OPEN MEETING
PUBLIC SAFETY COMMISSION
MAY 22, 2009

On the 22nd day of May, 2009, the following meeting was held in Austin, Travis County, Texas.
APPEARANCES

COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:

Allan B Polunsky, Chair
C. Tom Clowe, Jr
Carin Marcy Barth
Ada Brown
John Steen

DIRECTOR'S STAFF OF THE DEPARTMENT OF PUBLIC SAFETY:

Colonel Lamar Beckworth, Director
Dorothy Wright, Executive Assistant
Stuart Platt, General Counsel
Duncan Fox, Deputy General Counsel
Michael Kelley, Legislative Liaison
MR. POLUNSKY: Commissioner Barth?

MS. BARTH: Present.

MR. POLUNSKY: Commissioner Brown?

MS. BROWN: Present.

MR. POLUNSKY: Commissioner Clowe?

MR. CLOWE: Present.

MR. POLUNSKY: Commissioner Steen.

MR. STEEN: Present.

MR. POLUNSKY: Let the record reflect that I am present.

The Texas Public Safety Commission is now convened in accordance with Chapter 551 of the Texas Government Code, the Open Meetings Act. During this meeting, the Commission will be conducting business from the agenda posted in the Texas Register. A quorum of the commission is present and the meeting is now declared open. It is 10:40 a.m.

The first item of business is the approval of the minutes.

MS. BARTH: So moved.

MR. STEEN: Mr. Chairman, there are two sets. Can we take them one at a time or both?

MR. POLUNSKY: You can do either one.

MR. STEEN: What do you -- Commissioner Barth.
MS. BARTH: I'd rather take them both.

MR. STEEN: All right. Second.

MR. POLUNSKY: All right. It has been moved by Commissioner Barth and seconded by Commissioner Steen that both sets of minutes that have been submitted to the Public Safety Commission be approved as submitted.

Is there any discussion?

MR. STEEN: And, Mr. Chairman, that's April 16th, 2009 and then May 6th, 2009.

MR. POLUNSKY: That's correct. Let the record reflect that, please.

Any discussion?

There is no discussion. All in favor, please say aye. Any against, no. Motion passes.

At this time I would like to turn the meeting over to Colonel Beckworth to recognize several of our troopers who were involved in a very heroic action at the State Capitol a week or two ago that I think we should all be very proud of and I would like him to make a public declaration, an explanation, of what took place and take the opportunity to recognize those troopers who are here this morning.

MR. BECKWORTH: Thank you, Mr. Chairman, Commissioners. I would like to take this opportunity,
first of all, to invite these three individuals to the
front of the podium: Trooper Edwin Carpenter, Trooper
Antonio Rico, and Trooper Diane Riojas. Would y'all
please come to the front of the podium here please, if
you would.

    (Troopers came to the front.)

MR. BECKWORTH: Thank you very much. If
you would, just kind of -- right there would be fine.

On May the 12th of 2009 at approximately
10:00 p.m., Representative Edmund Kuempel was found by
Ms. Jennifer Irby slumped over in the corner of the
elevator at the Capitol. Knowing that she wouldn't be
able to locate a trooper on the first floor, Ms. Irby
moved the elevator to the first floor. Ms. Irby
located Trooper Edwin Carpenter, who called for
assistance on his radio and also ensured that 911 was
called. Trooper Carpenter found Representative Kuempel
unconscious and unresponsive. He immediately began
attending to him. Representative John Zerwas, who is a
physician, also was summoned and assisted Trooper
Carpenter. A short time later, Trooper Antonio Rico
and Trooper Diane Riojas arrived with an automated
external defibrillator. Representative Kuempel was
moved from the elevator by the troopers to the elevator
foyer.
The troopers, after finding no pulse,

began performing chest compression and rescue

breathing. Representative Kuempel remained unconscious

with no pulse. The troopers attached the defibrillator

and began to administer shocks to Representative

Kuempel's body. After several shocks, continued chest

compression, and rescue breathing, the troopers were

able to get a pulse and erratic breathing. Trooper

Rico, Carpenter, and Riojas continued with their

lifesaving efforts for approximately 15 minutes until

emergency personnel arrived. Representative Kuempel

was transported to the hospital and continues to

improve each day.

Trooper Carpenter, Trooper Antonio Rico,

and Trooper Diane Riojas persevered with judgment and

poise in the performance of their duties during a

difficult and stressful situation and provided

Representative Kuempel with the necessary medical

attention that saved his life. I am honored today to

publicly recognize these individuals before you for all

of their work that they have done in this effort. We

are scheduling an award presentation on the House floor

on Wednesday with these three individuals along with

Ms. Irby, Ms. Kirby, and also Representative Zerwas,

and that's going to happen on Wednesday either morning
or afternoon, but I wanted to come before you today and
publicly recognize these individuals for the work that
they did.

I was actually at the Capitol when this
happened. I stood over them while they performed this,
and Representative Kuempel was blue, purple in the face
and he had no pulse and they worked and worked and
worked with about eight shocks to his body with that
defibrillator to finally get a pulse and get him
breathing, and once the EMS arrived, they had to
continue shocking him to keep him sustained, and I
think they did a commendable job and we want to
recognize them. Would you please join me in a round of
applause.

(Applause)

MR. BECKWORTH: I'd also like to
recognize -- Captain, would you come up and would you
come up?

Lieutenant, is he back there?

Y'all come up to the front here just a
moment.

These two individuals run the Capitol
operations every day, and right now they are in one of
the busiest times of their lives in trying to manage
all the legislatures who are in session there. They
have demonstrated their professionalism doing an
outstanding job in ensuring that we provide protection
and address all the issues that are related to the
Capitol. They are there 24 hours a day as the
operation goes. The other night, the captain showed up
and went to the hospital with Representative Kuempel,
stayed there with him, made arrangements to get his
daughter in from the Waco area, and they just stepped
up and did what they needed to do, and I want to
publicly thank them for the work that y'all do down
there, and continue your work.

(Applause)

MR. POLUNSKY: I would like to reiterate
what Colonel Beckworth just stated, and that is,
without any question, these three troopers at the back
of the room saved Representative Kuempel's life.
There's no if's, and's, or but's about it, but for
them, he would not have made it that night, so we
cannot thank them enough.

I would also like to make the point,
however, that their actions on that evening are
representative of -- and we all know that, or pretty
much everyone in this room understands, that their
actions are representative of what our troopers do on a
day-to-day basis throughout the State of Texas.
There's probably a day that doesn't go by when one of our troopers doesn't save a life or save someone from serious injury or prevents a situation that would result in serious injury or death in some manner. This was a very public example of what our people do, and I am happy that the general public and certainly the members of the legislature could see firsthand how professionally trained and how competent our people are, but we have 8,000 people out in the field and they do these type of actions every day as well, so I don't want to lose sight of them, but certainly today and next week, and I'm sure when you have an opportunity to personally speak with Representative Kuempel, you will hear lots of good things because you did a very wonderful thing that evening.

So, again, on behalf of the Public Safety Commission, we would like to thank you for your professional conduct and quick thinking and actions that saved something from being a very catastrophic event into what now probably will end up being a very happy event, so thank you for being here and thank you for your service to the department and to the State of the Texas, and we really cannot tell you strongly enough how proud we are to have you as members of the Texas Department of Public Safety. Thank you.
Anything else from anyone? Thank you.

The next item on the agenda is Public Comment. Is there anyone here who would like to address the Public Safety Commission at this time?

MR. DICKSON: Mr. Chairman.

MR. POLUNSKY: Mr. Dickson.

MR. DICKSON: Good morning, Mr. Chairman and commissioners and Colonel Beckworth, counsel. My name is Don Dickson and I'm an attorney at the Parker Law Firm in Austin and a representative of the Texas State Trooper's Association. I wasn't going to speak this morning, but in view of the commendations offered for Troopers Riojas and Carpenter and Rico, I wanted to say just a brief word about our Capitol Troopers.

These guys have taken a lot of abuse over the years, some of it good natured and some of it not so good natured, about back in the day when they attended a shorter academy, back in the day, even before that, when they belonged to the General Services Administration. There's a tendency that I found over the last more than a decade of some officers in the Highway Patrol particularly to sort of look down their nose at the Capitol Troopers. And the reason I mention this is because, to me, the most compelling two words in the Deloitte Study were that we are one DPS, and I
personally get a little tired of hearing this condescending toward the Capitol troopers.

These are outstanding men and woman who do a remarkable job for this department under sometimes very pressurized circumstances, and I've heard every joke in the world about giving directions to the gift shop and the laboratories, but on May 12th, I think that these three troopers and their supervisors demonstrated that, not only do they have a difficult job that is performed under pressure-packed situations, but they are outstanding ambassadors for this department to the tens of thousands of people who visit the Texas Capitol during session and in the interim. And I would direct this comment not so much at the Commission but to the rest of the department, that this is one DPS, and I hope that the other 3600 officers in this department will recognize the Capitol Troopers as being entirely their equal in everything that they do. Thanks.

MR. POLUNSKY: Thank you, Mr. Dickson.

And we certainly concur that this is one DPS, one family. And as time goes by, I've -- just in the short period of time that I've been on the Commission, I think I've seen a merger, so to speak, or an acceptance of -- a further acceptance of the Capitol
Police Division, or the former Capitol Police Division, into the department, and this is just one more reason why, you know, that should be the case, because these are professional people who show their worth every day. And I think I speak for the Commission and hopefully the department, and we certainly are committed to having this one family that has no distinction as to how you got here or, you know, what you're initial background was as long as you're doing your job, doing it in a professional manner and bringing honor to the department, and that's what we're interested in.

Thank you for your comment.

Is there anybody else here who would like to make a comment at this time?

All right. Thank you.

Next item is New Business. The first item would be: Discussion and possible action regarding the procurement of an information management intrusion detection system.

Chief Lane.

MR. LANE: Brian Lane, Chief Information Management Services. Good morning, Mr. Chairman, Commissioners, Colonel.

Mr. Chairman, as you know, we were inflicted with the Conflikter Worm, which is a
malicious software, on April 14th of this year. It impacted more than 3,000 of our systems and took us about two and a half weeks to fully eradicate. Conflikter is one of thousands of malicious software programs, viruses, and worms that are on the internet and are available to be downloaded by different devices that impact the security of our data and the ability to run our business systems.

A solution that exists today within our agency, because it's on loan, is an intrusion prevention system that's working in concert currently with a vulnerability identification system. So what an intrusion prevention system is, is it tracks the network activity and has filters and identifies malicious activity and blocks it for you based on the directions that you give it. A vulnerability identification system is a device that scans our network PC's and devices and looks for vulnerabilities and blocks those vulnerabilities or reports them in an actionable report. The IPS, which is an intrusion prevention system, and the vulnerability identification system are working in concert together to give us realtime ability to protect our network, our data, and a lot of critical information systems that we run on a day-to-day basis.
During the Conflikter outbreak, multiple vendors came forward and loaned us hardware and resources to manage the solution, which is the intrusion prevention system and vulnerability identification system. We are protected today by those systems, and I respectfully request permission to move forward in the procurement of these systems to ensure that, long term, the agency has protections that we need to protect against the viruses and malicious software that are out there today. It's a foundation for us. It is not a silver bullet. It is not something that will fix everything, but it definitely puts us decades of where we were on April 13th, when we -- the day before we were infected by the virus.

I'm happy to answer any questions for you at this point.

MR. POLUNSKY: Questions?

Mr. Clowe? Or, I'm sorry, Ms. Barth?

MR. CLOWE: Is this the AT&T?

MS. BARTH: It is.

