forward with the</p> <p>19 projects, do we still owe them \$190,000.</p> <p>20 MR. FOX: I believe that's -- the</p> <p>21 provision in the contract does provide that, but I</p> <p>22 can't speak directly to that at this stage.</p> <p>23 CHIEF MILLS: Eddy, is that -- those</p> <p>24 are the provisions in the program?</p> <p>25 MR. TREVINO: Yes.</p>

<p style="text-align: right;">26</p> <p>1 MS. BARTH: Okay. And for the other 2 Commissioners, these are -- what TAC will do is look 3 at various capital projects, lighting, HVACs and see, 4 you know, by spending money, so to speak. The 5 savings should more than pay for -- the way the 6 economics work, they're supposed to more than pay for 7 debt service plus the cost of the capital 8 expenditure. 9 CHIEF MILLS: Those are the guidelines 10 that are set up in that program, and right now we're 11 on track to -- to get there. What they are 12 recommending do -- that's the corrected version of 13 that top page. 14 MS. BARTH: And the one caveat on this 15 right now, as I understand, Chief Mills, it's sitting 16 at SAO, and they're doing an evaluation of whether or 17 not -- is that correct, whether or not this program 18 is, in fact, something that the State is going to go 19 forward with? 20 MR. TREVINO: They're doing an audit on 21 the competitive contracting process in its entirety. 22 MS. BARTH: Yes. And until that audit 23 is done, where would we be? 24 MR. TREVINO: Until the audit is 25 complete, no performance contracts are going forward</p>	<p style="text-align: right;">28</p> <p>1 with them on this side of the program. And he has 2 been at our meetings, and he has given us guidance. 3 Eddy Trevino has also been at all of our meetings. 4 They work with us through our selection process. So 5 they have been with us walking us through this step 6 by step to make sure that -- that our interests and 7 the State interests are protected and stuff. 8 TAC is a very good company, but, again, 9 they're in the business of making money and stuff. 10 So we also have learned heavily on the 11 recommendations and input that we have received from 12 SECO and LPB on this project. Now, we are 13 proceeding -- TAC is proceeding with their analysis. 14 We were hoping to have their report back the first 15 part of this month that we could present it to the 16 Commission at your August 25th meeting. However, 17 that's not going to appear as one of the lead, I 18 guess, project managers for TAC has been reassigned, 19 and another gentleman has taken his place. And we 20 have a meeting with him tomorrow to find out -- to 21 meet with him and to express concerns that we believe 22 have on trying to get all the project that need to be 23 in there -- in that -- in that program. 24 They -- they recommend about eight 25 million dollars worth of work in Phase 1. And we've</p>
<p style="text-align: right;">27</p> <p>1 at this point. 2 MR. POLUNSKY: So do you have a problem 3 with that? 4 MS. BARTH: Well, I mean, we're -- it's 5 somewhat -- we kind of have two or three issues here. 6 One is, although we have TAC going forward -- in 7 fact, if they came to us with a plan right now, we 8 really would not act on it at all until the state 9 auditors have looked -- have made a ruling on the 10 performance contract, right? 11 MR. TREVINO: That's correct. 12 MS. BARTH: And we should be utilizing 13 LPB to assist us with respect to evaluating those 14 proposals that TAC is bringing forward; is that 15 right? 16 MR. TREVINO: And that is happening 17 right now. 18 CHIEF MILLS: And we are. 19 MS. BARTH: Okay. 20 CHIEF MILLS: And we are. One of 21 the -- one of the aspects of this program in their 22 contract with LPB is, they serve as our agency 23 advocate. They're our advocate. They're experts in 24 this. When -- we were learning what this program was 25 all about, and Justin Clark is the -- is our contact</p>	<p style="text-align: right;">29</p> <p>1 got one office that we really want in that project, 2 and we're still trying to figure out how to get it in 3 there and stuff. The statute was changed last year. 4 This was a 15-year program. Everything had to be 5 paid for in 15 years. The statute has changed to 6 allow 20 years. So we're working on that -- 7 MS. ANDERSON: As a payback period when 8 you do the -- when you do the business case for 9 taking the actions. 10 CHIEF MILLS: Yes, 20 years. There's 11 also two funding mechanisms that come to play in 12 this. One is the Lone Star Program which is managed 13 by SECO, and that has a 10-year payback. It's more 14 of a loan program that is limited to five million 15 dollars. And we have -- we've already submitted an 16 application for two five-million-dollar projects, one 17 for Phase 1 and one for Phase 2. The first one is 18 already in the process. We have 120 days after we 19 notified them that we were moving forward with our 20 project. So the clock is ticking on that. But we're 21 in communication with the lady who runs that program, 22 and she's working with us on that. 23 MS. ANDERSON: Is it -- 24 CHIEF MILLS: This -- 25 MS. ANDERSON: Just let me -- Eddy, is</p>

<p style="text-align: right;">30</p> <p>1 it normal for an agency to sort of reserve these 2 funds before they have the results of the DUA. 3 MR. TREVINO: Yes. What you have to do 4 is, since the funds were limited for the Lone Star 5 Program, they have to get in line basically and make 6 sure there's funding available when the program comes 7 to fruition. If the agency decided not to move 8 forward or decided not to pursue it at that point, 9 then they would just tell SECO that "We're not going 10 to pursue it." And then -- 11 MS. ANDERSON: And SECO just goes to 12 the next person in the queue. 13 MR. TREVINO: That's correct. 14 MS. ANDERSON: Okay. 15 CHIEF MILLS: Okay. The second -- the 16 second funding mechanism is through the Texas Public 17 Finance Authority, which again we can -- whatever the 18 cost of the project we can take to them, and funding 19 just has to be paid back from the energy savings over 20 that 20-year -- 20-year period. And so what TAC is 21 going to do now is to work the -- all of the 22 recommended projects to which one is funded by Lone 23 Star and which one is funded by TPFA and bring that 24 forward. Once we have that information, again, we 25 will eventually bring a resolution to the Commission</p>	<p style="text-align: right;">32</p> <p>1 person? 2 MR. TREVINO: Yes. 3 CHIEF MILLS: She's the Lone Star 4 coordinator. 5 MS. ANDERSON: Okay. Sorry. 6 CHIEF MILLS: Okay. And so she has 7 someone already ready as soon as it's submitted and 8 stuff. 9 And, Eddy, correct me if I'm wrong, but 10 I believe that we can move forward with what TAC is 11 doing and review what's there and submit it for 12 review and stuff. It's just we just can't go to TPFA 13 and stuff. So everything is being held up to that 14 point, but we can -- we can get everything to the -- 15 to the door and ready to step across that threshold 16 and that. If there's anything within the 17 guidelines -- within SAO's report that comes out that 18 changes significantly, we'll make the adjustments at 19 that point. 20 But right now I think, SECO, you've 21 been involved in it. The energy service companies, 22 the ESCOs, they've been involved in this process. So 23 I think they have a -- have a good idea as to what's 24 coming. But, you know, the loan is still there, but 25 we are proceeding with that.</p>
<p style="text-align: right;">31</p> <p>1 to ask for authorization and funding to move forward 2 with the TPFA funding. Again, the Lone Star is 3 already -- already there and waiting for us to get 4 them the information. 5 This program also requires us to -- 6 once TAC presents their recommendation, we have to 7 prove it. We send it to SECO for them to approve, 8 you know, the process, and we have to send it to a 9 third-party reviewer -- a third-party, independent 10 engineer who will look at what TAC has recommended, 11 their savings, their calculations and everything to 12 make sure that what they've said will work within the 13 guidelines of the program. 14 Now, typically we would have had to go 15 out on an RFP to select that third-party reviewer and 16 pay that cost. One of the advantages of the Lone 17 Star Program is, she has -- she has third-party 18 reviewers on board -- on contract. And so by going 19 through Lone Star, we are able to utilize one of her 20 firms, and that's what we're doing. So that saves us 21 some time. And -- 22 MS. ANDERSON: Who is "her"? 23 MR. MILLS: Teresa Sifuentes. 24 MR. TREVINO: Sifuentes. 25 MS. ANDERSON: Is she the Lone Star</p>	<p style="text-align: right;">33</p> <p>1 MS. BARTH: But you have to understand, 2 and, Duncan, I think the contract specifically states 3 we are not obligated on that \$190,000 if we cannot 4 agree to a contract with TAC and/or we -- I mean, 5 there's four or five provisions you need to take a 6 look at, okay? 7 MR. FOX: I will review that and report 8 back. 9 MS. BARTH: All right. Yeah, because I 10 think that we are -- you know, if we can't come to an 11 agreement with TAC, we are under no obligation to pay 12 the assessment, and if, in fact, what they brings to 13 us as projects doesn't reflect the savings to service 14 the capital out for whatever equipment and debt 15 service, we're under no obligation here. And when 16 you think about these projects, there's two 17 components. One is -- I'd call it the cost of 18 electricity, really natural gas. One is the heat 19 efficiency. And those two variables are variables. 20 Let's just put it that way. 21 Okay. I don't think -- you know, if 22 someone here can forecast natural gas prices, I'd be 23 happy to hear their forecast accurately. Okay. But 24 the other side of it is the heat efficiency and 25 whether or not we think we're going to see that go up</p>

<p style="text-align: right;">34</p> <p>1 or down. And so, I mean, these are 20-year projects. 2 Some other boards that I've stood on and been a part 3 of that have done these projects have not seen them 4 pay out. So we need to be very careful as we look at 5 these projects. 6 MS. ANDERSON: And, man, if we're doing 7 a 20-year payback, the change in the discount rate 8 makes the thing swing out in the out years. 9 MS. BARTH: So -- 10 MS. ANDERSON: So the devil is in the 11 details around the assumptions as you look in the 12 business case for things. When did they start the 13 DUA? 14 CHIEF MILLS: They started the DUA 15 probably -- was it towards the end of, you know, last 16 year, first part of this year, which we kept 17 adjusting the time lines. And we've had to adjust 18 the time lines because of getting SAO's report and 19 just understanding their program and stuff. We 20 should have -- we should have had the DUA already 21 submitted. 22 MS. ANDERSON: That's where I'm headed. 23 CHIEF MILLS: Right. 24 MS. ANDERSON: I mean, that's not a 25 very good sign --</p>	<p style="text-align: right;">36</p> <p>1 and I think that's part of the change in the project 2 leader that SECO implemented with TAC and stuff so we 3 can get this thing to -- 4 MS. ANDERSON: Oh, so you directed them 5 to change the PM on our assessment? 6 MR. TREVINO: It's -- my understanding 7 is that Perry Been in our office has conversations 8 with TAC. 9 MS. ANDERSON: Okay. 10 MR. TREVINO: I wasn't involved in 11 those details. 12 MS. BARTH: We've had staff changing at 13 the top of TAC in terms of handling the DPS. 14 CHIEF MILLS: Right, right. 15 MS. BARTH: We need to keep that in 16 mind. But I will say with respect to this, I mean, 17 this is a program that's a creative way to get some 18 capital out there to take care of some projects given 19 it pays off. Okay. And that's -- you know, by 20 having some other resources to do some capital 21 projects, I think, though, we really need to go in 22 with our eyes open and absolutely make sure that this 23 makes sense to the agency. And it's about the 24 assumptions. It's completely about the assumptions, 25 but it's a way to get additional resources for the</p>
<p style="text-align: right;">35</p> <p>1 CHIEF MILLS: Right. 2 MS. ANDERSON: -- when your perspective 3 partner can't even deliver the first deliverable -- 4 now it'd be for liquidated damages -- you know, when 5 they can't even submit the first deliverable on a 6 schedule. I mean, when they've done other big 7 agencies, have they had similar delays, this entity? 8 MR. TREVINO: No -- well, the one that 9 I've been -- 10 MS. ANDERSON: Yes? No? 11 MR. TREVINO: The ones I've been 12 involved with they weren't having any delays, but 13 it's not unusual for there to be a delay in some of 14 these performance contracts for utilities and some 15 reports. 16 MS. ANDERSON: Okay. 17 CHIEF MILLS: We have been a little -- 18 little, you know, annoyed with the process. We've 19 had meetings. They've called meetings. And we come 20 to the table thinking here's the report, you know, 21 the final report will be a -- probably a three- to 22 five-inch notebook with information in it. And we've 23 come to the table, and they've showed up with a piece 24 of paper and stuff. It's like, "Where is the 25 report?" So we've had those discussions with them,</p>	<p style="text-align: right;">37</p> <p>1 agency to take care of some, you know, capital 2 projects we haven't been able to take care of if it 3 pays out. 4 CHIEF MILLS: Okay. The second part -- 5 the second part of this program is, again, through 6 what LPB is doing on the other side of the house, and 7 those are providing resources and demand side of our 8 energy procurement and the managing of those accounts 9 and stuff. We -- in doing the construction side, we 10 found out about LPB's responsibilities on -- on the 11 supply side of the house and stuff. So they have 12 basically three major components of theirs, which is 13 energy -- energy procurement, which the Council on 14 Competitive Government negotiated a contract with 15 them to, you know, allow them to be the exclusive 16 provider of procurement of all utility services in 17 the State. And their contract runs through December 18 the 31st of 2010, and it has two one-year renewable 19 clauses in it. And as such, any contracts that we 20 have that's due to expire we can't -- we can't 21 negotiate. We have to go through LPB to do that, and 22 we can't allow those contractors to have renewable 23 clauses to be renewed and stuff. And so we have to 24 work with them on that. 25 And part of their -- part of that</p>

<p style="text-align: right;">38</p> <p>1 feature in their -- in their program just came --</p> <p>2 came to bear when we did the amendment for some</p> <p>3 offices that were not under -- you know, well, I</p> <p>4 guess you could say there was better rates out there</p> <p>5 for us. We had 30 offices that TAC -- that LPB</p> <p>6 identified that were under contract, but they were</p> <p>7 not the best rates that could be available out there.</p> <p>8 And they negotiated those -- those -- contracts for</p> <p>9 those 30 sites at much lower and generated some</p> <p>10 energy savings for us, and we're in the process of</p> <p>11 trying to get that -- get that done.</p> <p>12 The second major feature that they do</p> <p>13 is energy and utility bill auditing, and it's</p> <p>14 two-pronged. One is, we've sent them a copy of the</p> <p>15 invoices for our utility bills, and they've taken</p> <p>16 those invoices and looked at them.</p> <p>17 And, Jennifer, you're going to help me</p> <p>18 with the deregulated and regulated areas and stuff.</p> <p>19 I think you-all looked at only the deregulated areas.</p> <p>20 MS. NIETZEL: What we're going to</p> <p>21 actually do is, we're going to conduct a historical</p> <p>22 audit on all of your utility invoices, and that</p> <p>23 includes electricity, natural gas, water and</p> <p>24 wastewater. We are going to request that these</p> <p>25 utilities that service the DPS send us 36 months</p>	<p style="text-align: right;">40</p> <p>1 already expended and stuff.</p> <p>2 Now, we've been working with them on --</p> <p>3 in order to get to that point, we have to go to the</p> <p>4 third option which is also the energy bill processing</p> <p>5 and bill payment and stuff, which, again, we provided</p> <p>6 them with our utility bills, but we also have been</p> <p>7 trying to work with them on doing the data entry for</p> <p>8 those utility accounts. We've given the record</p> <p>9 layout for our database, and they are building that</p> <p>10 file on their -- on their system. And once we get</p> <p>11 that in place and test it, then we will do another</p> <p>12 line of authorization which directs the utility</p> <p>13 companies to send out utility bills straight to them.</p> <p>14 They do it and send us an electronic version of</p> <p>15 those, and we pay -- we pay the comptroller system</p> <p>16 and stuff.</p> <p>17 MS. BARTH: Hang on one second.</p> <p>18 MS. ANDERSON: So they approve the bill</p> <p>19 for payment in terms of it's validity with the</p> <p>20 tariffs and so forth and send -- and then you -- you</p> <p>21 still do the accounting transaction?</p> <p>22 MS. BARTH: Well, no. They actually</p> <p>23 handle, as I understand it -- and, Jennifer, maybe</p> <p>24 you want to talk about with respect to other agencies</p> <p>25 what you're doing for other agencies. But they</p>
<p style="text-align: right;">39</p> <p>1 worth of their historical day that our auditing is</p> <p>2 going to analyze to try and identify savings</p> <p>3 opportunities. So some of the things we're going to</p> <p>4 be looking for are is this account on the right</p> <p>5 tariff. It's a post-payment audit. So it's a</p> <p>6 historical look back. And we have not yet begun that</p> <p>7 process, but we hope to soon.</p> <p>8 CHIEF MILLS: Okay. They will do --</p> <p>9 they did the initial review of our -- of our bills to</p> <p>10 make sure that we were paying the right tariffs and</p> <p>11 everything. That's how they identified the 30 sites</p> <p>12 that we're working with trying to do this amendment.</p> <p>13 In addition, once we get to the point of moving</p> <p>14 forward, we'll provide them a letter of authorization</p> <p>15 to get the 36 months of this historical data from the</p> <p>16 utility providers, and they will take that</p> <p>17 information, populate a management system that the</p> <p>18 agency will have access to. And in that they will go</p> <p>19 back and look to make sure that we have not been</p> <p>20 overcharged for tariffs or for whatever and stuff,</p> <p>21 and if there's any money due back to the agency, then</p> <p>22 they will work to get that money back. Now, by</p> <p>23 contract they are allowed to share in those cost</p> <p>24 savings 50/50 with us and stuff. So, again, there's</p> <p>25 a possibility we can get money back that we've</p>	<p style="text-align: right;">41</p> <p>1 basically handle --</p> <p>2 MS. ANDERSON: Completely outsourced?</p> <p>3 MS. BARTH: Yeah.</p> <p>4 MS. NIETZEL: What we do is -- again,</p> <p>5 as Chief Mills has stated, they sent us a copy of</p> <p>6 their record layout, the things that they typically</p> <p>7 enter in off of a invoice to get it paid. Right now</p> <p>8 we're working on building that file. At the end of</p> <p>9 the day, what's going to happen is, LPB is going to</p> <p>10 receive the invoices. We're going to enter in the</p> <p>11 data, capture in our data base and then export a file</p> <p>12 on a daily basis that can be directly input into your</p> <p>13 accounting system, eliminating the data entry in</p> <p>14 getting the bill paid. So you guys are still paying</p> <p>15 the bill.</p> <p>16 MS. BARTH: We're paying it, but</p> <p>17 basically we should realize some savings from them</p> <p>18 handling our invoices.</p> <p>19 CHIEF YBARRA: By auditing this?</p> <p>20 MS. BARTH: By auditing and I think</p> <p>21 also --</p> <p>22 MS. ANDERSON: By accounting and budget</p> <p>23 control. They're now doing the review, not us.</p> <p>24 CHIEF YBARRA: Right.</p> <p>25 MS. ANDERSON: We're not going to check</p>

<p style="text-align: right;">42</p> <p>1 the checkers.</p> <p>2 CHIEF YBARRA: Right.</p> <p>3 MS. ANDERSON: But it might need to be</p> <p>4 in an audit plan somewhere.</p> <p>5 CHIEF MILLS: We --</p> <p>6 MS. ANDERSON: And is this being done</p> <p>7 without any -- what about the -- is this just a</p> <p>8 simple feed into the fund accounting system that</p> <p>9 doesn't require IT changes on our side?</p> <p>10 CHIEF MILLS: IMS has -- we have had</p> <p>11 them as a part of that, and when we get -- when we</p> <p>12 get the test file, they are testing (inaudible) --</p> <p>13 MS. ANDERSON: Okay.</p> <p>14 CHIEF MILLS: -- that's working with us</p> <p>15 on that. So IMS is aware of it.</p> <p>16 MS. ANDERSON: No red flags that --</p> <p>17 CHIEF MILLS: No red flags at this</p> <p>18 time.</p> <p>19 MS. ANDERSON: -- when you just</p> <p>20 discussed it with them? Okay.</p> <p>21 MS. BARTH: How many agencies are you</p> <p>22 doing right now this way?</p> <p>23 MS. NIETZEL: We are processing over</p> <p>24 10,000 like for TxDOT, Texas Parks and Wildlife,</p> <p>25 Workforce Commission, Youth Commission. We've got a</p>	<p style="text-align: right;">44</p> <p>1 we're ready to go live?</p> <p>2 CHIEF MILLS: Hopefully by -- hopefully</p> <p>3 by September; if not, October at the latest. But,</p> <p>4 again, it depends on how quickly we can resolve</p> <p>5 any -- any type of technical changes that can be made</p> <p>6 in the test file. But we're hoping that we can get</p> <p>7 that done in September and get that process going as</p> <p>8 quickly as possible.</p> <p>9 MS. BARTH: That's all I got. I just</p> <p>10 want to make sure --</p> <p>11 MR. POLUNSKY: So you're satisfied with</p> <p>12 the explanations that you have received this morning?</p> <p>13 MS. BARTH: I have. And you had a</p> <p>14 couple of items on there which -- you know, which we</p> <p>15 can talk about under the next agenda item with</p> <p>16 respect to contracting, but I'm satisfied. I just</p> <p>17 want to make sure the Commissioners are aware we have</p> <p>18 this resource. We need to use it. Okay. That's the</p> <p>19 bottom line. We have the resource out there. We</p> <p>20 need to use it, and I really fully believe we need to</p> <p>21 push to get this invoice processing going. And I</p> <p>22 think, you know, from the budget control side it's</p> <p>23 got to save some man-hours. It has to as well as</p> <p>24 just having someone take a look at our utilities to</p> <p>25 see if there's some actual savings in terms of</p>
<p style="text-align: right;">43</p> <p>1 lot of the big guys.</p> <p>2 MS. BARTH: Yeah. I mean, this is the</p> <p>3 direction that --</p> <p>4 MS. ANDERSON: Right.</p> <p>5 MS. BARTH: -- the State is going.</p> <p>6 MS. ANDERSON: Right.</p> <p>7 MS. BARTH: So can you give me some</p> <p>8 idea of timing when we're ready to basically sign a</p> <p>9 letter of authorization so we can move this way?</p> <p>10 CHIEF MILLS: What I'm -- what I'm</p> <p>11 being told is -- is, Jennifer submitted the test file</p> <p>12 on the 21st of last month, but our accounts payable</p> <p>13 supervisor has been on vacation for the last two</p> <p>14 weeks. So she hasn't been here to look at it. She's</p> <p>15 here today. So we've already made contact with her</p> <p>16 this morning, let her know that it's out there with</p> <p>17 all the other emails she's got, and -- and hopefully</p> <p>18 we can work through this week looking to make sure</p> <p>19 that the test file is -- is what we need and stuff</p> <p>20 commuting back and forth. Once we get a file that we</p> <p>21 can start testing with data and stuff, I'm being told</p> <p>22 it's anywhere from six to eight weeks.</p> <p>23 MS. BARTH: So is it reasonable to</p> <p>24 assume that you could come back to us or someone else</p> <p>25 come back to us in our September meeting and say</p>	<p style="text-align: right;">45</p> <p>1 overbilling or perhaps discovering utility bills out</p> <p>2 there that, you know, maybe don't actually reflect</p> <p>3 usage.</p> <p>4 MR. POLUNSKY: Thank you, Commissioner</p> <p>5 Barth, and thank you, Chief Mills.</p> <p>6 MS. ANDERSON: Can I just ask what this</p> <p>7 piece of paper is?</p> <p>8 CHIEF MILLS: What -- that is used in</p> <p>9 conjunction with the other chart that you have there.</p> <p>10 In our -- in our discussions with the amendment, the</p> <p>11 30 sites that were added to the GLO Goliath contract,</p> <p>12 Jennifer brought us -- she sent us the spreadsheet</p> <p>13 with the three charts on it -- the three options and</p> <p>14 in looking at that and trying to make a determination</p> <p>15 as to which option was the best one for us. And,</p> <p>16 again, the spreadsheet over there is my calculation</p> <p>17 of what -- what the true picture of each one of</p> <p>18 those, and we ultimately chose Option 3 which allowed</p> <p>19 her to negotiate a fee of a little over 12 cents per</p> <p>20 kilowatt-hour instead of the 10 cent in Option 1.</p> <p>21 But we went with the third option because that's 12</p> <p>22 cent for the next two and a half years. You know,</p> <p>23 that gives us and LPB an opportunity to bundle five</p> <p>24 million -- 5.35 million kilowatts of energy under the</p> <p>25 30 sites with the 12 million that we had already</p>

<p style="text-align: right;">46</p> <p>1 under the Reliant contract, so 17 million to go out 2 and negotiate a fee for that when that contract 3 expires in December of 2010. 4 The first option basically took our 5 existing 12 million dollar contract and bundled it 6 with the -- the 5.3 million and increased the rate. 7 We were paying that 12 million kilowatt-hours. We're 8 paying 9 cent -- a little over 9 cent for it right 9 now. And by going with Option 1, we would have 10 increased the cost of that to over 10 cent, and, you 11 know, we -- we would save money on the -- on the 12 new -- the 5 million, but we would lose money on the 13 12. And that just -- that just is my in-house 14 calculations to what the true picture of why we went 15 with Option 3 on that. 16 MS. ANDERSON: Have you seen this? 17 MS. BARTH: I have. And this is -- I'd 18 call it a segue into the next agenda item, is we 19 recently signed a contract of -- I guess four or five 20 weeks ago that didn't come before the Commission, you 21 know, values annually a little over \$619,000 per year 22 over a two and a half year span. And I guess we 23 could move on to the next item, which is what 24 limits -- 25 LT. COLONEL McEATHRON: May I --</p>	<p style="text-align: right;">48</p> <p>1 Waco. So -- so he has a full plate, too. Thank you. 2 LT. COLONEL McEATHRON: Thank you. I'm 3 sorry. 4 MR. POLUNSKY: Congratulations. Thank 5 you, Chief Mills. I feel confident that the 6 administration has received a sense of the Commission 7 as to what we would like to see done, and we will 8 hopefully be able to see some recommendations and 9 additional information at our later-in-the-month 10 regular meeting. That's -- 11 MS. ANDERSON: Well, it doesn't sound 12 to me like we're going to have the DUA by then. 13 CHIEF MILLS: I don't believe that -- 14 MS. BARTH: I think that's fair to say. 15 CHIEF MILLS: We will know tomorrow 16 when we meet with the new gentlemen just how quick 17 they can make the adjustments to get us a final 18 report. I don't want to commit to the August 25th 19 meeting. I was trying my best to get it there before 20 I walked out, but -- 21 MS. ANDERSON: When was the new PM put 22 in place? 23 CHIEF MILLS: Last week. 24 MS. ANDERSON: Oh, okay. So this is 25 your first meeting with --</p>
<p style="text-align: right;">47</p> <p>1 MS. BARTH: Yes. 2 LT. COLONEL McEATHRON: May I say 3 something before you move on the next item? Chief 4 Christian -- Bert Christian are the -- our experts 5 and our initiatives behind these things. You know, 6 Chief Christian retired last month. Lester is 7 retiring at the end of this month. It creates a 8 pretty good void. They both are the guys that take 9 care of all our buildings across the State. So I 10 wanted you to be aware that we're losing a lot of 11 expertise in Chief Mills who's -- who's really had 12 the initiative to get out in front of the agency and 13 get a lot done, and we owe him a lot. But he's 14 taking a lot away with him when he leaves. So we're 15 going to be hard-pressed to find someone to fill in. 16 CHIEF MILLS: If I could, I would like 17 to introduce Eddie King. Eddie, would you stand up? 18 Eddie King is one of our program managers in our 19 Building Program Office, and he has been working with 20 me on the construction side of the house on this 21 energy conservation project, and he will continue 22 with that and hopefully help get TAC to the -- to the 23 final -- final table and stuff. So he's also been at 24 all the meetings and able-bodied and stuff, but he's 25 also our project manager on Waxahachie, Garland,</p>	<p style="text-align: right;">49</p> <p>1 CHIEF MILLS: Yes. 2 MS. ANDERSON: Well, that person is 3 going to want to dot his Is and mind his Ps and Qs to 4 make sure that what's submitted is -- 5 MS. BARTH: Right. 6 MR. POLUNSKY: But a minimum, update. 7 CHIEF MILLS: Yes. 8 MR. POLUNSKY: I'd like to have some 9 type of update at our -- the 25th? 10 MS. ANDERSON: Yes. 11 CHIEF MILLS: 25th. 12 MR. POLUNSKY: 25th meeting. And then 13 we will be watching this as we go forward. 14 CHIEF MILLS: Yes, sir. 15 MS. ANDERSON: And at the risk of -- 16 before we go to the next item, at the risk of opening 17 another interesting topic, have we contemplated -- 18 there are -- there are similar kinds of services 19 available with regard to telecom audits where they 20 look at unused lines and, you know, blah-blah-blah. 21 Have we -- does the state -- and I know you're energy 22 conservation, not telecom. But does the State have 23 any kind of similar program around telecommunication 24 auditing? Anybody know? 25 CHIEF MILLS: I'm not aware of</p>

<p style="text-align: right;">50</p> <p>1 anything.</p> <p>2 MS. ANDERSON: Okay.</p> <p>3 COLONEL DAVIS: I've not heard of</p> <p>4 anything.</p> <p>5 MS. ANDERSON: Okay.</p> <p>6 MR. POLUNSKY: Well, maybe somebody</p> <p>7 ought to make a recommendation that we --</p> <p>8 MS. ANDERSON: I think we -- well, I</p> <p>9 would like to ask somebody, you know, when -- not on</p> <p>10 a fire drill basis, but you can be sure I'll keep</p> <p>11 track of the pending item, that we ought to look at</p> <p>12 whether anybody is providing that -- out of</p> <p>13 facilities or somebody providing that kind of service</p> <p>14 and, you know, get some preliminary information</p> <p>15 because I've seen that done in the private sector</p> <p>16 with incredible results.</p> <p>17 MR. POLUNSKY: Yeah. And if not --</p> <p>18 MS. BARTH: I agree a hundred percent.</p> <p>19 MR. POLUNSKY: -- why not. Excuse me?</p> <p>20 MS. BARTH: I agreed with Beth a</p> <p>21 hundred percent.</p> <p>22 MR. POLUNSKY: Yeah. I do, too. So</p> <p>23 that's something that we can --</p> <p>24 MS. ANDERSON: Is that something Eddie</p> <p>25 gets to start? You'll make that decision.</p>	<p style="text-align: right;">52</p> <p>1 MR. POLUNSKY: Okay. Next item,</p> <p>2 discussion and possible regarding the establishment</p> <p>3 of procedures for Commission review and approval of</p> <p>4 Department contracts, including the implementation of</p> <p>5 a policy that requires prior approval by the</p> <p>6 Commission of a contract based on its dollar value</p> <p>7 and other considerations.</p> <p>8 Ms. Anderson, I think -- there you are.</p> <p>9 MS. ANDERSON: I'm sorry. I was</p> <p>10 getting more caffeine.</p> <p>11 MR. POLUNSKY: I believe this is an</p> <p>12 item that you placed on the agenda.</p> <p>13 MS. BARTH: I put it on there.</p> <p>14 MR. POLUNSKY: I'm sorry.</p> <p>15 MS. ANDERSON: This is Ms. Barth's</p> <p>16 agenda today.</p> <p>17 MS. BARTH: That's all right. I know</p> <p>18 mine will take a whole lot less than Item VI.</p> <p>19 MR. POLUNSKY: Okay. I apologize.</p> <p>20 MS. BARTH: No. I asked to put this on</p> <p>21 because I think we've had discussion about it since</p> <p>22 I've been on the Commission, but never established.</p> <p>23 And I think it would help significantly with respect</p> <p>24 to General Counsel to -- I think the way the wording</p> <p>25 is it's significant contracts come before the</p>
<p style="text-align: right;">51</p> <p>1 CHIEF MILLS: Actually not.</p> <p>2 MS. ANDERSON: He doesn't have to do</p> <p>3 phones.</p> <p>4 CHIEF MILLS: We have -- we have a</p> <p>5 section -- telephone section in our Building Program</p> <p>6 Office.</p> <p>7 MS. ANDERSON: And who leads that?</p> <p>8 CHIEF MILLS: Mike Powell is the</p> <p>9 supervisor over that, but I'm probably going to</p> <p>10 discuss that with Tavia Wendlandt. And I don't know</p> <p>11 if she's in the room.</p> <p>12 COLONEL DAVIS: No, she's not.</p> <p>13 CHIEF MILLS: But I'll probably discuss</p> <p>14 that with Tavis Wendlandt --</p> <p>15 MS. ANDERSON: Okay.</p> <p>16 CHIEF MILLS: -- to ask her to focus on</p> <p>17 that.</p> <p>18 MS. ANDERSON: Okay. Just -- I mean,</p> <p>19 just do a little scan and see if we have anything --</p> <p>20 service operating like that.</p> <p>21 MR. POLUNSKY: Any further discussion</p> <p>22 on this item?</p> <p>23 MS. BARTH: No.</p> <p>24 MR. POLUNSKY: No? Ms. Anderson.</p> <p>25 MS. ANDERSON: No. Thank you.</p>	<p style="text-align: right;">53</p> <p>1 Commission. So I believe that we should establish a</p> <p>2 dollar value, and what I've proposed is that any</p> <p>3 commitment that exceeds a million dollars over the</p> <p>4 life of the contract be approved by the Commissioners</p> <p>5 before it's executed. And then because of my former</p> <p>6 lives, I believe that any change order or the total</p> <p>7 of all change orders to a single approved contract of</p> <p>8 commitment that exceeds 50 percent or a half million</p> <p>9 dollars, whichever is less, has to be approved by the</p> <p>10 Commissioners as well. And I have this -- I can hand</p> <p>11 this to someone to see, but I think at this point.</p> <p>12 MR. FOX: Right. And we would put into</p> <p>13 -- we can actually put into the contracts that we</p> <p>14 propose --</p> <p>15 MS. BARTH: Yes.</p> <p>16 MR. FOX: -- and negotiate that this</p> <p>17 agreement is subject to prior approval by the Public</p> <p>18 Safety Commission and is not effective until approved</p> <p>19 by the Public Safety Commission, and we can certainly</p> <p>20 have a process to do that.</p> <p>21 MS. ANDERSON: I think that's a good</p> <p>22 idea, and I also think we need sort of in general a</p> <p>23 process that, you know, I personally discovered</p> <p>24 during the IT assessment and statement of work. And</p> <p>25 so, you know, without trying to wrap us around the</p>