MR. POLUNSKY: Ms. Barth.

MS. BARTH: What would be the argument to own equipment versus lease equipment?

MR. LANE: One argument, Commissioner Barth, would be capital versus operating dollars and
the availability of those two dollars. From a leasing perspective, we are afforded some opportunities to maintain updates on that equipment to ensure that the equipment, if we contracted in this manner, we'll receive the latest devices when they're released within certain time frames, et cetera. The owned equipment really comes down to at this point a capital dollar expenditure versus an operating dollar expenditure, and I would defer to Chief Ybarra on that specifically.

MS. BARTH: Well, I would like -- in this case, my own personal preference is -- and, you know, I hate saying this out loud, so to speak, is that -- but I'm going to, is that I don't want finances capital versus operating. When I think about owning equipment, which continually changes in some cases by the hour, it seems to me that we would want to figure out how we could lease this equipment to make sure that we are availed the opportunity to get the latest technology as it gets pushed down.

You know, what worries me -- because I have plenty of this in my own office sitting on the side -- is equipment that's, you know, one year old that no longer handles whatever may come about, so I would really like to think we could look towards, you know, the lease option, if this is the way we want to
go with respect to these devices, so that we could
afford ourselves the latest and greatest, so to speak.

Chief Ybarra?

MR. LANE: Commissioner Barth, as Chief Ybarra is coming up, an intrusion prevention system
uses a filtering technology that you update on the fly,
so it's not necessarily, you need a new piece of
hardware to protect against a virus that has not been
written today, but you --

MS. BARTH: Are we -- are you thinking
we're going to buy any hardware?

MR. LANE: Am I thinking -- lease or
buy, yes, ma'am, we will do one or the other.

MS. BARTH: Okay.

MR. YBARRA: At this point, based on
discussions with DIR, we could go either way. We have
found some capital dollars, but in no way do we want to
limit ensuring that we get the best product all of the
time, so...

MS. BARTH: Okay. I would really like
to look towards leasing equipment as opposed to owning
equipment. I just -- I worry about six months or a
year from now, maybe it's not the hardware but maybe
it's a portion of the hardware or something of the sort.
MR. LANE: Right, understood.

MR. CLOWE: So what are you asking the Commission for at this time?

MR. LANE: Commissioner Clowe, I'm asking for your permission to move forward with contract negotiations that we've already entered into with At&T, who has provided us a service up to this date of managing and tracking the hardware that we have on loan, and as well as, we're in conversations with the Chief of the Department of Informational Resources regarding contracting through them.

MR. CLOWE: And based where you were now, what's the term and the cost of this?

MR. LANE: Based on where we are now, sir, where we are today, we're looking at around a $700,000 a year managed service contract with options to obviously add hardware to that or remove hardware.

MR. CLOWE: $700,000 a year?

MR. LANE: Yes, sir.

MR. CLOWE: For what term?

MR. LANE: A three year term with two year renewal, but we're early on in the discussions, sir.

MR. CLOWE: And if this progresses to action and a contract to sign, is it cancelable?
MR. LANE: Yes, sir, under statement of general law, I believe it is.

MR. CLOWE: On what terms?

MR. YBARRA: I'm not really clear of the exact terms of that, but I'm sure that will be in there. This could be a contract that's being negotiated by DIR already, but we have to look at that, but I'm sure there's something to benefit the State.

MR. CLOWE: Well, my sense is, there are still a lot of terms and conditions to be negotiated.

MR. LANE: Yes, sir.

MR. CLOWE: So I wonder if it might not be more appropriate to see if the Commission has any objections to you going forward and then coming to us when you have a conclusion for approval.

MR. LANE: Yes, sir.

MR. CLOWE: I don't see anything to approve, frankly. I think it would be more appropriate to ask if we have any objections.

MR. LANE: Understood.

MR. STEEN: I have the same questions as Mr. Clowe. Because in the agenda, it says, "discussion and possible action," so my questions was, well, what action are you expecting from the Commission?

And, by the way, Mr. Fox, could you put
the agenda up on the screen? Somebody? I'm just asking you, you're the closest one.

MR. LANE: Commissioner Steen, the action --

MS. BARTH: Before we go forward, Mr. Platt, do we have the ability to discuss the specifics on these devices in closed session?

MR. PLATT: We do under 551.076.

MS. BARTH: I would like to defer further discussion until we've had a chance to talk through the details here, if you believe we can do this in Executive Session.

MR. PLATT: For security devices and systems, we can include computers.

MS. BARTH: Would that be okay?

MR. POLUNSKY: Is that acceptable? Is that acceptable with the balance of the Commission?

All right. Chief Lane, we're going to defer any action on this until after the Executive Session.

MR. LANE: Thank you.

MR. POLUNSKY: Oscar, since you're up here, explain to me what our relationship is with DIR. Do we have any type of contractual relationship with them?
MR. YBARRA: Actually, by statute, we're required to go through them for certain types of devices. If they're not able to provide the IT equipment and the services, then they'll allow us to go on our own, but that's -- House Bill 1516 is what generated this particular relationship.

MR. POLUNSKY: All right. But we have no contractual relationship with them?

MR. YBARRA: Only if we get into a specific contractual relationship. In this case, for example, for these services where we do an arranged contract with them for these services, as they would be leasing the equipment from the vendors, whichever vendor it would be. Based on discussions we had yesterday, we would be in a contract with them, but right now, there's no general broad contract other than this statute that exists today that I'm aware of, sir.

MR. POLUNSKY: All right. Correct me if I'm wrong, but it's my understanding that, historically speaking, DIR has not been utilized or there has not been a lot of input from DIR on our information systems here, and this has been somewhat of a closed shop in the sense that DPS did not want to bring others in. That's kind of a --

MR. LANE: Yes, sir. That's correct.
The agency made the decision at the time that House Bill 1516 was in the House under consideration that we felt there was too much risk to the agency based on the model that DIR was bringing forward as part of the managed services through the -- what ultimately was the IBM contract, so we were ultimately excluded from data service consolidation, or data center consolidation, so we have been enclosed to DIR in the last two years using their contracting vehicle that's called Go Direct, which allows us to purchase software contracts. We've engaged them on dozens of contracts to purchase hardware and software, but engaging them for strategic thought processes and alignment of the agency's information technology, we have not done.

MR. POLUNSKY: Do you believe that may have been a mistake?

MR. LANE: Yes, I do not believe joining the data center consolidation or not joining the data center consolidation was a mistake. We historically -- now that House Bill 1516 enacted that consolidation, we have seen some significant challenges with that contract with IBM, in my opinion. I feel that at different points, we've heard that the Attorney General's Offices lost data that was managed by the contractor. There are -- they worked through the
initial start-up challenges that you see with any
managed service. Today is the data center
consolidation an option for us? I don't know enough
about it, Chairman Polunsky, of their performance at
this point to answer you directly that, yes, it would
be or no, it wouldn't be.

MR. POLUNSKY: All right. But it's my
understanding that they would like to discuss the
possibility of entering into agreements where they
provide consulting and other services that might be
of --

MR. LANE: Yes.

MR. POLUNSKY: -- advantage or
assistance?

MR. LANE: Yes, sir. And specifically
around security, we have had those discussions in the
last two weeks regarding DIR managing that contract
service with, I think, AT&T, but we would be in an
interagency contract with DIR and they would be
providing those services to monitor and watch our
networks and help us standardize on our security
structure, if you will.

MR. POLUNSKY: All right. And that has
movement?

MR. LANE: Yes, it does. Yes, it does.
MR. POLUNSKY: All right. Well, I'm very interested in how that progresses, so I would like to have an ongoing report, certainly to the Commission at our meetings, but also intermittently to Commissioner Barth and Commissioner Clowe, who are involved in our IT oversight.

MR. LANE: Yes, sir.

MR. POLUNSKY: All right. Well, we will defer action on this until after Executive Session.

The next item: Report, discussion, and possible action regarding the after action report on computer virus containment.

Chief Lane.

MR. LANE: Mr. Chairman, Commissioners, I provided you an after action report last week regarding the activities that occurred during and after the conflikter Worm infection. I'm happy to answer any questions you may have about the report.

I think the highlights of the report, of our infection on April 14th, 2009 was a total of 3,049 systems that were infected with conflikter. On April 28th, 2009, after 48 hours of not having a Conflikter infection, we declared ourselves fully eradicated. During that time, with the help of multiple organizations, including DIR and literally a
slew of vendors that came in and provided us free
services and free technology, we were able to contain
the Conflikter Virus and eradicate it from your system.

As the report states and as we spoke to
earlier, we are now leveraging loaned equipment and
loaned free management resources with this new security
that we have that's protecting us, and we receive
hourly reports and we make updates throughout the day.

So that concludes my overview. If you
have specific questions, I'd be happy to answer them.

MR. POLUNSKY: Are there questions?

MR. CLOWE: I have questions but I'd
rather ask them in Executive Session if the same rule
applies relative to confidential issues that have to do
with security.

MR. PLATT: It does as to
vulnerabilities that would need to be assessed in terms
of security facets to be put in place, and I've met
with Chief Lane prior to the meeting to discuss that,
so I think it's appropriate.

MR. POLUNSKY: All right, we'll do that.

Mr. Steen.

MR. STEEN: Chief Lane, you said
April 14th was the date of the infection with the
conflikter Worm and then April 28th it was declared
fully eradicated?

MR. LANE: Yes, sir.

MR. STEEN: So we have a two-week period?

MR. LANE: Yes, sir.

MR. STEEN: How do you feel about that time period for having addressed this problem?

MR. LANE: Commissioner Steen, that's way too long. However, I will tell you that it was nothing short of heroic efforts and, as I reported to you, more than 9,800 IMS hours alone, not even including the hours that were put in by our vendors and our partners over in Texas Highway Patrol and others that were helping us. It was every bit of effort and everything we could do to accomplish this. We were vulnerable. We did not have in place the patches and the antivirus software on the systems that should have been in place. So during that time, as you know, sir, we disconnected our sister agencies to avoid infecting them as well, and that two-week period included some reconnecting them to get back to normal business processing.

MR. STEEN: Well, I just want to say, I appreciate your reports that you make to us, and I know that you worked very, very hard on this and I commend
you for that.

MR. LANE: Thank you very much.

MR. STEEN: And I also want to highlight one of the sentences in your executive summary where you said that the Department of Public Safety is confident that no customer or public data was exposed or compromised during the incident, as the Conflikter Worm did not attack the agency's data, rather its ability to access that day.

MR. LANE: Yes, sir.

MR. STEEN: Thank you very much.

MR. LANE: Thank you.

MS. BARTH: I have one question.

MR. POLUNSKY: Yes, Commissioner Barth.

MS. BARTH: What is our policy on thumb drives?

MR. LANE: Our policy on thumb drives during the Conflikter outbreak was 100 percent --

MS. BARTH: Today.

MR. LANE: -- unavailable.

Today our policy on thumb drives, because of the antivirus software that we have updated and implemented on the machines, are business use only. When you insert a thumb drive into a machine today versus April 14th, that drive is scanned before -- it's
scanned when you access it, so it is searched. The drive is scanned with the antivirus software that looks for viruses and then eradicates them if it finds them.

MS. BARTH: So if we have an employee that inserts a thumb drive and it has something else on there besides business use, the computers will now recognize it and not allow it to run? Is that --

MR. LANE: No, ma'am. If an employee inserts a thumb drive that's infected with a virus, it will catch that virus. However, if they have family photos on their thumb drive, I'm not aware of a technology that can determine what's business or not, so --

MS. BARTH: So it will just recognize if there's a virus it's come across?