<p>54</p> <p>1 axle, you know, are we -- are we just talking about 2 contracts or are we talking about significant 3 statements of work when -- I mean, in the IT world, 4 most of it is not in the master service agreement. 5 Where the rubber hits the road a lot of times is in 6 the statement of work. 7 So I think I -- I support this policy 8 both in spirit and in letter. I think there are some 9 details -- and I would -- I would support someone's 10 motion to put this much of the policy in place today. 11 I think we ought to think about whether statements of 12 work that are tied to some sort of MSA or something 13 are also subject to -- to this policy. And we -- you 14 know, in general we just need to -- because this is 15 perhaps new, and I think we've experienced that it 16 was new on the Gardner thing where it didn't go to 17 the Chairman until very late in the process, you 18 know, when, you know, the pre-kickoff was already 19 scheduled and so forth. 20 So we need some sort of process in 21 general about at which point does the Commission see 22 these documents. And I think it's -- you know, 23 that's kind of a -- that can be -- that can be kind 24 of tricky to know at what -- you know, when you do 25 that. But it's got to be before one minute to</p>	<p>56</p> <p>1 obligations that exceed one million dollars over the 2 life of the contract must be approved by the DPS 3 Commissioners before executing the contract or 4 commitment. And you also have verbiage here with 5 respect to a change order -- 6 MS. BARTH: Right. 7 MR. POLUNSKY: -- that exceeds 50 8 percent or \$500,000, whichever is less, also needs to 9 be approved. What if you have a change order that 10 exceeds, say, \$500,000 to a contract that was less 11 than a million dollars. 12 MS. BARTH: I think it would have to 13 come before the Commission. 14 MR. POLUNSKY: Okay. But that's -- 15 does that say that here? 16 MS. BARTH: I thought it did, but 17 you're the attorney on this -- 18 MR. POLUNSKY: Well -- 19 MS. ANDERSON: Exceeds 50 percent. 20 MS. BARTH: Or less. 21 MS. ANDERSON: Exceeds 50 percent. 22 MS. BARTH: Whichever is less, so the 23 total of all change orders to a single contract 24 approved. So if you had a 50,000-dollar contract 25 that had half a million dollar change orders, it</p>
<p>55</p> <p>1 midnight. 2 MS. BARTH: And the last thing I would 3 hope that the Commissioners would try to do is stifle 4 operations. So if there's some time-sensitive 5 contract, I believe we should be able to delegate 6 that approval between meetings to the Chairman, okay, 7 because -- 8 MR. FOX: Okay. 9 MS. BARTH: -- you know, we shouldn't 10 have to wait -- 11 MS. ANDERSON: Right. 12 MS. BARTH: -- 28 days or whatever a 13 contract comes before. There should be a process in 14 place that will allow the Chairman to approve a 15 contract between commission meetings. But it still, 16 I believe, has to come before at least the Chairman 17 at some dollar value, and that's what I'm proposing 18 here. 19 MR. POLUNSKY: Carin, may I ask you a 20 question -- 21 MS. BARTH: Sure. 22 MR. POLUNSKY: -- concerning these two 23 recommendations just for clarification so I fully 24 understand this. You are suggesting and/or 25 recommending that any contract or commitment with</p>	<p>57</p> <p>1 would have to come before us. So that's what I'm 2 trying -- and maybe I didn't say it correctly, but 3 that's what -- 4 MR. POLUNSKY: Again, let me make sure 5 I understand this. What if you do not have an 6 approved contract? What if it fell under the 7 threshold of one million dollars, but -- 8 MS. BARTH: For the total of all change 9 orders to a -- 10 MS. ANDERSON: To a contract regardless 11 of whether -- 12 MS. BARTH: Right. 13 MS. ANDERSON: -- we approved it. 14 MS. BARTH: Uh-huh. 15 MR. POLUNSKY: So we should delete the 16 word "approved" here then, right? 17 MS. BARTH: Yes, yeah. 18 MS. ANDERSON: With the implication of 19 approved as Commission-approved, yeah. 20 MS. BARTH: So a contract that doesn't 21 come before the Commission under a certain dollar 22 value because it doesn't hit that threshold. If it 23 does hit the threshold even if it hadn't come before 24 the Commission in its prior life, it would now have 25 to come before them. Is that what you're saying?</p>

<p style="text-align: right;">58</p> <p>1 MR. POLUNSKY: Yeah.</p> <p>2 MS. BARTH: I agree with you a hundred</p> <p>3 percent. I think it has to.</p> <p>4 MR. POLUNSKY: I hate to have this, you</p> <p>5 know, flashback to my previous life at TDCJ, but</p> <p>6 there's an infamous contract there that the director</p> <p>7 continuously entered into change orders to a point</p> <p>8 where it got to something like 30 million dollars</p> <p>9 without the board knowing about it.</p> <p>10 MS. BARTH: No. It needs to speak to</p> <p>11 that situation, and I ask that Duncan in the motion</p> <p>12 going forward make sure that that is the spirit and</p> <p>13 intent of this contract limit of authority.</p> <p>14 MR. FOX: And we would -- I suppose we</p> <p>15 would put as an item for -- as a standing item for</p> <p>16 our agendas in the future of review, approval,</p> <p>17 consideration of contracts, and we'll have a general</p> <p>18 statement. And when we know there's a specific</p> <p>19 contract of importance, we will identify the</p> <p>20 contract.</p> <p>21 MS. ANDERSON: Right. And as you think</p> <p>22 through your process, I would encourage you to think</p> <p>23 about a -- what I will call a commission summary of a</p> <p>24 contract that would be a template.</p> <p>25 MS. BARTH: Kind of a dash port.</p>	<p style="text-align: right;">60</p> <p>1 MR. FOX: The -- Oscar, you're probably</p> <p>2 the best one to speak to -- our process on contracts,</p> <p>3 we have the project director who directs and</p> <p>4 organizes a project. So, for example, Lester Mills</p> <p>5 would -- would be the project director on -- when</p> <p>6 we're dealing with TAC America's project. That --</p> <p>7 that person is the key person who then tracks that</p> <p>8 contract and forwards it through what we call our</p> <p>9 HQ-33 process. That's our bureaucrat term for a</p> <p>10 tracking sheet in the tracking process where we get</p> <p>11 sign-off on the contract. And the sign-off process</p> <p>12 goes through -- starts off with the project director</p> <p>13 submitting that contract to the Accounting Department</p> <p>14 who does an initial review.</p> <p>15 CHIEF YBARRA: To the division chief.</p> <p>16 MR. FOX: I'm sorry, right.</p> <p>17 CHIEF YBARRA: To the division chief.</p> <p>18 MR. FOX: The division chief who</p> <p>19 then -- they approve the ongoing process for the</p> <p>20 contract. And then they begin working with the</p> <p>21 Accounting Department to put together what kind of</p> <p>22 procurement it's going to be. When that process is</p> <p>23 underway, if there are significant legal issues, then</p> <p>24 the Legal Office becomes involved in it, but there</p> <p>25 are many standard procurements and we -- which we are</p>
<p style="text-align: right;">59</p> <p>1 MS. ANDERSON: Yes. So that -- I'm not</p> <p>2 a lawyer, and so when I read legal documents it's</p> <p>3 dangerous. And what I'm interested in are the</p> <p>4 business terms and conditions, the protections for</p> <p>5 the Department, sort of standard clauses around, you</p> <p>6 know, what's limitational liability, you know --</p> <p>7 MR. FOX: I understand.</p> <p>8 MS. ANDERSON: -- kind of standard --</p> <p>9 standard clauses so that as Commissioners become</p> <p>10 comfortable with that we would not feel forced to,</p> <p>11 you know, read the entire base contract.</p> <p>12 MR. FOX: So you would like the</p> <p>13 template. Would you also like the actual -- some of</p> <p>14 the contracts are pretty big. Would you like the</p> <p>15 entire contracts or --</p> <p>16 MS. BARTH: I'd rather see a template</p> <p>17 and look at it.</p> <p>18 MR. FOX: Okay.</p> <p>19 MS. ANDERSON: And then we'll ask by</p> <p>20 exception.</p> <p>21 MR. FOX: Okay.</p> <p>22 MS. BARTH: That's what I'd like to</p> <p>23 see. Do we typically have a key man out on -- on</p> <p>24 contracts with respect to the changeover on the</p> <p>25 contracting team?</p>	<p style="text-align: right;">61</p> <p>1 not -- our legal side we're not involved in until we</p> <p>2 do a sign-off on the contract. And we -- we</p> <p>3 coordinate pretty closely with the Accounting section</p> <p>4 on that. We have a monthly coordinating meeting with</p> <p>5 our -- with the contract management group in the</p> <p>6 Accounting section to try to develop our processes</p> <p>7 and have everybody clear on what we consider to be</p> <p>8 the kind of contracts that our office needs to</p> <p>9 review.</p> <p>10 After we review it and -- we kind of go</p> <p>11 in a circle with Accounting where Accounting does a</p> <p>12 review, we do a review, it goes back to the</p> <p>13 Accounting section. And then Oscar is the chief</p> <p>14 financial officer, then takes action on that contract</p> <p>15 as to whether the Colonel is -- the signature is</p> <p>16 processed through with the Colonel.</p> <p>17 So the way I'm kind of understanding as</p> <p>18 we're discussing this item is the shift that we will</p> <p>19 see on contracts that meet the policy criteria is, we</p> <p>20 would track them up to the signature point, but we</p> <p>21 can either -- and we kind of have a choice here. We</p> <p>22 could either just -- we could let the -- let the</p> <p>23 agency sign it subject to your ratification and</p> <p>24 approval on the document or we could park the</p> <p>25 agreement until it is actually approved by the</p>

<p style="text-align: right;">62</p> <p>1 Commission for signature. In other words, either way 2 it's not effective until approved. 3 MS. BARTH: As long as -- to me as long 4 as the -- the person -- the firm we're contracting 5 with understands it's not effective, I'm not -- 6 MR. POLUNSKY: It's conditioned on the 7 approval of the Commission -- 8 MR. FOX: Right. 9 MR. POLUNSKY: -- in either form here. 10 MS. BARTH: It doesn't -- you know. 11 MR. FOX: Right. As long as we have 12 that identified in the contract explicitly, then 13 we -- 14 CHIEF YBARRA: Mr. Chairman -- 15 MR. POLUNSKY: Yes. 16 CHIEF YBARRA: -- Oscar Ybarra, chief 17 of Finance. How would we handle grants, the same 18 way? Some of those are very time-sensitive, grant 19 contracts with federal agencies. 20 MR. LECKLEIDER: A very large amount of 21 pass-through money is produced. 22 MS. ANDERSON: Right. 23 MR. LECKLEIDER: And most of it is in 24 one form or another well over a million dollars to 25 most grantees.</p>	<p style="text-align: right;">64</p> <p>1 don't think that's the issue here. 2 CHIEF YBARRA: Okay. 3 MR. POLUNSKY: I don't want to speak 4 for the other two. I think it's more where this 5 money is going as opposed to coming in. 6 MS. ANDERSON: So do we -- you know, 7 we've raised a couple of issues like are there some 8 carve-outs for a contract with the unit of local 9 government that's really a pure pass-through. Is 10 there a carve-in for statements of work under certain 11 kinds of circumstances, delegating approval -- do -- 12 I'm feeling the desire to move that we implement this 13 policy immediately and that we ask our counsel to 14 bring us back a written policy for ratification in 15 late August -- 16 MR. FOX: All right. 17 MS. ANDERSON: -- that incorporates 18 some of these topics that we discussed. 19 MS. BARTH: I agree a hundred percent. 20 MR. FOX: And as far as any -- I'm not 21 aware of the contracts that are in process at this 22 stage right now today. Should we -- we see this as 23 an effective action as of immediately. 24 MS. BARTH: Yeah. 25 MR. FOX: So we would --</p>
<p style="text-align: right;">63</p> <p>1 MR. POLUNSKY: We're on the receiving 2 end of that. 3 MS. ANDERSON: Right. I would be 4 interested in the contracts -- and maybe we need to 5 carve some exceptions here. But to me the grant 6 coming in the door -- accepting the grant is not the 7 issue. It's what do we turn around and use it for 8 that is what I'm interested in, but maybe we need a 9 carve-out for grants to local jurisdictions or 10 something. 11 MS. BARTH: Someone is going to have to 12 propose it, but as far as grants coming in, I 13 don't -- if it's grants coming in, it's truly what do 14 we do with that money. 15 MS. ANDERSON: Yeah. It's more the 16 then what do we turn around and do with it that -- 17 MS. BARTH: And who do we contract 18 with -- 19 MS. ANDERSON: Yeah. 20 MS. BARTH: -- that I want to see. 21 MR. POLUNSKY: Yeah. I don't think the 22 Commission is going to be sending back any grants. 23 MS. ANDERSON: Money from HHS or DOJ. 24 MR. POLUNSKY: I mean, I could be 25 presumptuous in that assumption, but that's -- I</p>	<p style="text-align: right;">65</p> <p>1 MS. BARTH: Yes. The contracts that we 2 have signed recently that -- where we haven't defined 3 what's significant I suspect, you know, we need to 4 look at those. I don't know what the word 5 "significant" means, but we just need -- I'd like to 6 see a list of the contracts we've signed in the last 7 90 days that would be -- that would be brought up to 8 us based on this policy. 9 MR. POLUNSKY: To all Commissioners. 10 MS. ANDERSON: That would have come to 11 us -- from the last 90 days that would have come to 12 us had this been in place? 13 MR. POLUNSKY: Anything else? 14 MS. BARTH: That's it. 15 MS. ANDERSON: Mr. Chairman -- 16 MR. POLUNSKY: Yes, ma'am. 17 MS. ANDERSON: -- I would like to ask 18 the indulgence of the Commission to -- and I -- 19 there's some legal way to do -- to revisit Agenda 20 Item No. III, the audit process agenda item, because 21 I think we left something undone there. 22 MR. POLUNSKY: All right. Well, let's 23 just go back to Agenda Item No. III. 24 MS. BARTH: Can I ask a question? Do 25 we need -- do you need a formal motion on this or do</p>

<p style="text-align: right;">66</p> <p>1 you take a notion on this or --</p> <p>2 MR. POLUNSKY: I think that probably</p> <p>3 would be subject to a former motion. I think we</p> <p>4 should be on record on this so that there's no</p> <p>5 confusion as to what the policy is.</p> <p>6 MS. BARTH: Well, then I'd like to make</p> <p>7 a motion that we approve a policy with respect to</p> <p>8 contract limit of authority based on the million</p> <p>9 dollar threshold and the change orders with respect</p> <p>10 to not just those contracts that are approved but</p> <p>11 those contracts that would break the threshold.</p> <p>12 And, Duncan, you can take this and work</p> <p>13 it into the motion (indicating)?</p> <p>14 MR. FOX: Okay.</p> <p>15 MR. POLUNSKY: Okay.</p> <p>16 MS. ANDERSON: If you would accept my</p> <p>17 supplemental language about asking him to bring in</p> <p>18 more thorough policy end of August that addresses</p> <p>19 scope of work --</p> <p>20 MS. BARTH: No problem.</p> <p>21 MS. ANDERSON: -- delegation, approval,</p> <p>22 blah-blah-blah.</p> <p>23 MS. BARTH: No problem.</p> <p>24 MR. FOX: Okay.</p> <p>25 MS. ANDERSON: And I second her motion.</p>	<p style="text-align: right;">68</p> <p>1 process is for so when you -- it's just like when we</p> <p>2 mentioned in our approval process that, you know,</p> <p>3 nothing is going to go through if it's over a million</p> <p>4 dollars without the Colonel seeing it.</p> <p>5 MS. BARTH: Okay.</p> <p>6 CHIEF YBARRA: So now in this case it's</p> <p>7 not getting approved if it's over a million dollars</p> <p>8 and the Commission has it.</p> <p>9 MS. BARTH: There's also the change</p> <p>10 orders on smaller contracts.</p> <p>11 CHIEF YBARRA: Right.</p> <p>12 MS. BARTH: Okay.</p> <p>13 MR. POLUNSKY: Okay.</p> <p>14 MS. BARTH: That's all I got.</p> <p>15 MR. POLUNSKY: Okay. Ms. Anderson, you</p> <p>16 want to revisit Agenda Item No. III.</p> <p>17 MS. ANDERSON: Yes. I think we -- we</p> <p>18 sort of talked around the concept of when it was that</p> <p>19 the Commission ought to see audit reports, at what</p> <p>20 point in the cycle, and it just occurred to me that</p> <p>21 we sort of left that one. And it looks like -- yeah.</p> <p>22 Well, it says possible action. So we could -- and I</p> <p>23 was looking to Mr. Walker for some advice on when in</p> <p>24 the cycle, and I heard your comment about it's in</p> <p>25 your view better to do that after we have the formal</p>
<p style="text-align: right;">67</p> <p>1 MR. POLUNSKY: Okay. It's been moved</p> <p>2 and seconded -- it's been moved by Ms. Barth and</p> <p>3 seconded by Ms. Anderson. Is there discussion on</p> <p>4 this motion?</p> <p>5 (No response.)</p> <p>6 MR. POLUNSKY: There is no discussion.</p> <p>7 All in favor please say aye.</p> <p>8 MS. ANDERSON: Aye.</p> <p>9 MS. BARTH: Aye.</p> <p>10 MR. POLUNSKY: Any against?</p> <p>11 (No response.)</p> <p>12 MR. POLUNSKY: No. The motion passes.</p> <p>13 MS. BARTH: I think it's very important</p> <p>14 that we communicate this out to all the field to</p> <p>15 any -- you know, that everybody understands this,</p> <p>16 that there's not any gray area on this policy.</p> <p>17 That's all I have.</p> <p>18 MR. POLUNSKY: Another thing for you to</p> <p>19 do.</p> <p>20 CHIEF YBARRA: Sure.</p> <p>21 COLONEL DAVIS: I don't know of any</p> <p>22 contracts of that magnitude that would be signed in</p> <p>23 the field. I mean, I think they're all handled at</p> <p>24 Headquarters. So -- but we'll convey that.</p> <p>25 CHIEF YBARRA: That's what the tracking</p>	<p style="text-align: right;">69</p> <p>1 management response on the findings because sometimes</p> <p>2 there could be a miscommunication that would need --</p> <p>3 that would get cleaned up at that point. But then</p> <p>4 once that done and the document is ready for the</p> <p>5 Colonel's review, would that be an appropriate time</p> <p>6 to, you know, simultaneously make it available to the</p> <p>7 Commission or would you like until the end of August</p> <p>8 to come and bring us your thoughts? How would you</p> <p>9 advise us to proceed on that topic?</p> <p>10 MR. WALKER: Well, right now that would</p> <p>11 be my suggestion to you. But I'd like to -- as I --</p> <p>12 as we visit the possibility of revising our -- our</p> <p>13 inspection process, let me think through that and</p> <p>14 make a recommendation at that time, if that's all</p> <p>15 right.</p> <p>16 MS. ANDERSON: On August 25th?</p> <p>17 MR. WALKER: Yes, ma'am.</p> <p>18 MS. ANDERSON: Okay. I'm fine. I'm</p> <p>19 fine with that.</p> <p>20 MR. POLUNSKY: Okay. Ms. Barth, do you</p> <p>21 have anything?</p> <p>22 MS. BARTH: That's fine.</p> <p>23 MR. WALKER: I don't want the decision</p> <p>24 makers of the Department to be misinformed at any</p> <p>25 point in time --</p>

<p style="text-align: right;">70</p> <p>1 MS. ANDERSON: Right.</p> <p>2 MR. WALKER: -- if we could prevent</p> <p>3 that.</p> <p>4 MS. ANDERSON: Right.</p> <p>5 MR. WALKER: But I want you to be</p> <p>6 informed at the appropriate time.</p> <p>7 MS. ANDERSON: And accurately. Okay.</p> <p>8 MS. BARTH: I'd like to see it when it</p> <p>9 goes up to the Colonel at the same time, just any</p> <p>10 thought processes.</p> <p>11 MR. POLUNSKY: Okay. All right. The</p> <p>12 next item on the agenda is discussion and possible</p> <p>13 action on the proposed FY 2010-2011 Legislative</p> <p>14 Appropriation Request.</p> <p>15 MS. ANDERSON: I'd like to propose a</p> <p>16 short break.</p> <p>17 MR. POLUNSKY: We will have a break of</p> <p>18 10 minutes.</p> <p>19 MS. ANDERSON: That would be great.</p> <p>20 MR. POLUNSKY: All right.</p> <p>21 MS. ANDERSON: Thank you.</p> <p>22 (At this time, a brief recess was</p> <p>23 taken, after which time the proceedings</p> <p>24 continued as follows:)</p> <p>25 MR. POLUNSKY: The regular session of</p>	<p style="text-align: right;">72</p> <p>1 out. I've dominated the first half.</p> <p>2 MR. POLUNSKY: We'll have</p> <p>3 Ms. Anderson's filibuster now.</p> <p>4 MS. ANDERSON: What -- what I'd like to</p> <p>5 do is ask some questions that I hope then let us</p> <p>6 engage in a discussion about sort of broader items</p> <p>7 because this appears to me, you know, to be a</p> <p>8 juggling act between a base budget which has to be</p> <p>9 based on the base -- at least in the GR sense on the</p> <p>10 base, you know, of what it was in '8 and '9 and --</p> <p>11 you know, and then we've got, you know, exceptional</p> <p>12 items that includes an operating shortfall. And so</p> <p>13 I'm just trying to -- I'm going to ask you a lot of</p> <p>14 questions --</p> <p>15 CHIEF YBARRA: Sure.</p> <p>16 MS. ANDERSON: -- just to make sure</p> <p>17 that we've got stuff accounted for somewhere.</p> <p>18 CHIEF YBARRA: Sure.</p> <p>19 MS. ANDERSON: Okay.</p> <p>20 CHIEF YBARRA: Ma'am, the one and a</p> <p>21 half billion dollar biennium total that I gave you</p> <p>22 does not include the exceptional items --</p> <p>23 MS. ANDERSON: Okay.</p> <p>24 CHIEF YBARRA: -- that we have in</p> <p>25 place.</p>
<p style="text-align: right;">71</p> <p>1 the Texas Public Safety Commission is reconvened in</p> <p>2 accordance with Chapter 551 of the Texas Government</p> <p>3 Code, the Open Meetings Act. The next item on the</p> <p>4 agenda is the discussion and possible action on the</p> <p>5 proposed FY 2010-2011 Legislative Appropriation</p> <p>6 Request. Who has that item? Chief Ybarra.</p> <p>7 CHIEF YBARRA: Oscar Ybarra, Chief of</p> <p>8 Finance. Mr. Chairman, Commissioners, we've provided</p> <p>9 you-all with a draft of our LAR. We provided you</p> <p>10 with basically the guts of the LAR which is basically</p> <p>11 the strategy request, a summary of the request by</p> <p>12 object of expense, capital request, proposed changes</p> <p>13 to riders, our 10 percent reduction proposal, FTEs,</p> <p>14 something you're very familiar with, of course, the</p> <p>15 exceptional items, a planning list which basically</p> <p>16 identifies to the Legislature if funds become</p> <p>17 available what the agency might do with these funds,</p> <p>18 and, of course, the administrator's statement.</p> <p>19 There's a lot of information in this</p> <p>20 book. I'm sure you-all have some questions. So I'd</p> <p>21 like to just start opening up to questions that</p> <p>22 you-all may have regarding our proposed budget for</p> <p>23 '10 and '11 in this LAR which incorporates almost 1.5</p> <p>24 billion dollars over the biennium.</p> <p>25 MS. BARTH: I'm going to let Beth start</p>	<p style="text-align: right;">73</p> <p>1 MS. ANDERSON: Okay.</p> <p>2 CHIEF YBARRA: So that's the base</p> <p>3 budget for DPS. I just want to make that</p> <p>4 clarification.</p> <p>5 MS. ANDERSON: Okay. Since the</p> <p>6 baseline for '10 and '11 at least from a GR</p> <p>7 perspective -- which isn't a lot of our funding. I</p> <p>8 mean, a lot of our funding is Fund 6, and so the GR</p> <p>9 portion at least has to be based on '8 and '9. And</p> <p>10 as I look out at just in -- and actually on -- just</p> <p>11 on Page 1 of the strategy which is the Highway Patrol</p> <p>12 and I see fuels and lubricants with our actual</p> <p>13 expenses and so forth now -- and we know we have fuel</p> <p>14 issues. But as I continue to read through here, I</p> <p>15 see those accounted for in the operating shortfall</p> <p>16 detail, right? So we don't try to budget more for</p> <p>17 fuels and lubricants here, but we're asking for it in</p> <p>18 the operating shortfall?</p> <p>19 CHIEF YBARRA: Right. Basically what</p> <p>20 we're doing is painting a picture for the Legislature</p> <p>21 in '09 and '10 and '11 as this is what we have --</p> <p>22 this is what was budgeted and was appropriated, this</p> <p>23 is what we're spending.</p> <p>24 MS. ANDERSON: Okay. And so then as</p> <p>25 you say here's what we have, as a general rule --</p>

<p style="text-align: right;">74</p> <p>1 other than additional personnel -- additional FTEs, 2 did you try to make what we have mostly go into that 3 salary line item and then let the shortfalls fall out 4 elsewhere so that you'd have big buckets in the 5 operating shortfall item? 6 CHIEF YBARRA: Correct. 7 MS. ANDERSON: Philosophically is that 8 what you did? 9 CHIEF YBARRA: Correct. If you look at 10 Highway Patrol, for example, you have -- the '7 and 11 '8, of course, are expended and estimated, but in '9 12 you'll have the total number of FTEs that are 13 allotted for that division. It takes about that 14 amount of money to pay those -- those amount of 15 people. 16 MS. ANDERSON: Okay. And so then we 17 just sort of let the chips fall -- the shortfalls 18 fall out of items other than salary? 19 CHIEF YBARRA: Correct. 20 MS. ANDERSON: Okay. Let's see. In 21 general how was it decided who got -- which of the 22 strategies got increases to the baseline? As I -- I 23 mean, was it really just driven by changes in FTEs, 24 because as I went through here, I would see the 25 salary line, you know, go up --</p>	<p style="text-align: right;">76</p> <p>1 emergency preparedness, response coordination, is 2 asked to recover even hazard mitigation, that those 3 are still being shown as funded largely by federal 4 funds -- 5 CHIEF YBARRA: That is correct. 6 MS. ANDERSON: -- because that has been 7 our historical -- 8 CHIEF YBARRA: That is correct. 9 MS. ANDERSON: Okay. And I am mindful 10 of some commentary in the strategical plan that said 11 that we expect those federal funds -- we're not as 12 confident about those federal funds going forward. 13 CHIEF YBARRA: That is correct. 14 MS. ANDERSON: Okay. And so I guess my 15 question is, we're -- we're still choosing to show 16 them being funded out of federal funds because? 17 CHIEF YBARRA: There's a rider in our 18 bill pattern that requires us to identify future 19 federal funds based on trends. So that's why you'll 20 see that that's being funded. 21 MS. ANDERSON: Okay. And then in the 22 exceptional items, then -- notwithstanding the fact 23 that they're funded with federal funds here, then in 24 the exceptional items -- and I went back and pulled 25 the detail.</p>
<p style="text-align: right;">75</p> <p>1 CHIEF YBARRA: Okay. The -- you know 2 you have a two percent pay raise each year for 3 noncommissioned FTEs, and then you also have the 4 Schedule C that was appropriated which mainly went in 5 effect in 2008. So you'll see some increases due to 6 that. The other reasons would be the history of 7 exceptional items that were appropriated to the 8 agency in '8 and '9, and you'll see that history. 9 For example, in car computer -- 10 MS. ANDERSON: Right. 11 CHIEF YBARRA: -- you'll see that -- in 12 '8 and '9, you'll see an increase in certain areas 13 within THP. 14 MS. ANDERSON: And then it falls back 15 in '10 -- 16 CHIEF YBARRA: Correct. 17 MS. ANDERSON: -- because the 18 exceptional items to have been spent? 19 CHIEF YBARRA: Right. For the most 20 part, your one-time items are gone. 21 MS. ANDERSON: Okay. 22 CHIEF YBARRA: You bought a cubicle. 23 You bought a chair, so on and so forth. 24 MS. ANDERSON: I notice that in the 25 strategy -- now I'm on Page 15, the strategy for</p>	<p style="text-align: right;">77</p> <p>1 CHIEF YBARRA: Yes. 2 MS. ANDERSON: There -- you know, it 3 looks to me like in the exceptional item for GDEM 4 that we are effectively an exceptional item trying to 5 covert those to state-funded positions. 6 CHIEF YBARRA: Correct, plus there's 7 been a modification to include a few other things in 8 the exceptional items based on communications to 9 GDEM -- 10 MS. ANDERSON: Okay. 11 CHIEF YBARRA: -- to incorporate that 12 very -- very thought. 13 MS. ANDERSON: Okay. On Page 20 which 14 is with regard to the strategy on concealed handguns, 15 there is an FTE increase between '8 and '9 that 16 holds, then, through '10 and '11 small FTE increase. 17 Mindful of the conversations that we've had about 18 concealed handgun, can you -- is there an exceptional 19 item for additional staffing for concealed handgun? 20 CHIEF YBARRA: I can tell you that 21 there's additional staffing for regulatory licensing 22 in there, and I believe it includes handgun and 23 private security -- 24 MS. ANDERSON: Yes? 25 MS. FULMER: It does. It does.</p>

<p style="text-align: right;">78</p> <p>1 MS. ANDERSON: Okay.</p> <p>2 MS. FULMER: It includes an additional</p> <p>3 35.</p> <p>4 MS. BARTH: How many do we have that we</p> <p>5 added on?</p> <p>6 LT. COLONEL McEATHRON: Those part-time</p> <p>7 people don't count as our FTEs, those temporaries.</p> <p>8 MS. ANDERSON: Right.</p> <p>9 MS. BARTH: Well, I don't -- I mean, I</p> <p>10 don't -- I guess I don't -- I'm not as concerned</p> <p>11 about whether they count or not, so to speak, as to</p> <p>12 going forward if we need them. Should we count them</p> <p>13 in our numbers, okay, as far as what we need?</p> <p>14 CHIEF YBARRA: Actually there's a</p> <p>15 correction on the temps. If they're here for six</p> <p>16 months or more, then they do -- they do count -- they</p> <p>17 are included in our cap --</p> <p>18 MS. BARTH: So I guess we have 30?</p> <p>19 COLONEL DAVIS: We authorized 30.</p> <p>20 CHIEF YBARRA: We're just starting,</p> <p>21 right.</p> <p>22 MS. BARTH: Okay. But we would --</p> <p>23 CHIEF YBARRA: They just got -- when</p> <p>24 did they come in here?</p> <p>25 MS. FULMER: Well, 12 of them we've had</p>	<p style="text-align: right;">80</p> <p>1 where we need assistance; is that right?</p> <p>2 LT. COLONEL McEATHRON: Valerie is over</p> <p>3 the regulatory licensing --</p> <p>4 MS. BARTH: Okay.</p> <p>5 MS. FULMER: Yeah.</p> <p>6 LT. COLONEL McEATHRON: -- which is</p> <p>7 concealed handguns in private security. Those two --</p> <p>8 MS. FULMER: And we also have -- in the</p> <p>9 exceptional item request, we also have a request for</p> <p>10 additional personnel for private security. That's 36</p> <p>11 commissioned personnel requests for private security.</p> <p>12 MS. BARTH: And we believe that, then,</p> <p>13 that requesting can handle the additional demands on</p> <p>14 concealed handguns?</p> <p>15 MS. FULMER: For assuming demand stays</p> <p>16 as it is today, which -- which that's always open to</p> <p>17 discussion.</p> <p>18 MS. BARTH: Do we believe demand is</p> <p>19 going up or down or is it --</p> <p>20 MS. FULMER: It has gone up. It</p> <p>21 appears to be leveling out.</p> <p>22 MS. BARTH: Okay.</p> <p>23 MS. FULMER: So we think this is the</p> <p>24 end of the --</p> <p>25 MS. BARTH: Okay.</p>
<p style="text-align: right;">79</p> <p>1 for approximately a year. Eighteen we've had since,</p> <p>2 I believe, in May --</p> <p>3 CHIEF YBARRA: Okay.</p> <p>4 MS. FULMER: -- or we started -- we</p> <p>5 started in May.</p> <p>6 MS. BARTH: I guess if we don't think</p> <p>7 we're able to reengineer the process to be more</p> <p>8 efficient, then we should be thinking in terms of</p> <p>9 permanent positions.</p> <p>10 CHIEF YBARRA: Yeah. They -- they are</p> <p>11 permanent positions in the exceptional items,</p> <p>12 Commissioner.</p> <p>13 MS. FULMER: We requested 35 additional</p> <p>14 personnel in the exceptional items.</p> <p>15 MS. ANDERSON: So if we got the</p> <p>16 exceptional item, that would be a permanent FTE</p> <p>17 increase --</p> <p>18 CHIEF YBARRA: That is correct.</p> <p>19 MS. ANDERSON: -- for that purpose?</p> <p>20 CHIEF YBARRA: That is correct.</p> <p>21 MS. BARTH: And 30 of them would just</p> <p>22 be for concealed handguns; is that right?</p> <p>23 MS. FULMER: Actually 35 would be --</p> <p>24 MS. BARTH: So, then, it really all</p> <p>25 falls under concealed handguns, not other licenses</p>	<p style="text-align: right;">81</p> <p>1 MS. FULMER: -- huge increase. We've</p> <p>2 built in a little bit more of an increase.</p> <p>3 MS. ANDERSON: One more question maybe</p> <p>4 for Russ. In the strategy on response coordination,</p> <p>5 that's going from a million six in '08, and then it</p> <p>6 basically drops off by half for '9, '10 and '11. Can</p> <p>7 you help me understand? It's Page 16.</p> <p>8 CHIEF YBARRA: Say that again.</p> <p>9 MS. ANDERSON: It's Page 16, response</p> <p>10 coordination. I'm looking at the FTE line and the</p> <p>11 salary line because that's the majority of the</p> <p>12 expense, and it just drops by two-thirds between '8</p> <p>13 and '9.</p> <p>14 CHIEF YBARRA: Look at the federal</p> <p>15 funding, and that -- I think that will tell you.</p> <p>16 Look at the funding.</p> <p>17 MS. ANDERSON: Right.</p> <p>18 CHIEF YBARRA: Look at the federal</p> <p>19 funding.</p> <p>20 MR. LECKLEIDER: Down at the bottom?</p> <p>21 CHIEF YBARRA: Yeah.</p> <p>22 MS. ANDERSON: Yeah, yeah. I see the</p> <p>23 drop, but I'm -- so we're basically just saying we</p> <p>24 aren't going to do it because the feds aren't going</p> <p>25 to pay for it?</p>