MR. LANE: Yes, ma'am.

MS. BARTH: Okay. And let me ask you this question: Is the incpiration such that it -- you know, it's an updated virus whatever the latest and greatest of the next 30 seconds that comes out? Is that how this works?

MR. LANE: Yes, ma'am. So the way the system on an individual PC works is, when there is a request back to McAfee many times throughout the day to get the latest virus signature file, a virus signature
file has unique identifiers for a signature a virus leaves when it's on your machine, so that's automatically downloaded. The end user has no action that they need to take, and then that file is used.

However, I think, Commissioner Barth, you may -- I may understand where you're heading with this. If the antivirus organizations are not aware of a virus, which is often referred to as a Day Zero Virus, it could get into our systems because the antivirus software is not aware of it and it can infect us. That's the danger of nonbusiness use USB devices.

MS. BARTH: But we have this policy. Have we've communicated it and are we continually communicating it? So that if someone puts a thumb drive in, one of our employees, and there is -- we would now be able to recognize to the computer if it had a -- if it --

MR. LANE: Yes, absolutely. With leveraging a forensic expert, we are able to recognize, for instance, when the virus entered our system, which was at 8:40 a.m., on April 14th. We went all the way down to the actual ultimate thumb drive, which was sent to the United States Computer Emergency Response Team to evaluate.

MS. BARTH: And are there other agencies
around -- outside of, let's say -- I think it's the FBI and the CIA that don't let any of those thumb drives in. Are there other agencies that are stopping complete thumb drive use?

MR. LANE: Yes, ma'am, there are. I can get you a list of these.

MS. BARTH: I think it would be real helpful to see who else is no longer permitting. You know, I mean, I know that's how people work now. That's how I work. Okay? But I think we have to be very cognizant of the potential of bringing down a system that way.

MR. LANE: Commissioner Barth, in recognizing thumb drives, but also iPhones, our phones that we carry, they all have potential for infecting us if they were connected to another computer at home or wherever it's not properly protected.

MS. BARTH: Thanks.

MR. POLUNSKY: Are there questions for Chief Lane?

All right, thank you. We will call you back.

MR. LANE: Thank you, sir.

MR. POLUNSKY: Thank you.

The next item is: Discussion and
possible action regarding overtime and compensatory  
time policies for department employees.

Commissioner Brown and Ms. Logan.

MS. BROWN: Ms. Logan and I are  
continuing to review DPS's policies and the policies  
and data for comparable agencies. As we're continuing  
to compile that information to evaluate our own  
policies, we'd like to defer discussion until a later  
meeting date. We think that would be right for when we  
have more information.

MR. POLUNSKY: Okay. Would you like to  
put this on the June agenda or just let me know?

MS. BROWN: I'll let you know.

MR. POLUNSKY: Okay. Thank you.

MR. CLOWE: Mr. Chairman?

MR. POLUNSKY: Yes, sir.

MR. CLOWE: In regard to that,  
Commissioner Brown, as part of your study, would you  
educate the Commission on how the Department of Public  
Safety relates to the FSLA -- FLSA requirements for  
overtime and how the history has then created this  
agency's policies regarding awarding comp time and then  
paying overtime? I've had that discussion with a  
number of troopers and there seems to be an  
understanding and clarity that's required there, and if
you'd make that part of your effort, I would really appreciate it.

MS. BROWN: I certainly will. I certainly will. We'll make that part of the report.

MR. CLOWE: Great. Thank you very much.

MR. POLUNSKY: Anything else on that issue topic?

The next item: Discussion and possible action on year-end repair and rehabilitation projects.

Colonel Beckworth and Chief Ybarra.

MR. BECKWORTH: Mr. Chairman and Commissioners, Chief Ybarra is going to put on the screen a maintenance repair chart for projects for 2009. You have expressed your concerns about our inability to address maintenance repair projects on different properties across the agency across the State, and we were afforded a little over $2.6 million for current appropriations for deferred maintenance, and we're working on projects as we speak to address those issues.

MR. CLOWE: Colonel, I can't read that.

MS. BARTH: Page one.

MR. BECKWORTH: Page one in your document.

MR. CLOWE: Before Commissioner Steen
looks at it, I want whoever made that up to understand,
we've got to have bigger print.

MR. YBARRA: Yes, sir.

MR. POLUNSKY: Who is in charge of
putting this together?

MR. YBARRA: We did, sir. We tried to
get it on one page. We weren't sure how it was going
to show up and it didn't work out.

MR. POLUNSKY: That's obvious, but can
we put a little more thought into this in the future
and make sure that the agenda is on the screen when we
walk in here and that it's coordinated through the
process of the meeting as we go forward, and when these
issues come up, they're readable and so on and so
forth?

MR. YBARRA: Yes, sir.

MR. POLUNSKY: Thank you.

MR. BECKWORTH: Mr. Chairman,
continuing, we have, as I said, funds appropriated for
deferred maintenance of $2,650,000 and we're currently
moving forward on different projects across the State
and addressing those and we prioritized those
particular needs. What we have the ability to do is
identify funds associated with our general
appropriation Article 9 account in the amount of
$662,500, which is 25 percent above those particular funds of $2.6 million. We have the ability to increase those particular projects, maintenance projects. What we're asking you to consider is allowing us to spend $640,000 on these 12 projects that we've identified that are critical issues that we face today, and we would do this with seized funds dollars. And if our budget at the end of the year shows a plus, then we would not use the seized fund dollars for that but we'd use our basic general budget to pay for these projects, but we're asking your permission to allow us to spend up to $640,000 for these particular projects.

The projects include things like, we have an air-conditioning system up in the Dallas area that every year it fails and we have two or three air-conditioners where our chillers are beginning to fail us and we want to try to repair and replace those. We have water going into the regional office building in Houston, which is a building that's probably eight to ten years old. On the second floor of that building, when it rains, water is all in there and the employees have to move out of the area. So we want to try to work those particular situations. We have carpet that's loose and torn in Region Four in Midland, and we have several issues that we want to try to
address. We have some underground storage tanks out in
the field where we have a gasoline problem that we need
to repair those tanks or either remove them or destroy
them because of TCEQ requirements.

So we're trying to address some of these
things that are critical as we move forward, therefore,
we'd like your permission to utilize $640,000 worth of
seized funds for that purpose.

MR. POLUNSKY: Colonel Beckworth, could
you give us a brief summary of the law with respect to
how seized funds can be utilized?

MR. BECKWORTH: Yes, sir.

MR. POLUNSKY: It is my understanding
that seized funds are to be utilized for equipment. Is
that --

MR. BECKWORTH: No, that's incorrect.

MR. POLUNSKY: Okay.

MR. BECKWORTH: It can be used for
training, equipment. What we have to be careful on is
building projects and things of that nature. I mean,
things like a building facility or something. But for
training and equipment, those are the key things that
we can use it for. Anything associated with law
enforcement, which has allowed us to be able to address
some of our IT issues relating to TDEx and all of that.
But, yes, sir, if can definitely be used for equipment
and training.

MR. POLUNSKY: And in your mind,
repairing or replacing carpet is equipment?

MR. BECKWORTH: Yes, sir. As long as
it's not a permanent structure that we are addressing,
we can repair and replace those items in that
particular facility. It falls in that category.

I can get you a document that lays out
all of the things that are identified. The federal
guidelines are pretty open and let us know exactly what
we can and cannot do as related to seized funds, and I
will provide you that documentation if you'd like.

MR. POLUNSKY: I would like to see it.

MR. STEEN: Colonel, are you pretty
familiar with all these projects?

MR. BECKWORTH: Yes, sir.

MR. STEEN: And, you know, it's just a
summary so I'm sure there's an explanation, but upon
looking at the Florence, it says fire line clearing
along fence line, $80,000. That strikes me as a big
number for --

MR. BECKWORTH: Yes, sir.

MR. STEEN: Can you explain that to me?

MR. BECKWORTH: Yeah. You know we have
about 1,000 acres of property at the Florence facility
out there the weeds will grow up on the edge of that,
and we had a fire several months ago that actually got
out and onto the property out there and we want to try
to minimize the impact of that by not creating an
environment from DPS to the other neighbors out there
because of all the weeds growing up and the tall grass
that's growing up on our property, so we want to try to
go out and get this particular area cut down so we
don't have those issues with the neighbors out there.

MR. STEEN: And how are you figuring
that that's going to cost $80,000?

MR. BECKWORTH: Well, I'm not sure. I
think we got a cost estimate from our building program
people. I'll have to get information on exactly the
cost that -- what they identified to reach that amount,
but I think that's the projected cost based on the bids
they got from different vendors that do that type of
work.

MR. STEEN: Okay.

MR. POLUNSKY: Further discussion?

MS. BARTH: Given we approve this,
what's going to be the balance in the seized funds?

MR. BECKWORTH: I could not get you the
exact information right now. I will tell you, based on
the discussion I had with you earlier, you authorized
and approved some things. The other things that's kind
of in a posturing position, if we have to replace an
aircraft, a helicopter, this time around out of those
funds. Based on the legislative information in there,
there's another helicopter for our Longview operation
that can come out of those funds. The funds get could
get down to about $3 million if we process all these
items out of that. And, as you know, we can't predict
effectively how soon those funds will replace themselves
because we don't have that kind of control on how the
funds are being processed back into it.

    MS. BARTH: I mean, I think, you know, I
don't have a problem with this, I'd just like to see
the cash flow projection on the seized funds so we have
some idea of where we are.

    MR. BECKWORTH: I can probably provide
that to you.

    MR. YBARRA: The current cash balance
available is a little over $15 million right now.

    MS. BARTH: What have we approved,
though, against that?

    MR. YBARRA: That would be your
generators to be permanent and the --

    MS. BARTH: And how much was that?
MR. YBARRA: That was around half a million dollars, but that's already included in the balance I gave you.

MS. BARTH: Okay. So net of all the projects we've approved was at --

MR. YBARRA: A little over $15 million.

MS. BARTH: Okay. Thank you.

MR. STEEN: Colonel, since you presented this to us, could you get me information on two of these things, the carpet and that fire lane?

MR. BECKWORTH: I'll get that information to you, sir.

MR. STEEN: Thank you, sir.

MR. POLUNSKY: I will be anxiously awaiting the relevant rules, regulations, statutes, whatever, that govern this.

I will state briefly, Colonel Beckworth, that, at least in my mind, if these seized funds -- and I think going back to the beginning, even though this may have been modified since, that those funds were originally designed to basically buy hard law enforcement equipment to augment the equipment that the various law enforcement agencies were unable to purchase. You and I had a brief discussion, for example, of possibly augmenting or filling in whatever
hole there might be on the request for the 450 black
and whites that now may be 300 and that might be a use
for seized funds. I believe that Commissioner Barth
also has some thoughts that may be the seized funds
could be used for IT equipment if that's necessary.

I just think that we might want to be
looking at what our philosophical direction in the
future would be on how those funds -- what the
priorities should be on those funds. I'm not
minimizing that old carpet is not -- it shouldn't be
replaced, but I'm not quite sure that rises to the top
of my list, so it's something I think we'd like -- or
at least I would like to see us discuss in the future.

Mr. Beckworth: Okay. I'll get you that
documentation the first of next week.

Mr. Polunsky: Further discussion on
this?

Mr. Steen: Mr. Chairman, are we -- it
says "possible." Are we supposed to take action on
this?

Mr. Beckworth: Yes, sir. We're
requesting your permission to move forward.

Mr. Steen: I'd just make a comment.
And we're presented this in summary form, but, Colonel,
it would be helpful if we could have some backup to
this. Because now you're involving the Commission in
approving some of these items and some of them I'd like
to have more information on. I don't know if we need
to do them today or not, but just based on the summary
and the dollar amounts and there's a lot of, you know,
we maybe have to learn about them, but some of these
look awfully high for what we're doing.

MR. BECKWORTH: I can provide you all of
the supporting documents, Commissioner.

MR. YBARRA: Oscar Ybarra, Chief
Finance.

One of the things we're looking now is,
by the end of the fiscal year, as the Colonel
mentioned, that we have 25 percent of what we call
wiggle room in our cap for these particular items,
so --

MR. CLOWE: Why don't you call it
transferabilities.

MR. YBARRA: Actually, in this case,
it's not transferabilities. It's -- you got 25 --
well, are you talking about where the money is coming
from?

MR. CLOWE: No. I'm just talking about
not calling it wiggle room.

MR. POLUNSKY: Yeah, I think that this
wiggle room has gotten us in trouble actually over at
the legislature on other issues.

MR. YBARRA: Well, actually Article 9
of -- this is -- we're talking capital, not
transferrability. Article 9 of the General
Appropriations Act allows agencies to spend up to the
capital budget limit that they have in that particular
capital item and 25 percent above that. That's what
the Colonel is talking about. So if you have a $2
million project, you could spend $250,000 above that.

Because the commission was so interested
in repairs and rehabilitation and one of our
exceptional items, which we did get some deferred -- we
did get some deferred -- we did get some to repair that
in the next biennium, we felt obligated to bring that
to your attention again because this was an issue last
time around this time and you all were very interested
in this issue, so that's why we brought it to your
attention.

MR. POLUNSKY: Mr. Steen, do you have
any thoughts on this as to how you would like to
proceed?

MR. STEEN: Well, and I don't want to be
inundated with paperwork, but I just would like a bit
more information before I vote on something like this.
MR. YBARRA: If I may offer, maybe contingent on the information that we provide you being satisfactory to the Commission based on, "I have no problem."

MR. STEEN: So you're saying we need to do it today?

MR. YBARRA: We have about three or four months left in the year to procure some of these things.

MR. POLUNSKY: Well, what would be the downside in not doing it today? Anything?

MR. YBARRA: The downside would be, we have that much less time to try to procure it for the current fiscal year, which would mean we'd lose 30 days to even start negotiating and trying to procure the services of some of these vendors or working with the Texas Facilities Commission on some of these items.

MS. BROWN: I'm not comfortable giving consent pending. I'd rather do it today or wait, but I'm not comfortable with the concept of giving a yes contingent on me going back and saying no later. I don't like that idea. I would be more comfortable to --

MR. POLUNSKY: I'm not even sure that idea works.
MS. BROWN: These are some big numbers. I'd like to see some documentation too before I make a decision.

MS. BARTH: Did you say how the numbers got put together? Maybe that would be the first step. Are these numbers our numbers or are they vendor numbers? Where do these numbers come from?

MS. FULENWIDER: Sandra Fulenwider, Assistant Chief of Administration.

Commissioner, these numbers are based on our best guess in most cases. On some of these, we do have some bids that we received in previous years and we've just kind of upped the price taken to current conditions, but, generally, they're just budgetary estimates.

MR. POLUNSKY: Well, that may be one more reason to defer action on this. Anybody have a problem with deferring action?

MS. BARTH: I just want to understand. Is this a use-or-lose situation? Tell me -- tell me -- I just want to make sure I understand with respect to deferring. Does it mean that we --

MR. YBARRA: It could be that we lose some capabilities because we lose the time to procure it under the current fiscal year under the 25 percent
concept.

MS. BARTH: Okay.

MR. STEEN: But if you defer it to the next meeting -- if we defer it to the next meeting then we've still got two months left?

MS. FULENWIDER: Most of these projects would not be able to be completed in that time, sir.

MR. STEEN: Do they have to be completed at the end of the fiscal year?

MR. YBARRA: They need to be encumbered in order for us to use the current fiscal year.

MR. STEEN: You just need to sign the contract within the fiscal year?

MR. YBARRA: You have to use the current cap dollar, cap available.

MS. BROWN: So the contract doesn't have to be completed and performed upon, completely finished?

MR. YBARRA: Correct, in most of these case.

MS. BROWN: Well, are there any cases in which everything has to be completed and finished by the time the fiscal year is over? Because that's the one thing that I can think would make a difference in whether we have to pull the trigger on this today or
not. That's something we need to know. Can you find that out?

MR. YBARRA: Yes, ma'am.

MR. CLOWE: And do all these require an RFE or an RFQ?

MS. FULENWIDER: No. Some of these will be -- like on the carpet replacement, we can go to TXMAS contracts for those, but for the air-conditioning, we would have to go out to bid.

MR. CLOWE: How about for the repairs to the building to Galveston?

MS. FULENWIDER: We are working in TFC on that project right now, sir. They will be heading up that project.

MR. STEEN: Mr. Chairman, I have a suggestion. It seems like you've got some questions, Chief, about these, and so maybe we could move on in the agenda. We're going to go into Executive Session and it would give him time to check on a few of these things and we can come back to it later.

MR. POLUNSKY: That will work.

MR. YBARRA: Yes, sir.

MR. POLUNSKY: Okay. That's one more item we will defer until after Executive Session.

Thank you.
The next item is the approval of grant application of Psychological Services Bureau for Other Victim Assistance Grants.

MS. FULMER: Mr. Chairman, Valerie Fulmer. I am chief of Administration.

This is a fairly routine item. The Other Victim Assistance Grant is something we apply to the Attorney General's Office for and they require, as a routine procedural matter, that any grant of this type be approved by the governing body of the State agency that's applying. We've got a copy of the grant application in your packet.

We have Melissa Atwood, who is our Victim Services coordinator and who is responsible for this grant, and she can answer any specific questions that you might have about the grant.

MR. POLUNSKY: Would somebody like to question Ms. Atwood on this?

MR. CLOWE: I'd like to hear her comment on it and give us a description of it so we can better understand it.

MR. POLUNSKY: Ms. Atwood, would you come forward?

MS. ATWOOD: Good morning. Melissa Atwood, Victim Services Director.
We've been receiving this funding since 2005, and the purpose of the funding is to provide direct victim assistance and also victim-oriented training to law enforcement. This grant funds halftime six positions in regions, two, four and six.

What makes our program unique is, we obviously extend our services, not only to DPS vehicular crime and violent crime cases, but also to smaller jurisdictions that do not have law enforcement based victim assistance.

MR. POLUNSKY: Mr. Clowe, do you have --

MR. CLOWE: I want to say to you that --
you and I had a discussion about this at the memorial service last week and I met some of the people that are involved in this. I think this is a very, very important activity. It's a special part of the DPS. I've seen this in action and I think it's a great thing.

MR. POLUNSKY: Mr. Steen?

MR. STEEN: I move to approve.

MS. BARTH: Second.

MR. POLUNSKY: All right. There's a motion on the floor made by Commissioner Steen and seconded by Commissioner Barth for approval. Is there a discussion on the motion?
MR. PLATT: Mr. Chairman, Stuart Platt, General Counsel.

One of the provisions quantified to the Attorney General is that, when you support this motion with a resolution or a motion, that you also designate an individual to apply for, accept, reject, or terminate the agreement. In this case, we would recommend that be Colonel Beckworth, and so I would ask that that would be a part of the resolution or motion here today.

MR. POLUNSKY: All right. Thank you, Mr. Platt.

Would you like to restate your motion?

MR. STEEN: Well, Mr. Chairman, just to clarify, in our -- and, once again, I wish this was up there, but in our book, we have a resolution of governing body and that's what we're adopting now. And is there a need, Mr. Chairman, to read that in the record or --

MR. PLATT: I think you could read it or I can read it for you.

MR. STEEN: Would you do it? It's not that long. And then would you add what you suggested?

MR. PLATT: The application number is 00177-101251, whereas, the Texas Department of Public
Safety, as an applicant, wishes to apply to the Austin Attorney General Crime Victim Services Division for a grant program for Other Victim Assistance Grant.

Whereas, the Public Safety Commission, as the governing body, has considered and supports the application filed with the order to be filed with the Austin Attorney General. Whereas, the Texas Department of Public Safety wishes to designate Lamar Beckworth to give him the power to apply for, accept, reject, alter, or terminate the grant with the Office of the Attorney General Crime Victim Services Division and the authority to sign all grant adjustment requests, inventory reports, progress reports, financial reports, or other official documents related to the grant on behalf of grantee.

Now, therefore, be it resolved, this governing body approves the submission of the application to the Office of the Attorney General Crime Victims Services Division as well as the designation of Lamar Beckworth as the authorized division.

MR. STEEN: Thank you, Mr. Platt.

That's my motion, Mr. Chairman.

MR. POLUNSKY: Okay. And you're second?

MS. BARTH: I'll second that.

MR. POLUNSKY: Motion by Commissioner Steen, seconded by Commissioner Barth. Discussion?
All those in favor, please say aye. Any against, no. Motion passes.

The Commission now adjourns to Executive Session, which is closed to the public in accordance with the Texas Government Code, Sections 551.071 and 551.074.

There is no need for anyone to leave the room. The public safety commission will be moving to one of the side rooms.

(Executive Session)

MR. POLUNSKY: The public Safety Commission is now reconvened and a quorum is present. The time is 3:30 p.m.

We will go back to item four: New business; discussion and possible action regarding the procurement of an information management intrusion and detection system.

Chief Lane.

MR. LANE: Brian Lane, Chief IMS.

MR. POLUNSKY: Mr. Clowe, do you have a recommendation?

MR. CLOWE: No, sir. I had asked earlier if the chief was going to brief us at a later time when he had a firm proposal.

MR. LANE: Yes, sir.
MR. CLOWE: And he said he would. He has no firm proposal at this time, if I understand correctly.

MR. LANE: That's correct.

MR. POLUNSKY: So let me go back. Would you like to have this decision delegated to a committee that you would serve on?

MR. CLOWE: Yes. Yes. If you would allow Commissioner Barth and I myself to have authority to approve that contract when Chief Lane finalizes it, we would be happy to act in that capacity as you have, and the Commissioners have done, in the case of DL expenditures. If that's your pleasure.

MR. STEEN: Mr. Chairman, I'll make a motion to do that.

MR. POLUNSKY: And, Mr. Platt, that is acceptable?

MR. PLATT: That is acceptable in this particular instance. The policy established regarding constraints on contract review is a Commission policy, so you can act and delegate that.

MS. BARTH: I'll second that.

MR. POLUNSKY: All right. There's a motion that has been made by Commissioner steen and seconded by Commissioner Brown that a committee be
formed and that committee will consist of Commissioner Clowe and Commissioner Barth and they will work with Chief Lane and have the authority delegated to them to make the decision as to what will be acceptable as far as the Information Management and Intrusion Detection System and have all the authority that the Commission would have had in this matter.

Is that your thought, Mr. Steen and Mr. Clowe?

MR. CLOEW: Yes, sir.

MR. STEEN: Mr. chairman, I think my thought on this is, rather than wait until we have another Commission meeting, that we want to expedite this and this is the way to do it.

MR. POLUNSKY: Okay. Any further discussion?

There is no further discussion. All in favor, please say aye. Any against, no. Motion passes.

So you will be working with these two commissioners, Chief Lane, and they have the authority to approve a plan that you come forth with.

MR. LANE: Understood, and thank you.

MR. POLUNSKY: The next item would be:

Report, discussion, and possible action regarding the
action report on computer virus containment.

Chief Lane as well.