<p style="text-align: right;">82</p> <p>1 MR. LECKLEIDER: Well, I think the 2 expectation of federal funds in that year is simply 3 not as large as it has been. 4 MS. BARTH: Why is that? 5 MS. ANDERSON: And so it's back to the 6 issue of but then we still are requesting -- 7 CHIEF YBARRA: Yes, ma'am. 8 MS. ANDERSON: -- FTEs for response 9 coordination to be funded with state funds? 10 CHIEF YBARRA: Yes, ma'am. 11 MS. ANDERSON: Okay. All right. 12 LT. COLONEL McEATHRON: Well -- and 13 isn't this contingent upon what happens this summer? 14 I mean, if we have a major storm come through and it 15 causes three years worth of federal supplements, 16 well, then we'll add people. 17 MR. LECKLEIDER: I think the best way 18 to say it is, last year in 2007 we had four federally 19 declared disasters or emergencies. So we received a 20 lot of money. 21 MS. ANDERSON: Okay. 22 MR. LECKLEIDER: Thus far this year 23 we've had Hurricane Dean, and we're about to have 24 Tropical Storm Edouard. But they have a formula that 25 they have to go back and average the numbers.</p>	<p style="text-align: right;">84</p> <p>1 And the problem has been it's taken us a while to get 2 stuff up there because you have to have paid the 3 bill, and so they want everything closed out before 4 you send it up there. 5 The next part of it is, when it gets to 6 FEMA Region 6, like I said, they keep changing 7 exactly what they want and then send people down here 8 several times. But the biggest problem is, when it 9 gets to the FEMA regional payment area, if they don't 10 have appropriation left out of the disaster fund to 11 pay that, if they are paying actual expenses right 12 now, we'd have had to wait quite a lengthy time. So 13 the average time for reimbursement has been running 14 more than six months. 15 And I would also say that FEMA 16 management administration costs, FEMA only pays 75 17 percent, and so we also have to pry loose some money 18 from the Governor's Office to pay back Oscar. And 19 that has been sometimes a fairly extensive process 20 because they want proof that we've -- 21 MS. ANDERSON: Matched it. 22 MR. LECKLEIDER: -- gotten everything 23 from FEMA -- 24 MS. ANDERSON: Oh. 25 MR. LECKLEIDER: -- and gotten it and</p>
<p style="text-align: right;">83</p> <p>1 MS. ANDERSON: Okay. 2 MR. LECKLEIDER: And the averages for 3 the course are maybe five hundred million one year 4 and 200 million the next. 5 MS. ANDERSON: Okay. And when we get 6 funds based on a natural disaster, there's some admin 7 dollars that's a percentage of that that comes 8 through that funds these FTEs? 9 MR. LECKLEIDER: Yes. 10 MS. BARTH: Can I ask you a question on 11 collecting the funds and that process and make sure 12 we have that kind of built into the budget? For one 13 thing, what is the typical lag on reimbursement from 14 the feds? 15 MR. LECKLEIDER: The -- first of all, 16 we have to have all of the bills. We have to 17 organize them the way FEMA says. We send them off to 18 FEMA, and we usually do that back on a quarterly 19 basis. And they first go to FEMA Region 6 where they 20 check all our numbers and say you didn't do it the 21 right way, and then they change people and somebody 22 else says you didn't do it the right way. But 23 ultimately it leaves FEMA Region 6, and it goes to 24 some other FEMA financial operation in West Virginia 25 or something like that; and they actually pay it.</p>	<p style="text-align: right;">85</p> <p>1 we're still short. 2 MS. BARTH: Okay. 3 MS. ANDERSON: Okay. Physical plant, 4 Page 31, I think this is -- I think this is the same 5 situation as the fuels I asked in my first 6 question -- 7 CHIEF YBARRA: Yes. 8 MS. ANDERSON: -- that it's just -- you 9 just show flat because that's the money you have, and 10 then everything is sitting in the operating 11 shortfall. 12 CHIEF YBARRA: That number, 13 Commissioners, will change. That is an early 14 estimate. We had a mild winter. We are now getting 15 to the summer. 16 MS. ANDERSON: Right. 17 CHIEF YBARRA: And that number is going 18 to change. So -- 19 MS. ANDERSON: For '10 and '11, it's 20 going to change. 21 CHIEF YBARRA: No. It's going to 22 change for '8. 23 MS. ANDERSON: It's going to change -- 24 the actual for '8 will change -- 25 CHIEF YBARRA: Sure.</p>

<p style="text-align: right;">86</p> <p>1 MS. ANDERSON: -- when we close --</p> <p>2 CHIEF YBARRA: Right.</p> <p>3 MS. ANDERSON: -- the year?</p> <p>4 CHIEF YBARRA: Right. So we're going</p> <p>5 to have to do some math here plus some minusing to</p> <p>6 show what we're going to reflect based on our</p> <p>7 projections that are coming in here in the next week</p> <p>8 or so.</p> <p>9 MS. ANDERSON: Okay. Thank you.</p> <p>10 CHIEF YBARRA: I'd say by next week.</p> <p>11 MS. ANDERSON: Okay. Page 32, which is</p> <p>12 training academy education courses, do I understand</p> <p>13 that strategy like that those are courses either</p> <p>14 offered not in recruit school, but training offered</p> <p>15 to our own people or training to which we invite</p> <p>16 other state and local law enforcement people?</p> <p>17 CHIEF YBARRA: That would be correct.</p> <p>18 LT COLONEL McEATHRON: Both.</p> <p>19 MS. ANDERSON: Both?</p> <p>20 CHIEF YBARRA: Correct, state and</p> <p>21 local.</p> <p>22 MS. ANDERSON: And when we invite state</p> <p>23 other -- outside of DPS state and local people, these</p> <p>24 classes are offered at no charge?</p> <p>25 CHIEF MILLS: Cost recovery.</p>	<p style="text-align: right;">88</p> <p>1 MS. ANDERSON: Yeah. Okay. On the</p> <p>2 next page -- and I promise I'm not going to take</p> <p>3 everybody through every page of this. But the next</p> <p>4 page on recruit schools, I was -- what got my</p> <p>5 attention here was the FTE fluctuation. After '8 we</p> <p>6 have zero FTEs to the recruit schools. Is that</p> <p>7 because we get people all detailed?</p> <p>8 CHIEF YBARRA: That's the auditor's</p> <p>9 average on how you calculate FTEs and the number of</p> <p>10 hours that are -- that are expended. So if you'll</p> <p>11 look at the 171, remember the recruits are here for</p> <p>12 six months. So technically that probably encompasses</p> <p>13 about 340 recruits. Does that make sense?</p> <p>14 MS. ANDERSON: So this FTE is what</p> <p>15 we're paying them when they're in school?</p> <p>16 CHIEF YBARRA: Correct. They're in</p> <p>17 this school for six months.</p> <p>18 MS. ANDERSON: Yeah.</p> <p>19 CHIEF YBARRA: So based on the number</p> <p>20 of hours there --</p> <p>21 MS. ANDERSON: So that's not the</p> <p>22 staffing in the recruit school. That's the attendees</p> <p>23 at the --</p> <p>24 CHIEF YBARRA: Correct. This is the</p> <p>25 recruit school budget.</p>
<p style="text-align: right;">87</p> <p>1 CHIEF YBARRA: Cost recovery. So --</p> <p>2 MS. ANDERSON: And so where is that</p> <p>3 money?</p> <p>4 CHIEF YBARRA: In the appropriated</p> <p>5 receipts.</p> <p>6 MS. ANDERSON: And we don't forecast</p> <p>7 for that because we're trying to be conservative?</p> <p>8 CHIEF YBARRA: No. I don't have an</p> <p>9 answer to that.</p> <p>10 MR. HAAS: It's never been put in the</p> <p>11 base. So we don't --</p> <p>12 CHIEF YBARRA: It's never been put in</p> <p>13 the base.</p> <p>14 MR. HAAS: So we don't forecast it.</p> <p>15 CHIEF YBARRA: It can.</p> <p>16 MR. HAAS: It's not been put in the</p> <p>17 base.</p> <p>18 MS. ANDERSON: It's not -- obviously</p> <p>19 you'd look at the numbers to tell us. It's not a big</p> <p>20 deal. I'm just trying to understand how we --</p> <p>21 CHIEF YBARRA: Sure, sure.</p> <p>22 MS. ANDERSON: -- sort of the</p> <p>23 philosophy underlying how we -- how we do things.</p> <p>24 CHIEF YBARRA: It fluctuates as you can</p> <p>25 see, also.</p>	<p style="text-align: right;">89</p> <p>1 MS. ANDERSON: Okay.</p> <p>2 CHIEF YBARRA: These are the actual</p> <p>3 recruits --</p> <p>4 MS. ANDERSON: Okay.</p> <p>5 CHIEF YBARRA: -- and the costs</p> <p>6 associated to their --</p> <p>7 MS. ANDERSON: Okay.</p> <p>8 CHIEF YBARRA: -- to their training.</p> <p>9 MS. ANDERSON: So we are forecasting --</p> <p>10 I mean, just based on the salaries, we're forecasting</p> <p>11 not too many people in recruit school.</p> <p>12 CHIEF YBARRA: We're only funded for</p> <p>13 one recruit school, and then we had --</p> <p>14 MS. ANDERSON: Yeah. And then that's</p> <p>15 exceptional item for the second?</p> <p>16 CHIEF YBARRA: That's exactly right.</p> <p>17 MS. ANDERSON: Okay. Rider No. 58 --</p> <p>18 these pages weren't numbered. This is the license</p> <p>19 plate reader --</p> <p>20 COLONEL DAVIS: Right.</p> <p>21 MS. ANDERSON: -- rider.</p> <p>22 CHIEF YBARRA: At the bottom of the</p> <p>23 page?</p> <p>24 MS. ANDERSON: Right. I mean, I don't</p> <p>25 disagree with striking it and -- or the rationale for</p>

<p style="text-align: right;">90</p> <p>1 striking it. I just need a little education how 2 something like this ends up in a rider, you know. Is 3 it because there was no clean-up bill for the DPS 4 statute, so people just like this -- people use this 5 like -- 6 COLONEL DAVIS: It's appropriation by 7 rider which is questionable as far as legal. I think 8 the reason it's in the rider is that second paragraph 9 there that we have to delete that once we prove that 10 it's not stolen -- or once we determine -- 11 MS. ANDERSON: Right. 12 COLONEL DAVIS: -- that it's not 13 stolen. That's the problem with -- with the whole 14 mechanism there. 15 MS. ANDERSON: Right, right, instead of 16 being able to retain it. So you bounce it the second 17 time, and it is stolen. 18 COLONEL DAVIS: Exactly, exactly. 19 MS. ANDERSON: Okay. And is there 20 legislative history available so we can see what the 21 sources of -- I mean, where -- at a separate 22 discussion could understand who the source of the 23 rider was? 24 COLONEL DAVIS: I can tell you. 25 MS. ANDERSON: Okay. We'll do that.</p>	<p style="text-align: right;">92</p> <p>1 spend about 35 percent of it if they don't grant a 2 rider. Part of the problem is we've got a two-month 3 delay in getting reports from the local -- 4 MS. ANDERSON: Sure. 5 MR. LECKLEIDER: -- law enforcement 6 agency. 7 MS. ANDERSON: Well, if you had said 50 8 percent, then I'd be okay with these numbers because 9 that would mean 10 in '10 was okay, but if you said 10 we now spent 65 percent in one year, then it seems to 11 me what we ought to be asking for is 130 percent. 12 And I want to make sure that we have enough money for 13 overtime and the related costs for surge operations. 14 Now -- I mean, you know, and then the related issues 15 I'd really rather see the people that now go down 16 on -- I guess this is all money to locals, right, 17 this surge? This rider is all -- 18 MR. LECKLEIDER: I believe so. I don't 19 have -- 20 MS. ANDERSON: -- local law enforcement 21 for -- for security, local law enforcement agencies, 22 grants to locals. So this has nothing to do with the 23 DPS staffing. I -- 24 MS. POWELL: Well, actually that's not 25 true. There's a small entity on --</p>
<p style="text-align: right;">91</p> <p>1 Okay. Then -- 2 MR. POLUNSKY: It's institutional 3 memory. 4 MS. ANDERSON: That's right. On the 5 next page, then, Rider 60, which is about the surge 6 for overtime, I was just curious about the way the 7 strike-throughs were done because you struck through 8 20 and added -- and we said we struck through 20 in 9 fiscal '08, and now we've added 10 in '10 and 10 in 10 '11. Is that because that 20 million really spread 11 across '08 and '09? 12 CHIEF YBARRA: And I believe that in 13 that particular area that money was -- correct me if 14 I'm wrong -- was appropriated all in the first year. 15 So we wanted to split that out evenly over the two 16 years. Is that correct, Russ? 17 MR. LECKLEIDER: Right. And we've also 18 gone to the Legislative Budget Board with a letter 19 saying that we'd like that '07 -- excuse me -- '08 20 money to carry over into '09 because it's not all 21 being spent. 22 MS. ANDERSON: Do we know how much we 23 did spend -- or how much we believe we will spend in 24 '08? 25 MR. LECKLEIDER: We probably won't</p>	<p style="text-align: right;">93</p> <p>1 MR. LECKLEIDER: Yeah. We're getting 2 600,000. out of the total 63 million. We have a 3 small amount there. 4 MS. ANDERSON: Where did you get 63 5 million? 6 MR. LECKLEIDER: That's when you add 7 the -- the Rider 60 and the Article 9 stuff. All 8 together it comes out to 63 million passed through to 9 local state agencies. 10 COLONEL DAVIS: That's the DPS stuff, 11 plus the helicopters, plus the local. 12 MS. ANDERSON: Okay. All right. 13 MR. LECKLEIDER: I think there's one 14 thing about -- what you said about -- there's two 15 pots of money. One of -- one of the first pots of 16 money is only good for one year. 17 MS. POWELL: The rider. 18 MR. LECKLEIDER: Right, the Rider 60. 19 There's another pot of money that was specifically 20 split between the biennium. So it's not that we're 21 short because we have a whole other 20 million. It's 22 two-year money. We're going to use that in the 23 second year. 24 MS. ANDERSON: Okay. 25 MR. LECKLEIDER: We haven't used it in</p>

<p style="text-align: right;">94</p> <p>1 the first year, and the LBB has asked us about that, 2 which is the prudent thing that we use stuff that 3 expires this year to the extent possible. 4 MS. ANDERSON: Well, it seems to me 5 that this rider editing ought to be asking -- I mean, 6 if we've gone through all but 35 percent of the 7 first -- 8 MR. LECKLEIDER: That's the estimate. 9 MS. ANDERSON: The estimate is we've 10 gone through all but 35 percent, and now we got 11 another 20 that was two-year money that we're using 12 in Year 2 again for surge. Then it seems to me that 13 this rider ought to be requesting 20 per year. 14 CHIEF YBARRA: I think that there's 15 another rider in here. 16 MR. LECKLEIDER: Right. 17 MS. ANDERSON: It could be. This is so 18 confusing. It's -- 19 MR. LECKLEIDER: Article 9. 20 CHIEF YBARRA: Yeah. Do you see the 21 Article 9? 22 MS. ANDERSON: How do I know when I'm 23 in Article 9? 24 MR. HAAS: If you go to 19.69. 25 MR. LECKLEIDER: Yeah.</p>	<p style="text-align: right;">96</p> <p>1 overtime for local sheriffs, et cetera -- and maybe I 2 ought to boil it all up and say are we asking for the 3 same amount -- I mean, are we asking for, you know, 4 more or less 40 million dollars -- 5 MR. LECKLEIDER: Yes. 6 MS. ANDERSON: -- for pass-through to 7 state and locals? 8 MR. LECKLEIDER: Yes. 9 MS. ANDERSON: Okay. That's the way I 10 should have started out. 11 MR. LECKLEIDER: I think there were -- 12 there were some issues about the specific language, 13 the way certain things were worded, which did not 14 allow us to do certain things that we wanted to do. 15 And we have every belief that the people at the 16 Legislature now understand that some of the wording 17 counts in terms of where you mean local. One of the 18 issues was for like activating reserves or drawing in 19 augmentees from other law enforcement agencies that 20 wasn't specifically provided. So it was -- we 21 couldn't spend money there whereas many local 22 governments wanted to use the money for that purpose 23 to increase their manpower. 24 MS. ANDERSON: Right. 25 MR. LECKLEIDER: And I think that --</p>
<p style="text-align: right;">95</p> <p>1 CHIEF YBARRA: It'll say the page 2 number is Article 9-72 -- 19-69. So it'll be right 3 here (indicating). 4 COLONEL DAVIS: About two pages past 5 the -- where you were at. 6 MS. ANDERSON: Yeah. I'm there now. 7 CHIEF YBARRA: That's the other piece. 8 MS. ANDERSON: Now, is this for -- is 9 this again for local pass-through for local surge and 10 overtime -- 11 CHIEF YBARRA: Some -- 12 MS. ANDERSON: -- or is this our money? 13 CHIEF YBARRA: There's a lot of detail 14 on the next page about how we can spend the money -- 15 MR. LECKLEIDER: It includes -- 16 CHIEF YBARRA: -- that was provided by 17 the Legislature. 18 MR. LECKLEIDER: This grant includes 19 equipment and training. 20 THE REPORTER: I need you-all to speak 21 one at a time, please. 22 MS. ANDERSON: I'm sorry. Well, it 23 looks like 17 of this would equate to sort of the 20 24 because the 17 is for -- I'm focused on are we asking 25 for level funding for surge operations, meaning</p>	<p style="text-align: right;">97</p> <p>1 all parties involved, I think, now understand that 2 the limitations in the language make -- make that 3 difficult. 4 MS. ANDERSON: And you're comfortable 5 with the way we have this language -- 6 MR. LECKLEIDER: Right. 7 MS. ANDERSON: -- in our rider 8 submission. 9 MR. LECKLEIDER: And I'll also say that 10 the 35 percent that we thought -- we think will be 11 expended, part of that is because we had to wait 12 until December until we committed all the Homeland 13 Security money before we started on this. And it 14 took a little while to get the grant documents out 15 and signed, approved and then back. So the people 16 didn't have a full year to use the money. 17 MS. ANDERSON: Right. 18 MR. LECKLEIDER: They only had about 19 eight months really. 20 CHIEF YBARRA: Russ, I think 19-69(C), 21 if you and I could get together and look at that area 22 and just discuss the language on that which caused a 23 little bit of confusion which is just meaning local 24 or state government, state agencies. So we'll 25 work --</p>

<p style="text-align: right;">98</p> <p>1 MS. ANDERSON: Okay.</p> <p>2 CHIEF YBARRA: You kind of brought some</p> <p>3 light to that.</p> <p>4 MS. ANDERSON: Okay.</p> <p>5 CHIEF YBARRA: But we can work on that.</p> <p>6 MS. ANDERSON: All these riders where</p> <p>7 we use the phrase, quote, "funding and FTEs included</p> <p>8 in base," are those things that were exceptional</p> <p>9 items or additional personnel last time and so that</p> <p>10 when you get approval for additional personnel, then</p> <p>11 you go through the next cycle? Is that --</p> <p>12 CHIEF YBARRA: Correct.</p> <p>13 MS. ANDERSON: -- what I should read</p> <p>14 into that phrase?</p> <p>15 CHIEF YBARRA: Like the helicopter that</p> <p>16 we got for -- was it Amarillo? You know, those --</p> <p>17 that funding for those three FTEs is now in our base,</p> <p>18 the operating and so forth, so no need for the rider</p> <p>19 anymore.</p> <p>20 MS. ANDERSON: Okay. And do we have</p> <p>21 maintenance of those -- we purchased -- is Jack here?</p> <p>22 COLONEL DAVIS: No.</p> <p>23 CHIEF YBARRA: No.</p> <p>24 MS. ANDERSON: We purchased four</p> <p>25 helicopters --</p>	<p style="text-align: right;">100</p> <p>1 because the cost of gasoline went up compared to what</p> <p>2 we had in our operating.</p> <p>3 CHIEF YBARRA: Some.</p> <p>4 LT. COLONEL McEATHRON: Right.</p> <p>5 CHIEF YBARRA: It could be going up.</p> <p>6 LT. COLONEL McEATHRON: Right.</p> <p>7 MS. ANDERSON: Okay. Let's see. If we</p> <p>8 wanted to -- and I've not -- you know, this is</p> <p>9 just -- I'm just asking questions for myself at this</p> <p>10 stage. If we wanted to change the -- request to</p> <p>11 change to the classification level of division chiefs</p> <p>12 and/or had the authority -- well, I guess maybe</p> <p>13 that's in statute -- have the authority to use</p> <p>14 appropriated dollars if we got -- if we -- if we</p> <p>15 needed a statutory change to get a statutory change</p> <p>16 for a second assistant director and/or if we wanted</p> <p>17 to ask the Legislature, you know, for a change in</p> <p>18 either the classification or -- the classification of</p> <p>19 the director or -- as I understand it, there's some</p> <p>20 state agencies where the Commission has some</p> <p>21 additional discretion about payment regardless of</p> <p>22 classification. Do those kinds of things go in this</p> <p>23 document? Do they need to be submitted now?</p> <p>24 LT. COLONEL McEATHRON: It can maybe in</p> <p>25 a -- in a commission statement.</p>
<p style="text-align: right;">99</p> <p>1 CHIEF YBARRA: Yes.</p> <p>2 MS. ANDERSON: -- in this current</p> <p>3 biennium?</p> <p>4 CHIEF YBARRA: Yes.</p> <p>5 MS. ANDERSON: Is there maintenance</p> <p>6 money to take care of those helicopters?</p> <p>7 COLONEL DAVIS: Yes.</p> <p>8 CHIEF YBARRA: That is correct.</p> <p>9 MS. ANDERSON: Did you find room for it</p> <p>10 in the base, or is it an exceptional? I don't</p> <p>11 remember the exceptional item.</p> <p>12 CHIEF YBARRA: It came in with an</p> <p>13 exceptional item. We -- we researched what came</p> <p>14 in --</p> <p>15 MS. ANDERSON: Right.</p> <p>16 CHIEF YBARRA: -- and put the</p> <p>17 maintenance and operating in the base.</p> <p>18 MS. ANDERSON: So we made room for</p> <p>19 it --</p> <p>20 CHIEF YBARRA: Yes.</p> <p>21 MS. ANDERSON: -- somehow.</p> <p>22 CHIEF YBARRA: Right.</p> <p>23 MS. ANDERSON: Okay.</p> <p>24 LT. COLONEL McEATHRON: Now, there's</p> <p>25 probably some gasoline money in the exceptional items</p>	<p style="text-align: right;">101</p> <p>1 CHIEF YBARRA: Right, commission</p> <p>2 statement.</p> <p>3 LT. COLONEL McEATHRON: You know, the</p> <p>4 authority for the director's salary is set by the</p> <p>5 Legislature.</p> <p>6 MS. ANDERSON: Right.</p> <p>7 LT. COLONEL McEATHRON: They have a</p> <p>8 group --</p> <p>9 COLONEL DAVIS: A maximum salary.</p> <p>10 MS. ANDERSON: Right.</p> <p>11 LT. COLONEL McEATHRON: They have a</p> <p>12 group that looks at executive salaries almost every</p> <p>13 session --</p> <p>14 MS. ANDERSON: Right.</p> <p>15 LT COLONEL McEATHRON: -- but not every</p> <p>16 executive session.</p> <p>17 MS. ANDERSON: Right.</p> <p>18 LT. COLONEL McEATHRON: So -- so a</p> <p>19 request may be in a commission statement. To ask</p> <p>20 them to do that, we already have the authority for</p> <p>21 assistant directors.</p> <p>22 MS. ANDERSON: Okay.</p> <p>23 LT. COLONEL McEATHRON: They -- they</p> <p>24 pluralized that in the law.</p> <p>25 MS. ANDERSON: Okay.</p>

<p style="text-align: right;">102</p> <p>1 LT. COLONEL McEATHRON: Probably the 2 last sunset, wasn't it, Colonel -- 3 COLONEL DAVIS: Yeah. 4 LT. COLONEL McEATHRON: -- where they 5 just said the director and assistant director is 6 pluralized? 7 MS. ANDERSON: Okay. 8 LT. COLONEL McEATHRON: And then the 9 division chiefs -- the salaries for the division 10 chiefs have always been set by the director, and it's 11 in Schedule B. There is enough room in Schedule B to 12 increase their salaries, just trying to fit it 13 into -- 14 MS. ANDERSON: Right. 15 LT. COLONEL McEATHRON: -- the 16 organization. 17 MS. ANDERSON: Right. Okay. 18 LT. COLONEL McEATHRON: So I don't know 19 that -- I don't know that you need the authority 20 to -- I think you've got the authority to do it. 21 It's just where the funds come from. 22 MR. POLUNSKY: Let me -- 23 MS. ANDERSON: Go ahead. 24 MR. POLUNSKY: Let me ask you a quick 25 question, David. So you -- we have this information</p>	<p style="text-align: right;">104</p> <p>1 would go about submitting a statement if we wanted 2 to -- as I understand it, there are some state 3 agencies where the -- where the governing board has 4 some discretion above the top of the range. 5 MS. LOGAN: Well, some -- some of the 6 agencies are given a range rather than a -- 7 MS. ANDERSON: And it's in statute in 8 some cases, right? 9 MS. LOGAN: Right. And then they have 10 authority -- they go to LBB to get it approved to 11 give pay raises. But we're not -- 12 MS. BARTH: But they have a range. 13 They can't go above the range; is that right? 14 MS. LOGAN: Right. 15 MS. ANDERSON: We need to check that a 16 little more. 17 LT. COLONEL McEATHRON: Ma'am? 18 MS. ANDERSON: I'll have to get an 19 example for you. I don't have one right now. 20 LT. COLONEL McEATHRON: There are some 21 that are set by the Governor. 22 MS. ANDERSON: Maybe that's what I'm 23 thinking of. I know there is an additional 24 category -- 25 LT. COLONEL McEATHRON: There's some</p>
<p style="text-align: right;">103</p> <p>1 as to what the directors and assistant directors make 2 in these other state agencies. 3 LT. COLONEL McEATHRON: We can get 4 them, yes, sir. 5 MR. POLUNSKY: Right. So that's easily 6 accessible. 7 LT. COLONEL McEATHRON: Yes, sir. 8 MR. POLUNSKY: All right. Will you do 9 so? 10 LT. COLONEL McEATHRON: Yes, sir. 11 Texas state agencies? 12 MS. ANDERSON: Yes. Can we hear from 13 our HR expert, please? 14 LT. COLONEL McEATHRON: Sure, sure. 15 MS. LOGAN: The SEO is currently doing 16 an executive survey on all the state agencies for 17 this legislative session, and that report is due out 18 in approximately two weeks. 19 MS. ANDERSON: Good. Well, may I 20 request that the Commission see it hot off the press? 21 And we -- I think we still might need -- and I know 22 this would be after the August 20th deadline, but I 23 think we still might need a place holder -- and I'll 24 request it formally of you -- for the August 25th 25 agenda if we wanted to -- I mean, I don't know how we</p>	<p style="text-align: right;">105</p> <p>1 agencies that says the Governor can set those 2 salaries. 3 MS. BARTH: And is that something we 4 would want to -- 5 LT. COLONEL McEATHRON: We're not one 6 of those agencies. 7 MS. ANDERSON: I don't know, but we 8 might want to talk about whether we want to submit 9 it. So that's why I'm thinking I might request -- 10 MR. POLUNSKY: I mean, what agencies 11 are covered by that? I mean, you don't have to give 12 me 20 names, but -- 13 COLONEL DAVIS: The Department of 14 Health, I think, is one of them. 15 MS. LOGAN: I think they're generally 16 where the acting head is a commissioner and then -- 17 MR. POLUNSKY: Where the Governor is 18 directly -- 19 MS. ANDERSON: Right, like Albert, 20 yeah. 21 COLONEL DAVIS: Texas Lottery 22 Commission, Texas Youth Commission, Higher Education 23 Coordinating Board, Department of Aging, Department 24 of Informational Resources. 25 CHIEF YBARRA: Article 9, Page 20.</p>

<p style="text-align: right;">106</p> <p>1 MS. ANDERSON: Thank you.</p> <p>2 MR. POLUNSKY: Yes, sir.</p> <p>3 CHIEF YBARRA: There -- in the</p> <p>4 instructions for the administrator's statement, there</p> <p>5 is a place where -- If the Commission so desires</p> <p>6 where they can identify that they want to look at</p> <p>7 providing a raise to the director of the agency.</p> <p>8 So --</p> <p>9 MR. POLUNSKY: Or have the ability to</p> <p>10 do so.</p> <p>11 MS. ANDERSON: Have the ability to.</p> <p>12 CHIEF YBARRA: And I have an example of</p> <p>13 one that was done in the past, and I'll be glad to</p> <p>14 email you.</p> <p>15 MS. ANDERSON: In the interest of</p> <p>16 submitting it with the rest of the package, just</p> <p>17 because we asked for the ability doesn't mean that we</p> <p>18 have to then do so. You know, I'd seek a sense of</p> <p>19 the Commission about whether we'd like to go ahead</p> <p>20 and include that -- you know, request language</p> <p>21 about -- you know, we're not making a commitment to</p> <p>22 change the pay.</p> <p>23 MS. BARTH: Is the request --</p> <p>24 LT. COLONEL McEATHRON: How -- excuse</p> <p>25 me. How we've done it in the past was the chairman</p>	<p style="text-align: right;">108</p> <p>1 historical thing about the Lottery. That was one of</p> <p>2 the agencies I was aware of that had that kind of</p> <p>3 authority. So I just want to protect our -- to</p> <p>4 telegraph our interest in this package so it's not</p> <p>5 surprising to anybody that we're interested in</p> <p>6 exploring what those possibilities are, and then</p> <p>7 we'll do some more exploration. We'll look at the</p> <p>8 list of the other EDs, and as a Commission, we can --</p> <p>9 MS. BARTH: Because I'd like to see us</p> <p>10 get the most flexibility.</p> <p>11 MR. POLUNSKY: I do too. Quite</p> <p>12 frankly, I think that the compensation for the</p> <p>13 director here is -- is below what it should be.</p> <p>14 COLONEL DAVIS: Just to ease your mind,</p> <p>15 I will take backpay if you-all can get it passed</p> <p>16 retroactive.</p> <p>17 MR. POLUNSKY: I don't know if that's</p> <p>18 something we can do --</p> <p>19 MS. ANDERSON: I hear you didn't want</p> <p>20 to take that raise the last time, which was --</p> <p>21 COLONEL DAVIS: That's probably right.</p> <p>22 MR. POLUNSKY: Well, for the record, he</p> <p>23 did not want to take that full raise the last time.</p> <p>24 So -- but, nevertheless, for an agency of this size,</p> <p>25 significant responsibility and everything that goes</p>
<p style="text-align: right;">107</p> <p>1 of the Commission wrote a letter to the LBB asking</p> <p>2 for that and --</p> <p>3 MR. POLUNSKY: Well, I would like to</p> <p>4 have that flexibility. I don't know about you-all,</p> <p>5 but --</p> <p>6 MS. ANDERSON: I want you to have that</p> <p>7 flexibility.</p> <p>8 MS. BARTH: I agree.</p> <p>9 MR. POLUNSKY: "I" being the Commission</p> <p>10 collectively.</p> <p>11 MS. ANDERSON: Right. Do you suppose</p> <p>12 you could find that letter, write a new one?</p> <p>13 LT. COLONEL McEATHRON: We'll get one</p> <p>14 drafted, sent to you, let you -- let you make changes</p> <p>15 as you want.</p> <p>16 MS. BARTH: I guess the question is, on</p> <p>17 these other agencies, the salary where the Governor</p> <p>18 has the ability to establish the salary, is that</p> <p>19 right?</p> <p>20 COLONEL DAVIS: Yeah.</p> <p>21 MS. BARTH: Would that give us more</p> <p>22 flexibility?</p> <p>23 MS. ANDERSON: Well, yes, I believe it</p> <p>24 would. I mean -- and I know, for example, if</p> <p>25 Mr. Cloe (phonetic) were here he would address the</p>	<p style="text-align: right;">109</p> <p>1 along with it, I think that we ought to be able to</p> <p>2 have the flexibility and ability to pay the director</p> <p>3 a -- a salary that would be comparable to the chiefs</p> <p>4 of police in the large police departments in this</p> <p>5 state and also comparable to directors and other</p> <p>6 state large -- other large state police agencies. I</p> <p>7 don't think that's the case here, and I don't think</p> <p>8 it's -- and to take it a step further and I'll leave</p> <p>9 it at that, I mean, I would be willing to bet if you</p> <p>10 compared the compensation for the director here as</p> <p>11 compared to some other state agencies that it is</p> <p>12 below --</p> <p>13 MS. ANDERSON: Out of whack.</p> <p>14 MR. POLUNSKY: -- those levels --</p> <p>15 MS. ANDERSON: Out of whack.</p> <p>16 MR. POLUNSKY: -- and in some cases</p> <p>17 significantly. I don't understand that. When this</p> <p>18 came up with respect to Colonel Davis, I mean, I was</p> <p>19 a little taken aback as to what the salary structure</p> <p>20 is here. Anyway, so I'd like to have that</p> <p>21 flexibility.</p> <p>22 CHIEF YBARRA: Yes, sir.</p> <p>23 MS. ANDERSON: I fear I'm going to kind</p> <p>24 of jump around a little bit. Today, you know, we</p> <p>25 have these great strike forces that are down there on</p>