MR. LANE: Did we have a follow-up on this item we spoke to earlier?

MR. POLUNSKY: You have given us a briefing. Is there any discussion that needs to be accomplished here in open session?

That's it. Thank you.

MR. LANE: Thank you.

MR. POLUNSKY: The next item will be:

Discussion and possible action on year-end repair and rehabilitation projects.

Chief Ybarra.

MR. YBARRA: Oscar Ybarra, Chief of Finance.

I've provided you with some documents and I can put them on the screen but the green sheet is still not legible. I just tried to put it up there.

MR. STEEN: Chief, is this different from what you gave us earlier today?

MR. YBARRA: No, sir, but it's separated strategically by capital and service.

MR. STEEN: What's the reason for not putting it on the screen? Maybe you can get somebody to do it for you.
MR. YBARRA: It would probably be faster if I did it myself.

I think the capital items that we're trying to take advantage of, the 25 percent cap space, would be really the items that would be -- that would be crucial to try to procure before the end of the fiscal year to take advantage of this option. I believe if we're allowed to proceed with the bidding process with these particular items and starting immediately getting specs for these items that, by the July Commission Meeting, we would have actual bids for these items and you could see the costs of what these -- what the actual costs of these items would be. At that point, you all would determine whether you want to move forward and approve with the seized funds.

That is an option.

MS. BARTH: Let me ask you one quick question on the Galveston $120,000. Is there insurance money out there we'll be able to -- I mean, why should we be any different than anybody else who has had a building damaged in Galveston?

MR. YBARRA: We're self-insured, the State, we should be self-insured, and because we're self-insured, the federal government does not replenish.
MS. BARTH: Okay.

MR. STEEN: Chief, tell me again what you're suggesting now as an option.

MR. YBARRA: We will proceed with bidding these projects out. We will not award without your approval. We hope to have these available by the July Commission meeting. That would be cutting it really, really, close.

MR. STEEN: Whereas, opposed to these estimates, you'd have like real numbers?

MR. YBARRA: You would have hard --

MR. STEEN: And then at that point, you're asking us to agree to that?

MR. YBARRA: That's correct. And we could award immediately after, but that's cutting it pretty close. But after many discussions, we feel we can accomplish most of this.

MR. STEEN: Mr. Chairman, do you want a motion or do we --

MR. POLUNSKY: I don't think we need to do anything on it.

MR. YBARRA: No. We would just proceed and we're going to get you some numbers.

MS. BROWN: I guess I'm not clear.

What's cutting it close?
MR. YBARRA: The being able to encumber these costs in the current year for these capital -- the green sheet for these capital. If we don't encumber it this year, then we lose the 25 percent capability.

MS. BROWN: Got you. And you mean by the end of -- you're talking about --


MS. BROWN: Okay.

MR. POLUNSKY: Let me digress for one second. Back to Galveston. Let me ask a question to Chief Colley and get a quick answer.

Any money anywhere for this?

MR. COLLEY: Jack Colley, Chief Emergency Management Division.

I can research it if there's public assistance damage to public property is eligible.

MR. POLUNSKY: Would you please do so?

MR. COLLEY: I can check that out.

MR. POLUNSKY: Okay. We will address this in July.

MR. YBARRA: Yes, sir.

MR. POLUNSKY: Move to Ongoing Business; reports, discussion, deliberation and possible action regarding the following: Procurement of a project
management contract to implement organizational changes
and planning regarding the development and
administration of the project management plan.

Commissioner Clowe.

MR. CLOWE: Mr. Chairman and
Commissioners, there is a project management workshop
planned for June the 17th to begin at 10:30 a.m. in
this room. And I'm not quite sure who's being asked to
attend that meeting. I would assume the Colonel and
you are working on that and will coordinate that. And
that constitutes my report.

MR. POLUNSKY: Okay. Any questions of
Commissioner Clowe?

MR. STEEN: Thank you for that concise
report.

MR. CLOWE: It's my pleasure.

MR. POLUNSKY: Department organization
structure.

Colonel Beckworth.

MR. BECKWORTH: Mr. Chairman,
Commissioners, in lieu of the project management
workshop, we're going to remain partial to wait until
we have that particular meeting to identify the
priorities outlined by that meeting to address the
organizational movement for the agency.
MR. CLOWE: Concise and more concise.

MR. POLUNSKY: And a wise decision, too.

Thank you, Colonel Beckworth.

Internal audit services contract.

Mr. Walker.

MR. WALKER: Farrell Walker, Director of Audit and Inspection.

Deloitte is proceeding very well with the work that they've been charged to do. I suspect that they're about 80 percent completed in the fieldwork at this point. We should have a draft of the audit reports about the 5th. We may slide a few days due to the loss of time as a result of the Swine Flu issues that Emergency Management had to deal with for awhile, but they're hoping to get that report to us as outlined, which would be June 5th.

MR. POLUNSKY: Are there questions of Mr. Walker? Thank you.

Next would be the implementation of Driver's License Reengineering, New driver's License System, and options regarding implementation, including consideration of current key contract relationships and possible expedited contracting processes during the implementation phase.

Chief Brown.
MS. JUDY BROWN: Judy Brown, Chief of

Driver's License Division.

We are operational in Garland. We had
difficulty as we were installing the equipment in
Garland and began to come up live. We have resolved
all of the issues that were related to those
difficulties. We've been operational in Garland and
having a very good success. The employees are very
accepting of the new application and they enjoy the
abilities that it offers to them.

Our schedule is -- we delayed our rolled
out schedule we had. Based on your request, we had
looked at an expedited rollout schedule. Because of
the difficulties that we encountered in Garland, we
delayed moving forward with that expedited schedule
until we get a couple of more rollout offices on and
know that the resolution in Garland is a permanent fix
to the problems that we encountered there.

Our schedule today, we will install the
Capitol Office next week and come up live on Friday
morning. We will do that without any downtime at that
office at all. And then the following week, we will
install the North Lamar Office, and once we have those
up and they're operational, then we feel like that we
can go back to that schedule and look at that expedited
schedule according to your initial request. We will provide you a full schedule. We should be able to provide you a full schedule at your next commission meeting.

MR. POLUNSKY: Thank you. Are there questions?

MS. BARTH: I do.

MR. POLUNSKY: Commissioner Barth.

MS. BARTH: How long do we estimate it takes under the current DL from the time you are at the window until the time you process and then --

MS. JUDY BROWN: Processing time?

MS. BARTH: Yeah. And then how long with the new system?

MS. JUDY BROWN: I would tell you, based on what I personally watched -- and we haven't timed either system in a while, Commissioner Barth, but I would tell you, based on the time that I left Garland, which was the end of day one, they were processing at exactly -- I mean, within seconds of what we're processing on the old system. It's a matter of -- you know, there was some slowdown in the beginning. Those personnel that were -- had significant amounts of previous training -- and, again, in Garland, we didn't have the opportunity to do the full 16 hours of
training that we had scheduled, and so those that had
had previous training in Austin were more knowledgeable
on the system, so they were processing applicants as
fast as we are on the --

    MS. BARTH: Okay. On the old system,
what would you say the processing time was projected to
be?

    MS. JUDY BROWN: It's dependent upon
transaction, so I would tell you, based on a straight
renewal or a duplicate transaction where there's normal
change in the --

    MS. BARTH: How about if you had a
16-year-old go for their license yesterday? You just
know I have these kids who just keep coming up.

    MS. JUDY BROWN: You know, I really
should look your records up before -- I really should
check those things out.

    You know, I would tell you that an
average time to process a 16-year-old should be about
ten minutes.

    MS. BARTH: And what do we think it's
going to be going forward?

    MS. JUDY BROWN: I would think that
there is going to be time cut off of that process when
the people are familiar with the new system.
MS. BARTH: Is there some -- I mean, when Bearing Point put the whole thing together, now, did they -- is there some, you know, statistic out there or representation we're going to take a ten minute to five minute or seven minute to four minute? I mean --

MS. BOLINE: In our contract, there's not.

MS. BARTH: Okay.

MS. BOLINE: We do have some timings that we've done throughout testing, and a typical renewal process time would be three to five minutes. We did see slowdown with the parent calls. Because there's more of a line incurred with any of the technicians being able to process through the new system the parent requirements. That in itself I think will get better as time goes by.

Was this in the Garland Office?

MS. BARTH: No. This was in the Town Horst, the old one. That's why I was asking. I mean --

MS. BOLINE: Yeah, because a parent call process is not a pleasant thing to go through.

MS. BARTH: I might argue, but the gentleman next to me who was renewing was having the
trouble that I was, okay, and mine actually was in the
ten minute side but his was probably a little bit
longer, which sort of struck me because it was a
renewal.

MS. JUDY BROWN: That would be

interesting to me. I mean, a renewal of the DEL takes
a little bit longer, you know, depending on if you're
adding endorsements or maintaining hazardous materials
endorsement. There's all kinds of fluctuating factors.
And the thing to take into consideration, too, you
know, what we said in the contract is, you cannot
increase our processing time, you cannot take us to a
lengthier processing time. However, in the
application, we added a number of additional factors to
increase security, increase the documentation, increase
the things that we don't collect on the old system
today, and so again, we're collecting more, we're
making the system more efficient, we're giving
ourselves more opportunities from a management
perspective, but yet, it should not increase the
processing time at all.

MS. BARTH: I mean, the processing time
for my 16-year-old hit right there. For the gentleman
next to me, it was surprising on a renewable that it
took so long, because I was sort of timing both to see.
I figured he'd get out before me. So okay.

So we don't have anything in our contract that specifically says we're going from -- I would urge us to put some matrix in place down the road that we could see, you know, more training, more time, and we could, you know, have some goals out there.

MS. JUDY BROWN: One of the projects that I have outlined as we get the system rolled out is to do some significant timings and to do a cost per license. It's been years since we've been able to run all the way through from the time somebody walks into the office until the time the license is received and what is the actual cost of that license, and so we've got that in our plans for the fall.

MS. BARTH: Okay. That's all I have.

THE MR. POLUNSKY: Any other questions?

MS. BOLINE: My name is Linda Boline, Project Manager for the Driver's License Division.

MR. CLOWE: I'm told that the new driver's license doesn't read on the in-car computers. Is that correct?

MS. BOLINE: Are you speaking of the format, the messages? It does. They're having trouble interpreting the way that the new format is. And, honestly, it is -- from what we had experienced with
the questions we have had are that it -- they're trying
to put together the record, as they've had to do in the
past, and they don't have to do that anymore. It is a
very straightforward record. We have -- this was
brought to our attention not only through some e-mails
that we were receiving but we've had a conversation
with Colonel Beckworth and Chief Baker. We have
already had one training session with the Regional
Communication Operator supervisors; that has gone very
well. I will say too, for history purposes, that they
were very helpful in providing the information that
needed to be given in a message for in-car and for all
communication operators.

One of the things that we tried -- that
was most important to us was to let the officer on the
side of the road know when and if a person had the
eligibility to drive or not, and therefore, we said
eligible and not eligible. And as clear as that seems
to us and to the communication operator supervisors
that provided us the information as well as some
troopers, that seems to be causing a little more
difficulty than we ever expected. I will also tell you
that we did parallel messages returns for -- we did
that five test and then we did four hours. The day we
implemented, we had the parallel messages going out
from the Legacy System and the new system. We did not
have one question, and it wasn't until we really cut
them off of the old system that it was -- the questions
started coming in.

So we're doing all we can now to get
them to feel comfortable. We've encouraged anybody and
everybody to e-mail us. And I've been honestly very
pleased with the e-mails that we've gotten because a
lot of them have asked for confirmation on their
interpretations, and they've all been dead on. So I
think it's just a little bit of changed management
-going on here and encouraging to let go of the old
system. And I think within a short amount of time, we
will be able to -- they'll be able to read it even
better and like it better than their Legacy System.

MR. CLOWE: Okay. Update me on that if
you have any continuing problems; would you please?

MS. BOLINE: Yes.

MS. JUDY BROWN: The last item that I'll
refer to with reference to this particular project, as
we made the migration over and we encountered the virus
and we had some downtime on the computers and the
inability to FTP our files to our vendors, we've got
ourselves in a backlog with regards to license mailing.
We are -- at the end of today, we should be at a 23-day
mailing cycle. Now, the public has become to expect
us, and we have, over the last five or six years, been
able to manage a mailing cycle of about seven days from
the day somebody is in the office. So we are receiving
escalated calls, escalated questions with regards to
those backlogs. We are still within the confines of
the receipt period that we offer both on the online
transaction and the in-office transaction.

   We are working considerable hours of
overtime. We have the machine that actually puts the
licenses in the envelopes. We have operators at that
machine for 21 hours a day. If you will recall, we
requested and have not been provided money in our
exceptional item request list for replacement of that
machine because it is at end of life and we are having
several hours of dead time a day. If we weren't at
capacity of 21 hours a day being staffed, we wouldn't
be able to keep up at all. But we are staying on top
of it and we hope we'll have that backlog completely
worked out back to the seven days by the time we're
here next month.

   MS. BARTH: I have one turning 15
   July the 5th.

   MS. JUDY BROWN: I would love to make
you a VIP appointment, Commissioner Barth.
MS. BARTH: Oh, no. I like just going in. I like going in.

MR. POLUNSKY: We will do VIP appointments.

Okay. Why don't we just have you stay here, Chief Brown, and we'll go to the: Update report, discussion and possible action to develop an approach for transforming the administration of the Driver's License Division into a civilian model.

MS. JUDY BROWN: As I expect each of you to be aware, we originally laid out a proposal for y'all that included 264 FTE's that would provide management supervision administrative support for our driver's license offices. As the exceptional budget process and the exceptional item list, it's worked it's way through the legislature. We were originally reduced to 223 personnel for those supervisory positions, and then most recently, we reduced to 160 of them, and so we are working through the second reduction to reduce the number of personnel that we had thought would be most efficient, reducing that number down to the 160 FTE's. That appears to be what the legislature is going to offer to me.

We are re-working the job descriptions based on the new skill set that's in the new
requirements for civilians. We have all but one of
those completed and I would expect that we will be able
to -- once we finalize that 160 number, we'll be able
to get those jobs posted towards the end of next week.

The commissioned personnel, both THP and
CLE have posted positions. Those applications have
been received and both of those divisions are in the
process of going through those applications. I would
expect notification to my commissioned personnel within
the next week or two to let them know which ones of
those personnel would be selected for which positions.
In addition, CLE has posted the testing notice for the
fraud sergeant investigators. That testing will occur
on July the 15th and then the interviews for those
positions will be later in August.

So I would expect that by September 1,
we will have a real good feel for exactly how the
division will look from a civilian perspective. We
have commitment both from CLE and THP to work with us
as much as possible, to leave me with some level of
support as we're training these civilians, getting them
hired and getting trained. So as we get to the fall,
then we'll have a better picture of what we have left,
what may need to be looked at with regards to the next
two years as we work through the transition and then
we'll also have that commitment to training and
supervision of the civilians.

MR. POLUNSKY: Are there questions?

Thank you.

Next item: Update, discussion, and
possible action regarding the recruitment policy
committee.

Commissioner Brown.

MS. BROWN: This past week we held our
first training and recruiting committee meeting and
outlined the goals and expectations for each committee,
so I would like to delay further discussion and
possible action to a future meeting when I'll have a
little more to report. But that is up and rolling and
we have our goals and we're going to get going.

MR. POLUNSKY: Great. That's good to
hear. Thank you.

Next item: Discussion and possible
action regarding the ongoing Sunset Review
recommendations and other legislation affecting the
Department and the Public Safety Commission.

Chief Kelley.

MR. KELLEY: Good afternoon. I'm
Michael Kelley, the Chief of Government Relations, and
I'm going to give you an update on the legislation
that's currently before the -- that affects DPS,
including Sunset bills we've asked for and requested as
an agency, and then I'm just going to tie in with Chief
Ybarra the budget. He and I can discuss that with you
at one time.

What I'd like to do is go through and
show you the bills that we're tracking and where we are
on Sunset. This gives you the number of bills that
we've been tracking by division. As you can see, each
division is assigned bills based on how it would -- if
the bill would have impact upon them if enacted into
law. These are the numbers that I send you on Friday
to give you an idea of where we are and what we're
doing on this.

The way this is handled, the divisions
each will analyze and look at the bills. General
Counsel will help look and assign to make sure that
somebody is tracking the bill and that we're prepared
to give testimony, if needed, on the bill when it comes
up in committee. You can look on this chart and you
can see the increase in the number of bills filed
versus the number of the ones tracked. This session
we've had a huge increase in the number of bills that
were filed and so, therefore, we're obviously doing a
little bit more work to keep up with what bills might
affect us.

Okay. We've so far had 610 fiscal notes requested by the Legislative Budget Board. Of those, we've got 609 completed. This was as of this morning. 234 bills would have at least some fiscal impact if enacted into law and 375 would not. So it's really important that we do go through here -- and I know our divisions are doing a good job. The Office of Audit Inspection will coordinate to make sure the divisions look at each bill to make sure that, if there's fiscal impact, we do note that in there and that we work with the LTD to make sure that we get the funding and authority that we need so we don't have any unfunded mandates by the time this session is over.

I want to give you a little overview on our office. Janie Smith is here. Just so y'all understand, when the office -- last year, you guys allowed me to hire two more persons in order to expand, so Janie became a legislative liaison when I moved up to the Chief of Government Relations, and her job is coordinating the Transportation Homeland Security issues and monitoring and overseeing the day-to-day office operations. Ronda Trumble, she used to work for CLE. Her job is to cover the criminal justice policy and criminal jurisprudence policy; she had done that
over here with CLE. And she also helps down at the
Capitol and she serves as my assistant. Sarah, who is
playing Vanna White over here, is the -- she is really
the bread and butter of what we do to keep this agency
in good footing with the legislature. She's the one
who is in that office every day talking to the
lawmakers and staff when their constituents are upset
about an issue or they need help. Were we not doing
that function, there's no way we would get the support
we get down at the legislature. So we've got to always
remember that it's vital that we have a person that's
coordinating, cutting through the red tape, getting
answers for these lawmakers, and then, in turn, we know
they'll work with us.

On the next slide, it shows you an idea
of the amount of casework we deal with. And these are
the actual cases that -- where we actually had to write
it up and send it to a division for help. That's not
the ones we already knew the answer and we talked them
through it. These are the cases where we actually had
to send it to a division and get assistance.

The next slide will show you a
constituent case form. That's a form that we created
that we could track what legislative requests were
coming in, get it to the divisions, the divisions then
can decide how best to answer it. And then we do this electronically so that we can follow up to make sure that each legislative office got an answer and what was the answer in case they have any follow-up. This works effectively because we're able to send it by electronically to the division's coordinators, and each of the divisions and special sections has one person designated as the legislative constituent coordinator.

Another role of our office is to create the state official identification card. This is only issued to state officials who are in office and they're issued for a two-year biennial period, so that's in case if somebody is out of office after that two years, we will then want the -- that card will no longer be valid. We re-issue it when the next biennium starts. So we just issued the batch for this biennium recently. The lawmakers get one that has a photograph on it because they are allowed, under statute and under the Constitution, not to be detained, apprehended, or arrested in certain events whenever the legislature is in session when they're going to and from session, and that's why they're afforded the identification card account with the photo on it. If a staff member or a non-elected official would like this card, we will produce it for them. We will put their driver's
license number on it and they would have to utilize
that with a photograph. And what we found is that it's
also helpful when they're trying to get the State break
when they're on travel, that it is used as a form of
identification. Hotels will accept this card, since it
is issued by DPS through my office, for them to be able
to be recognized as a State official.

The Friday Workgroup consists of the
Office of Audit Inspection, Office of General Counsel,
and the Government Relations Office working together
with the division coordinators every Friday to be able
to give you an update on where we are in the process of
monitoring and tracking legislation. It's also a way
for us to get feedback. Are we doing a good job on
fiscal notes? Are we doing a good job on monitoring
the bills at the committee? Are we hearing anything in
our division that your division might need to know
about what's going on downtown? And I think the thing
that we've seen over the last years that's improved and
helped the agency's communication is having these
Friday meetings with the divisions there and these main
legislative coordination offices. This has really
improved the amount of coordination that we have going
on with regard to legislation and work done at the
Capitol.
The roll of the General Counsel is to ensure that any bill that comes in that may have impact on DPS is assigned in telecon to a coordinator of the division where that might be impacted, and that's when we start getting the bill analyses. They will then make sure the division produces any type of analysis describing what the bill would do, how the impact might be, how it might impact our agency if enacted.

The coordination of the Office of Audit Inspection is to make sure that the divisions are analyzing and providing a fiscal note that matches up with the bill, again, to make sure that we don't have any unintended consequences, have any unfunded mandates by not properly tracking. And to make it clear, the goal of this office is not to actually do the fiscal notes, their job is to make sure the division is right and that they're properly sent over to the legislative budget board.

This line is just -- I put it in there just to show the -- I think the coordination we have with the divisions is the key to the success we have at the legislature. The legislative success is not about my office or me or anyone at the -- even at headquarters alone working at the Capitol, it's about a team process. It's Chairman Polunsky coming in and
asking this weekend, "Can we make sure we get that pay raise? Can we make sure that we get the amendments to our Sunset bill?" And then following up, where we had the divisions actually follow up after he went and asked so that we can make sure all the way up to the minute what we're doing right now on our Sunset bill, making sure the amendments are proper, and we worked all the way to the end with Chief Ybarra and his staff to get every penny we could in the appropriations process.

It goes all the way out to the field where we have your local captains, lieutenants, sergeants, troopers. Those persons that interact with lawmakers, they make this agency when it comes to legislatively. Because lawmakers aren't going to trust everything we say in Austin, they want to know how it impacts their district. And so I will say, without a doubt, this teamwork and cooperation we have within the divisions all the way down from the highest level, the chairman, down to the newest trooper really is helping us this legislative session. I think it's giving us a better working relationship with the lawmakers.

An update on House Bill 2730, the Sunset bill. It went through the House after 18 long arduous weeks, and in one week, it's going through the Senate
and we're going to try and get it out tomorrow on the
Senate floor. We're still waiting to see if it's going
to be tomorrow. If not, they're looking at Sunday to
do this.

The end of the Senate rules, only those
amendments that were considered in the Senate
committee, that set committee on government
organization that met two days ago, only those 23
amendments that were brought up are eligible to be
considered on the Senate floor, so we have an idea now
which amendments are going to be brought up and
potential amendments to those amendments. So that's
what we've been working on even in -- again, up to the
minute and making sure that the lawmakers know what
amendments we think are good, which ones we might have
problems with, and then working on amendments to clean
those up.

One of those amendments that we worked
closely with -- and Stuart has been going down with me
night and day to work on redrafting and cleaning up
some of this language. And where's Duncan?

You've been back there at headquarters
night and day drafting everything we tell you and you
draft it, so thank you.