<p>110</p> <p>1 temporary duty, and I couldn't -- I can't find 2 anything in here -- I mean, I think we asked for the 3 overtime again if I -- if I -- and now I don't know 4 what page that was on. But I guess my question is, 5 you know, is it not wiser to request incremental FTEs 6 and beef up those offices so that we're not 7 continuing, you know, in support of our border 8 initiatives that have been so successful and we 9 should be so proud of? What did I just read about 10 somebody just -- one of your guys like found -- was 11 it two million -- some huge amount of weed or 12 something in the last week? 13 UNIDENTIFIED SPEAKER: Probably. 14 MS. ANDERSON: You know -- you know, 15 really having -- having good success, you know, 16 instead of continuing to do things on this overtime 17 cycle that's hard on the districts where they -- the 18 regions where they leave and it's hard on their 19 families and it's hard on them, et cetera, you know, 20 to ask for, you know, whatever it is, 120 FTEs or 21 whatever it is, to permanently beef up those 22 districts down on the border, you know. And, you 23 know, I'm not trying to add to our recruitment 24 headaches, but I am trying to be fair to the rest of 25 the State of Texas and be sure that we're adequately</p>	<p>112</p> <p>1 LT. COLONEL McEATHRON: They've gotten 2 through it. So -- 3 MS. ANDERSON: Right. 4 LT. COLONEL McEATHRON: -- this is 5 all -- all services -- 6 MS. ANDERSON: Bordering -- 7 LT. COLONEL McEATHRON: -- Highway 8 Patrol -- 9 MS. ANDERSON: And VTS -- 10 LT. COLONEL McEATHRON: Everything. 11 MS. ANDERSON: CVE. I'm sorry. 12 LT. COLONEL McEATHRON: Some additional 13 rangers. 14 MS. ANDERSON: Yeah. 15 LT. COLONEL McEATHRON: You know, Ray 16 got rangers last time to -- really to help his normal 17 thing, and we had to use those for the -- 18 MS. ANDERSON: Right. 19 LT. COLONEL McEATHRON: -- for the 20 JOIC -- 21 MS. ANDERSON: So are the five to 22 replace -- 23 LT. COLONEL McEATHRON: Yes. 24 MS. ANDERSON: -- the JOIC -- 25 LT. COLONEL McEATHRON: Yes.</p>
<p>111</p> <p>1 serving the border. Is that in here anywhere? 2 LT. COLONEL McEATHRON: At the 3 Commissioners' urgency, we put that in there in an 4 exceptional item. 5 MS. BARTH: And let me ask you a 6 question about that because I saw that there is -- 7 is what is contemplated in the exceptional item 8 consistent with what is contemplated going further on 9 the border initiatives taking into account how we're 10 doing it now and how we'd like to do it going 11 forward. 12 LT. COLONEL McEATHRON: Yes. And what 13 this is -- entails is, throughout the agency the 14 number of people that we believe we'll need to 15 adequately provide the services that we need on the 16 border and the corridors leading from the border 17 because you don't -- not everything just happens 18 there. As you see, some of those seizures that 19 you're talking about, Commissioner Anderson, are 20 happening up north -- 21 MS. ANDERSON: Right. 22 LT. COLONEL McEATHRON: -- meaning 23 they've gotten through it. 24 MS. ANDERSON: That's right. They're 25 getting -- right.</p>	<p>113</p> <p>1 MS. ANDERSON: -- guys and the one to 2 add a JOIC in Coastal Bend? 3 LT. COLONEL McEATHRON: Yes. 4 MS. ANDERSON: Are there six in here -- 5 LT. COLONEL McEATHRON: Yes, ma'am. 6 MS. ANDERSON: -- in this same number? 7 LT. COLONEL McEATHRON: Yes, ma'am. 8 MS. ANDERSON: Okay. 9 LT. COLONEL McEATHRON: And there's 10 also, you know, adequate crime analyst personnel to 11 support those people. 12 MS. ANDERSON: Okay. 13 LT. COLONEL McEATHRON: So that's a -- 14 MS. ANDERSON: Can we get a breakdown 15 of what's -- or because I -- can we get -- 16 LT. COLONEL McEATHRON: Yes, ma'am. 17 MS. ANDERSON: Like you did in these 18 real detailed notebooks we got earlier, I'd love to 19 see a breakdown of the 256 plus 42. 20 LT. COLONEL McEATHRON: We've got it. 21 MR. POLUNSKY: Beth, let me -- if it's 22 okay -- 23 MS. ANDERSON: Sure. 24 MR. POLUNSKY: -- ask David a couple of 25 questions here. With respect to these FTEs,</p>

<p style="text-align: right;">114</p> <p>1 you're -- in the supplemental, you're requesting 2 additional FTEs? 3 LT. COLONEL McEATHRON: Yes, sir. 4 MR. POLUNSKY: And the bulk of those 5 are going for border operations? 6 LT. COLONEL McEATHRON: Border and 7 corridor. And what we mean by corridor is, you know, 8 I-35, I-10, 281, 77 type operations that lead up to 9 the majority of them. A large majority of them are 10 going on the border. In those -- in those counties 11 that you see that we're doing Border Star operations 12 now, those folks would then cause Randy not to have 13 to send people from other parts of the state down 14 there to cover it. 15 MR. POLUNSKY: Which we want to -- 16 that -- that is -- 17 MS. ANDERSON: Critical. 18 MR. POLUNSKY: -- top of the list. 19 Randy doesn't need to be asked to redeploy his people 20 in the future. 21 CHIEF ELLISTON: Commissioner. 22 MR. POLUNSKY: But the -- I'm sorry. 23 CHIEF ELLISTON: I'm sorry. This 24 request would do exactly that. You know, we ran the 25 200-person strike team operation which was very</p>	<p style="text-align: right;">116</p> <p>1 linebacker. Now we've got our linebackers back in 2 place -- 3 MS. ANDERSON: Right. 4 CHIEF ELLISTON: -- so that we don't 5 have to worry about them getting past there. 6 MR. POLUNSKY: Okay. Well, let me -- 7 let me just kind of put this thing on the table. 8 This is my -- my opinion or my feeling. I'm not 9 speaking for the other two or three Commissioners 10 here. But I want to make sure that when we go 11 forward into this next session that we're requesting 12 an adequate number of FTEs to not just take care of 13 these additional responsibilities that we've picked 14 up here in, say, the last 12 months or so, to staff 15 this Department at a level going forward in the next 16 two years where -- where we're not going to be 17 stretched where we -- you know, we -- we have 18 adequate resources to provide a high level of 19 response or allow the Department enough people to 20 perform its duties, functions and so on today and, 21 you know, two and a half years from now as we go 22 through the cycle, particularly if, for example -- 23 I'm not saying this is going to happen. But, you 24 know, if you get another request from the Governor's 25 Office or some other place to use so-and-so, you</p>
<p style="text-align: right;">115</p> <p>1 effective in basically, you know, squeezing that 2 thing down significantly. We had -- out at the last 3 session, we had some folks added for the -- for the 4 border. We've got about 55 or so. We've got about 5 46 of those positions filled at this time. So we're 6 able to reduce the -- that are now trained. You 7 know, we've got the six months process. We've got to 8 get them hired, get them in place. So those folks 9 are available to us now. So we're able to reduce the 10 amount of people we're actually having to send 11 because we can utilize those in -- in the Border 12 Star operation. What we're asking for here will 13 basically keep us up to that 200 level without us 14 having to deploy people from other parts of the 15 state. 16 MR. POLUNSKY: And I appreciate that 17 and that's good, and that -- that addresses the 18 problem you brought to my attention way back at the 19 beginning, that is, if somebody is down there and not 20 some other place. 21 CHIEF ELLISTON: Right. Well, that 22 helps us on the corridors also because what we're 23 sending guys back to were these interstate highways 24 and places where if they didn't get through. Now 25 we've got coverage, you know, what we used to call</p>	<p style="text-align: right;">117</p> <p>1 know, number of people, are we going to kind of 2 relive this problem again where we've got holes? 3 LT. COLONEL McEATHRON: In addition to 4 that 256 commissioned officers for the border, 5 there's an additional 87 that are asked for for the 6 rest of the state on different -- on different things 7 for -- 8 MS. ANDERSON: Just based on Crime Lab 9 backlogs or need 14 new client server people or -- 10 MR. POLUNSKY: Okay. Does that do it? 11 LT. COLONEL McEATHRON: That -- 12 MR. POLUNSKY: Is that a realistic -- 13 MS. ANDERSON: That's a fair question. 14 MR. POLUNSKY: Is that -- let me -- 15 this -- this question will live for a long time. Do 16 you feel confident that that's enough people, that's 17 a sufficient number of FTEs to have this Department 18 staffed at a level where it can do everything it 19 should be doing at the highest level of proficiency 20 possible and also have somewhat of a cushion if you 21 get one of these -- or more of these requests to all 22 of a sudden jump it in some or areas that you did not 23 foresee coming your way? 24 LT. COLONEL McEATHRON: I'll tell you, 25 I believe that that's almost there. That's 350</p>

<p style="text-align: right;">118</p> <p>1 additional people that we don't have now -- 2 commissioned officers that we don't have now, that 3 you know we're losing officers every day right now to 4 retirement. So we -- 5 MR. POLUNSKY: Every time we come into 6 one of these meetings. 7 LT. COLONEL McEATHRON: You don't -- I 8 mean, you should see the letters that you don't see 9 yet. 10 MR. POLUNSKY: I know. It's a surge. 11 It's the wrong kind of surge. 12 LT. COLONEL McEATHRON: The -- our 13 problem is is getting those folks hired in the 14 biennium. 15 MS. BARTH: Yeah. That's where I'm -- 16 that's where I'm at. I think if you just continue to 17 offer all the FTEs up it's whether or not we can 18 actually fill these positions based obviously on how 19 competitive we are on salary structure. 20 MR. POLUNSKY: Well, that's -- that's 21 Discussion B here. 22 MS. ANDERSON: Right. And I think the 23 SAO report is -- 24 MS. BARTH: But this is very -- to me 25 it's very linked.</p>	<p style="text-align: right;">120</p> <p>1 we're -- I think, you know, will continue if we're 2 not competitive in the salary arena. 3 LT. COLONEL McEATHRON: And I -- I 4 sincerely appreciate that. We're -- if you look at 5 the SAO report, it's about a 40 million dollar deal 6 to DPS only, 52 million dollars to all the Schedule C 7 people, which is four agencies. Alls they recommend 8 is getting us to the average of the maximum salary of 9 each category. 10 MS. ANDERSON: So you're always playing 11 catch-up. You'll be back in the same position two 12 years hence. 13 LT. COLONEL McEATHRON: The DPSOA is 14 another proposal that gets up a little bit higher 15 than that. I don't think they go as far as it needs 16 to go, especially in the supervisory realm. You 17 know, we've had a lot of luck in the Legislature of 18 doing the troops, of getting the line troops which -- 19 which -- I mean, we've had a lot of luck in that. 20 But we've not had so much luck in getting those 21 salaries for the -- for the command level, 22 supervisory type people, and that's what's caused 23 what we've talked about in the promotional system, 24 this -- this incentive to promote, because there's 25 not enough money there.</p>
<p style="text-align: right;">119</p> <p>1 MS. ANDERSON: -- out. 2 MR. POLUNSKY: Well, yeah. But -- 3 MS. BARTH: I mean, you know -- 4 MS. ANDERSON: I saw the. 5 MR. POLUNSKY: They're -- they're 6 completely linked. Well, they're not -- I mean, 7 they're -- they're 90 percent linked, but 8 absolutely -- well, there are other factors involved 9 than -- than salary, but salary to me is -- is of 10 paramount importance. And we need in my opinion -- 11 again, I'm speaking only for myself. There are two 12 other people here and one missing. But I want to 13 make sure -- or I would feel that it's incumbent on 14 the Department to -- to do whatever can be done in 15 order to raise salary levels so that we are 16 competitive in -- 17 MS. ANDERSON: From top to bottom. 18 MR. POLUNSKY: -- in recruiting new 19 people and retaining people that we have. And I 20 think we should be aggressive and not be timid in 21 asking for salary increases for our employees in this 22 department as a way of bringing in or attracting the 23 best and maintaining and retaining the best so that 24 we don't have this high degree of difficulty of 25 bringing people in in this runoff that -- you know,</p>	<p style="text-align: right;">121</p> <p>1 So -- but when you look at both of 2 those, they recognize that, and they make good 3 recommendations. And that's one thing that I'd like 4 to hear from you-all, is, you know, I believe that 5 trying to get to the average of the agencies is 6 not -- not good enough and -- 7 MS. ANDERSON: Because you're doing 8 it -- you're always doing it based on a point in time 9 that's now past. 10 LT. COLONEL McEATHRON: Absolutely. 11 And as soon as we do it -- 12 MS. ANDERSON: We're behind. 13 LT. COLONEL McEATHRON: -- we're going 14 behind again. And I suggest that we try to get -- 15 you know, we'll -- I can lay out a pretty good 16 schedule to you, but it's going to be in the -- it's 17 going to be in the 50 million dollar range that we 18 ought to ask for. And I believe the DPSOA will 19 support us on it. 20 MR. POLUNSKY: Okay. Well, I'm not so 21 much concerned about what the associations and such 22 are doing, but obviously they have an interest and 23 they're all -- their members are all employees. But 24 I tell you, I think you may be pleasantly surprised 25 that you're going to get some support from your</p>

<p style="text-align: right;">122</p> <p>1 leadership -- the state leadership, one in particular 2 that I'm familiar with, and I think there's a couple 3 of others that hopefully will follow in or have the 4 same mindset. 5 But I think that we need to ask for a 6 realistic level of compensation across the board both 7 for the incoming troopers and your -- your upper 8 level management so that -- so, as you said, there's 9 not a disincentive -- or another disincentive to 10 promote and you have that runoff and you have that 11 disparity and so on. But, you know, I -- I think we 12 ought to go forward and, you know, ask for the 13 optimum situation in order to fund this agency and 14 the salaries at a very realistic level to maintain 15 the type of people that -- and attract the type of 16 people that we're -- you know, we're wanting to 17 attract and wanting, you know, to keep. Otherwise, 18 the agency in my opinion -- even though you have 19 many, many people here who work here for the love of 20 the Department more than the money -- I mean, it's 21 amazing to me, but that's the case; and I think 22 everyone should be grateful for that type of mindset. 23 But, still, the reality of life is 24 that, you know, you can't buy bread sometimes with, 25 you know, your dedication. And it's hard to attract</p>	<p style="text-align: right;">124</p> <p>1 to the commissioned side, which is I -- you know, I 2 continue to see -- or continue to be aware 3 anecdotally that we are -- that we strive to hire at 4 the bottom of the salary range for any given job and 5 that it takes an act of Congress to, you know -- or a 6 lot of work to get a starting salary in a 7 noncommissioned -- other than the bottom of the 8 salary range. And I think we -- by doing that, I 9 understand we're trying to be fiscally prudent, but I 10 think we compound our recruiting effort. So we may 11 be penny wise and pound foolish. So my question is, 12 in our assumptions about hiring and filling vacancies 13 and so forth that's reflected, you know, in the base 14 budget, are we still employing that assumption that 15 when you bring in and fill a vacancy you're hiring at 16 the bottom of the range? 17 LT. COLONEL McEATHRON: And each job we 18 look at a little bit differently, and -- and the 19 division chiefs will make a decision as to, hey, I've 20 got this guy who comes with credentials -- 21 MS. ANDERSON: Right. 22 LT. COLONEL McEATHRON: -- that cause 23 us to look at them and maybe bring them in at higher 24 than the bottom of the range. You know, some we've 25 moved up to the midrange and some even a little bit</p>
<p style="text-align: right;">123</p> <p>1 or recruit people when the Austin Police Department 2 or the Houston Police Department or whoever out there 3 is -- is paying a significant amount of money more or 4 their -- their salary levels as they go through the 5 ranks are going to be much higher. I mean, it's just 6 that much more difficult to bring people into the 7 Department. So, anyway, I'll stop at that. But 8 that's just my opinion, and that's where I stand on 9 that issue. 10 LT. COLONEL McEATHRON: I'll have you 11 the State Auditor's report today. I think it's out 12 today. So we'll get that to you, and then we'll lay 13 out a proposal of what we think Schedule C ought to 14 look like. And then if you're okay with it, we'll 15 plug those numbers into this exceptional item. 16 MR. POLUNSKY: Well, I mean, I guess we 17 may want to hear from the other two people here and 18 make sure that we're on the -- 19 MS. ANDERSON: Yeah. No. I'm fine 20 with that. I'm fine with that. I have further 21 commentary around compensation upon the noncomp side. 22 MR. POLUNSKY: Yeah. Everybody ought 23 to be in the mix here. 24 MS. ANDERSON: Well, I have a specific 25 issue on the noncommissioned side that doesn't apply</p>	<p style="text-align: right;">125</p> <p>1 higher. Ferrell has had one not too long ago that we 2 brought in because of the credentials he brought that 3 you couldn't bring. And then some come, you know, 4 based on the job, of course -- 5 MS. ANDERSON: Right. 6 LT. COLONEL McEATHRON: -- that it's -- 7 MS. BARTH: Well, I guess the question 8 is on the numbers that are in here. What's the -- 9 MS. ANDERSON: It's the embedded 10 assumption that's you're hiring all these at the 11 bottom of the range, yes? 12 COLONEL DAVIS: I think that's correct. 13 MS. ANDERSON: Okay. 14 COLONEL DAVIS: And that -- 15 MS. ANDERSON: Well, I mean, that's not 16 the conservative way to do it, but, I mean, I 17 understand why that would be the assumption. But it 18 just causes more pressure in the system because I 19 think we're -- we're spending a lot of time trying to 20 look for people and -- to hire at the bottom of the 21 range, and I think that's one element of our 22 difficulty. 23 COLONEL DAVIS: The State's 24 retire/rehire program was based on exactly what we're 25 doing. You take a person that retires with 30 years.</p>

<p style="text-align: right;">126</p> <p>1 MS. ANDERSON: Right.</p> <p>2 COLONEL DAVIS: They're at the top of</p> <p>3 their range.</p> <p>4 MS. ANDERSON: Their range, right.</p> <p>5 COLONEL DAVIS: But when you hire a</p> <p>6 replacement that's "savings," quote, to the State --</p> <p>7 MS. ANDERSON: Right.</p> <p>8 COLONEL DAVIS: -- was you bring those</p> <p>9 people back in at Group 8, Step 1.</p> <p>10 MS. ANDERSON: Right.</p> <p>11 COLONEL DAVIS: And you've got that</p> <p>12 savings there. That's what that program --</p> <p>13 MS. ANDERSON: And the policy</p> <p>14 discussion with the -- with the -- the informative</p> <p>15 not advocating policy discussion with the Legislature</p> <p>16 is what the cost of that -- you know, what the real</p> <p>17 cost of that is in terms of inability to fill</p> <p>18 vacancies.</p> <p>19 COLONEL DAVIS: Right. You lose your</p> <p>20 expertise and --</p> <p>21 MS. ANDERSON: Yeah.</p> <p>22 COLONEL DAVIS: -- you lose people.</p> <p>23 MS. ANDERSON: And it's not the same</p> <p>24 person. I mean, when you bring the person right back</p> <p>25 in under acceptable rehire procedures, you know,</p>	<p style="text-align: right;">128</p> <p>1 problem is then they -- like a B-14 or B-16 program</p> <p>2 where they're right up with the assistant manager.</p> <p>3 My understanding was there was no room to create</p> <p>4 that. That's why it is the way that it is. So those</p> <p>5 people basically take the job for no money and in</p> <p>6 some cases shoot theirself in the foot because</p> <p>7 they're no longer able to continue developing their</p> <p>8 skills as part of the progression on the other side</p> <p>9 of the equation.</p> <p>10 MS. ANDERSON: So I don't know where</p> <p>11 you squeeze the balloon.</p> <p>12 MS. LOGAN: You have the authority --</p> <p>13 LT. COLONEL McEATHRON: Pardon me?</p> <p>14 MS. LOGAN: I said you have the</p> <p>15 authority to reclassify some of those positions. We</p> <p>16 can just change the manager upwards. But the problem</p> <p>17 would be if we do that in a lot of places in the</p> <p>18 agency there's really a line item for -- there's no</p> <p>19 budgeting for reclassification issues, and so you</p> <p>20 would have to build that into your appropriation both</p> <p>21 merit money to get people out of the range and then</p> <p>22 reclassification issues if you think a lot of the</p> <p>23 people in the Department are improperly classified.</p> <p>24 MS. ANDERSON: Well, we got people in</p> <p>25 IMS doing supervisory activities and not, you know --</p>
<p style="text-align: right;">127</p> <p>1 they're not the same thing as, you know, putting a 10</p> <p>2 percent fill in a job. You're putting a 95, 100</p> <p>3 percent fill back in a job, and they ought to be</p> <p>4 compensated for it.</p> <p>5 I also -- well, that's really a 2009</p> <p>6 question. In the -- I'm particularly interested --</p> <p>7 because I'm aware of the problem in IMS and it may</p> <p>8 occur elsewhere where there is -- in the career</p> <p>9 progression there is no first-line supervisor level,</p> <p>10 so that this is -- tell me if I'm saying this wrong.</p> <p>11 So that if I am, you know, the best DBA and the DBA</p> <p>12 supervisor position is vacant and that's -- that's</p> <p>13 the person I want to promote up and become the</p> <p>14 supervisor of the DBAs, I can give the person the</p> <p>15 responsibility to supervise the team, but I'm not</p> <p>16 able to promote them up and give them a salary</p> <p>17 increase or a supervisory job title; is that right?</p> <p>18 CHIEF BRUBAKER: Yes, ma'am, that's</p> <p>19 correct.</p> <p>20 MS. ANDERSON: Is that fixed in here?</p> <p>21 It needs to be fixed. We need a real -- we need a</p> <p>22 supervisory level --</p> <p>23 LT. COLONEL McEATHRON: That's not part</p> <p>24 of your 1.1 million dollar --</p> <p>25 CHIEF BRUBAKER: Well, because the</p>	<p style="text-align: right;">129</p> <p>1 MS. BARTH: Not classified.</p> <p>2 MS. ANDERSON: -- not classified that</p> <p>3 way. So you already got that problem. We need to</p> <p>4 take a look at that.</p> <p>5 LT. COLONEL McEATHRON: Okay.</p> <p>6 MS. ANDERSON: Okay. And there may be</p> <p>7 places other than IMS. I just, you know, am aware of</p> <p>8 it are there.</p> <p>9 LT. COLONEL McEATHRON: And we'll put</p> <p>10 that -- we'll add that into the information</p> <p>11 management service --</p> <p>12 MS. ANDERSON: And maybe -- right.</p> <p>13 LT. COLONEL McEATHRON: -- cost.</p> <p>14 MS. ANDERSON: That's fine. That's</p> <p>15 great. Can I keep going? I don't have too much</p> <p>16 more.</p> <p>17 MR. POLUNSKY: Would I even --</p> <p>18 MS. ANDERSON: Far be it from you to --</p> <p>19 MR. POLUNSKY: Would I even consider</p> <p>20 telling you --</p> <p>21 MS. ANDERSON: -- try to stop me?</p> <p>22 MR. POLUNSKY: -- to stop you? I mean,</p> <p>23 you know, I know better than that.</p> <p>24 MS. ANDERSON: I really am pretty much</p> <p>25 almost through. Okay. So while we're still on this</p>

<p style="text-align: right;">130</p> <p>1 salary discussion and we're talking about the 87 2 additional plus the 256 -- well, it's the 87 and 290 3 and 256 and 42 additional. The way we have these 4 numbers front-loaded at 27 million and 48 million in 5 '10 and only 18 and 20 million in '11, either -- 6 because we don't have carryover authority? What am I 7 missing? 8 LT. COLONEL McEATHRON: That's capital 9 stuff. 10 CHIEF YBARRA: That's capital -- 11 MS. ANDERSON: So we've got total 12 carryover authority for all of our operating 13 expenses? I thought we didn't except for DLR and a 14 couple of -- 15 LT. COLONEL McEATHRON: The operating 16 and the travel and the salaries become part of the 17 base as long as it's approved. 18 MS. ANDERSON: You're not -- I don't 19 think we're -- I don't think you're answering the 20 question I'm asking. 21 LT. COLONEL McEATHRON: Okay. 22 CHIEF YBARRA: What area were you 23 looking at? Sorry, Commissioner. 24 MS. ANDERSON: Well, if I just look at 25 (F), additional personnel.</p>	<p style="text-align: right;">132</p> <p>1 million in '10 and 2.7 million in '11. 2 CHIEF YBARRA: Right. And we can show 3 you all of that. What we're bringing in you're 4 talking about -- are we talking about we're going to 5 have to find a place for them to sit and rent the 6 place? Are we going to -- we're going to have to buy 7 their computer. We're going to have to buy their 8 cubicle. We're going to have to buy a chair. All 9 those expenditures are one-time expenditures that 10 will not be moving into the next year. Now, like the 11 Colonel was saying, from a Commission perspective, if 12 you've got an FTE that you're bringing in alone in 13 the first year -- the first year, well, when you say 14 you create a sergeant position for CLE, okay, that 15 position is going to promote probably out of Chief 16 Elliston's -- 17 MS. ANDERSON: Right. You're at the 18 backfill. 19 CHIEF YBARRA: -- which is going to 20 create a vacancy. And you're going to have to train 21 that person -- 22 MS. ANDERSON: You have a lag. 23 CHIEF YBARRA: -- through a recruit 24 school. That's \$25,000 we got to pay the first year 25 to train that person to fill that position to bring</p>
<p style="text-align: right;">131</p> <p>1 CHIEF YBARRA: Okay. 2 MS. ANDERSON: And we're going to -- 3 we're going to have these 370 people, and it's going 4 to cost us 27 million in '10. But all of a sudden 5 miraculously in '11 they get a pay cut. 6 LT. COLONEL McEATHRON: That's capital. 7 CHIEF YBARRA: Right. And, also -- 8 MS. ANDERSON: Capital? 9 CHIEF YBARRA: There's more than that. 10 There's more than that. 11 LT. COLONEL McEATHRON: There's cars, 12 everything that goes with those -- everything that 13 goes with -- 14 MS. ANDERSON: You're saying additional 15 personnel is not really just personnel? 16 LT. COLONEL McEATHRON: It's everything 17 that goes with it. 18 CHIEF YBARRA: Right. 19 LT. COLONEL McEATHRON: We've got a -- 20 we got a sheet, that what one trooper cost, here's 21 what -- everything he has to have to go with it, you 22 know, his uniforms, his guns, his -- 23 MS. ANDERSON: Okay. Then let me -- 24 then let -- okay. So when we go to detail in 25 Driver's License Division, for 45 FTEs it's 5.2</p>	<p style="text-align: right;">133</p> <p>1 that sergeant into -- 2 MS. ANDERSON: Now, do you budget in 3 the lag time while that position is vacant, or is 4 that what comes out in the wash in the "X" million 5 that we use to find all the things that aren't 6 budgeted -- 7 CHIEF YBARRA: That is correct. 8 MS. ANDERSON: Okay. 9 CHIEF YBARRA: That is correct. 10 MS. ANDERSON: Okay. 11 CHIEF YBARRA: We can provide you the 12 detail if you want to see it by position. 13 MS. ANDERSON: I probably don't want to 14 see that. 15 CHIEF YBARRA: Okay. 16 LT. COLONEL McEATHRON: It's got a lot 17 of information. 18 MS. ANDERSON: Right, you know. And 19 for me to say I don't want to see the detail, that's 20 saying something. 21 CHIEF YBARRA: I understand. 22 MS. ANDERSON: So then let me ask 23 another question around the ability to carry over a 24 balance from the first year of the biennium to the 25 second year.</p>

<p style="text-align: right;">134</p> <p>1 CHIEF YBARRA: Okay.</p> <p>2 MS. ANDERSON: What are we allowed to</p> <p>3 carry over, because I think it's going to be hard in</p> <p>4 '10 to hire the 87 plus 290 and get them all</p> <p>5 furniturized and carized and all that business. So</p> <p>6 if we don't go through that 27 million because we</p> <p>7 don't get everybody on board, does any of that carry</p> <p>8 over into '11?</p> <p>9 CHIEF YBARRA: Only the capital would</p> <p>10 carry over, but -- but you'll take a recruit school</p> <p>11 to fill those positions --</p> <p>12 MS. ANDERSON: Right.</p> <p>13 CHIEF YBARRA: -- that they're</p> <p>14 vacating --</p> <p>15 MS. ANDERSON: Right.</p> <p>16 CHIEF YBARRA: -- just like we did with</p> <p>17 Border. I mean, the Border FTEs, the additional</p> <p>18 personnel, those positions were filled pretty much in</p> <p>19 the first two quarters of this year. Those positions</p> <p>20 are now being filled by existing commissioned</p> <p>21 officers. Okay. And the recruit schools are being</p> <p>22 dedicated to fill the vacancies --</p> <p>23 MS. ANDERSON: Right.</p> <p>24 CHIEF YBARRA: -- they're creating.</p> <p>25 MS. ANDERSON: Okay. So we're</p>	<p style="text-align: right;">136</p> <p>1 through on -- and I'm not sure where this is, which</p> <p>2 Page 6. I'm talking about. It's not in the</p> <p>3 administrator's segment. We talk about buying six --</p> <p>4 maybe it's -- no. It's not in the planning list. We</p> <p>5 talk about buying sedans somewhere, six sedans for</p> <p>6 like 40 people to share. Maybe this will ring a bell</p> <p>7 with somebody. And my question is, when we look at</p> <p>8 that and we're doing share, do we analyze -- because</p> <p>9 if you're sharing six sedans across 40 people, I</p> <p>10 don't know how much time they're utilized. These</p> <p>11 aren't for the Highway Patrol. They're for --</p> <p>12 LT. COLONEL McEATHRON: Probably for</p> <p>13 pool car.</p> <p>14 MR. GAVIN: I don't think --</p> <p>15 MS. ANDERSON: Across 40 people --</p> <p>16 CHIEF YBARRA: Is it Crime Lab?</p> <p>17 MS. ANDERSON: Maybe it's Crime Lab.</p> <p>18 CHIEF YBARRA: Crime lab? It's Crime</p> <p>19 Lab.</p> <p>20 MS. ANDERSON: And so we buy these six</p> <p>21 sedans to share across all these people, and I don't</p> <p>22 know how often they -- you know, I don't understand</p> <p>23 how often they have to travel and so forth. But my</p> <p>24 general question as a philosophical matter to you is,</p> <p>25 what is our sort of breakeven or financial analysis</p>
<p style="text-align: right;">135</p> <p>1 asking -- we're -- okay. All right. The -- I really</p> <p>2 am almost finished. The IMS mainframe -- well, maybe</p> <p>3 this is on the planning list -- no. This is in the</p> <p>4 exceptional items. I think in the exceptional items</p> <p>5 there's something about 2.4 million or something. I</p> <p>6 don't think it was on the planning list. I think</p> <p>7 it's in the exceptional item to upgrade the mainframe</p> <p>8 for another MPAR or whatever. And my question is, if</p> <p>9 the -- since Driver's License is now not on the</p> <p>10 mainframe, do we still need that money deployed for</p> <p>11 that purpose?</p> <p>12 CHIEF BRUBAKER: We've had so much</p> <p>13 peak -- peak in the mainframe around at a hundred</p> <p>14 percent even with just the old legacy. I mean, I</p> <p>15 realize that'll free up some, but the legacy deal</p> <p>16 doesn't put that much load on it. Something else is</p> <p>17 causing this, probably some of those match-up loads</p> <p>18 from CCH, and I'm just trying to buy a little more</p> <p>19 capacity to keep from having to shut down process --</p> <p>20 MS. ANDERSON: And you've shaken down</p> <p>21 Mr. Gavin all you can and -- okay.</p> <p>22 CHIEF BRUBAKER: He fails to see the</p> <p>23 humor of that.</p> <p>24 MS. ANDERSON: Okay. Let's see.</p> <p>25 Somewhere -- what kind of an analysis do we go</p>	<p style="text-align: right;">137</p> <p>1 process around when we buy vehicles and depreciate</p> <p>2 vehides and when we ask people to use POV and</p> <p>3 reimburse the POV cost?</p> <p>4 CHIEF YBARRA: We're not -- I don't</p> <p>5 know that we've taken that to that level in our</p> <p>6 analysis in the exceptional items, but from a</p> <p>7 Department perspective, I remember Chief Mills --</p> <p>8 CHIEF ELLISTON: Well, we did some for</p> <p>9 VI. We looked at, you know, what was -- because we</p> <p>10 pay mileage for our VI inspectors --</p> <p>11 MS. ANDERSON: Right.</p> <p>12 CHIEF ELLISTON: -- who go out and do</p> <p>13 that.</p> <p>14 MS. ANDERSON: Right.</p> <p>15 CHIEF ELLISTON: At the -- at the rate</p> <p>16 just before -- we just went up to 58 1/2 cents.</p> <p>17 Prior to that, it was what, Oscar?</p> <p>18 MS. ANDERSON: 50.5.</p> <p>19 CHIEF YBARRA: 50.5.</p> <p>20 CHIEF ELLISTON: 50.5. At 50.5 cents,</p> <p>21 it was a breakeven -- if I remember correctly, it was</p> <p>22 a breakeven or a little better deal to the State to</p> <p>23 use POVs versus buying state cars. Now at 58 1/2</p> <p>24 cents a mile, that's going to change. So there may</p> <p>25 be a little change --</p>

<p style="text-align: right;">138</p> <p>1 MS. ANDERSON: It ought to be more so. 2 CHIEF ELLISTON: Yeah. So -- 3 MS. ANDERSON: Well, for purposes of 4 this discussion, I'm not going to, you know, stop -- 5 COLONEL DAVIS: Let me try to explain 6 that deal. 7 MS. ANDERSON: Okay. 8 MR. COLONEL: I think the six vehicles 9 are probably for our field labs, and those are used 10 by our chemists to go to court. They routinely 11 transport evidence in those vehicles, and -- and I'm 12 not sure I would want to put the remnants of a 13 methamphetamine lab in my personal vehicle. I think 14 you got some issues there that we need to, you know, 15 look at before we say is it better -- and I think at 16 58 1/2 cents for personal vehicles that we're 17 probably saving the State money by buying vehicles. 18 As a matter of fact, I'm almost sure we are. But 19 those -- that one vehicle in that office may be 20 shared by four or five chemists. 21 MS. ANDERSON: That -- I'm sure it is, 22 and I'm just trying to understand what the capacity 23 utilization is. And I'm also trying to instill here 24 that we -- that we have a mindset where we look at 25 those things, and there are clearly other</p>	<p style="text-align: right;">140</p> <p>1 item in the write-up, there is a reference to a 2 planned procurement schedule of 67 million dollars in 3 March of '08, and then what's in the budget is 4.669 4 million that -- 5 CHIEF BRUBAKER: Those were the figures 6 taken off the planned procurement schedule for some 7 of the stuff that -- shadow IT, and I think Frank 8 quoted 70 something million at the last meeting. 9 MS. ANDERSON: And so -- but we're only 10 planning to take care -- we're only -- so we're going 11 to address, you know, what eight percent of our 12 problem -- 13 CHIEF BRUBAKER: Well, the -- 14 MS. ANDERSON: -- with the four 15 point -- I mean, I'm trying to see why it says 67 16 million and what's in the item is -- 17 CHIEF BRUBAKER: Well, the 67 million 18 was put in there as a reference to what industry, 19 and, you know, we still haven't come to a firm 20 agreement on what our critical apps are going to be 21 that we stand up. I mean, there's like five -- 22 MS. ANDERSON: We don't have a defined 23 list of mission critical apps yet. Okay. 24 CHIEF BRUBAKER: We have the five that 25 are running on the mainframe now, but there's a deal</p>
<p style="text-align: right;">139</p> <p>1 considerations like, you know, I wouldn't want to 2 carry acid around in the trunk of my car or 3 something -- 4 COLONEL DAVIS: Right. 5 MS. ANDERSON: -- either kind of acid. 6 But I want us to have a mindset where we look at 7 things on a business basis and make sure that we're 8 really doing all things considered -- 9 COLONEL DAVIS: Right. 10 MS. ANDERSON: -- what's in the 11 interest of the State. 12 CHIEF BRUBAKER: Commissioner 13 Anderson -- 14 MS. ANDERSON: Yes. 15 CHIEF BRUBAKER: -- I was looking at my 16 notes on this. One other thing, there was also the 17 standup of the bona fide test LPAR because right now 18 we have one, but it doesn't have dedicated 19 (inaudible). So we end up beating up the 20 (inaudible), the channels. It was to expand the 21 capacity so we could have a bona fide test LPAR. 22 MS. ANDERSON: Okay. Everybody know 23 what that is? Me neither. In disaster recovery -- 24 CHIEF BRUBAKER: Yes, ma'am. 25 MS. ANDERSON: -- in the exceptional</p>	<p style="text-align: right;">141</p> <p>1 to distribute -- 2 MS. ANDERSON: It will -- 3 CHIEF BRUBAKER: The way this new 4 product is set up, you can take those tapes and you 5 can stand it up on DD2 on any platform. So as we 6 move forward and we get with the business area and we 7 try to decide these are the absolutely critical 8 applications we have, then that figure -- 9 MS. ANDERSON: I think you just might 10 want to revisit the language on the page that has the 11 67 million because it doesn't make sense to me to say 12 we think we have a 67 million dollar disaster -- it 13 just didn't make sense to me when I read it. 14 CHIEF BRUBAKER: Okay. 15 CHIEF YBARRA: We'll work with Chief. 16 MS. ANDERSON: Yeah. Just take a look 17 at that. Okay. Where is -- and I -- I know I saw it 18 somewhere over the weekend, and I just -- where is 19 the continued funding of the five JOICs plus -- but 20 really now six and the BSOC? Is that in the base 21 operations or is that -- 22 LECKLEIDER: It's a new strategy 5 -- 23 D-5. 24 MS. ANDERSON: I see D-1, local border 25 security. D-5?</p>

<p style="text-align: right;">142</p> <p>1 CHIEF YBARRA: D-15. 2 MR. LECKLEIDER: D-15. 3 MS. ANDERSON: D-15. So -- 4 CHIEF YBARRA: Page number. 5 MS. ANDERSON: And that's six people. 6 So the rangers that are running the JOICs are in the 7 ranger budget -- 8 CHIEF YBARRA: That is correct. 9 MS. ANDERSON: -- because they're not 10 here? Okay. 11 CHIEF YBARRA: That is correct. 12 MS. ANDERSON: Okay. And -- all right. 13 So that's -- that's the JOICs. And you're 14 comfortable that that's the JOICs and the BSOC? 15 MR. LECKLEIDER: JOICs, BSOC. And it's 16 also the grants to the local government. 17 MS. ANDERSON: Right. So really the 18 operating expense -- we're saying we're going to run 19 six JOICs and the BSOC for about \$310,000 in '10 and 20 '11? There's -- because I know it costs more than 21 that to operate them. So that where else would that 22 money be? Do you see I'm getting the 310,000.? It's 23 31 million -- 31.8 minus 31.5. I just don't know 24 where the other expenses to operate them are. 25 MR. LECKLEIDER: The money for staffing</p>	<p style="text-align: right;">144</p> <p>1 grants -- 2 MS. ANDERSON: That's in -- okay. 3 That's in grants? 4 MR. LECKLEIDER: -- because essentially 5 we make grants for local governments for radio 6 towers, license plate readers, communications 7 equipment. 8 MS. ANDERSON: Okay. And the grants, 9 that's assuming we get federal funds for grants for 10 radios and license plate readers and stuff? 11 MR. LECKLEIDER: No. It's assuming 12 that the State is going to appropriate the money. 13 MS. ANDERSON: Oh, okay. So -- okay. 14 So are -- so are the state -- the request for the 15 state appropriation for the radio and towers and 16 license plate readers, are they in here? 17 MR. LECKLEIDER: I believe so. 18 MS. ANDERSON: Okay. 19 MR. LECKLEIDER: I believe that's what 20 this funding is. 21 MS. ANDERSON: Okay. You know, I can't 22 tell what part of it is personnel and stuff, and it 23 would be good to have the detail just like I asked 24 for the detail on the -- 25 CHIEF YBARRA: You'll get an updated</p>
<p style="text-align: right;">143</p> <p>1 for the BSOC and the JOICs is an exceptional item. 2 MS. ANDERSON: Okay. 3 MS. BARTH: Is that right? 4 CHIEF YBARRA: Is it in the (D) 5 exceptional item? 6 MS. ANDERSON: It must be in this 7 second page, this -- 8 MR. LECKLEIDER: It's in the 9 exceptional. 10 CHIEF YBARRA: In the new edition? 11 MS. ANDERSON: Yeah. It must be. 12 CHIEF YBARRA: That's fairly fresh 13 print. So I'm not -- 14 MS. ANDERSON: Yeah. Okay. 15 CHIEF YBARRA: I'm not real sure about 16 that. 17 MS. ANDERSON: Okay. 18 MR. LECKLEIDER: And that included a 19 bunch of other things. 20 MS. ANDERSON: I mean, like when we 21 think about things like radios and towers and stuff, 22 are they -- you know, like the video camera towers 23 and that kind of thing, are they in here, radio 24 infrastructure? 25 MR. LECKLEIDER: They would be in</p>	<p style="text-align: right;">145</p> <p>1 detail -- 2 MS. ANDERSON: Okay. 3 CHIEF YBARRA: -- on all the 4 exceptional items. 5 MS. ANDERSON: Okay. Perfect. Thank 6 you. 7 CHIEF YBARRA: All you want. 8 MS. ANDERSON: Okay. Where is -- in 9 terms of -- who's here representing the BIA and the 10 Fusion Center today? 11 MR. FLORES: (Indicating.) 12 MS. ANDERSON: Okay. Mr. Flores, in 13 the CLE request in here, is there -- I know there are 14 additional positions. My question is whether any of 15 these additional positions -- you know, have we 16 contemplated the importance of having a gang node or 17 other kinds of nodes in the -- specialty kind of 18 nodes in the BIA or -- and/or the Fusion Center 19 around specific kind of threat activities where we 20 would want some particular focus, or are they just 21 generalized requests for additional personnel? 22 MR. FLORES: They're basically 23 generalized in order -- in order to -- my 24 understanding was, we were going to ask for more 25 personnel in order to dedicate different -- personnel</p>

<p style="text-align: right;">146</p> <p>1 to different areas of the threat issues that -- that</p> <p>2 we were going to be addressing.</p> <p>3 COLONEL DAVIS: I don't think we</p> <p>4 individually identified those people --</p> <p>5 MS. ANDERSON: Earmarked people.</p> <p>6 COLONEL DAVIS: -- by assignments at</p> <p>7 our initial request.</p> <p>8 MS. ANDERSON: Where would I find how</p> <p>9 many people were added in BIA and slash fusion.</p> <p>10 LT. COLONEL McEATHRON: There's two</p> <p>11 places, and one of them would be in that border</p> <p>12 security stuff. You'll see some additions, and</p> <p>13 that's what you asked me to get to.</p> <p>14 MS. ANDERSON: Yeah.</p> <p>15 LT. COLONEL McEATHRON: And the other</p> <p>16 is there are some in that 87 or the 206.</p> <p>17 MS. BARTH: Yeah.</p> <p>18 COLONEL DAVIS: 298.</p> <p>19 LT COLONEL McEATHRON: Yeah.</p> <p>20 MS. ANDERSON: Okay. Well, I'll --</p> <p>21 I'll reserve judgment on that until we -- but, you</p> <p>22 know, we've done a lot of talking about things like</p> <p>23 needing more Lexus licenses because we've got people</p> <p>24 inside and out --</p> <p>25 CHIEF YBARRA: That's in there.</p>	<p style="text-align: right;">148</p> <p>1 think that's it.</p> <p>2 MR. POLUNSKY: Are you sure?</p> <p>3 MS. ANDERSON: Well, I mean, you know,</p> <p>4 I can open this can of worms: I don't think we're</p> <p>5 asking for enough money for deferred maintenance. I</p> <p>6 can't -- because I see all these tasks on the --</p> <p>7 what -- I think they're -- are they in the planning</p> <p>8 lists or are they in -- all these things that you see</p> <p>9 on the list that adds up to like 110 and some of them</p> <p>10 are new and some of them are coded RA --</p> <p>11 LT. COLONEL McEATHRON: Okay. Those</p> <p>12 are -- those are new building.</p> <p>13 MS. ANDERSON: When I added up all the</p> <p>14 RAs, I got 27 million out of the 99 or whatever the</p> <p>15 number was, but that's not the same 27 million as the</p> <p>16 approximately 30 million we have -- that we think we</p> <p>17 have in deferred maintenance.</p> <p>18 COLONEL DAVIS: No.</p> <p>19 LT. COLONEL McEATHRON: The RA is</p> <p>20 adding on to buildings.</p> <p>21 MS. ANDERSON: Okay. Well, we -- you</p> <p>22 know, we're -- and I know we have need for additional</p> <p>23 buildings, you know, but I'm concerned that we're --</p> <p>24 you know, we're -- you know, we want to build new</p> <p>25 stuff and at some point is there a tradeoff based on</p>
<p style="text-align: right;">147</p> <p>1 MS. ANDERSON: Huh?</p> <p>2 CHIEF YBARRA: That's in there.</p> <p>3 MS. ANDERSON: Lexus is in here? Okay.</p> <p>4 That's good. You know, we've talked about our</p> <p>5 ability to do real-time crime mapping, I mean, things</p> <p>6 that we've been talking about for a while, those kind</p> <p>7 of capabilities. We've been -- you know, there's</p> <p>8 been a lot of discussion around, you know, gangs and</p> <p>9 how we -- you know, we -- you know, at one point</p> <p>10 we're asked to give, you know, more troopers to that</p> <p>11 effort. And we -- I think the Chairman took some</p> <p>12 leadership on that to say let's not divert, you know,</p> <p>13 now from our core mission. What I want to understand</p> <p>14 is whether we've contemplated, you know, the funding</p> <p>15 to support some of these things that we've been</p> <p>16 talking about. So maybe we'll know when we see the</p> <p>17 detail on the 87 and on the GDEM and the border</p> <p>18 security. Well, we have the additional -- I have the</p> <p>19 additional personnel unless the numbers have changed.</p> <p>20 So --</p> <p>21 LT. COLONEL McEATHRON: And in the 298,</p> <p>22 you'll see a lot of support people.</p> <p>23 MS. ANDERSON: Okay. Well, the detail</p> <p>24 on that would be very -- would be great, would be</p> <p>25 very helpful. And I'm going to read my notes, but I</p>	<p style="text-align: right;">149</p> <p>1 how much money we're going to be able to convince the</p> <p>2 Legislature to let us deploy, that, you know, we just</p> <p>3 continue to have a deferred maintenance backlog. And</p> <p>4 at some point, instead of adding on or building</p> <p>5 something new, you ought to be taking care of what</p> <p>6 you have. I don't know what the right balance is.</p> <p>7 CHIEF YBARRA: Good point.</p> <p>8 MS. ANDERSON: But we asked, I think,</p> <p>9 for only 2.5 million incremental in deferred</p> <p>10 maintenance in each of '10 and '11 against a backlog</p> <p>11 of projects. Isn't it 30?</p> <p>12 MS. BARTH: Let me remind you because</p> <p>13 this is something I was going to bring up. That's</p> <p>14 not -- that's our assessment. That is really not</p> <p>15 having someone come in --</p> <p>16 COLONEL DAVIS: Right.</p> <p>17 MS. BARTH: -- and look at -- I suspect</p> <p>18 that number is substantially higher.</p> <p>19 MS. ANDERSON: The real number --</p> <p>20 MS. BARTH: The real number on deferred</p> <p>21 maintenance. Okay.</p> <p>22 CHIEF YBARRA: That 2.5 gets us to 5.1</p> <p>23 a year.</p> <p>24 MS. ANDERSON: On a backlog of 30.</p> <p>25 CHIEF YBARRA: I'm just saying, yeah.</p>

150

1 MS. ANDERSON: And aren't some of those
2 backlogs -- they've been sitting in that backlog --
3 CHIEF YBARRA: Yes.
4 MS. BARTH: I mean, I have a list here.
5 MS. ANDERSON: I mean, I know there's a
6 limit to what we ought to be -- I mean, you now, I
7 know there's a limit to what one ought to ask for.
8 But to have 30 million dollars of deferred
9 maintenance needs that may be 40 or may be some other
10 number that we don't know and to be asking for, you
11 know, hundreds of millions of dollars for new
12 buildings and not taking care of the people that are
13 already here today that are in substandard and, I
14 would add, based on some of the pictures I have from
15 an inspection report, unsafe conditions, you know, I
16 think we've got to rethink what our priorities are.
17 MR. POLUNSKY: Well, some of those new
18 buildings, Beth, are there to provide additional
19 service that we've been criticized on.
20 MS. ANDERSON: I'm not suggesting you
21 take them out. I'm just saying I think we're -- just
22 like we're underfunding compensation which you
23 eloquently addressed at length a few minutes ago, I
24 think we're underfunding deferred maintenance.
25 MR. POLUNSKY: Okay.

152

1 things on that list are things that -- well, if you
2 had the money, you'd do them right now, but it's like
3 an air-conditioning system that's 10 years old. And
4 so it says on that list you got a 10-year-old
5 air-conditioning system that the warranty went out a
6 couple of years ago. It's still working.
7 MS. ANDERSON: Right.
8 MS. BARTH: But what happens when three
9 go out in a year?
10 LT. COLONEL McEATHRON: Well -- and
11 that's --
12 MS. BARTH: That's -- therein, you
13 know --
14 LT. COLONEL McEATHRON: And we fix
15 them. That becomes a priority.
16 MS. BARTH: -- it's like someone coming
17 in and doing your maintenance every year to, you
18 know, hit the preventive side of it.
19 LT. COLONEL McEATHRON: So when they do
20 go out, we fix it immediately. It gets to the top of
21 the list.
22 MS. ANDERSON: Well, another reason to
23 put a realistic number in here is -- and this is
24 going to be a huge challenge for all of us, but, you
25 know, we get -- you know, we know that we rob Peter

151

1 MS. BARTH: I can tell you we are.
2 LT. COLONEL McEATHRON: We'll ask for
3 all 32 million if you want, if that's your desire.
4 MS. BARTH: You know, in an optimal
5 situation, my desire would be to have a third party
6 come in and really look at our deferred maintenance
7 list as opposed to -- you know, I have a list that I
8 believe Chief Burton may have supplied me.
9 LT. COLONEL McEATHRON: Yes.
10 MS. BARTH: I mean, I have it actually
11 on me in my briefcase. I was -- looked at the age of
12 some of these projects, the projects themselves, and,
13 you know, I think it's unfair for us to ask Chief
14 Mills and his group to, you know, kind of look at
15 this list and try to reprioritize when it's really
16 difficult at this point because we've so gotten out
17 of -- away from us on deferred maintenance.
18 MS. ANDERSON: Right.
19 MS. BARTH: I mean, you know, at five
20 million a year, you never catch up.
21 MS. ANDERSON: Right.
22 MS. BARTH: You don't even get close.
23 MS. ANDERSON: Yeah. You just fall --
24 it's like negative amortization, is what it is.
25 LT. COLONEL McEATHRON: Some of those

153

1 to pay Paul.
2 COLONEL DAVIS: Right.
3 MS. ANDERSON: We know that we fund
4 operating expense out of unfilled vacancies, and then
5 we take shots, you know, from various sources for
6 having unfilled vacancies. And part of that is
7 compensation, you know, and we can sit here today and
8 say a lot of that is compensation. If we get the
9 compensation fixed, there is an expectation that
10 we're going to fill these vacancies, and we'd better
11 have a plan collectively to get them filled when we
12 solve the compensation problem.
13 And then once we solve the
14 compensation, so, therefore, we fill the vacancies,
15 now all of a sudden you've got three ACs go out in
16 one year. You don't have any money to do anything
17 about it. And so we need to be thinking more than
18 one step -- I mean, the first problem is to solve the
19 comp, right, but we got to be thinking multiple steps
20 and building a plan. And the discussion then with
21 the appropriators is, you know, they're not used to
22 seeing these kind of numbers from us, and it's
23 because we've been robbing Peter to pay Paul and you
24 have told us you want these vacancies filled and
25 you've helped us with the comp, now we're going to

<p style="text-align: right;">154</p> <p>1 fill them. But what -- that's going to squeeze the 2 balloon somewhere else which means we can't do 3 deferred maintenance out of vacancy dollars. 4 MS. BARTH: I guess, Chief Mills, how 5 long would it take someone to come in and do an 6 independent assessment of our deferred maintenance 7 program if you were guessing? 8 CHIEF MILLS: I would -- simply because 9 of where all the offices are located and stuff, you 10 may be looking at 90 days to 120 days. 11 LT COLONEL McEATHRON: May I offer a 12 suggestion? 13 MS. BARTH: Uh-huh. 14 LT. COLONEL McEATHRON: We could leave 15 that with an explanation that it will be provided at 16 a later date. 17 MS. BARTH: I think we should 18 strongly -- 19 MS. ANDERSON: Like you do with your 20 building stuff when you're waiting for facilities to 21 quote it. 22 MS. BARTH: I think we should strongly 23 consider at our next meeting bringing up about 24 putting an RFQ out and having a third party come in 25 and assess with the hopes that we would have, you</p>	<p style="text-align: right;">156</p> <p>1 categorize that accordingly so he can get it into the 2 system by the 29th. 3 MS. ANDERSON: Right. 4 LT. COLONEL McEATHRON: Is that all 5 right? 6 MS. BARTH: That's fine. 7 CHIEF YBARRA: With the description in 8 there and then a final reading. 9 MR. POLUNSKY: Okay. That's good. 10 MS. ANDERSON: I think you did it a 11 good job putting this together, because he knows 12 before I like that. 13 CHIEF YBARRA: Chief Haas, Cal 14 Vanderwahl, all his staff, tremendously, a lot of 15 hours. 16 MS. ANDERSON: A lot of hours. 17 MR. POLUNSKY: Are you done? 18 MS. ANDERSON: I'm done. 19 MR. POLUNSKY: Will you read it more 20 closely next time? 21 MS. ANDERSON: Yeah. Should I pay a 22 little more attention next time? 23 MS. BARTH: Mr. Chairman -- 24 MR. POLUNSKY: Yes, ma'am. 25 MS. BARTH: -- I don't --</p>
<p style="text-align: right;">155</p> <p>1 know, a good document out there. We haven't done 2 this to my knowledge ever and, you know, let Chief 3 Mills and his assistant have their arms around it. 4 And I would hope we would have that done by the time 5 the session opens up so that we can say, okay, here's 6 what we have, and maybe we'll have a pleasant 7 surprise. I'd be surprised at that. But I think 8 part of this legislative session is raising the 9 credibility of the numbers, and so, you know, we 10 could ask for 31 million, wake up one day and find 11 out that it's 120 million. I really think that's a 12 number out of there, and I've just seen a couple of 13 reports that would suggest it needs to be studied, 14 prioritized, something that I'd prefer to look at 15 for -- 16 MR. POLUNSKY: Okay. Why don't you -- 17 MS. BARTH: I'll send that. 18 MR. POLUNSKY: -- submit that -- 19 MS. BARTH: Okay. 20 MR. POLUNSKY: -- as an agenda item, 21 and we can discuss that at our next meeting. 22 LT. COLONEL McEATHRON: If you-all 23 don't mind, what I'd like to do is separate that out 24 from the shortfall and have another line item with 25 the one on it. And so then we'll just -- we'll just</p>	<p style="text-align: right;">157</p> <p>1 MS. ANDERSON: I have no life. 2 MS. BARTH: -- have any additional -- I 3 mean, I have one additional kind of push which is the 4 driver's license, which, you know, I looked at the 5 number in there with respect to reengineering. And I 6 know Judy isn't here, but -- 7 COLONEL DAVIS: Bob Burroughs is here. 8 MR. BURROUGHS: Chief Gloria is going 9 to handle the reengineer question to that or 10 operational side. 11 MS. BARTH: I mean, do we feel 12 comfortable that that's the right number, because 13 that's the program we have to, you know, raise our 14 sleeve -- you know, raise up our sleeves and go to 15 battle on. 16 MR. GLORIA: Which specific one? 17 MS. ANDERSON: You mean the real ID 18 or -- 19 MS. BARTH: Or just the reengineering 20 exceptional item. We have enough money there, you 21 know. I just want to make sure that that number is a 22 really defensible number and that someone doesn't 23 come to us and say, okay, X, Y and Z, where are you 24 going to be. 25 MR. GLORIA: Basically request --</p>

158

1 MS. ANDERSON: It's 42 percent higher
2 than it was 90 days ago on the exceptional item list.
3 I mean, I've been watching that number move north
4 which is the right way for it to have moved.
5 MS. BARTH: And I believe it, and I'm
6 not as worried about how much higher -- I should be
7 worried how much higher -- as much as do we have
8 programs in place we can look to and say this is
9 going to do it and this is the return on the
10 investment on those programs.
11 MR. GLORIA: Based on current and what
12 we've done with -- with our IMS shop and, of course,
13 the unknowns, not knowing the network operation,
14 what's going to happen with us, we feel very
15 comfortable with these numbers at this point.
16 MS. BARTH: Okay.
17 MS. ANDERSON: We may have an '09
18 problem if we have to go off the satellite and, you
19 know, pay AT&T two million dollars. And the other
20 sort of piece we don't have and it's a '09 issue and
21 beyond -- it's an '09 issue, not just a -- is that
22 the ongoing support contract from BeringPoint I'm
23 not -- and it'll hit this -- it's hit this threshold
24 by the time it's over.
25 MR. GLORIA: Actually it's just a

160

1 MS. BARTH: That's all I've got.
2 MR. POLUNSKY: Yes, sir.
3 CHIEF YBARRA: Mr. Chairman --
4 MR. POLUNSKY: Yes.
5 CHIEF YBARRA: -- this report is due
6 into the LBB prior to the August 25th meeting. So we
7 ABEST is still not open to the agency. That's the
8 system that we report into to the LBB. Our -- our
9 base -- this is based on the base that we submitted
10 on June 23rd. We may have to react to what we see on
11 ABEST when it first opens up to us along with the
12 measures that I talked to you on the email that I
13 sent you. So there may be a few changes here and
14 there, but for the most part, this is where the
15 agency is going in '10 and '11. And I'd ask
16 direction from the Commission on how to approach that
17 from a perspective that some things may change before
18 the next commission meeting.
19 MS. ANDERSON: I'd recommend that we
20 allow the Chairman to be briefed on those changes and
21 have the authority to, you know, approve the final
22 submission. You're going to look at the IMS
23 supervisor thing.
24 LT. COLONEL McEATHRON: Yes, ma'am.
25 MS. ANDERSON: What else did we say we

159

1 little bit more for the '09 shortfalls, five and a
2 half million what we're looking at currently at this
3 point for that shortfall.
4 MS. ANDERSON: Does that include the
5 650 to do the driver's license Visa thing -- change
6 thing that's budgeted at six something.
7 MR. GLORIA: Yes.
8 CHIEF YBARRA: 5.2 went up 200,000.
9 MS. BARTH: Okay. I just really --
10 everything else --
11 MS. ANDERSON: So this 659 to implement
12 the temporary visitor status changes to the DL.
13 MR. GLORIA: Did you cover that in
14 yours, Bob?
15 MR. BURROUGHS: That's part of the --
16 that's part of the enhancements for '09.
17 MR. GLORIA: For '09. So it's in that
18 shortfall.
19 MS. BARTH: Okay. That's really all
20 I --
21 MS. ANDERSON: It's still an area of
22 risk.
23 MS. BARTH: It's a huge area. It's a
24 huge area.
25 MR. POLUNSKY: Anything else on this?

161

1 were -- it would be -- it would be helpful as quickly
2 as possible to have the details around the border,
3 the additional personnel and the GDEM where you've
4 got the changes just so that if we have any issues --
5 or speaking just for myself, if I had any concerns or
6 issues about that myself, I could elevate that to the
7 Chairman since the authority will be delegated to
8 him.
9 MR. POLUNSKY: That's fine with me.
10 And it's okay with you, Carin?
11 MS. BARTH: That's fine with me.
12 MR. POLUNSKY: Okay.
13 CHIEF YBARRA: Thank you.
14 MR. POLUNSKY: Thank you, sir. Okay.
15 So we're -- we're done with Agenda Item 6. We're
16 going into executive session, are we not?
17 MS. ANDERSON: Yes. I think we are.
18 MR. POLUNSKY: Okay. Before we do
19 that, I wanted to just comment on a memo that's come
20 to my attention that troubled me to some degree.
21 Judy is not here, but it was sent out by an assistant
22 chief in the Driver's License Division. And
23 essentially what it's saying is, "Effective
24 immediately no Drivers License Division employee will
25 attend a DPS Commission hearing while on duty unless

<p style="text-align: right;">162</p> <p>1 requested by the Division Chief." I have no problem 2 with that. 3 "Those employees wishing to attend a 4 hearing must receive prior approval from their 5 supervisor and will utilize personal leave and drive 6 their personal vehicle for that day. Business attire 7 is required." I don't believe that somebody on their 8 own time should have to receive the approval of their 9 supervisor in order to attend a Public Safety 10 Commission meeting. 11 MS. ANDERSON: I agree. 12 MR. POLUNSKY: So I think that portion 13 of this memo is very ill-advised, and I would 14 communicate that to the other divisions as well. One 15 of the reasons we're over there in the CLE building 16 is to open this -- this process up to the public and 17 to the people in the Department so that they can see 18 what's going on and they have -- you know, they have 19 a -- they're exposed to -- to the process that is 20 being utilized to operate this agency. So I think 21 it's disappointing that somebody in one of our 22 divisions would provide a disincentive for somebody 23 on their own time to come to one of these meetings, 24 and I would hope that that doesn't show up any other 25 place and that this memo be amended in Driver's</p>	<p style="text-align: right;">164</p> <p>1 STATE OF TEXAS) 2 COUNTY OF TRAVIS) 3 I, LYDIA L. EDWARDS, certified shorthand 4 reporter for Travis County, Texas, do hereby certify 5 that the above-captioned matter came on for hearing 6 before the PUBLIC SAFETY COMMISSION as hereinafter 7 set out. 8 I FURTHER CERTIFY that the proceedings of 9 said hearing were reported by me, accurately reduced 10 to writing by machine shorthand under my supervision 11 and control, and, after being so reduced, were filed 12 with the PUBLIC SAFETY COMMISSION. 13 GIVEN UNDER MY OFFICIAL hand of office at 14 Austin, Texas, the ____ day of _____, 2008. 15 16 17 18 19 Lydia L. Edwards 20 Certification No. 2567 21 My Commission Expires 12/31/08 22 Certified Shorthand Reporter 23 For the State of Texas 24 INTEGRITY LEGAL SUPPORT SOLUTIONS 25 Firm Registration No. 528 114 W. 7th Street, Suite 240 Austin, Texas 78701 (512) 320-8690</p>
<p style="text-align: right;">163</p> <p>1 License. 2 Okay. The Commission now adjourns to 3 executive session which is closed to the public in 4 accordance with the Texas Government Code, Sections 5 551.071 and 551.074. 6 (At this time, the Public Safety 7 Commissioners went into executive 8 session from 12:41 o'clock p.m. until 9 2:20 o'clock p.m., after which time the 10 proceedings continued as follows:) 11 MR. POLUNSKY: There will be no further 12 business. The Public Safety Commission meeting is 13 now adjourned. It is 2:20 p.m. 14 (At this time, the proceedings were 15 adjourned at 2:20 o'clock p.m., 16 Monday, August 4, 2008.) 17 18 19 20 21 22 23 24 25</p>	

\$	19-69 95:2	32 86:11 151:3
\$190,000 25:13,19 33:3	19-69 (C 97:20	320-8690 164:24
\$190,892 25:7	19th 3:17	340 88:13
\$25,000 132:24		35 78:3 79:13,23 92:1
\$310,000 142:19	2	94:6,10 97:10
\$500,000 56:8,10	2 29:17 94:12	350 117:25
\$619,000 46:21	2.4 135:5	36 38:25 39:15 80:10
	2.5 149:9,22	370 131:3
0	2.7 132:1	
07 91:19	2:20 163:9,13,15	4
08 81:5 91:9,11,19,24	20 29:6,10 77:13	4 1:9 163:16
140:3	91:8,10 93:21	4.669 140:3
09 73:21 91:11,20	94:11,13 95:23	40 96:4 120:5
158:17,20,21	105:12,25 130:5	136:6,9,15 150:9
159:1,16,17	200 83:4 115:13	405HQ8-9111 4:12
	200,000 159:8	42 113:19 130:3 158:1
1	2005 22:19 23:21	45 131:25
1 28:25 29:17 45:20	2007 82:18	46 115:5
46:9 73:11 126:9	2008 1:9,18 75:5 163:16	48 130:4
1.1 127:24	164:14	4th 1:17
1.5 71:23	2009 127:5	
1/2 137:16,23 138:16	200-person 114:25	5
10 8:6 45:20 46:10	2010 37:18 46:3	5 46:12 141:22
70:18 71:13,23	2010-2011 70:13 71:5	5.1 149:22
73:6,21 75:15 77:16	206 146:16	5.2 131:25 159:8
81:6 85:19 91:9	20th 103:22	5.3 46:6
92:9 127:1 130:5	20-year 30:20 34:1,7	5.35 45:24
131:4 132:1 134:4	21st 43:12	50 53:8 56:7,19,21 92:7
142:19 149:10 152:3	23rd 160:10	121:17
160:15	240 164:23	50,000-dollar 56:24
10,000 42:24	256 113:19 117:4	50.5 137:18,19,20
100 127:2	130:2,3	50/50 39:24
10-year 29:13	2567 164:19	512 164:24
10-year-old 152:4	25th 28:16 48:18	52 120:6
11 71:23 73:6,21	49:9,11,12 69:16	528 164:22
77:16 81:6 85:19	103:24 160:6	55 115:4
91:10 130:5 131:5	27 130:4 131:4 134:6	551 3:3 71:2
132:1 134:8 142:20	148:14,15	551.071 163:5
149:10 160:15	28 55:12	551.074 163:5
110 148:9	281 114:8	58 89:17 137:16,23
114 164:23	29 24:3	138:16
12 45:19,21,25	290 130:2 134:4	5805 1:20
46:5,7,13 78:25	298 146:18 147:21	
116:14	29th 156:2	
12/31/08 164:20		6
12:41 163:8	3	6 12:4 73:8 83:19,23
120 29:18 110:20 154:10	3 45:18 46:15	84:6 136:2 161:15
155:11	30 38:5,9 39:11	60 91:5 93:7,18
130 92:11	45:11,25 58:8	600,000 93:2
14 117:9	78:18,19 79:21 125:25	63 93:2,4,8
15 29:5 75:25	148:16 149:11,24	65 92:10
15-year 24:3 29:4	150:8	650 159:5
16 81:7,9	31 85:4 142:23 155:10	659 159:11
17 46:1 95:23,24	31.5 142:23	67 140:2,15,17
171 88:11	31.8 142:23	141:11,12
18 130:5	310,000 142:22	
19.69 94:24	31st 37:18	7
		7 74:10

70 140:8	40:21 41:13,22 42:8	adequately 110:25
75 84:16	60:13,21 61:3,6,11,13	111:15
77 114:8	accounts 37:8 40:8	adjourned 163:13,15
78701 164:23	43:12	adjourns 163:2
7th 164:23	accuracies 11:4	adjust 34:17
<hr/>		
8		
8 72:10 73:9 74:11	accuracy 11:11	adjusting 34:17
75:8,12 77:15 81:12	accurately 33:23 70:7	adjustments 10:23 32:18
85:22,24 88:5 126:9	164:9	48:17
87 117:5 130:1,2	acid 139:2,5	admin 83:6
134:4 146:16 147:17	across 32:15 47:9 91:11	administration 15:7
<hr/>		
9		
9 46:8 72:10 73:9 74:11	122:6 136:9,15,21	22:10 48:6 84:16
75:8,12 77:15 81:6,13	ACs 153:15	administrator's 71:18
93:7 94:19,21,23	act 3:4 27:8 71:3	106:4 136:3
105:25	72:8 124:5	advance 8:6
9:31 1:18 3:8	acting 105:16	advantages 31:16
90 65:7,11 119:7 154:10	action 3:10 6:6 19:6	advice 68:23
158:2	61:14 64:23 68:22	advise 69:9
95 127:2	70:13 71:4	advised 18:23
9-72 95:2	actions 29:9	advocate 27:23
99 148:14	activating 96:18	advocating 126:15
<hr/>		
A		
a.m 1:18 3:8	activities 128:25	Affairs 3:25
aback 109:19	145:19	against 6:3 67:10
ABEST 160:7,11	actual 44:25 59:13	149:10
Abilene 24:16	73:12 84:11 85:24	age 151:11
ability 106:9,11,17	89:2	agencies 21:13 23:11,17
107:18 109:2 133:23	actually 22:20 38:21	35:7 40:24,25 42:21
147:5	40:22 45:2 51:1 53:13	62:19 92:21 93:9
able 10:23 23:4 31:19	61:25 73:10 78:14	96:19 97:24 100:20
37:2 48:8 55:5 79:7	79:23 83:25 92:24	103:2,11,16 104:3,6
90:16 109:1 115:6,9	115:10 118:18	105:1,6,10 107:17
127:16 128:7 149:1	151:10 158:25	108:2 109:6,11
able-bodied 47:24	add 82:16 93:6 110:23	120:7 121:5
above-captioned 1:17	113:2 129:10 150:14	agency 21:15,17 27:22
164:5	added 45:11 78:5 91:8,9	30:1,7 36:23 37:1
absolutely 36:22	115:3 146:9 148:13	39:18,21 47:12
119:8 121:10 141:7	adding 148:20 149:4	61:23 71:17 75:8 92:6
abstract 7:10	addition 39:13 117:3	106:7 108:24 111:13
abstracts 7:25	additional 7:17 10:23	122:13,18 128:18
academy 17:14 86:12	36:25 48:9 74:1	160:7,15 162:20
accept 66:16	77:19,21 78:2 79:13	agenda 3:6,9 6:6
acceptable 19:15 126:25	80:10,13 98:9,10	44:15 46:18
accepting 63:6	100:21 104:23	52:12,16
access 39:18	112:12 114:2 116:13	65:19,20,23 68:16
accessible 103:6	117:5 118:1	70:12 71:4 103:25
accommodate 6:21	130:2,3,25 131:14	155:20 161:15
accordance 3:3 71:2	134:17 145:14,15,21	agendas 58:16
163:4	147:18,19 148:22	aggressive 119:20
accordingly 156:1	150:18 157:2,3 161:3	Aging 105:23
account 39:4 111:9	additions 146:12	ago 21:12 46:20 125:1
accounted 72:17 73:15	address 7:18 14:2	150:23 152:6 158:2
accounting 16:22	15:3,25 22:23	agreed 50:20
	107:25 140:11	agreement 33:11 53:17
	addressed 150:23	54:4 61:25 140:20
	addresses 66:18 115:17	ahead 5:11 102:23
	addressing 146:2	106:19
	adds 148:9	air-conditioning
	adequate 113:10	152:3,5
	116:12,18	Albert 105:19