But we are getting -- for example, the
provision is saying -- the qualifications of the
director, there was a provision in the House that said
they must have five years of law enforcement experience
immediately before. We've expressed a concern about
how that would harm our ability to -- it would decrease
the number of candidates. We feel that's not a
positive move on the Deloitte side. We've got the
Senate to understand, and even a lot of the House
members who voted on it now see why they don't want
that to be in there. The Office of Inspector
General -- Representative Kolkhorst wanted that in
there and we're working with her on language to make
sure that there's a separation between the
administration investigative arm and the criminal
investigative arm. So there's things like that that
we're really just tweaking, but I'm happy to say
there's nothing really controversial on this bill that
would bog me down at this point and I don't foresee a
problem getting it through the Senate and then on into
a conference committee by next week. Obviously we've
got one week left to get it through conference. One
week from today is the deadline, and I think we will be
able to get this through.

And these are just some pictures of the
work we were doing. We can go to the next slide too.
You'll see our fearless leader sitting there acting interested in what Tommy Merritt is saying. And then the next slide shows Colonel Beckworth up there trying to impress Chairman Merritt. The next slide is the Senate Transportation Homeland Security. It just kind of gives you an idea of the interaction we do. That's one of our oversight committees. The last slide I borrowed from a presentation Judy had. And it just shows the unintended consequences sometimes, that we have citizens come forth with concerns, they bring it to the legislature, and sometimes the lawmakers always tend to try and interpret things differently and it ends up being completely different than what we wanted. And that's the reason why it's so important, again, that we continue through the end watching every bill that goes through, keeping an eye and making sure we don't get some unintended consequence in the end.

So with that, I would like to add one last thing. We've worked with the chairman. You had voted in August to name this Building A in our headquarters campus after Colonel Davis, and there was a question how would we would be able to do that legally. Duncan was able to work with Stuart and we determined that a concurrent resolution would be in order, so we were able to add to our request list House
Current Resolution 222. Representative Driver has got it coming up on the House Resolution's calendar tomorrow and then, after that, Senate Whitmire said he would pick it up. Those are the same individuals we asked to carry the concurrent resolution to honor Colonel Davis when he retired as well. So we believe we'll be able to get that through as well to allow us to fulfill the wish that you had to name that building after him.

That's all I have on the legislative side, but I didn't know if you wanted to go straight into the budget or if you want me to wait until Oscar comes up.

MR. POLUNSKY: Why don't you have Oscar come up and let's get into that.

By the way, I have seen Chief Kelley in action very closely here for the last actually few months and he's quite dedicated. And I'm happy we're not paying you by the hour. There's been lots of times --

MR. KELLEY: I was going to ask Commissioner Brown to go up there when --

MS. BROWN: Yeah, how much comp time have you billed for?

MR. STEEN: Mr. Chairman, I want to say
to Chief Kelley, that was an outstanding presentation.
I know there's nobody busier than you and your staff
this time of year and it really impresses me that you
took the time to put this together for us, and thanks
for that. That's what I'd like to see more of. You're
sort of the gold standard now.

MR. KELLEY: Thank you.

MR. YBARRA: Oscar Ybarra, Chief of
Finance. It's hard to follow that.

Okay. This information is based on my
staff listening to the internet -- or listening to the
conference committee on the Internet, communications
with Chief Kelley, Colonel Beckworth, some legislative
staff. This document was sent out to the Commission
earlier this week but has since changed due to
additional information being provided to my staff.
This is the agency's side-by-side exceptional item
list. We've excluded some of the items that have not
received any consideration up to this point, which
would be the majority of our facilities and polygraph
examining board and Real ID. What I'll trying to do is
go over the items to kind of familiarize the Commission
as to what we requested originally.

Item number one, critical personnel
needs; additional personnel. We requested FTE's for
the agency to properly staff each division to support
the agency as a whole. That initial request was a
little over $46 million. A recent conference committee
has identified that 65 FTE's have been approved at
about $6.4 million. Earlier this week, we sent out a
side-by-side for commissioned officer compensation.
The original request was at the State Auditor's level
at $48.8 million for Schedule C. The Senate had
originally approved $19.2 million. And we originally
heard in that conference committee, it would be
$24 million for a Schedule C and assumed that was for
DPS, but we have since received clarification from
legislative staff that the dollar amount dedicated for
DPS is about $19.2 million, and that's roughly half of
what the State Auditor recommended. I think the
largest increase in that particular schedule is a
captain level at 20 years of about 9.1 percent.

Item 1C, noncommissioned compensation.

If you'll recall, that was dealing with the driver's
license technicians and customer service
representatives. Prime analysts in the criminal law
enforcement and information management services were
noncommissioned compensation pay raises for those
individuals. We had activity up until the end but,
unfortunately, at this conference, we didn't see any
dollars for that particular item.

And then the staff recruitment, which was our dollars to provide -- well, provide advertising dollars for the agency to help with our recruiting effort. At one point, when we were listening to the conference committee, we had thought that had been eliminated, but we have informed recently that that has been included, so that's available. $504,000, that's the annual amount.

Item No. two everybody is aware of, information technology. And I will say that every person in this agency has been identified through the IT piece of how important to our agency. I know the Mr. Chairman was in some late night meetings, even on the weekends, with myself and the director and Michael Kelley identifying to key legislators the importance of this item. We originally went in at $70.4 million and the agency was appropriated about $44.6 million at this point, which I believe those dollars, and I'll have refer back to IMS, will help the agency to move forward in fiscal year ten and 11 to take the agency into a new era of technology and communication.

The operating shortfall, we initially had $27 million in there. There was electricity dollars in there for existing buildings and in new
buildings that we were awarded in 2008 and 2009. We were unsuccessful in obtaining those dollars, but we were able to get $10 million in deferred maintenance for some of our existing buildings.

And then we have the restructure of the driver's license division. This item has received a lot of attention. We did start with a significant dollar amount for all three of these areas, one being going from the customer -- from a civilian to a -- from a civil -- from a commissioned to civilian management. That particular item, the legislature has increased our FTE's by 160. The original request was 264. To the best of my knowledge, we had also requested to transfer 223 FTE's from that division into the Texas Highway Patrol. At one time, we were concerned that they had reduced the number of commissioned officers in the state based on some of the negotiations, but to the best of my knowledge, that hasn't happened. The agency is going to have to kind of work with the $15 million to make that work. And we're still trying to get clarification on the strategy behind the $15 million. We'll have to wait and see how the bill is printed and see if there's any guidance in there.

As far as item number five, additional patrol vehicles, the Commission had approved an
exceptional item for 450 vehicles along with operating dollars. The conference committee approved 300 vehicles at $18 million, and that dollar does include operating costs.

Border security, another item that has received a lot of attention. We originally requested 118 additional FTE's at a little over $24 million. The Senate did approve a plan for 66 FTE's at $85 million, but conferences since then changed that to 72 FTE's, which consists of 56 troopers, ten rangers, and some crime analysts for a crime lab in Laredo, at $55 million.

One of the things that -- one of the other items is TDEEx, which is the item that tracks criminal activity in this database. This is a $29 million item that we asked for, for three FTE's. That item included operating dollars and capital. At one time, the House had approved only the capital at around $16 million, and the agency, through negotiations, identified that we were better off being awarded the operating dollars because we felt we'd be better successful at trying to get federal dollars for the actual equipment. The conference committee listened, and the $12.4 million would cover the operating costs for TDEEx for the next nine years.
The driving track was approved in both Houses at two and a half million, which is half of what we originally requested, with 11 FTE's.

The division of emergency management, we requested 73 FTE's and close to $14 million. At one time, there was activity in the House, with no activity in the Senate. The $3.6 million that's reflected by conference is for some state for Lufkin and San Antonio, if I'm not mistaken, but those dollars are appropriated through existing funds of the agency. There's no additional dollars for that; there's authority only.

There's additional activity here in the bottom regarding the border funding mechanism, which is a crime lab in Laredo. There's $800,000 for operating for the crime lab and personnel and $6.1 million for GeoBonds and there's dollars for Texas Task Force Two of $1.4 million. This task force is out of Dallas and there will be training out of Dallas, which would benefit the border when they're called out to the border for assistance. There was also operating dollars out of border provided for the Longview helicopter.

Mr. Chairman, I will tell you that --

Commissioners, I will tell you that, if you excluded
the facilities that we requested, the training academy, some of the facilities throughout the state, the Real ID piece and all that, our exceptional items totaled about $373 million. This particular packet, if this moves forward, is roughly a little over $184 million, which is about 49.24 percent of our requests.

Do you want to add anything to that?

MR. KELLEY: I just want to say that the process changed hourly. And, again, Mr. Chairman, I appreciate you coming in at the last minute. I know the pay raise was -- there was word about zeroing it out. We went in and explained why it was important. There was questions about IT. We met that Sunday, Colonel Beckworth, remember, as we drag in at 7:00 on a Sunday and just to wait for Richard Raymond to come back so we can explain to him why this IT piece, which -- what we found is, there's certain items that we need but they just don't get these lawmakers re-elected. You can't go home and say, "Hey, I got DPS their IT," and attract any attention. You can say, "I got patrol cars," and that means something different. So we had to go the extra of explaining to Representative Raymond and Senator Hinojosa why that IT should not be cut.

And then we got called in what we
thought was going to be a Sunset meeting a week ago
today but it was a, "Oh, by the way, we're cutting your
IT 100 percent unless you can tell us where else to
cut," and then it was a matter of negotiating to try to
keep that in there. So, luckily we had some good, hard
numbers we could work with. Oscar and his staff had
already worked some numbers up. Obviously Colonel
Beckworth is very knowledgeable on the budget. And we
just sat there and tried to find a way to cut back on
other areas to ensure we kept that IT piece in there.
And then the Chairperson came in on Sunday and
threatened to break kneecaps if they didn't fund the IT
piece. So I will say it was a good team effort. I
think we were lucky in the end, when they were trying
to cut back on that, that we were able to get that
through.

And I do think it's important to note
that we need to keep moving forward here and start
going ready for the next LAR. We have to show very
clearly where we spent these dollars, be very
transparent about showing where we spent these dollars,
and explaining where our needs really are so that we
can continue forward and start -- the budget in two
years that we asked for, we start asking for today by
showing what we're doing with the money we've got now
and where our shortfalls are. So this is just an end of a cycle. Just because the session ends, doesn't mean the budget process is over for us.

MR. POLUNSKY: Questions? Comments?

Great job.

MS. BROWN: Just one question: Where's the photo of the offer you can't refuse, the kneecaps?

MR. KELLEY: It's classified.

MR. POLUNSKY: What he meant to say is, I was looking at their kneecaps.

MR. YBARRA: As soon as we get any additional information, we'll get it out to you.

MR. POLUNSKY: Thank you for your time and effort.

Next item: Discussion and possible action regarding review and reconsideration of physical readiness standards for commissioned officers of the department.

Chief Fulmer.

MS. FULMER: Good afternoon. Again, Valerie Fulmer, Chief of the Administration Division.

The PRT working group continues to meet, as I think I mentioned last month. This week we had a reassessment of one of our job task scenarios. One of the few remaining issues with the PRT appears to be the
job task scenario wherein they're pushing a vehicle. The surface is not completely level and that is the exact surface on which the test was verified originally, or validated originally. However, we are looking at doing it on a level surface and revalidating the time. We had a control group come up in and test on the current surface and test on a completely level surface. The vendor who did the original study and the original validation came down and observed, and we did it under sort of strict controls, and they are going to provide us with a reassessment of the time requirement on a level service, and we expect to get that back to you next week. And we continue to work on the wellness class and we expect to be able to begin those sometime in June.

That's all I have unless you have further questions.