Allan 2:3	65:10,15,17	141:2,9,16,24
allotted 74:13	66:16,21,25 67:3,8	142:3,5,9,12,17
allow 29:6 37:15,22	68:15,17 69:16,18	143:2,6,11,14,17,20
55:14 96:14 116:19	70:1,4,7,15,19,21	144:2,8,13,18,21
160:20	72:4,16,19,23	145:2,5,8,12
allowed 39:23 45:18	73:1,5,24	146:5,8,14,20
134:2	74:7,16,20	147:1,3,23
Alls 120:7	75:10,14,17,21,24	148:3,13,21
alone 132:12	76:6,9,14,21	149:8,19,24
already 9:5 29:15,18	77:2,10,13,24	150:1,5,20
31:3 32:7 34:20	78:1,8 79:15,19	151:18,21,23 152:7,22
40:1 43:15 45:25	81:3,9,17,22	153:3 154:19
54:18 101:20 129:3	82:5,8,11,21 83:1,5	156:3,10,16,18,21
150:13	84:21,24	157:1,17 158:1,17
alternatives 20:1	85:3,8,16,19,23	159:4,11,21 160:19,25
am 4:20 13:16 76:9	86:1,3,9,11,19,22	161:17 162:11
110:24 127:11	87:2,6,18,22	Anderson's 72:3
129:7,24 130:6 135:2	88:1,14,18,21	anecdotally 124:3
Amarillo 98:16	89:1,4,7,9,14,17,21,2	announce 6:12
amazing 122:21	4 90:11,15,19,25	announcement 7:17
amended 162:25	91:4,22 92:4,7,20	annoyed 35:18
amendment 38:2 39:12	93:4,12,24	annually 46:21
45:10	94:4,9,17,22	answer 15:21 87:9
America 24:1,22	95:6,8,12,22	answering 130:19
America's 60:6	96:6,9,24 97:4,7,17	anybody 49:24 50:12
amortization 151:24	98:1,4,6,13,20,24	108:5
amount 62:20 74:14 93:3	99:2,5,9,15,18,21,23	anymore 98:19
96:3 110:11 115:10	100:7	anything 32:16 50:1,4
123:3	101:6,10,14,17,22,25	51:19 65:13 69:21
analysis 12:10 28:13	102:7,14,17,23	110:2 153:16 159:25
135:25 136:25 137:6	103:12,19	anyway 109:20 123:7
analyst 113:10	104:7,15,18,22	anywhere 43:22 111:1
analyze 39:2 136:8	105:7,19	apologize 22:11 52:19
and/or 33:4 55:24	106:1,11,15	appear 9:25 12:12 15:24
100:12,16 145:18	107:6,11,23 108:19	28:17
Anderson 2:4 5:18 6:2	109:13,15,23 110:14	APPEARANCES 2:1
9:5,8 10:4,8,16,19	111:19,21,24	appears 72:7 80:21
11:15 12:21,24	112:3,6,9,11,14,18,21	applicant 5:5
13:15 14:8,13,20,23	,24	application 29:16
16:3,17,21,24	113:1,4,6,8,12,14,17,	applications 141:8
18:5,12,16 19:2	23 114:17 116:3	apply 123:25
20:1 21:7	117:8,13 118:22	appreciate 115:16 120:4
29:7,23,25 30:11,14	119:1,4,17 120:10	approach 6:17 160:16
31:22,25 32:5	121:7,12 123:19,24	appropriate 69:5 70:6
34:6,10,22,24	124:21	144:12
35:2,10,16 36:4,9	125:5,9,13,15	appropriated 73:22
40:18 41:2,22,25	126:1,4,7,10,13,21,23	75:4,7 87:4 91:14
42:3,6,13,16,19	127:20 128:10,24	100:14
43:4,6 45:6 46:16	129:2,6,12,14,18,21,2	appropriation 70:14
48:11,21,24	4 130:11,18,24	71:5 84:10 90:6
49:2,10,15	131:2,8,14,23	128:20 144:15
50:2,5,8,24	132:17,22	appropriators 153:21
51:2,7,15,18,24,25	133:2,8,10,13,18,22	approval 7:14 52:3,5
52:8,9,15 53:21 55:11	134:2,12,15,23,25	53:17 55:6 58:16
56:19,21	135:20,24	61:24 62:7 64:11
57:10,13,18 58:21	136:15,17,20	66:21 68:2 98:10
59:1,8,19 62:22	137:11,14,18	162:4,8
63:3,15,19,23 64:6,17	138:1,3,7,21	approve 31:7 40:18
	139:5,10,13,14,22,25	
	140:9,14,22	

55:14 60:19 66:7	5:13,14	11:3,9,16,18 12:13,20
160:21	6:7,11,13,15,18,25	13:10 17:22,24
approved 53:4,7,9,18	7:2,3,4 8:5,15 9:6,11	18:11,14 19:12,17
56:2,9,24	16:1 19:4 23:25	20:10,17
57:6,13,16,19 61:25	24:1,24 26:20,22,24	21:1,4,6,10 25:16
62:2 66:10 68:7 97:15	38:22 39:5 42:4 65:20	26:1,14,22 27:4,12,19
104:10 130:17	68:19	33:1,9 34:9
approximately 79:1	auditing 38:13 39:1	36:12,15 40:17,22
103:18 148:16	41:19,20 49:24	41:3,16,20 42:21
apps 140:20,23	auditors 16:13 19:5	43:2,5,7,23 44:9,13
area 6:23 7:23	27:9	45:5 46:17 47:1 48:14
12:9,10,14 13:19	auditor's 88:8 123:11	49:5 50:18,20 51:23
67:16 84:9 91:13	audits 6:22 49:19	52:13,17,20 53:15
97:21 130:22 141:6	augmentees 96:19	55:2,9,12,21
159:21,23,24	August 1:9,18 19:20	56:6,12,16,20,22
areas 10:6 12:11 18:7	28:16 48:18 64:15	57:8,12,14,17,20
38:18,19 75:12 117:22	66:18 69:7,16	58:2,10,25 59:16,22
146:1	103:22,24 160:6	62:3,10 63:11,17,20
arena 120:2	163:16	64:19,24 65:1,14,24
aren't 16:13 81:24	Austin 1:21 123:1	66:6,20,23
133:5 136:11 150:1	164:14,23	67:2,9,13
arms 155:3	authority 30:17 58:13	68:5,9,12,14 69:20,22
article 22:21,23 93:7	66:8 100:12,13	70:8 71:25
94:19,21,23 95:2	101:4,20 102:19,20	78:4,9,18,22
105:25	104:10 108:3	79:6,21,24
aspect 17:1	128:12,15 130:6,12	80:4,12,18,22,25 82:4
aspects 27:21	160:21 161:7	83:10 85:2 104:12
assess 154:25	authorization 31:1	105:3 106:23
assessment 3:12 4:21	39:14 40:12 43:9	107:8,16,21 108:9
5:15 6:25 23:25 33:12	authorized 78:19	111:5 118:15,24 119:3
36:5 53:24 149:14	available 30:6 38:7	125:7 129:1 143:3
154:6	49:19 69:6 71:17	146:17 149:12,17,20
assignments 146:6	90:20 115:9	150:4
assist 27:13	average 82:25 84:13	151:1,4,10,19,22
assistance 80:1	88:9 120:8 121:5	152:8,12,16
assistant 2:7 22:10	averages 83:2	154:4,13,17,22
100:16 101:21 102:5	award 3:11	155:17,19 156:6,23,25
103:1 128:2 155:3	aware 20:25 22:19 42:15	157:2,11,19
161:21	44:17 47:10 49:25	158:5,16
associated 89:6	64:21 108:2 124:2	159:9,19,23 160:1
associations 121:21	127:7 129:7	161:11
assume 43:24	away 47:14 151:17	Barth's 52:15
assuming 80:15 144:9,11	axle 54:1	base 41:11 59:11
assumption 63:25 124:14	aye 5:25 6:1,2 67:7,8,9	72:8,9,10 73:2
125:10,17		87:11,13,17 98:8,17
assumptions 34:11 36:24		99:10,17 124:13
124:12		130:17 141:20 160:9
AT&T 158:19		based 4:8 7:3 13:22
attend 161:25 162:3,9		17:3 19:21 52:6
attendees 88:22		65:8 66:8 72:9 73:9
attends 14:6		76:19 77:8 83:6
attention 16:1 88:5		86:6 88:19 89:10
115:18 156:22 161:20		117:8 118:18 121:8
attire 162:6		125:4,24 148:25
attorney 56:17		150:14 158:11 160:9
attract 122:15,17,25		baseline 73:6 74:22
attracting 119:22		basically 23:22 24:7
audit 3:12,24,25 4:11		30:5 37:12 41:1,17
		43:8 46:4 71:10,15

73:19 81:6,23	120:14 124:18,25	71:22 72:8 73:3,16
115:1,13 128:5 145:22	159:1	83:12 88:25 91:18
157:25	black 21:9	124:14 133:2 140:3
basis 12:2 41:12	blah-blah-blah 49:20	142:7
50:10 83:19 139:7	66:22	budgeted 73:22 133:6
battle 157:15	board 3:7 31:18 58:9	159:6
bear 38:2	91:18 104:3 105:23	budgeting 128:19
beating 139:19	122:6 134:7	build 128:20 148:24
became 22:19	boards 34:2	building 1:19 40:9 41:8
become 59:9 71:16	Bob 157:7 159:14	47:19 51:5 148:12
127:13 130:16	boil 96:2	149:4 153:20 154:20
becomes 60:24 152:15	bona 139:17,21	162:15
beef 110:6,21	book 71:20	buildings 25:5 47:9
begin 60:20	books 9:20 23:2	148:20,23 150:12,18
beginning 1:18 115:19	border 110:7,22	built 81:2 83:12
begun 39:6	111:1,9,16	bulk 114:4
behind 9:23 47:5	114:5,6,10,11	bunch 143:19
121:12,14	115:4,11 117:4 134:17	bundle 45:23
belief 17:3,19 18:17,22	141:24 146:11	bundled 46:5
96:15	147:17 161:2	bureaucrat 60:9
believe 4:25 10:13	Bordering 112:6	Burroughs 157:7,8
17:15,19 25:20	bottom 44:19 81:20	159:15
28:21 32:10 44:20	89:22 119:17	Burton 151:8
48:13 52:11 53:1,6	124:4,7,16,24	business 3:5 28:9
55:5,16 77:22 79:2	125:11,20	29:8 34:12 59:4 134:5
80:12,18 91:12,23	bought 75:22,23	139:7 141:6 162:6
92:18 107:23 111:14	Boulevard 1:21	163:12
117:25 121:4,18	bounce 90:16	buy 122:24 132:6,7,8
144:17,19 151:8 158:5	bread 122:24	135:18 136:20 137:1
162:7	break 66:11 70:16,17	buying 136:3,5 137:23
bell 136:6	breakdown 113:14,19	138:17
Bend 113:2	breakeven 136:25	
beneficial 15:12	137:21,22	C
BeringPoint 158:22	brief 7:12 70:22	caffeine 52:10
Bert 47:4	briefcase 151:11	Cal 156:13
best 38:7 45:15 48:19	briefed 160:20	calculate 88:9
60:2 82:17 119:23	briefly 6:10	calculation 45:16
127:11	bring 19:20 30:23,25	calculations 31:11
bet 109:9	64:14 66:17 69:8	46:14
Beth 50:20 71:25 113:21	123:6 124:15,23 125:3	camera 143:22
150:18	126:8,24 132:25	candidates 4:19
better 13:11,22 38:4	149:13	cap 78:17
68:25 129:23 137:22	bringing 27:14	capabilities 25:3 147:7
138:15 153:10	119:22,25 132:3,12	capacity 135:19
beyond 158:21	154:23	138:22 139:21
BIA 145:9,18 146:9	brings 33:12	capital 21:25 26:3,7
biennium 71:24 72:21	broader 72:6	33:14 36:18,20 37:1
93:20 99:3 118:14	brought 45:12 65:7 98:2	71:12 130:8,10
133:24	115:18 125:2	131:6,8 134:9
biggest 84:8	BRUBAKER 127:18,25	captains 14:9
bill 38:13 40:4,5,18	135:12,22	capture 41:11
41:14,15 76:18 84:3	139:12,15,24	car 9:20 75:9 136:13
90:3	140:5,13,17,24	139:2
billion 71:24 72:21	141:3,14	card 10:3
bills 21:22 38:15	BSOC 141:20	care 36:18 37:1,2
39:9 40:6,13 45:1	142:14,15,19 143:1	47:9 99:6 116:12
83:16	buckets 74:4	140:10 149:5 150:12
bit 81:2 97:23 109:24	budget 22:7 41:22 44:22	career 127:8

careful 34:4	137:24,25 159:5	132:2,15,19,23
Carin 2:4 19:16 55:19	160:17	133:7,9,11,15,21
161:10	changed 29:3,5 147:19	134:1,9,13,16,24
carized 134:5	changeover 59:24	135:12,22 136:16,18
carry 91:20 133:23	changes 22:14 32:18	137:4,7,8,12,15,19,20
134:3,7,10 139:2	42:9 44:5 71:12 74:23	138:2 139:12,15,24
carryover 130:6,12	107:14 159:12	140:5,13,17,24
cars 131:11 137:23	160:13,20 161:4	141:3,14,15
carve 63:5	changing 36:12 84:6	142:1,4,8,11
carve-in 64:10	channels 139:20	143:4,10,12,15 144:25
carve-out 63:9	Chapter 3:3 71:2	145:3,7 146:25
carve-outs 64:8	charge 86:24	147:2 149:7,22,25
case 8:2 19:5 20:23	charged 9:13	150:3 151:8,13
29:8 34:12 68:6 109:7	chart 45:9	154:4,8 155:2
122:21	charts 45:13	156:7,13 157:8
cases 104:8 109:16	check 10:6 13:24	159:8 160:3,5
128:6	41:25 83:20 104:15	161:13,22 162:1
catch 151:20	checkers 42:1	chiefs 10:14 13:20
catch-up 120:11	chemists 138:10,20	15:2,8,15 100:11
categorize 156:1	chief 12:17 14:6,15	102:9,10 109:3 124:19
category 104:24 120:9	15:9 18:9 20:19,20,21	chips 74:17
cause 114:12 124:22	22:2,4,9,10 25:23	choice 61:21
caused 97:22 120:22	26:9,15 27:18,20	choose 18:23 25:17
causes 82:15 125:18	29:10,24 30:15 32:3,6	choosing 76:15
causing 135:17	34:14,23 35:1,17	chose 25:18 45:18
caveat 26:14	36:14 37:4 39:8	Christi 24:16
CCH 135:18	41:5,19,24	Christian 47:4,6
cent 45:20,22 46:8,10	42:2,5,10,14,17 43:10	circle 61:11
Center 145:10,18	44:2 45:5,8	circumstances 64:11
cents 45:19	47:3,6,11,16	clarification 55:23
137:16,20,24 138:16	48:5,13,15,23	73:4
certain 16:15 17:16	49:1,7,11,14,25	Clark 27:25
57:21 64:10 75:12	51:1,4,8,13,16	classes 86:24
96:13,14	60:15,17,18 61:13	classification
certainly 53:19	62:14,16 64:2	100:11,18,22
certainty 16:12	67:20,25 68:6,11	classified 128:23
Certification 164:19	71:6,7 72:15,18,20,24	129:1,2
certified 3:19 4:6 19:7	73:2,19 74:6,9,19	clauses 37:19,23 59:5,9
164:3,20	75:1,11,16,19,22	CLE 132:14 145:13
certify 164:4,8	76:5,8,13,17	162:15
cetera 96:1 110:19	77:1,6,11,20	clean 14:21
chain 7:14	78:14,20,23	cleaned 69:3
chair 2:3 75:23 132:8	79:3,10,18,20	clean-up 90:3
chairman 54:17	81:8,14,18,21 82:7,10	clear 61:7
55:6,14,16 62:14	85:7,12,17,21,25	clearer 9:1
65:15 71:8 106:25	86:2,4,10,17,20,25	clearly 138:25
147:11 156:23	87:1,4,8,12,15,21,24	client 117:9
160:3,20 161:7	88:8,16,19,24	clock 29:20
challenge 152:24	89:2,5,8,12,16,22	Cloe 107:25
chance 10:10	91:12 94:14,20	close 86:1 151:22
change 34:7 36:1,5	95:1,7,11,13,16 97:20	closed 84:3 163:3
53:6,7 56:5,9,23,25	98:2,5,12,15,23	closely 61:3 156:20
57:8 58:7 66:9 68:9	99:1,4,8,12,16,20,22	Coastal 113:2
83:21	100:3,5 101:1	Code 3:4 71:3 163:4
85:13,18,20,22,23,24	105:25 106:3,12	coded 148:10
100:10,11,15,17	109:22 114:21,23	collecting 83:11
106:22 128:16	115:21 116:4	collectively 107:10
	127:18,25 130:10,22	153:11
	131:1,7,9,18	

Colonel 2:6,7 14:24	55:15 56:13	Complex 24:15
18:17 22:20 46:25	57:21,24 58:23 62:1,7	compliance 15:19
47:2 48:2 50:3	63:22 65:18 68:8,19	components 33:17 37:12
51:12 61:15,16	69:7 71:1 100:20,25	composed 3:23
67:21 68:4 70:9	101:1,19 103:20	compound 124:10
78:6,19 80:2,6	105:22 106:5,19	comptroller 40:15
82:12 86:18 89:20	107:1,9 108:8	computer 75:9 132:7
90:6,12,18,24 93:10	132:11 160:16,18	concealed 77:14,18,19
95:4 98:22 99:7,24	161:25 162:10	79:22,25 80:7,14
100:4,6,24	163:2,12 164:6,12,20	concept 68:18
101:3,7,9,11,15,18,23	Commission-approved	concern 8:18
102:1,2,3,4,8,15,18	57:19	concerned 78:10
103:3,7,10,14	commissioned 80:11	121:21 148:23
104:17,20,25	117:4 118:2 124:1	concerning 55:22
105:5,13,21 106:24	134:20	concerns 6:20 7:8,18
107:13,20 108:14,21	commissioner 4:7 5:21	28:21 161:5
109:18 111:2,12,22	9:4,5 45:4 79:12	conclude 7:5
112:1,4,7,10,12,15,19	105:16 111:19	conditioned 62:6
,23,25	114:21 130:23 139:12	conditions 59:4 150:15
113:3,5,7,9,13,16,20	Commissioners 6:10,11	conduct 9:19 38:21
114:3,6 117:3,11,24	8:9,13 10:16 21:19	conducting 3:5 17:3
118:7,12 120:3,13	22:7 26:2 44:17	conference 1:20 6:17
121:10,13 123:10	53:4,10 55:3 56:3	confident 48:5 76:12
124:17,22	59:9 65:9 71:8	117:16
125:6,12,14,23	85:13 111:3 116:9	confirmed 10:25
126:2,5,8,11,19,22	163:7	confusing 94:18
127:23 128:13	commit 48:18	confusion 66:5 97:23
129:5,9,13	commitment 53:3,8 55:25	Congratulations 48:4
130:8,15,21	56:4 106:21	Congress 124:5
131:6,11,16,19 132:11	committed 97:12	conjunction 4:5 45:9
133:16 136:12 138:5,8	committee 3:18,23	connection 17:17
139:4,9	communicate 13:21 67:14	consensus 10:22
146:3,6,10,15,18,19	162:14	conservation 20:23
147:21 148:11,18,19	communication 14:1,12	21:14,24 22:17
149:16 151:2,9,25	15:18 17:7 29:21	23:3,5,11,18,24
152:10,14,19 153:2	communications 77:8	24:8,20 47:21 49:22
154:11,14 155:22	144:6	conservative 87:7
156:4 157:7 160:24	Community 3:25	125:16
colonels 10:15	commuting 43:20	consider 8:20 12:17
Colonel's 8:3,5 69:5	comp 153:19,25	20:3 61:7 129:19
comes 30:6 32:17	companies 32:21 40:13	154:23
55:13 83:7 93:8	company 3:16 24:7 28:8	consideration 3:22
124:20 133:4	comparable 109:3,5	58:17
comfortable 4:20	compared 100:1	considerations 52:7
59:10 97:4 142:14	109:10,11	139:1
157:12 158:15	compensated 127:4	considered 139:8
coming 32:24 63:6,12,13	compensating 21:17	consistent 111:8
64:5 86:7 117:23	compensation 108:12	construction 37:9 47:20
152:16	109:10 122:6 123:21	consultants 20:16
command 7:15 120:21	150:22	Consulting 23:16
commanders 14:7,16	153:7,8,9,12,14	consumption 23:12
comment 68:24 161:19	competent 16:14	24:3,5
commentary 76:10 123:21	competitive 21:12,15	contact 27:25 43:15
commission 1:8,22 2:3,6	26:21 37:14 118:19	contemplated 49:17
3:2,5 8:6 18:20,23	119:16 120:2	111:7,8 145:16 147:14
19:21 20:22 28:16	complete 16:6 26:25	contingent 82:13
30:25 42:25 46:20	completely 36:24 41:2	continue 47:21 73:14
48:6 52:3,6,22	119:6	
53:1,18,19 54:21		

118:16 120:1 124:2	corrective 19:6	116:22
128:7 149:3	correctly 57:2 137:21	cycles 11:16
continued 70:24	corridor 114:7	
141:19 163:10	corridors 111:16 115:22	D
continuing 110:7,16	cost 24:4 25:7,8 26:7	D-1 141:24
continuously 58:7	30:18 31:16 33:17	D-15 142:1,2,3
contract 4:10,22 5:7,14	39:23 46:10 86:25	D-5 141:23,25
21:17 23:17 24:25	87:1 100:1	daily 41:12
25:21 27:10,22	126:16,17 129:13	damages 35:4
31:18 33:2,4 37:14,17	131:4,20 137:3	dangerous 21:11 59:3
38:6 39:23 45:11	costs 25:9 84:16 89:5	dash 58:25
46:1,2,5,19 52:6	92:13 142:20	data 10:20 11:1 12:10
53:4,7	Council 21:12,15 37:13	39:15 40:7 41:11,13
55:5,13,15,25	counsel 2:8 5:13	43:21
56:2,3,10,23,24	25:18 52:24 64:13	database 40:9
57:6,10,20	Counsel's 4:6	date 154:16
58:6,13,19,20,24	count 78:7,11,12,16	dating 7:14
59:11 60:8,11,13,20	counties 114:10	David 2:7 102:25 113:24
61:2,5,14 62:12 63:17	counts 96:17	Davis 2:6 14:24 18:17
64:8 66:8 158:22	County 1:21 164:2,4	50:3 51:12 67:21
contracted 25:6	couple 22:5 44:14	78:19 89:20
contracting 26:21 44:16	64:7 113:24 122:2	90:6,12,18,24 93:10
59:25 62:4	130:14 152:6 155:12	95:4 98:22 99:7 101:9
contractors 37:22	course 15:24 71:14,18	102:3 105:13,21
contracts 26:25 35:14	74:11 83:3 125:4	107:20 108:14,21
37:19 38:8 52:4,25	158:12	109:18 125:12,14,23
53:13 54:2 58:17	courses 86:12,13	126:2,5,8,11,19,22
59:14,15,24 60:2	court 138:10	138:5 139:4,9
61:8,19 62:19 63:4	cover 114:14 159:13	146:3,6,18 148:18
64:21 65:1,6 66:10,11	coverage 115:25	149:16 153:2 157:7
67:22 68:10	covered 105:11	day 1:18 12:5 39:1 41:9
control 41:23 44:22	covert 77:5	118:3 155:10 162:6
164:11	crash 11:7,11 13:3,19	164:14
convened 3:2	17:18	days 8:6 22:5 29:18
conversations 36:7	create 128:3 132:14,20	55:12 65:7,11
77:17	creates 47:7	154:10 158:2
convey 67:24	creating 134:24	DBA 127:11
convince 149:1	creative 36:17	DBAs 127:14
coordinate 61:3	credentials 124:20	DD2 141:5
coordinating 61:4	125:2	deadline 103:22
105:23	credibility 155:9	deal 21:16 87:20
coordination 76:1	crime 11:25 113:10	120:5 135:15 137:22
81:4,10 82:9	117:8 136:16,17,18	138:6 140:25
coordinator 32:4	147:5	dealing 60:6
copy 8:1,2,4 38:14 41:5	criteria 61:19	Dean 82:23
core 147:13	critical 114:17	debt 26:7 33:14
Corpus 24:16	140:20,23 141:7	December 37:17 46:3
correct 7:1 26:17 27:11	criticized 150:19	97:12
30:13 32:9	cubicle 75:22 132:8	decide 141:7
74:6,9,19 75:16	curious 13:16 17:8 91:6	decided 30:7,8 74:21
76:5,8,13 77:6	current 99:2 158:11	decision 11:18 50:25
79:18,20 86:17,20	currently 103:15 159:2	69:23 124:19
88:16,24 91:13,16	cushion 117:20	declared 3:8 82:19
98:12 99:8 125:12	cut 131:5	dedicate 145:25
127:19 133:7,9	CVE 112:11	dedicated 134:22 139:18
142:8,11	cycle 11:9 13:13 18:2,4	dedication 122:25
corrected 13:4 26:12	68:20,24 98:11 110:17	deemed 3:22
correction 78:15		defendable 157:22

deferred 22:21 148:5,17 149:3,9,20 150:8,24 151:6,17 154:3,6	difficult 18:13 97:3 123:6 151:16	document 16:11 61:24 69:4 100:23 155:1
deficiency 18:18	difficulty 119:24 125:22	documents 13:16 54:22 59:2 97:14
defined 65:2 140:22	digress 22:16	DOJ 63:23
degree 119:24 161:20	direct 5:12	dollar 46:5 52:6 53:2 55:17 56:25 57:21 66:9 72:21 120:5 121:17 127:24 141:12
delay 35:13 92:3	directed 4:2 36:4	dollars 22:6,25 28:25 29:15 53:3,9 56:1,11 57:7 58:8 62:24 68:4,7 71:24 83:7 96:4 100:14 120:6 140:2 150:8,11 154:3 158:19
delays 35:7,12	direction 8:24 15:7 43:3 160:16	dominated 72:1
delegate 55:5	directly 25:22 41:12 105:18	done 12:6 13:7 19:7,8 22:12 23:4 26:23 34:3 35:6 38:11 42:6 44:7 47:13 48:7 50:15 69:4 91:7 106:13,25 119:14 146:22 155:1,4 156:17,18 158:12 161:15
delegated 161:7	director 2:6,7 3:24,25 58:6 60:3,5,12 100:16,19 102:5,10 106:7 108:13 109:2,10	door 32:15 63:6
delegating 64:11	directors 101:21 103:1 109:5	Dorothy 2:7
delegation 66:21	director's 101:4	dot 49:3
delete 57:15 90:9	directs 40:12 60:3	DPS 20:16 36:13 38:25 56:2 73:3 86:23 90:3 92:23 93:10 120:6 161:25
deliberation 3:10	disagree 89:25	DPSOA 120:13 121:18
deliver 35:3	disappointing 162:21	draft 7:6,23 8:2,12 71:9
deliverable 35:3,5	disaster 83:6 84:10 139:23 141:12	drafted 7:9 107:14
demand 23:19 37:7 80:15,18	disasters 82:19	drawing 96:18
demands 80:13	discount 34:7	drill 50:10
department 1:19 3:24 4:9 5:15 9:14 52:4 59:5 60:13,21 69:24 105:13,23 116:15,19 117:17 119:14,22 122:20 123:1,2,7 128:23 137:7 162:17	discovered 53:23	drive 162:5
departments 109:4	discovering 45:1	driven 74:23
Department's 3:19 4:3,6	discretion 100:21 104:4	driver's 157:4 159:5
depending 7:4	discuss 4:16 6:17 7:24 17:10 20:3 51:10,13 97:22 155:21	Drivers 161:24
depends 44:4	discussed 3:16 42:20 64:18	Driver's 131:25 135:9 161:22 162:25
deploy 115:14 149:2	discussing 61:18	drop 81:23
deployed 135:10	discussion 3:10 5:21 6:6 19:22 20:13,15 51:21 52:2,21 67:3,6 70:12 71:4 72:6 80:17 90:22 118:21 126:14,15 130:1 138:4 147:8 153:20	drops 81:6,12
depreciate 137:1	discussions 35:25 45:10	DUA 30:2 34:13,14,20 48:12
deregulated 38:18,19	disincentive 122:9 162:22	due 37:20 39:21 75:5 103:17 160:5
description 156:7	disparity 122:11	Duncan 2:8 33:2 58:11 66:12
desire 64:12 151:3,5	distribute 141:1	during 3:4 7:4 12:3 53:24
desires 106:5	districts 110:17,22	duties 116:20
detail 73:16 76:25 95:13 131:24 133:12,19 144:23,24 145:1 147:17,23	divert 147:12	duty 110:1 161:25
detailed 9:21 15:24 24:24 88:7 113:18	division 15:2,7,15 60:15,17,18 74:13 100:11 102:9 124:19 131:25 161:22,24 162:1	
details 34:11 36:11 54:9 161:2	divisions 162:14,22	
determination 45:14	DL 159:12	
determine 6:25 7:1 24:7 90:10	DLR 130:13	
determined 24:2		
develop 12:17 61:6		
developed 4:5 7:6		
developing 128:7		
devil 34:10		
different 9:11 10:5 16:13 17:9 117:6 145:25 146:1		
differently 124:18		

earlier 8:10 113:18	employing 124:14	108:25 111:17
early 85:13	encompasses 88:12	112:10 117:18
Earmarked 146:5	encourage 58:22	131:12,16,21 159:10
ease 108:14	energy 20:22 21:14,20	evidence 16:8,16 138:11
easily 103:5	22:7,17	exactly 14:17 84:7
economics 26:6	23:3,5,11,12,18,19,24	89:16 90:18 114:24
Eddie 47:17,18 50:24	,25 24:2,7,20 25:12	125:24
Eddy 20:22 23:7,15	30:19 32:21 37:8,13	example 11:4 60:4 74:10
25:23 28:3 29:25 32:9	38:10,13 40:4 45:24	75:9 104:19 106:12
editing 94:5	47:21 49:21	107:24 116:22
edition 143:10	enforcement 16:14	exceed 56:1
Edouard 82:24	17:1 18:7 86:16	exceeds 53:3,8
EDs 108:8	92:5,20,21 96:19	56:7,10,19,21
education 86:12 90:1	engage 72:6	except 130:13
105:22	engineer 31:10	exception 59:20
Edwards 1:24 164:3,19	enhancements 159:16	exceptional 71:15
effect 75:5	entails 111:13	72:11,22 75:7,18
effective 53:18	enter 4:9 7:2 41:7,10	76:22,24
62:2,5 64:23 115:1	entered 58:7	77:3,4,8,18
161:23	entire 59:11,15	79:11,14,16 80:9
effectively 77:4	entirety 26:21	89:15 98:8
efficiency 21:14	entity 35:7 92:25	99:10,11,13,25
33:19,24	entrance 6:17	111:4,7 123:15
efficient 79:8	entrusted 12:8 13:3	135:4,7 137:6
effort 124:10 147:11	17:17	139:25 143:1,5,9
efforts 13:25 25:4	entry 40:7 41:13	145:4 157:20 158:2
eight 28:24 43:22 97:19	equate 95:23	exceptions 63:5
140:11	equation 128:9	exclusive 37:15
Eighteen 79:1	equipment 33:14 95:19	excuse 3:11 50:19 91:19
either 7:4 61:21,22	144:7	106:24
62:1,9 86:13 100:18	errors 22:13	executed 53:5
130:5 139:5	ESCOs 32:22	executing 56:3
electricity 33:18 38:23	especially 120:16	executive 2:7 23:13
electronic 40:14	essentially 144:4	101:12,16 103:16
element 125:21	161:23	161:16 163:3,7
elevate 161:6	establish 53:1 107:18	existing 46:5 134:20
eliminating 41:13	established 52:22	expand 139:20
Elizabeth 2:4	establishment 52:2	expect 76:11
Elliston 15:9 18:10	estimate 85:14 94:8,9	expectation 82:2 153:9
114:21,23 115:21	estimated 74:11	expended 40:1 74:11
116:4	et 96:1 110:19	88:10 97:11
137:8,12,15,20 138:2	evaluate 3:21	expenditure 26:8
Elliston's 14:15 132:16	evaluated 4:4	expenditures 132:9
eloquently 150:23	evaluating 27:13	expense 71:12 81:12
else 10:22 23:8 43:24	evaluation 3:18,23	142:18 153:4
65:13 83:22 135:16	4:8,24 5:17 6:23	expenses 73:13 84:11
142:21 154:2	26:16	130:13 142:24
159:10,25 160:25	evenly 91:15	experience 13:20 14:1
elsewhere 74:4 127:8	eventually 23:6,16	experienced 54:15
email 106:14 160:12	30:25	expert 103:13
emails 43:17	everybody 15:11,14 61:7	expertise 18:7 47:11
embedded 125:9	67:15 88:3 123:22	126:20
emergencies 82:19	134:7 139:22	experts 27:23 47:4
emergency 76:1	everyone 122:22	expire 37:20
employee 161:24	everything 29:4 31:11	expires 46:3 94:3
employees 119:21 121:23	32:13,14 39:11	164:20
162:3	84:3,22 85:10	explain 138:5
		explanation 154:15

explanations 44:12	figure 22:22 24:17 29:2	flexibility
explicitly 62:12	141:8	107:4,7,22 108:10
exploration 108:7	figures 140:5	109:2,21
explore 19:10	file 40:10 41:8,11	Floor 1:20
exploring 108:6	42:12 43:11,19,20	Flores 145:11,12,22
export 41:11	44:6	fluctuates 87:24
exposed 162:19	filed 23:22 164:11	fluctuation 88:5
express 28:21	files 11:6	focus 9:15 16:1,12
extensive 84:19	filibuster 72:3	51:16 145:20
extent 94:3	fill 47:15 118:18	focused 9:21 95:24
eyes 36:22	124:15 126:17 127:2,3	folks 10:24 17:5 114:12
	132:25 134:11,22	115:3,8 118:13
	153:10,14 154:1	follow-up 12:19 13:11
	filled 115:5	18:4,15,16 19:5
	134:18,20 153:11,24	foolish 124:11
facilities 10:7 50:13	filling 124:12	foot 128:6
154:20	final 35:21 47:23 48:17	forced 59:10
fact 19:8 26:18 27:7	156:8 160:21	forces 109:25
33:12 76:22 138:18	Finance 20:21 30:17	forecast 33:22,23
factors 119:8	62:17 71:8	87:6,14
factual 7:7	financial 61:14 83:24	forecasting 89:9,10
fails 135:22	136:25	foresee 117:23
fair 48:14 110:24	finding 16:12	form 7:10 18:20 62:9,24
117:13	findings 13:23 69:1	formal 65:25 68:25
fairly 15:23 84:19	fine 19:18 20:10	formally 103:24
143:12	69:18,19,22 123:19,20	former 53:5 66:3
fall 74:3,17,18 151:23	129:14 156:6 161:9,11	formula 82:24
falls 75:14 79:25	finish 6:10	forth 6:18 40:20
familiar 9:5 71:14	finished 135:2	43:20 54:19 73:13
122:2	fire 50:10	75:23 98:18 124:13
families 110:19	firm 4:10,23 5:16	136:23
Farrell 18:19,20	62:4 140:19 164:22	forum 15:17
favor 5:25 67:7	firms 3:21 31:20	forward 5:20 25:12,18
fear 109:23	first 1:20 3:9	26:19,25 27:6,14
feature 38:1,12	22:3,11,18 28:14	29:19 30:8,24 31:1
federal 62:19	29:17 34:16 35:3,5	32:10 39:14 49:13
76:3,11,12,16,19,23	46:4 48:25 72:1	58:12 76:12 78:12
81:14,18 82:2,15	83:15,19 85:5 91:14	111:11 116:11,15
144:9	93:15 94:1,7	122:12 141:6
federally 82:18	132:13,24 133:24	forwards 60:8
feds 81:24 83:14	134:19 153:18 160:11	Fox 2:8 25:16,20 33:7
fee 45:19 46:2	first-line 127:9	53:12,16 55:8 58:14
feed 42:8	fiscal 91:9	59:7,12,18,21
feedback 7:21	fiscally 124:9	60:1,16,18 62:8,11
feel 10:19 48:5 59:10	fit 102:12	64:16,20,25 66:14,24
117:16 119:13	five 11:12 29:14 33:5	Frank 140:7
157:11 158:14	45:23 46:19 83:3	frankly 108:12
feeling 64:12 116:8	112:21 138:20	free 135:15
fees 25:11	140:21,24 141:19	frequency 11:15 12:14
fell 57:6	151:19 159:1	frequent 8:22
felt 15:11	five-inch 35:22	frequently 14:7
FEMA	five-million-dollar	fresh 143:12
83:17,18,19,23,24	29:16	front 14:17 47:12
84:6,9,15,16,23	fix 152:14,20	front-loaded 130:4
Ferrell 125:1	fixed 127:20,21 153:9	fruition 30:7
fide 139:17,21	flags 42:16,17	FTE 77:15,16 79:16
field 7:2,5,20	flashback 58:5	81:10 88:5,14 132:12
9:16,19 10:13 17:5	flat 85:9	
67:14,23 138:9		

FTEs 71:13 74:1,12,23
 75:3 78:7 82:8 83:8
 88:6,9 98:7,17
 110:5,20 113:25 114:2
 116:12 117:17
 118:17 131:25 134:17
fuel 73:13
fuels 73:12,17 85:5
full 48:1 97:16 108:23
fully 44:20 55:23
FULMER 77:25 78:2,25
 79:4,13,23
 80:5,8,15,20,23 81:1
function 13:18
functional 13:19
functions 116:20
fund 42:8 73:8 84:10
 122:13 153:3
funded 30:22,23
 76:3,16,20,23 82:9
 89:12
funding 29:11
 30:6,16,18 31:1,2
 73:7,8 81:15,16,19
 95:25 98:7,17
 141:19 144:20 147:14
funds 16:16 30:2,4
 71:16,17
 76:4,11,12,16,19,23
 82:2,9 83:6,8,11
 102:21 144:9
furniturized 134:5
fusion 145:10,18 146:9
future 58:16 76:18
 114:20
FY 70:13 71:5

G

gain 6:23
gang 145:16
gangs 147:8
Gardner 54:16
Garland 24:15 47:25
gas 33:18,22 38:23
gasoline 99:25 100:1
gather 16:8
gauge 10:11
Gavin 135:21 136:14
GDEM 77:3,9 147:17
 161:3
general 2:8 4:5 5:13
 6:15 25:17 52:24
 53:22 54:14,21
 58:17 73:25 74:21
 136:24
generalized 145:21,23
generally 8:7 10:1
 11:21 16:7 105:15

generated 38:9
gentleman 28:19
gentlemen 48:16
gets 18:10 50:25 84:5,9
 120:14 149:22 152:20
getting 7:14 8:20
 11:2 34:18 41:14
 52:10 68:7 85:14 92:3
 93:1 111:25 116:5
 118:13 120:8,18,20
 142:22
given 28:2 36:18 40:8
 104:6 124:4 164:13
gives 45:23
giving 6:14
glad 106:13
GLO 45:11
Gloria 157:8,16,25
 158:11,25 159:7,13,17
Goliath 45:11
gone 8:16 12:1 22:8
 75:20 80:20 91:18
 94:6,10
gotten 84:22,25
 111:23 112:1 151:16
governing 104:3
government 3:3 21:12,16
 37:14 64:9 71:2 97:24
 142:16 163:4
governments 96:22 144:5
Governor 104:21
 105:1,17 107:17
Governor's 23:14
 84:18 116:24
GR 72:9 73:6,8
grant 62:18 63:5,6 92:1
 95:18 97:14
grantees 62:25
grants 62:17
 63:9,12,13,22 92:22
 142:16 144:1,3,5,8,9
grateful 122:22
gray 67:16
great 70:19 109:25
 129:15 147:24
group 15:10 61:5
 101:8,12 126:9 151:14
guess 20:18 28:18
 38:4 46:19,22 76:14
 78:10,18 79:6 92:16
 100:12 107:16 110:4
 123:16 125:7 154:4
guessing 154:7
guidance 28:2
guide 3:20
guidelines 26:9 31:13
 32:17
guns 131:22

guts 71:10
guy 124:20
guys 17:13 41:14 43:1
 47:8 110:10 113:1
 115:23

H

Haas 87:10,14,16
 94:24 156:13
half 45:22 46:22 53:8
 56:25 72:1,21 81:6
 116:21 159:2
hand 21:8 53:10 164:13
handgun 77:18,19,22
handguns 77:14 79:22,25
 80:7,14
handle 4:20 5:14
 40:23 41:1 62:17
 80:13 157:9
handled 67:23
handling 16:15 36:13
 41:18
Hang 40:17
happen 8:22 41:9 116:23
 158:14
happens 82:13 111:17
 152:8
happy 33:23
hard 110:17,18,19
 122:25 134:3
hard-pressed 47:15
hate 58:4
haven't 7:7 37:2 65:2
 93:25 140:19 155:1
having 21:16 35:12
 36:20 44:24 110:15
 115:10,14 135:19
 145:16 149:15 153:6
 154:24
hazard 76:2
head 105:16
headaches 110:24
headed 34:22
headquarters 17:9 24:15
 67:24
heads 13:23
Health 105:14
hear 21:19 33:23 103:12
 108:19 121:4 123:17
heard 17:4 50:3 68:24
hearing 1:17 161:25
 162:4 164:5,9
heat 33:18,24
heavily 28:10
held 1:22 32:13
helicopter 98:15
helicopters 93:11 98:25
 99:6

help 21:13 23:17	HR 103:13	140:15 142:22
24:20 38:17 47:22	huge 22:6 81:1 110:11	143:13,15 147:25
52:23 81:7 112:16	152:24 159:23,24	148:23 149:25
helped 17:15 153:25	Huh 147:1	150:20,21 156:18
helpful 17:12 147:25	humor 135:23	158:5,22
161:1	hundred 50:18,21 58:2	immediately 64:13,23
helping 21:21	64:19 83:3 135:13	152:20 161:24
helps 115:22	hundreds 150:11	implement 64:12 159:11
hence 120:12	Hurricane 82:23	implementation 52:4
hereby 164:4	HVACs 26:3	implemented 18:21 36:2
hereinafter 164:6		implication 57:18
here's 35:20 73:25		importance 58:19 119:10
131:20 155:5	I	145:16
he's 47:13,23,24	I-10 114:8	important 67:13
hey 124:19	I-35 114:8	impress 16:16
HHS 63:23	I'd 19:12 20:20 22:16	improperly 128:23
HHSC 22:24	33:17,22 46:17 49:8	IMS 42:10,15 127:7
high 15:23 116:18	59:16,22 65:5 66:6	128:25 129:7 135:2
119:24	69:11 70:8,15 71:20	158:12 160:22
higher 9:18,22 10:1	72:4 86:10 92:8,15	inability 126:17
105:22 120:14 123:5	106:18 108:9 109:20	inaudible 42:12
124:23 125:1 149:18	113:18 121:3	139:19,20
158:1,6,7	155:7,14,23 160:15,19	incentive 120:24
highest 4:10,22,23	ID 157:17	include 72:22 77:7
5:5,16 117:19	idea 6:14 10:12 32:23	106:20 159:4
Highway 17:15 73:11	43:8 53:22	included 78:17 98:7
74:10 112:7 136:11	identified 38:6 39:11	143:18
highways 115:23	62:12 146:4	includes 38:23 72:12
hire 24:6 124:3	identifies 71:16	77:22 78:2 95:15,18
125:20 126:5 134:4	identify 20:21 39:2	including 3:11 52:4
hired 21:13 115:8	58:19 76:18 106:6	incoming 122:7
118:13	III 65:20,23 68:16	incorporate 77:11
hiring 124:12,15 125:10	I'll 19:23 20:6,18	incorporates 64:17
historical 38:21	50:10 51:13 97:9	71:23
39:1,6,15 76:7 108:1	103:23 104:18	increase 75:12 77:15,16
history 75:6,8 90:20	106:13 109:8 117:24	79:17 81:1,2 96:23
hit 57:22,23 152:18	123:7,10 146:20,21	102:12 127:17
158:23	155:17	increased 46:6,10
hits 54:5	ill-advised 162:13	increases 74:22 75:5
holder 103:23	I'm 19:3 20:11 22:10	119:21
holds 77:16	32:9 34:22 43:10,21	incredible 50:16
holes 117:2	44:16 48:2 49:25 51:9	incremental 110:5 149:9
Homeland 97:12	52:9,14 55:17 57:1	incumbent 119:13
hope 39:7 55:3 72:5	59:1,3 60:16 61:17	independent 10:17
155:4 162:24	62:5 63:8 64:12,20	19:5 31:9 154:6
hopefully 43:17 44:2	69:18 71:20,25	independently 4:4
47:22 48:8 122:3	72:13 75:25 78:10	indicating 21:8 66:13
hopes 154:25	81:10,23 87:20 88:2	95:3 145:11
hoping 28:14 44:6	91:14 94:22	individual 15:10
hot 103:20	95:6,22,24 100:9	individually 146:4
hours 88:10,20	104:22 105:9 109:23	indulgence 65:18
156:15,16	110:23 112:11	industry 140:18
house 14:20 23:19	114:22,23 116:8,23	infamous 58:6
37:6,11 47:20	118:15,16 119:11	information 11:2 17:5
Housing 3:24	121:20 122:2	30:24 31:4 35:22
Houston 24:16 123:2	123:19,20	39:17 48:9 50:14
HQ-33 60:9	127:6,7,10,15	71:19 102:25 129:10
	130:20 135:18 136:1,2	133:17
	138:4,11,18,21,22,23	

Informational 105:24	41:10,18	Jude 14:2
informative 126:14	involved 6:13	judgment 146:21
informed 70:6	32:21,22 35:12	Judy 157:6 161:21
infrastructure 143:24	36:10 60:24 61:1 97:1	juggling 72:8
in-house 46:13	119:8	July 3:17
initial 7:17 39:9 60:14	isn't 73:7 82:13 149:11	jump 13:5 109:24 117:22
146:7	157:6	June 160:10
Initially 9:15	issue 7:11 12:13	jurisdictions 63:9
initiated 23:22,23	13:2,17 15:5,20	Justin 27:25
initiative 47:12	63:7 64:1 82:6	
initiatives 47:5	123:9,25 158:20,21	
110:8 111:9	issued 13:5	<hr/> K <hr/>
input 6:18 7:8,10,18	issues 9:24 10:1 12:9	key 59:23 60:7
28:11 41:12	13:3,8 14:18	kilowatt-hour 45:20
inquired 24:14	15:3,19 16:14 17:9,16	kilowatt-hours 46:7
inside 146:24	22:23 24:8 27:5 60:23	kilowatts 45:24
inspected 7:23	64:7 73:14 92:14	kinds 16:11 49:18 64:11
inspection 6:13,19 7:16	96:12,18 128:19,22	100:22 145:17
8:15 9:6,17 10:2	138:14 146:1 161:4,6	King 47:17,18
12:4,18 13:12 15:1	it'd 35:4	knowledge 13:8 155:2
17:16 18:8,13 69:13	item 3:9 6:6,8 20:13,15	<hr/> L <hr/>
150:15	44:15 46:18,23 47:3	lab 11:25 117:8
inspections 8:2 9:16,19	49:16 50:11 51:22	136:16,17,18,19
inspector 12:17 14:6	52:1,12,18 58:15	138:13
18:1	61:18 65:20,23	labs 138:9
inspectors 7:21	68:16 70:12 71:3,6	lady 21:8 29:21
9:11,13,24 11:3,22,24	74:3,5 77:3,4,19	lag 83:13 132:22 133:3
15:12,22 16:6 17:6,10	79:16 80:9 89:15	Lamar 1:21
19:6 137:10	99:11,13 111:4,7	language 66:17 96:12
instance 11:23,25 12:3	123:15 128:18 135:7	97:2,5,22 106:20
instead 45:20 90:15	140:1,16 143:1,5	141:10
110:16 149:4	155:20,24 157:20	LAR 71:9,10,23
instill 138:23	158:2 161:15	large 62:20 82:3
institutional 91:2	items 9:21 44:14	109:4,6 114:9
instructions 106:4	71:15 72:6,12,22	largely 76:3
instructors 17:14	74:18 75:7,18,20	larger 13:2,8
INTEGRITY 164:22	76:22,24 77:8	last 22:5 29:3 34:15
intent 58:13	79:11,14 98:9 99:25	43:12,13 47:6 48:23
interest 106:15 108:4	135:4 137:6 145:4	55:2 65:6,11 82:18
121:22 139:11	iterations 8:16	98:9 102:2
interested 59:3	it'll 10:14 95:1,2	108:20,23 110:12
63:4,8 108:5 127:6	158:23	112:16 115:2 116:14
interesting 49:17	I've 17:4 34:2	140:8
interests 28:6,7	35:9,11 50:3,15 52:22	late 54:17 64:15
internal	53:2 72:1 100:8	later 154:16
3:11,12,23,25 4:11	124:19 155:12 158:3	later-in-the-month 48:9
5:14 13:25 14:12 16:1	160:1	latest 44:3
interstate 115:23		law 16:14 17:1 18:7
interview 7:22 24:19	<hr/> J <hr/>	86:16 92:5,20,21
interviewed 24:11,21	Jack 98:21	96:19 101:24
interviews 10:11	Jennifer 21:5 38:17	lawyer 59:2
introduce 47:17	40:23 43:11 45:12	lay 121:15 123:12
inventory 16:17	job 9:25 124:4,17 125:4	layout 40:9 41:6
investment 158:10	127:2,3,17 128:5	LBB 94:1 104:10 107:1
invite 86:15,22	156:11	160:6,8
invoice 41:7 44:21	JOIC 112:20,24 113:2	lead 20:18 28:17 114:8
invoices 38:15,16,22	JOICs 141:19	leader 36:2
	142:6,13,14,15,19	
	143:1	

leadership 10:12 122:1 147:12	157:4 159:5 161:22,24 163:1	longer 128:7
leading 111:16	licenses 79:25 146:23	loose 84:17
leads 51:7	licensing 77:21 80:3	lose 46:12 126:19,22
learn 24:18	life 53:4 56:2 57:24	losing 47:10 118:3
learned 28:10	58:5 122:23 157:1	lot 17:1,5,7 18:6
learning 27:24	light 98:3	22:4 43:1 47:10,13,14
least 8:5 14:14 19:2 55:16 72:9 73:6,9	lighting 26:3	52:18 54:5 71:19
leave 109:8 110:18 154:14 162:5	limit 58:13 66:8 150:6,7	72:13 73:7,8 82:20
leaves 47:14 83:23	limitational 59:6	95:13 120:17,19 124:6
LECKLEIDER 62:20,23 81:20 82:1,17,22	limitations 97:2	125:19 128:17,22
83:2,9,15 84:22,25	limited 29:14 30:4	133:16 146:22
91:17,25 92:5,18	limits 46:24	147:8,22 153:8
93:1,6,13,18,25	line 9:19,23 30:5 40:12	156:14,16
94:8,16,19,25	44:19 74:3,25	Lottery 105:21 108:1
95:15,18 96:5,8,11,25	81:10,11 120:18	love 113:18 122:19
97:6,9,18 141:22	128:18 155:24	lower 24:4 38:9
142:2,15,25	linebacker 116:1	LPAR 139:17,21
143:8,18,25	linebackers 116:1	LPB 20:16 21:1,13,17
144:4,11,17,19	lines 34:17,18 49:20	22:18 23:16
led 23:10,16	linked 118:25 119:6,7	27:13,22 28:12
legacy 135:14,15	liquidated 35:4	37:6,21 38:5 41:9
legal 59:2 60:23,24 61:1 65:19 90:7	list 10:6 18:25 65:6 71:15 108:8 114:18	45:23
164:22	135:3,6 136:4	LPB's 21:21 37:10
legislative 12:3,6 70:13 71:5 90:20	140:23 148:9 150:4	Lt 2:7 46:25 47:2
91:18 103:17 155:8	151:7,15 152:1,4,21	48:2 78:6 80:2,6
Legislature 71:16 73:20 95:17 96:16 100:17	158:2	82:12 86:18 99:24
101:5 120:17 126:15	listed 10:10	100:4,6,24
149:2	lists 148:8	101:3,7,11,15,18,23
length 150:23	little 8:9 9:22 10:19 12:10 35:17,18	102:1,4,8,15,18
lengthy 84:12	45:19 46:8,21 51:19	103:3,7,10,14
less 52:18 53:9 56:8,10,20,22 96:4	81:2 90:1 97:14,23	104:17,20,25 105:5
Lester 22:9 47:6 60:4	104:16 109:19,24	106:24 107:13
let's 33:20 65:22 74:20 100:7 135:24 147:12	120:14 124:18,25	111:2,12,22
letter 39:14 43:9 54:8 91:18 107:1,12	135:18 137:22,25	112:1,4,7,10,12,15,19 ,23,25
letters 118:8	156:22 159:1	113:3,5,7,9,13,16,20
level 9:18,22 10:1 15:23 95:25 100:11	live 44:1 117:15	114:3,6 117:3,11,24
115:13 116:15,18	lives 53:6	118:7,12 120:3,13
117:18,19 120:21	load 135:16	121:10,13 123:10
122:6,8,14 127:9,22	loads 135:17	124:17,22 125:6
137:5	loan 29:14 32:24	127:23 128:13
leveling 80:21	local 63:9 64:8 86:16,21,23	129:5,9,13
levels 109:14 119:15 123:4	92:3,20,21 93:9,11	130:8,15,21
Lexus 146:23 147:3	95:9 96:1,17,21 97:23	131:6,11,16,19 133:16
liability 59:6	141:24 142:16 144:5	136:12 146:10,15,19
license 89:18 131:25 135:9 144:6,10,16	locals 92:16,22 96:7	147:21 148:11,19
	located 1:20 154:9	151:2,9,25
	LOGAN 103:15 104:5,9,14 105:15 128:12,14	152:10,14,19
	Lone 29:12 30:4,22 31:2,16,19,25 32:3	154:11,14 155:22
	long 18:4 62:3,11 117:15 125:1 130:17	156:4 160:24
	154:5	lubricants 73:12,17
		luck 120:17,19,20
		Lydia 1:23 164:3,19
		<hr/>
		M
		<hr/>
		ma'am 21:3 65:16
		69:17 72:20 82:7,10
		104:17 113:5,7,16
		127:18 139:24

156:24 160:24	50:6 57:2 63:4,8 81:3	meet 6:16 7:3 28:21
machine 1:24 164:10	83:3 96:1 100:12,24	48:16 61:19
magnitude 67:22	104:22 124:23	meeting 1:7 3:4,7 8:6
mainframe 135:2,7,10,13	129:12 135:2	15:10,11 19:20
140:25	136:4,6,17 147:16	28:16,20 43:25
mainly 75:4	155:6	48:10,19,25 49:12
maintain 122:14	mceathron 46:25 47:2	61:4 140:8 154:23
maintaining 119:23	48:2 78:6 80:2,6	155:21 160:6,18
maintenance 22:21 98:21	82:12 86:18 99:24	162:10 163:12
99:5,17 148:5,17	100:4,6,24	meetings 3:4 14:7,10,15
149:3,10,21	101:3,7,11,15,18,23	28:2,3 35:19 47:24
150:9,24 151:6,17	102:1,4,8,15,18	55:6,15 71:3 118:6
152:17 154:3,6	103:3,7,10,14	162:23
major 14:4,5,11,14,22	104:17,20,25 105:5	members 121:23
15:2 37:12 38:12	106:24 107:13	memo 161:19 162:13,25
82:14	111:2,12,22	memory 91:3
majority 81:11 114:9	112:1,4,7,10,12,15,19	mentioned 68:2
makers 69:24	,23,25	merged 9:15
man 34:6 59:23	113:3,5,7,9,13,16,20	merit 128:21
manage 23:17	114:3,6 117:3,11,24	met 3:18
managed 29:12	118:7,12 120:3,13	methamphetamine 138:13
management 7:3,24	121:10,13 123:10	midnight 55:1
8:25 13:18 19:7 39:17	124:17,22 125:6	midrange 124:25
61:5 69:1 84:16 122:8	127:23 128:13	Mike 51:8
129:11	129:5,9,13	mild 85:14
management's 7:10	130:8,15,21	mile 137:24
8:4,21	131:6,11,16,19 133:16	mileage 137:10
manager 47:25 128:2,16	136:12 146:10,15,19	Miller 3:19 4:2
managers 3:20 4:7 28:18	147:21 148:11,19	million 22:24 28:25
47:18	151:2,9,25	29:14 45:24,25
manages 22:18	152:10,14,19	46:1,5,6,7,12
managing 37:8	154:11,14 155:22	53:3,8 56:1,11,25
man-hours 44:23	156:4 160:24	57:7 58:8 62:24
manpower 25:3 96:23	McEathron 2:7 22:20	66:8 68:3,7 81:5
mapping 147:5	mean 9:9 13:16 27:4	83:3,4 91:10
March 140:3	33:4 34:1,24 35:6	93:2,5,8,21 96:4
Marcy 2:4	36:16 43:2 51:18 54:3	110:11 120:5,6 121:17
master 54:4	63:24 67:23 73:8	127:24 130:4,5
Matched 84:21	74:23 78:9 82:14	131:4 132:1 133:4
match-up 135:17	89:10,24 90:21	134:6 135:5
math 86:5	92:9,14 94:5	140:2,4,8,16,17
matter 1:17 6:14	96:3,17 103:25	141:11,12 142:23
17:18 136:24 138:18	105:10,11 106:17	148:14,15,16 149:9
164:5	107:24 109:9,18 110:2	150:8 151:3,20
maximum 101:9 120:8	114:7 118:8 119:3,6	155:10,11 158:19
may 7:18 9:19 13:14	120:19 122:20	159:2
15:4,5,15,20 20:4	123:5,16 125:15,16	millions 150:11
21:24 46:25 47:2	126:24 129:22	Mills 20:19 22:2,4,9
55:19 71:22 79:2,5	134:17 135:14	25:23 26:9,15
101:19 103:19	140:15,21 143:20	27:18,20 29:10,24
121:24 123:17	147:5 148:3 150:4,5,6	30:15 31:23 32:3,6
124:10 127:7 129:6	151:10,19 153:18	34:14,23 35:1,17
137:24 138:19 150:9	157:3,11,17 158:3	36:14 37:4 39:8
151:8 154:10,11	meaning 95:25 97:23	41:5 42:5,10,14,17
158:17 160:10,13,17	111:22	43:10 44:2 45:5,8
maybe 9:1,4 10:23 11:25	means 18:2 65:5 154:2	47:11,16
13:3 16:15 17:18	measures 160:12	48:5,13,15,23
18:5,8 40:23 45:2	mechanism 30:16 90:14	49:1,7,11,14,25
	mechanisms 29:11	51:1,4,8,13,16 60:4

86:25 137:7 151:14	132:10	offered 86:14,24
154:4,8 155:3	MPAR 135:8	office 4:6 8:3,5 15:5
mind 9:3 18:15 36:16	MSA 54:12	18:10 23:14,15
49:3 108:14 155:23	multiple 153:19	24:16 29:1 36:7 47:19
mindful 76:9 77:17	myself 4:1 100:9 119:11	51:6 60:24 61:8 84:18
mindset 122:4,22 138:24	161:5,6	116:25 138:19 164:13
139:6		officer 61:14
mine 52:18	N	officers 117:4
minimum 49:6	natural 33:18,22	118:2,3 134:21
minus 142:23	38:23 83:6	offices 24:15,17 25:1
minusing 86:5	necessary 16:10	38:3,5 110:6 154:9
minute 54:25	negative 151:24	OFFICIAL 164:13
minutes 70:18 150:23	negotiate 4:22 5:14	Oh 36:4 48:24 84:24
miraculously 131:5	37:21 45:19 46:2	144:13
miscommunication 69:2	53:16	okay 4:25 5:11 8:10
misinformed 69:24	negotiated 5:5 37:14	12:12 14:8,13,23
missing 119:12 130:7	38:8	20:8,12 21:4,10
mission 140:23 147:13	negotiations 4:10 5:8	26:1 27:19 30:14,15
misstatements 7:7	neither 139:23	32:5,6 33:6,21,23
misunderstanding 8:23	network 158:13	35:16 36:9,19 37:4
mitigation 76:2	nevertheless 108:24	39:8 42:13,20 44:18
mix 123:23	NIETZEL 21:3,5 38:20	48:24 50:2,5 51:15,18
modification 77:7	41:4 42:23	52:1,19 55:6,8
Monday 163:16	node 145:16	56:14 59:18,21 64:2
money 22:22 26:4 28:9	nodes 145:17,18	66:14,15,24 67:1
39:21,22,25	noncommissioned 17:2	68:5,12,13,15
46:11,12 62:21	75:3 123:25 124:7	69:18,20 70:7,11
63:14,23 64:5 74:14	noncomp 123:21	72:19,23 73:1,5,24
82:20 84:17 85:9 87:3	none 5:24	74:16,20 75:1,21
91:13,20 92:12,16	normal 30:1 112:16	76:9,14,21 77:10,13
93:15,16,19,22	north 1:20 111:20 158:3	78:1,13,22 79:3
94:11 95:12,14	notebook 35:22	80:4,22,25 82:11,21
96:21,22 97:13,16	notebooks 113:18	83:1,5 85:2,3 86:9,11
99:6,25 120:25 122:20	notes 16:6 139:16	88:1 89:1,4,7,17
123:3 128:5,21 135:10	147:25	90:19,25 91:1
138:17 142:22,25	nothing 10:22 68:3	92:8,9 93:12,24
144:12 148:5 149:1	92:22	96:9 98:1,4,20
152:2 153:16 157:20	notice 75:24	99:23 100:7 101:22,25
month 28:15 43:12	notified 29:19	102:7,17
47:6,7	notion 66:1	113:8,12,22 116:6
monthly 61:4	notwithstanding 76:22	117:10 121:20
months 38:25 39:15		123:14 125:13
78:16 84:14	O	129:5,6,25 130:21
88:12,17 97:19	object 71:12	131:1,23,24 132:14
115:7 116:14	objectives 6:15,19,25	133:8,10,15
morale 10:12	obligated 33:3	134:1,21,25
morning 19:22 43:16	obligation 33:11,15	135:1,21,24 138:7
44:12	obligations 56:1	139:22 140:23
mostly 74:2	obviously 87:18	141:14,17 142:10,12
motion 5:3,20,22 6:5	118:18 121:22	143:2,14,17
54:10 58:11 65:25	occasionally 10:24	144:2,8,13,18,21
66:3,7,13,25 67:4,12	15:23 17:21	145:2,5,8,12 146:20
move 5:12 30:7 31:1	occur 127:8	147:3,23 148:11,21
32:10 43:9 46:23 47:3	occurred 68:20	149:21 150:25
64:12 141:6 158:3	o'clock 1:18 163:8,9,15	155:5,16,19 156:9
moved 5:19 67:1,2	October 44:3	157:23 158:16
124:25 158:4	offer 118:17 154:11	159:9,19
moving 29:19 39:13		161:10,12,14,18 163:2
		old 135:14 152:3

one-on-one 15:14	outside 18:3,12 86:23	106:22 109:2 131:5
ones 35:11	outsourced 41:2	132:24 137:10
one-time 75:20 132:9	overall 25:10	153:1,23 156:21
one-year 37:18	overbilling 45:1	158:19
ongoing 18:25 60:19	overcharged 39:20	payable 43:12
158:22	overtime 91:6 92:13	payback 29:7,13 34:7
open 1:7 3:4,8 15:17	95:10 96:1 110:3,16	paying 39:10 41:14,16
36:22 71:3 80:16	overview 4:17	46:7,8 84:11 88:15
148:4 160:7 162:16	owe 25:13,19 47:13	123:3
opening 49:16 71:21		payment 40:5,19 84:9
opens 155:5 160:11		100:21
operate 142:21,24		pays 36:19 37:3 84:16
162:20		peak 135:13
operating 51:20 72:12		peer 16:9
73:15,18 74:5 85:10		pending 50:11
98:18 99:17 100:2		penny 124:11
130:12,15 142:18		people 6:13,16 7:19
153:4		15:15 17:2 74:15 78:7
operation 83:24		82:16 83:21 84:7
114:25 115:12 158:13		86:15,16,23 88:7
operational 7:20 157:10		89:11 90:4 92:15
operations 6:24 55:4		96:15 97:15 111:14
92:13 95:25		113:11 114:13,19
114:5,8,11 141:21		115:10,14 116:19
opinion 116:8 119:10		117:1,9,16 118:1
122:18 123:8		119:12,19,25 120:7,22
opportunities 39:3		122:15,16,19
opportunity 17:10 45:23		123:1,6,17 125:20
opposed 64:5 151:7		126:9,22
opt 25:12		128:5,21,23,24
optimal 151:4		131:3 136:6,9,15,21
optimum 122:13		137:2 142:5
option 40:4		146:4,5,9,23 147:22
45:15,18,20,21		150:12 162:17
46:4,9,15		per 45:19 46:21 94:13
options 20:2 45:13		percent 24:3 50:18,21
order 16:8 23:13 24:4		53:8 56:8,19,21
40:3 53:6 56:5,9		58:3 64:19 71:13 75:2
119:15 122:13		84:17 92:1,8,10,11
145:23,25 162:9		94:6,10 97:10 119:7
orders 53:7 56:23,25		127:2,3 135:14 140:11
57:9 58:7 66:9 68:10		158:1
organization 102:16		percentage 83:7
organize 83:17		Perfect 145:5
organizes 60:4		perfectly 19:17
Oscar 20:21 60:1		perform 6:24 116:20
61:13 62:16 71:7		performance 26:25 27:10
84:18 137:17		35:14
others 122:3		perhaps 45:1 54:15
Otherwise 122:17		period 24:3 29:7 30:20
ought 50:7,11 54:11		periodically 7:4 16:9
68:19 92:11 94:5,13		permanent 79:9,11,16
96:2 109:1 121:18		permanently 110:21
122:12 123:13,22		Perry 36:7
127:3 138:1 149:5		person 30:12 32:1
150:6,7		49:2 60:7 62:4 125:25
outlined 4:11		126:24 127:13,14
outlines 7:11		132:21,25

personal 138:13,16	61:20 68:20 69:3,25	possibilities 108:6
162:5,6	121:8 140:15 147:9	possibility 39:25 69:12
personally 53:23	148:25 149:4,7 151:16	possible 3:10 4:19
personnel 7:22 11:6	158:15 159:3	6:6 44:8 52:2 68:22
74:1 79:14 80:10,11	points 4:23	70:12 71:4 94:3
98:9,10 113:10 130:25	police 109:4,6 123:1,2	117:20 161:2
131:15 134:18	policy 17:10 52:5	possibly 20:4
144:22 145:21,25	54:7,10,13 61:19	posted 3:6
147:19 161:3	64:13,14 65:8	post-payment 39:5
perspective 35:2 73:7	66:5,7,18 67:16	pot 93:19
132:11 137:7 160:17	126:13,15	pots 93:15
Peter 152:25 153:23	Polunsky 2:3 3:1,15	pound 124:11
phase 8:10 28:25 29:17	4:13,15,25	POV 137:2,3
phases 25:1	5:4,8,11,19,24	POVs 137:23
philosophical 136:24	6:3,5 9:4 17:22	Powell 51:8 92:24 93:17
Philosophically 74:7	19:15,19,24	prefer 155:14
philosophy 87:23	20:3,8,12,15 27:2	preinspection 14:25
phones 51:3	44:11 45:4 48:4	pre-kickoff 54:18
phonetic 107:25	49:6,8,12	preliminary 6:23
phrase 98:7,14	50:6,17,19,22	23:25 50:14
Physical 85:3	51:21,24	prepare 14:19
picked 116:13	52:1,11,14,19	prepared 16:10 18:25
picture 45:17 46:14	55:19,22 56:7,14,18	20:6
73:20	57:4,15 58:1,4	preparedness 76:1
pictures 150:14	62:6,9,15	present 3:7 28:15
piece 35:23 45:7 95:7	63:1,21,24 64:3	presentation 19:21
158:20	65:9,13,16,22 66:2,15	presented 5:21
placed 52:12	67:1,6,10,12,18	presenting 3:13
places 115:24 128:17	68:13,15 69:20	presents 31:6
129:7 146:11	70:11,17,20,25 72:2	press 103:20
plan 7:3 17:25 23:23,24	91:2 102:22,24	pressure 11:4 125:18
27:7 42:4 76:10	103:5,8 105:10,17	presumptuous 63:25
153:11,20	106:2,9 107:3,9	pretty 15:6 47:8
planned 140:2,6	108:11,17,22	59:14 61:3 121:15
planning 71:15	109:14,16 113:21,24	129:24 134:18
135:3,6 136:4	114:4,15,18,22 115:16	prevent 70:2
140:10 148:7	116:6 117:10,12,14	preventive 152:18
plans 21:14	118:5,10,20	previous 58:5
plant 85:3	119:2,5,18 121:20	prices 22:8 33:22
plate 48:1 89:19	123:16,22	primarily 9:16
144:6,10,16	129:17,19,22 148:2	print 143:13
platform 141:5	150:17,25	prior 52:5 53:17
play 29:11	155:16,18,20	57:24 137:17 160:6
playing 120:10	156:9,17,19,24 159:25	162:4
pleasant 155:6	160:2,4	priorities 150:16
pleasantly 121:24	161:9,12,14,18 162:12	prioritized 155:14
please 5:25 67:7	163:11	priority 152:15
95:21 103:13	pool 136:13	private 50:15 77:23
plug 123:15	populate 39:17	80:7,10,11
pluralized 101:24 102:6	port 58:25	probably 22:19 34:15
plus 26:7 77:6 86:5	portion 73:9 162:12	35:21 51:9,13 60:1
93:11 113:19 130:2	position 23:8 120:11	66:2 88:12 91:25
134:4 141:19	127:12 132:14,15,25	99:25 102:1 108:21
PM 36:5 48:21	133:3,12	110:13 132:15
point 5:6 10:20	positions 77:5	133:13 135:17
11:1,4 27:1 30:8	79:9,11 115:5	136:12 138:9,17
32:14,19 39:13 40:3	118:18 128:15	problem 12:20 27:2
53:11 54:21 58:7	134:11,18,19	
	145:14,15	

66:20,23 84:1,8 90:13	26:3 29:16 30:22	Qs 49:3
92:2 115:18 117:2	33:13,16 34:1,3,5	qualified 3:22
118:13 127:7 128:1,16	36:18,21 37:2	quality 10:12
129:3 140:12	149:11 151:12	quarterly 83:18
153:12,18 158:18	promise 88:2	quarters 134:19
162:1	promote 120:24 122:10	question 15:22 55:20
procedures 17:11 52:3	127:13,16 132:15	65:24 76:15 81:3
126:25	promotional 120:23	83:10 85:6 102:25
proceed 6:22 25:8 69:9	proof 84:20	107:16 110:4 111:6
proceeding 25:14	property 12:8 13:3,18	117:13,15 124:11
28:13 32:25	17:17	125:7 127:6 130:20
proceedings 1:23	proposal 4:4 24:6 71:13	133:23 135:8 136:7,24
70:23 163:10,14 164:8	120:14 123:13	145:14 157:9
process 3:21 4:9 6:7,19	proposals 3:21 27:14	questionable 90:7
7:16,19 8:7,12,18	propose 53:14 63:12	questionnaire 15:1
9:17 11:13 12:7,18,19	70:15	questions 4:15 20:24
13:11 18:18 19:14	proposed 53:2 70:13	71:20,21 72:5,14
21:22 23:23	71:5,12,22	100:9 113:25
24:8,12,23 26:21 28:4	proposing 55:17	queue 30:12
29:18 31:8 32:22	protect 108:3	quick 48:16 102:24
35:18 38:10 39:7 44:7	protected 28:7	quickly 44:4,8 161:1
53:20,23 54:17,20	protections 59:4	quite 84:12 108:11
55:13 58:22	proud 110:9	quorum 3:6
60:2,9,10,11,19,22	prove 31:7 90:9	quote 98:7 126:6 154:21
64:21 65:20 68:1,2	provide 4:16 7:25 25:21	quoted 140:8
69:13 79:7 83:11	39:14 111:15 116:18	
84:19 115:7 135:19	133:11 150:18 162:22	
137:1 162:16,19	provided 40:5 71:8,9	
processed 61:16	95:16 96:20 154:15	
processes 6:21 16:2	provider 37:16	
61:6 70:10	providers 39:16	
processing 40:4 42:23	providing 37:7 50:12,13	
44:21	106:7	
procurement 3:19	provision 25:21	
4:3,7 5:13 37:8,13,16	provisions 25:24 33:5	
60:22 140:2,6	prudent 94:2 124:9	
procurements 60:25	pry 84:17	
produced 62:21	Ps 49:3	
product 141:4	public 1:8,19,22	
professional 16:5	2:3,6 3:2 13:17 30:16	
proficiency 117:19	53:17,19 71:1	
program 20:24 22:6	162:9,16 163:3,6,12	
23:10 25:15,24	164:6,12	
26:10,17 27:21,24	pulled 76:24	
28:1,23 29:4,12,14,21	purchased 98:21,24	
30:5,6 31:5,13,17	purchasing 21:21	
34:19 36:17 37:5 38:1	pure 64:9	
47:18,19 49:23 51:5	purpose 79:19 96:22	
125:24 126:12 128:1	135:11	
154:7 157:13	purposes 138:3	
programs 9:14 158:8,10	pursue 5:7 30:8,10	
progression 127:9 128:8	pursuing 4:20	
project 22:18 25:10	push 44:21 157:3	
28:12,18,22 29:1,20	putting 127:1,2	
30:18 36:1 47:21,25	154:24 156:11	
60:3,4,5,6,12		
projections 86:7		
projects 21:24		
23:3,4,12,18 25:19		

R

RA 148:10,19
radio 143:23 144:5,15
radios 143:21 144:10
raise 75:2 106:7
108:20,23 119:15
157:13,14
raised 7:11 21:8 64:7
raises 104:11
raising 155:8
ran 114:24
Randy 114:12,19
range 104:4,6,12,13
121:17
124:4,8,16,24
125:11,21 126:3,4
128:21
ranger 142:7
rangers 11:25 112:13,16
142:6
ranked 4:10
ranks 123:5
RAs 148:14
rate 34:7 46:6 137:15
rates 38:4,7
rather 59:16 92:15
104:6
ratification 61:23
64:14
rationale 89:25
Ray 3:18 112:15

Q

react 160:10	records 13:4,19	rent 132:5
reader 89:19	recover 76:2	replace 112:22
readers 144:6,10,16	recovery 86:25 87:1	replacement 126:6
reading 9:8 156:8	139:23	report 3:9
ready 14:19 32:7,15	recruit 86:14	7:6,9,11,24 8:3
43:8 44:1 69:4	88:4,6,22,25 89:11,13	10:2,3 13:5 17:23
real 113:18 126:16	123:1 132:23	18:19 22:12 28:14
127:21 143:15	134:10,21	32:17 33:7 34:18
149:19,20 157:17	recruiting 15:5	35:20,21,25 48:18
realistic 117:12	119:18 124:10	103:17 118:23 120:5
122:6,14 152:23	recruitment 110:23	123:11 150:15 160:5,8
reality 122:23	recruits 88:11,13 89:3	reported 1:23 18:19
realize 41:17 135:15	red 42:16,17	164:9
really 13:10 27:8	redeploy 114:19	reporter 95:20 164:4,20
29:1 33:18 36:21	redouble 13:24	reports 8:5,9 9:9
44:20 47:11 64:9	reduce 23:12 24:2,20	11:7,11 17:17,18
74:23 79:24 91:10	115:6,9	35:15 68:19 92:3
92:15 97:19 110:15	reduced 1:24 164:9,11	155:13
112:16 127:5 128:18	reduction 71:13	representative 4:3
129:24 131:15 135:1	reengineer 79:7 157:9	representing 145:9
139:8 141:20 142:17	reengineering 157:5,19	reprioritize 151:15
149:14 151:6,15	reference 140:1,18	request 24:6 38:24
155:11 157:22	referred 9:17	70:14 71:6,11,12 80:9
159:9,19	reflect 33:13 45:2 86:6	100:10 101:19
realm 120:16	reflected 124:13	103:20,24 105:9
real-time 147:5	regard 49:19 77:14	106:20,23 110:5
reason 18:24 90:8	regarding 4:19 20:24	114:24 116:24
152:22	52:2 71:22	144:14 145:13 146:7
reasonable 43:23	regardless 57:10 100:21	157:25
reasons 75:6 162:15	region 12:4,23	requested 6:8 79:13
reassigned 28:18	13:1,18,22 83:19,23	162:1
receipts 87:5	84:6	requesting 80:13 82:6
receive 41:10 162:4,8	regional 13:23	94:13 114:1 116:11
received 28:11 44:12	14:6,16 24:16 84:9	requests 80:11 117:21
48:6 82:19	regions 11:13,22 12:2	145:21
receiving 63:1	13:21 110:18	require 42:9
recently 15:9 46:19	Register 3:6	required 18:8
65:2	Registration 164:22	23:3,11,14,24 24:13
recess 70:22	regular 3:1 19:20 48:10	162:7
reclassification	70:25	requirements 25:15
128:19,22	regulated 38:18	requires 31:5 52:5
reclassify 128:15	regulatory 77:21 80:3	76:18
recognize 121:2	rehire 126:25	research 23:6
recommend 4:9 28:24	reimburse 137:3	researched 99:13
120:7 160:19	reimbursement 83:13	researching 23:1
recommendation 4:21	84:13	reserve 30:1 146:21
7:12 8:11 17:23 18:22	related 16:23 92:13,14	reserves 96:18
19:1 25:9 31:6 50:7	relationship 20:16	resolution 30:25
69:14	Reliant 46:1	resolve 44:4
recommendations 25:5,13	relive 117:2	resource 21:18,22
28:11 48:8 55:23	remember 88:11 99:11	44:18,19
121:3	137:7,21	resources 18:3,13
recommended 30:22 31:10	REMEMBERED 1:16	36:20,25 37:7
recommending 5:4	remind 149:12	105:24 116:18
26:12 55:25	remnants 138:12	respect 4:23 8:14
reconvened 71:1	renewable 37:18,22	21:13,20,21,23
record 13:17 40:8	renewed 37:23	27:13 36:16 40:24
41:6 66:4 108:22		44:16 52:23 56:5

59:24 66:7,9 109:18	rotation 18:9	37:4,5 38:12 40:17
113:25 157:5	rotational 12:2	66:25 89:15 90:8,16
respond 7:25	routinely 14:16 138:10	93:23 100:16 133:25
respondents 24:11	rubber 54:5	143:7
response 5:23 6:4	rule 73:25	seconded 5:20 67:2,3
7:13 20:14 67:5,11	ruling 27:9	secretary 22:14
69:1 76:1 81:4,9 82:8	run 142:18	section 51:5 61:3,6,13
116:19	running 84:13 140:25	Sections 163:4
responses 8:4,21	142:6	sector 50:15
responsibilities	runoff 119:25 122:10	security 77:23
37:10 116:13	runs 29:21 37:17	80:7,10,11 92:21
responsibility 108:25	Russ 81:4 91:16 97:20	97:13 141:25 146:12
127:15		147:18
rest 106:16 110:24	<hr/> S <hr/>	sedans 136:5,9,21
117:6	Safety 1:8,19,22	seeing 8:10 68:4 153:22
result 17:19,20	2:3,6 3:2 53:18,19	seek 106:18
results 4:8 30:2 50:16	71:1 162:9 163:6,12	seems 92:10 94:4,12
retain 90:16	164:6,12	seen 34:3 46:16 50:15
retaining 119:19,23	salaries 89:10 101:12	155:12
rethink 150:16	102:9,12 105:2 120:21	segment 136:3
retire/rehire 125:24	122:14 130:16	segue 46:18
retired 47:6	salary 74:3,18,25 81:11	seized 12:7 13:18
retirement 118:4	101:4,9 107:17,18	seizures 111:18
retires 125:25	109:3,19 118:19	select 31:15
retiring 47:7	119:9,15,21 120:2,8	selected 23:25
retroactive 108:16	123:4 124:4,6,8	24:10,13,22
return 158:9	127:16 130:1	selection 24:12 28:4
review 32:11,12 33:7	SAO 26:16 118:23 120:5	send 7:19 8:1,2,4
39:9 41:23 52:3 58:16	SAO's 32:17 34:18	15:1 31:7,8 38:25
60:14 61:9,10,12 69:5	satellite 158:18	40:13,14,20 83:17
reviewed 4:7	satisfied 44:11,16	84:4,7 114:13
reviewer 31:9,15	save 44:23 46:11	115:10 155:17
reviewers 31:18	saves 31:20	sending 63:22 115:23
reviews 16:9	saving 138:17	sense 36:23 48:6 72:9
revised 12:17	savings 25:12 26:5	88:13 106:18
revising 69:12	30:19 31:11 33:13	141:11,13
revisit 65:19 68:16	38:10 39:2,24 41:17	sent 38:14 41:5 45:12
141:10	44:25 126:6,12	107:14 160:13 161:21
RFP 24:10 31:15	saw 111:6 119:4 141:17	SEO 103:15
RFQ 3:11 4:11 5:16	scan 51:19	separate 90:21 155:23
154:24	schedule 11:21 35:6	September 43:25 44:3,7
ride 11:23	75:4 102:11 120:6	sergeant 132:14 133:1
rider 76:17 89:17,21	121:16 123:13 140:2,6	serve 27:22
90:2,7,8,23 91:5	scheduled 54:19	server 117:9
92:2,17 93:7,17,18	Schexnyder	service 7:20,23
94:5,13,15 97:7 98:18	14:4,5,11,14,22	9:16,19,22 22:11 26:7
riders 71:13 98:6	school 86:14	32:21 33:13,15
ring 136:6	88:15,17,22,25	38:25 50:13 51:20
risk 3:12 5:15 6:24	89:11,13 132:24	54:4 129:11 150:19
49:15,16 159:22	134:10	services 3:13 4:11 5:15
road 54:5	schools 88:4,6 134:21	11:24 17:19 37:16
rob 152:25	scope 7:1 66:19	49:18 111:15 112:5
robbing 153:23	score 4:4 5:17	serving 111:1
role 9:10 21:21	scored 5:5	session 3:1 70:25
rolled 25:10	SECO 23:7,10 28:12	101:13,16 103:17
room 1:20 15:14 51:11	29:13 30:9,11 31:7	115:3 116:11
99:9,18 102:11 128:3	32:20 36:2	155:5,8 161:16
	second 5:18 30:15,16	163:3,8

seven 24:15	sitting 26:15 85:10	specialty 145:17
several 12:19 13:14	150:2	specific 17:23 58:18
21:12 84:8	situation 9:1 58:11	96:12 123:24 145:19
shadow 140:7	85:5 122:13 151:5	157:16
shaken 135:20	six 3:21 24:11 43:22	specifically 33:2 93:19
share 39:23 136:6,8,21	78:15 81:5 84:14	96:20
shared 138:20	88:12,17 113:4	specified 5:16
sharing 136:9	115:7 136:3,5,9,20	spend 91:23 92:1
sharp 17:20	138:8 141:20 142:5,19	95:14 96:21
sheet 4:5 60:10 131:20	159:6	spending 26:4 73:23
sheriffs 96:1	size 108:24	125:19
she's 29:22 32:3	skills 128:8	spent 22:4 75:18
43:14,17 51:11,12	slash 146:9	91:21 92:10
shift 61:18	sleeve 157:14	spirit 54:8 58:12
shoot 128:6	sleeves 157:14	split 25:2 91:15 93:20
shop 158:12	small 77:16 92:25 93:3	spoken 4:18
short 12:5 70:16 85:1	smaller 9:20 16:2 68:10	spread 91:10
93:21	so-and-so 116:25	spreadsheet 45:12,16
shorter 18:15	solicit 6:19 7:9	squeeze 128:11 154:1
shortfall 72:12	solicitation 7:17	squeezing 115:1
73:15,18 74:5 85:11	SOLUTIONS 164:22	staff 2:6 9:17 14:15
155:24 159:3,18	solve 153:12,13,18	22:10 36:12 116:14
shortfalls 74:3,17	somebody 50:6,9,13	156:14
159:1	83:21 110:10 115:19	staffed 117:18
shorthand 1:24	136:7 162:7,21,22	staffing 77:19,21 88:22
164:3,10,20	somehow 18:11,14 99:21	92:23 142:25
shots 153:5	someone 21:1 23:8	stage 25:22 64:22
showed 35:23	32:7 33:22 43:24	100:10
shown 76:3	44:24 47:15 53:11	stand 47:17 123:8
shows 18:25	63:11 149:15 152:16	140:21 141:5
shut 135:19	154:5 157:22	standard 59:5,8,9 60:25
Sifuentes 31:23,24	someone's 54:9	standards 16:5
sign 34:25 43:8 61:23	somewhat 16:22 27:5	standing 58:15
signature 61:15,20 62:1	117:20	standup 139:17
signed 46:19 65:2,6	somewhere 42:4 72:17	Star 29:12 30:4,23
67:22 97:15	135:25 136:5 141:18	31:2,17,19,25 32:3
significant 52:25	154:2	114:11 115:12
54:2 60:23 65:3,5	sooner 8:20	start 6:10 14:25 22:2
108:25 123:3	sorry 32:5 48:3 52:9,14	34:12 43:21 50:25
significantly 32:18	60:16 95:22 112:11	71:21,25
52:23 109:17 115:2	114:22,23 130:23	started 34:14 79:4,5
sign-off 60:11 61:2	sort 30:1 53:22	96:10 97:13
similar 35:7 49:18,23	54:12,20 59:5	starting 78:20 124:6
similarly 7:23	68:18,21 72:6 74:17	starts 60:12
simple 42:8	87:22 95:23 136:25	state 20:22 21:13 23:17
simply 12:2 25:2 82:2	158:20	26:18 27:8 28:7 37:17
154:8	sought 24:6	43:5 47:9 49:21,22
simultaneously 69:6	sound 48:11	82:9 86:16,20,22,23
sincerely 120:4	source 90:22	93:9 96:7 97:24
single 53:7 56:23	sources 90:21 153:5	100:20 103:2,11,16
sir 3:17 5:10 19:23	space 7:13	104:2 109:5,6,11
49:14 103:4,7,10	span 18:15 46:22	110:25 114:13
106:2 109:22 114:3	speak 11:13,24 18:2	115:15 117:6 122:1
160:2 161:14	19:3 25:22 26:4 58:10	123:11 126:6
sit 15:12 132:5 153:7	60:2 64:3 78:11 95:20	137:22,23 138:17
sites 38:9 39:11	SPEAKER 110:13	139:11 144:12,14,15
45:11,25	speaking 116:9 119:11	164:1,21
	161:5	stated 41:5

state-funded 77:5
statement 53:24 54:6
 58:18 71:18 100:25
 101:2,19 104:1 106:4
statements 54:3,11
 64:10
states 33:2
State's 125:23
status 159:12
statute 9:14 22:20 23:2
 29:3,5 90:4 100:13
 104:7
statutory 100:15
stays 80:15
step 24:5 28:5,6
 32:15 109:8 126:9
 153:18
steps 153:19
stifle 55:3
stolen 90:10,13,17
stood 34:2
stop 123:7 129:21,22
 138:4
storm 82:14,24
straight 40:13
strategical 76:10
strategies 74:22
strategy 71:11 73:11
 75:25 77:14 81:4
 86:13 141:22
Street 164:23
stretched 116:17
stretches 18:6
strike 109:25 114:25
strike-throughs 91:7
striking 89:25 90:1
strive 124:3
strongly 154:18,22
struck 21:16 91:7,8
structure 109:19 118:19
studied 155:13
stuff 23:20 24:20
 25:4,14 28:7,9 29:3
 32:8,12,13 34:19
 35:24 36:2 37:9,11,23
 38:18 39:20,24
 40:1,5,16 43:19,21
 47:23,24 72:17 84:2
 93:7,10 94:2 130:9
 140:7 143:21
 144:10,22 146:12
 148:25 154:9,20
subject 53:17 54:13
 61:23 66:3
submission 97:8 160:22
submit 32:11 35:5 105:8
 155:18
submitted 3:21 11:8
 29:15 32:7 34:21
 43:11 49:4 100:23
 160:9
submitting 60:13
 104:1 106:16
substandard 150:13
substantially 149:18
success 110:15
successful 5:9 110:8
sudden 117:22 131:4
 153:15
sufficient 117:17
suggest 8:19 121:14
 155:13
suggesting 55:24 150:20
suggestion 69:11 154:12
Suite 164:23
summary 58:23 71:11
summer 82:13 85:15
sunset 102:2
supervise 127:15
supervision 164:10
supervisor 43:13 51:9
 127:9,12,14 160:23
 162:5,9
supervisory 120:16,22
 127:17,22 128:25
supplemental 66:17
 114:1
supplements 82:15
supplied 151:8
supply 23:19 37:11
support 22:10 25:3
 54:7,9 110:7 113:11
 121:19,25 147:15,22
 158:22 164:22
suppose 58:14 107:11
supposed 26:6
sure 7:7 9:25 14:4,20
 15:19 28:6 30:6 31:12
 36:22 39:10,19
 43:18 44:10,17 49:4
 50:10 55:21 57:4
 58:12 67:20 71:20
 72:15,16,18 83:11
 85:25 87:21 92:4,12
 103:14 110:25
 113:23 116:10
 119:13 123:18 136:1
 138:12,18,21 139:7
 143:15 148:2 157:21
surge 91:5 92:13,17
 94:12 95:9,25
 118:10,11
surprise 155:7
surprised 121:24 155:7
surprising 108:5
survey 103:16
surveys 7:19 7:10 11
suspect 65:3 149:17
sustained 19:9
swing 34:8
system 39:17 40:10,15
 41:13 42:8 120:23
 125:18 152:3,5
 156:2 160:8

T

table 35:20,23 47:23
 116:7
TAC 24:1,22 26:2
 27:6,14 28:8,13,18
 30:20 31:6,10 32:10
 33:4,11 36:2,8,13
 38:5 47:22 60:6
taking 23:9 29:9
 47:14 111:9 149:5
 150:12
talk 8:13 20:4 22:17
 40:24 44:15 105:8
 136:3,5
talked 23:9 68:18
 120:23 147:4 160:12
talking 54:1,2 111:19
 130:1 132:4 136:2
 146:22 147:6,16
tapes 141:4
tariff 39:5
tariffs 39:10,20 40:20
tasks 148:6
Tavia 51:10
Tavis 51:14
TDCJ 58:5
team 59:25 114:25
 127:15
Tech 4:1
technical 44:5
technically 88:12
telecom 49:19,22
telecommunication 49:23
telegraph 108:4
telephone 51:5
template 58:24 59:13,16
temporaries 78:7
temporary 110:1 159:12
temps 78:15
Teresa 31:23
term 60:9
terms 11:10,11,12 21:16
 22:7 36:13 40:19
 44:25 59:4 79:8 96:17
 126:17 145:9
test 40:11 42:12
 43:11,19 44:6
 139:17,21
testing 16:8 42:12

43:21
tests 16:3,11
Texas 1:19,21
 3:2,3,6,24 4:1
 30:16 42:24 71:1,2
 103:11 105:21,22
 110:25 163:4
 164:1,4,14,21,23
thank 4:13 22:3
 45:4,5 48:1,2,4 51:25
 70:21 86:9 106:1
 145:5 161:13,14
that'll 135:15
theirs 22:25 37:12
themselves 128:6
themselves 151:12
therefore 153:14
therein 152:12
there's 17:7
 18:18,21,24 29:10
 30:6 32:16 33:5,16
 39:21,24 44:25 55:4
 58:6,18 65:19 66:4
 67:16 68:9 71:19
 76:17 77:6,21 78:14
 83:6 92:25
 93:13,14,19 94:14
 95:13 99:24 100:19
 104:25 113:9 117:5
 120:24 122:2,8 128:18
 131:9,10,11 135:5
 140:21,25 142:20
 146:10 147:7 150:5,7
they'll 11:23
 13:4,5,6,7
they're 9:11 10:6,7
 11:2,5 14:17 15:4
 17:8,11 21:19 24:23
 25:4,14 26:6,16,20
 27:23 28:9 41:23
 67:23 76:23 78:15
 88:15,16 105:15
 111:24 119:5,6,7
 121:23 126:2 127:1
 128:2,7 134:13,24
 136:10,11 142:9
 145:22 148:7 153:21
 162:19
they've 8:15 14:18
 17:14,15 31:12
 32:22 35:6,19,23
 38:15 111:23 112:1
 150:2
thin 18:6
third 40:4 45:21
 151:5 154:24
third-party 31:9,15,17
Thomas 2:6
thorough 66:18

thoughts 10:25 69:8
THP 75:13
threat 145:19 146:1
three-member 3:18
threshold 32:15
 57:7,22,23 66:9,11
 158:23
throughout 111:13
Thus 82:22
ticking 29:20
tied 54:12
time-sensitive 55:4
 62:18
timid 119:20
title 127:17
today 20:23 43:15 52:16
 54:10 64:22 80:16
 109:24 116:20
 123:11,12 145:10
 150:13 153:7
tomorrow 28:20 48:15
top 24:13 26:13 36:13
 104:4 114:18 119:17
 126:2 152:20
topic 21:11 49:17 69:9
topics 64:18
total 53:6 56:23 57:8
 72:21 74:12 93:2
 130:11
towards 34:15
towers 143:21,22
 144:6,15
TPFA 30:23 31:2 32:12
track 26:11 50:11 61:20
tracking 60:10 67:25
tracks 60:7
tradeoff 148:25
train 132:20,25
trained 115:6
training 10:24 17:14
 86:12,14,15 89:8
 95:19
transaction 40:21
transport 138:11
travel 130:16 136:23
Travis 1:21 164:2,4
tremendously 156:14
trends 76:19
Trevino 20:22 23:7
 25:25 26:20,24
 27:11,16 28:3 30:3,13
 31:24 32:2 35:8,11
 36:6,10
tricky 54:24
trips 12:5
trooper 131:20
troopers 11:23 17:4

122:7 147:10
troops 120:18
Tropical 82:24
troubled 161:20
true 45:17 46:14 92:25
truly 63:13
trunk 139:2
try 39:2 55:3 61:6
 73:16 74:2 121:14
 129:21 138:5 141:7
 151:15
trying 4:22 22:12,22
 28:22 29:2 38:11
 39:12 40:7 45:14
 48:19 53:25 57:2
 72:13 77:4 87:7,20
 102:12 110:23,24
 121:5 124:9 125:19
 135:18 138:22,23
 140:15
turn 63:7,16
two-month 92:2
two-pronged 38:14
two-thirds 81:12
two-year 93:22 94:11
TxDOT 42:24
Tyler 24:17
type 44:5 49:9 114:8
 120:22 122:15,22
typical 6:10 83:13
typically 6:12 16:13
 31:14 41:6 59:23

U

Uh-huh 57:14 154:13
ultimately 24:22
 25:10 45:18 83:23
uncomfortable 15:16
underfunding 150:22,24
underlying 87:23
understand 21:11
 26:15 33:1 40:23
 55:24 57:5 59:7
 81:7 86:12 87:20
 90:22 96:16 97:1
 100:19 104:2 109:17
 124:9 125:17 133:21
 136:22 138:22 147:13
understanding 6:24 8:24
 9:1 34:19 36:6
 61:17 128:3 145:24
understands 62:5 67:15
underway 60:23
undone 65:21
unfair 151:13
unfilled 153:4,6
UNIDENTIFIED 110:13
uniforms 131:22

unit 7:20 64:8
University 4:1
unknowns 158:13
unless 13:2 147:19
 161:25
unsafe 150:15
unused 49:20
unusual 35:13
update 49:6,9
updated 144:25
upgrade 135:7
upon 82:13 123:21
upper 122:7
upwards 128:16
urgence 111:3
usage 45:3
usually 83:18
utilities 35:14 38:25
 44:24
utility 21:22 22:8
 24:4,24 37:16
 38:13,15,22 39:16
 40:6,8,12,13 45:1
utilization 138:23
utilize 21:18 31:19
 115:11 162:5
utilized 136:10 162:20
utilizing 27:12

 V

vacancies 124:12 126:18
 134:22
 153:4,6,10,14,24
vacancy 124:15 132:20
 154:3
vacant 127:12 133:3
vacating 134:14
vacation 43:13
Valerie 80:2
validity 40:19
valuable 10:13 11:1
value 52:6 53:2 55:17
 57:22
values 46:21
Vanderwahl 156:14
variables 33:19
various 16:11 26:3
 153:5
vehicle 138:13,19 162:6
vehicles 137:1,2
 138:8,11,16,17
verbiage 56:4
verification 19:6
version 26:12 40:14
versus 137:23
VI 52:18 137:9,10
video 143:22

view 8:25 68:25
Virginia 83:24
Visa 159:5
visit 69:12
visitor 159:12
void 47:8
VTS 112:9

 W

Waco 48:1
wait 55:10 84:12 97:11
waiting 18:1 31:3
 154:20
wake 155:10
walk 6:9 22:2
walked 48:20
Walker 3:14,15,17
 4:13,14,19 6:9,12
 8:19 9:13
 10:5,9,17,21
 11:5,17,20
 12:16,22,25
 14:2,5,9 15:21
 16:4,19,22,25 17:25
 19:10,14,19,23 20:6
 68:23 69:10,17,23
 70:2,5
walking 28:5
warranty 152:5
wash 133:4
wasn't 36:10 96:20
 102:2
wastewater 38:24
watching 49:13 158:3
water 38:23
Waxahachie 47:25
ways 20:4
weapons 9:20
we'd 84:12 91:19 106:19
 111:10 153:10
weed 110:11
week 43:18 48:23
 86:7,10 110:12
weekend 22:13 141:18
weeks 43:14,22 46:20
 103:18
we'll 6:12,16,19 7:3,19
 8:2,14 11:10,12
 12:3 13:8
 16:7,10,11 22:15
 32:18 39:14 58:17
 59:19 67:24 72:2
 82:16 90:25 97:24
 107:13 108:7 111:14
 121:15 123:12,14
 129:9,10 141:15
 147:16 151:2 155:6,25
Wendlandt 51:10,14

we're 8:10 9:18 10:1
 12:11 13:22 15:19
 16:12 17:25 18:5 24:8
 26:10 27:4
 29:2,6,20 30:9
 31:20 33:15,25 34:6
 38:10,20,21 39:3,12
 41:8,10,16,25 43:8
 44:1,6 46:7
 47:10,14 48:12 60:6
 61:1,18 62:4 63:1
 73:17,20,23
 76:11,15 78:20 79:7
 81:23 82:23 85:1
 86:4,6 87:7 88:15
 89:10,12 93:1,20,22
 94:11 104:11 105:5
 106:21 108:5 110:6,25
 111:9 114:11
 115:5,9,10,12,22
 116:11,16 118:3
 120:1,4 121:12,13
 122:16 123:18 124:9
 125:19,24 129:25
 130:1,19 131:2,3
 132:3,4,6,7,8
 134:25 135:1 136:8
 137:4 138:16 139:7
 140:9,10 142:18
 147:10 148:4,22,23,24
 149:1 150:21,22,24
 153:10,25 159:2
 161:15 162:15
West 83:24
we've 7:6,11 8:23
 12:1,2,7 15:9 19:22
 22:4 25:6 28:25 29:15
 34:17 35:18,22,25
 36:12 38:14 39:25
 40:2,8 42:25 43:15
 52:21 54:15 64:7 65:6
 71:8 72:11,17 77:17
 78:25 79:1 81:1 82:23
 84:20 91:9,17 92:2
 94:6,9 106:25
 113:20 115:4,7,25
 116:1,13 117:2
 120:17,19,20,23
 124:24 130:11
 131:19 135:12 137:5
 146:22,23
 147:4,6,7,14,15
 150:16,19 151:16
 153:23 158:12
whack 109:13,15
whatever 13:19 15:5
 16:7,8 30:17 33:14
 39:20 55:12 110:20,21
 119:14 135:8 148:14

whereas 96:21 77:1,6,11,20
whether 9:6 15:4 78:14,20,23
 26:16,17 33:25 79:3,10,18,20
 50:12 54:11 57:11 81:8,14,18,21 82:7,10
 61:15 78:11 105:8 85:7,12,17,21,25
 106:19 118:17 86:2,4,10,17,20
 145:14 147:14 87:1,4,8,12,15,21,24
whichever 53:9 56:8,22 88:8,16,19,24
whoever 123:2 89:2,5,8,12,16,22
whole 22:5 52:18 91:12 94:14,20
 90:13 93:21 95:1,7,11,13,16 97:20
who's 47:11 145:9 98:2,5,12,15,23
Wildlife 42:24 99:1,4,8,12,16,20,22
willing 109:9 100:3,5 101:1
winter 85:14 105:25 106:3,12
wise 124:11 109:22 130:10,22
wiser 110:5 131:1,7,9,18
wish 4:16 132:2,19,23
wishing 162:3 133:7,9,11,15,21
worded 96:13 134:1,9,13,16,24
wording 52:24 96:16 136:16,18 137:4,19
work 7:2,5 11:14 17:7 141:15 142:1,4,8,11
 23:18 25:6,9 26:6 143:4,10,12,15 144:25
 28:4,25 30:21 31:12 145:3,7 146:25
 37:24 39:22 40:7 147:2 149:7,22,25
 43:18 53:24 54:3,6,12 150:3 156:7,13
 64:10 66:12,19 159:8 160:3,5 161:13
 97:25 98:5 122:19 **yet** 39:6 118:9 140:23
 124:6 141:15 **you-all** 20:23 38:19
Workforce 42:25 71:9,20,22 95:20
working 16:5 22:5,21 107:4 108:15 121:4
 23:15 29:6,22 39:12 155:22
 40:2 41:8 42:14 47:19 **you'll** 10:2 50:25 74:12
 60:20 152:6 75:5,8,11,12 76:19
world 54:3 88:10 120:11 134:10
worms 148:4 144:25 146:12 147:22
worried 158:6,7 **yours** 159:14
worry 116:5 **yourself** 13:24
worth 28:25 39:1 82:15 **Youth** 42:25 105:22
wrap 53:25 **you've** 12:13 32:20
Wright 2:7 102:20 126:11
write 7:13 107:12 132:12 135:20
write-up 140:1 153:15,25 161:3
writing 1:24 164:10
written 64:14
wrong 32:9 91:14 118:11
 127:10
wrote 107:1

 Y

Ybarra 20:20,21
 41:19,24 42:2
 60:15,17 62:14,16
 64:2 67:20,25 68:6,11
 71:6,7 72:15,18,20,24
 73:2,19 74:6,9,19
 75:1,11,16,19,22
 76:5,8,13,17

 Z

zero 88:6