MR. POLUNSKY: Questions?

Next item: Discussion and possible action regarding security measures for the department.

Chief Fulmer.

MS. FULMER: Yes. I met with the protective security adviser with Homeland Security this morning, who is going to be leaving the team. He is actually stationed in San Antonio but it's a Washington
State team that's going to come down and do the security assessment. They are going to be here June 9th through the 11th, and we'll get an invitation out to all the commissioners, but they are going to do a debriefing when they're done with their site visit on June 11th in the afternoon, and we'll get you an exact time on that.

They're going to be looking at both physical security of the campus, including, you know, trying to actually enclose the campus and fence it and gate it, and they'll be looking at the security of our different systems, you know, not just IT systems, looking at the HVAC system, the water, the electricity. So they'll be here for three days and then they will provide a more in depth written report approximately 60 days after that.

And that's all I have on that.

MR. POLUNSKY: Are there questions?

Thank you.

Moving to reports, commission member reports and discussion. Are there any reports or discussion from any of the commission members?

Next item, budget matters. Chief Ybarra.

MR. YBARRA: Oscar Ybarra, Chief of
Mr. Chairman, I've covered the side-by-side as far as our exceptional items are concerned. The other item I added to my report were our projections as of March 31st, 2009 for the agency as far as our budget is concerned. What I'll add to that particular document is, the divisions are holding steady as far as their spending and what's going to be available to cover some of our shortfalls. Our bottom line did drop about a million dollars, but that had a lot to do with the potential funding we were going to be utilizing for seized funds for TDEX. If you reduce that amount by $2 million, that's what we foresee we're going to need to cover that expense.

And that concludes my report unless you have any questions regarding this information.

MR. POLUNSKY: Questions?

Thank you.

Audit and inspection. Mr. Walker.

MR. WALKER: Farrell Walker, Director of Audit Inspections.

Mr. Chairman, Commissioners, my report includes three audit reports and four completed inspection reports. Those reports include recommendations for improving operations or improving
accountability in those areas.

In addition to my report, I'd like to tell you that our auditor prospect that I may have mentioned last month fell through so I have two audit vacancies. My intention will be to work with Commissioner Barth on our audit plan for 2010 and staff up accordingly. My hope is that we would have those auditors on board toward the end of August and early September.

That concludes my report unless you have questions.

MR. POLUNSKY: Thank you.

Division status reports on activities and action taken. Administration, Chief Fulmer.

MS. FULMER: Good afternoon again.

There's a couple of things I'd like to draw the Commission's attention to. The Concealed Handgun Licensing Bureau continues to receive and increase in applications every month. In April we received 15,276 applications and that is an all-time high, and the month before was an all-time high and the month before that was an all-time high, so we are doing our best to keep up with it. Chief Mueller is working on some ideas for streamlining. We may have to do another "all hands on deck" overtime project like we did last summer.
in order to keep up with it, but we're watching it and
we watch it each month and we're hoping that things
don't get out of control quickly.

MR. CLOWE: What is the time of issuance
now?

MS. FULMER: We are still -- in most
cases, we are still at 60 days, however, as we get to
these March and April ones, I imagine the time is going
to increase on those because those are the ones that
are being processed currently.

The other thing I'd like to point your
attention to --

MR. STEEN: Chief, before you go on,
what's you plan? It looks like this is not abating.

What's your plan?

MS. FULMER: One of the plans is, we're
hoping that this exceptional item with the additional
personnel comes through. We do have additional
personnel for Concealed Handgun Licensing in that. We
have -- since the program began in 1996 we've had a
stagnant amount of resource. The numbers have gone up
exponentially and, in fact, our budget has decreased
since the beginning of the program. We continue to use
technology. We have an excellent vendor who is
constantly working to automate more processes for us.
There are certain processes that simply can't be automated and we're hoping that some of the exceptional item folks that it looks like we're going to get are going to help us with that.

MR. STEEN: How soon do you think?

Assuming that we get them, how soon do you think?

MS. FULMER: It would be -- well, it be September 1st before we would be authorized to begin. We could actually do interviews before that and have those ready to come on board September 1st, and then we have, you know, somewhat of a training period, but a fairly brief training period, before we can get folks on board. We'll still have to continue to utilize the temporary resources that we have. I don't see that abating any time soon.

MR. STEEN: What was that you were referring to earlier about a concentrated effort?

MS. FULMER: Yes. Last summer we called on all of the divisions and had any of their folks who were interested in being trained on processing our applications, they came and did a dedicated overtime project. We required -- I believe it was the month of August. We required them to commit to specific days of overtime and to commit to being there every day, and in one month, we made a huge effort on the backlog and
nearly eradicated it at that point. And we've got -- a lot of those folks are still here and still know how to process those applications, so our hope is that -- and, obviously, that's going to be a resource constraint on how much overtime we can afford.

MR. STEEN: Thank you, Chief.

MS. BARTH: It seems to me we have unfilled positions towards the end of year, we could take those dollars to help eradicate this problem. Is that not --

MS. FULMER: I would be in favor of that.

MS. BARTH: Am I missing something here?

MR. YBARRA: I'm sorry?

MS. BARTH: Using dollars off of unfilled positions to move over to help Valerie with her concealed handgun problem.

MR. YBARRA: Actually, we've already done that with your approval. At the beginning of this year, to help pay for the temporaries and operating shortfalls, we transferred dollars over there.

MS. BARTH: Can we transfer more? It looks like we can.

MR. YBARRA: And we have been. They have actually accumulated additional spending due to
the temporary services and the division is covering itself at this point, but if additional dollars are needed, we would transfer to cover those expenditures. So if you need additional dollars, we would have to take a look at that to see how much more we need to see what the effect would be to the agency. If there's a shortfall in PSP right now, we've been covering it.

MS. BARTH: I guess my question is -- I mean, because I do think this is a valid complaint, is how long it takes to get these license out, and it looks like we need to do another one of those -- is that what I'm hearing, that we need another one of those --

MS. FULMER: I think we're going to get to that point very quickly.

MR. YBARRA: If you all are in favor of adding staff, temporary staff, or whatever you need to continue, we'll find the dollars to do it.

MR. POLUNSKY: I think that's her desire.

MS. FULMER: And we can look at what the cost was last August of the overtime project so that we can give them an idea of how much it's going to be.

MR. POLUNSKY: All right. Well, can you report back to Colonel Beckworth, who, in turn, can
advise Commissioner Barth as to what's taking place on
that?

MR. YBARRA: Yes, sir.

MS. BARTH: Because I'm thinking about
getting my concealed handgun license.

MS. FULMER: So I'll have to watch your
records as well. That seems to be the trend. That
seems to be what everybody wants to do right now, so
that's why we're getting so many applications.

MR. STEEN: When you report this next
month, I'd be interested in just seeing a graft on
this, how this has gone up over time.

MS. FULMER: Certainly. I'm not sure
the screen is big enough for the graft to show how much
it's increased, but we'll get that to you.

Commissioner, if you think that's right,
then you ought to see your local prosecutor's office in
possession of firearm by felon.

The other thing I wanted to draw your
attention to was our recruiting efforts. This week we
have been in Michigan doing several different
recruiting efforts. We've had some very good response
there and so we are sending a team in June to conduct
application intake and testing, so we're going to have
them up there for three or four days and see if we
can't get some new quality applicants from folks who are being laid off up there.

MR. STEEN: So the theory would be, you're going to areas with high unemployment?

MS. FULMER: Right. Right. And then letting them know that we have lots of openings in Texas, and, again, so far we're getting good response on that.

MR. CLOWE: You better teach them how to wear the hat.

MS. FULMER: And we're taking chips and Salsa with us.

One other thing I wanted to mention, obviously, it's been a continuing concern of the Chair of the beautification of our campus, and we have started working on that. It's a process, as some would say, but we had our first volunteer effort this month. Obviously, resources are an issue and so we put out a call for volunteers, and I was surprised at the amount of support that we got. We're looking at replacing a lot of things with drought tolerant native plants that aren't going to require a lot of maintenance because we don't have the resources to maintain something that takes a lot of effort. So we had a group get together earlier this week, and I'm not sure if you've had a
chance to look at the results yet. I do have a slide show that I would love to show you if the Commission has a few minutes to look at it.

MR. POLUNSKY: How long is it?

MS. FULMER: It's three minutes.

MR. POLUNSKY: Okay.

MS. FULMER: We'll do it very quickly.

Although, I think --

MR. POLUNSKY: So this is a step forward from removing the dead possum?

MS. FULMER: Exactly, we're moving forward. We're removing dead possums. We're actually putting things in place.

But I think someone sabotaged my slide show. I think it was Chief Clowe. Actually, I think somebody didn't like the idea of my thumb drive.

MR. CLOWE: It's not a thumb drive, that's what I was going to say.

MS. FULMER: This actually goes back to the Chairman's comments earlier today about one DPS and about being a team. They did pull together, even if it's just for things like putting plants in.

This isn't going to function so we'll save it for next month. Thank you.

MR. POLUNSKY: Well, I guess next month
you'll have more to show?

Ms. Fulmer: No, next month you won't want to see more than this, I don't think.

Ms. Barth: Chief, I noticed Chief Colley over there wanted an update on the generators. How are our generators coming?

Ms. Fulmer: PSP is handling the purchase of the permanent generators. The purchase of the temporary generators is being expedited, so we will be able to move temporary generators to Houston. If you'll recall, we had, I believe, four temporary generators in addition to the ones that are permanently affixed.

Ms. Barth: Will you be able to move them by hurricane season?

Ms. Fulmer: Will we be able to move them by hurricane season?

Mr. Mokry: They'll be delivered in five weeks.

Ms. Fulmer: They'll be delivered in five weeks, so not the beginning of hurricane season, but --

Ms. Barth: So when they're delivered in five weeks, does that mean they're -- you know, it's like a "plug and play" or is there something else that
happens along the way?

MS. FULMER: That they are put in place.

MS. BARTH: Super, thank you.

MR. POLUNSKY: Thank you, Chief.

Criminal law enforcement. Chief Ruocco.

MR. RUOCO: Tom Ruocco, Criminal Law Enforcement.

I wanted to bring up three areas, one being a DP recovery of a kidnapped child in Mexico and the effort of our narcotic sergeants, who basically -- it's a show of where the public got together with law enforcement and different segments of government. In this case, this child was recognized as being at a place in Mexico by the citizens there who reported this to one of our narcotic service officers who used a cell phone and was able to get a picture and then sent it over to our PIA missing persons clearinghouse, who, together with the Mexican officials, recognized -- identified the child as an eight year old kidnapped out of New York by noncustodial family members. Working with all the authorities, I guess the Rangers internally and different state police and the governments, the child was reunited with the family and the kidnappers were extradited back to the United States to face prosecution. I think that's one of
those success stories that, with everything else that's going on, that we don't see enough of.

The second one is, we had a meeting this month with the Austin area law enforcement agencies about putting in an executive committee to form a metropolitan fusion center within the state fusion center to help this Austin area. We're just right now participating in helping them set up an executive board so they can move on. Part of those discussions was our TDEx program and how we'd just like to share information and have all the databases talk, and also making them aware that, while they're contributing to TDEx, they actually don't know what they're putting in and they don't know what they can get out, so we're trying to organize what goes into TDEx and what comes out.

And the last, which is mentioned in the report, that I thought was significant was, our crime lab underwent a limited audit by the Department of Justice on the DNA Backlog and Reduction Program, and during that audit, the results came back, and while it was limited, it basically came back and said the report did not contain any recommendations, that the issues were closed and the findings were limited and they were two areas that we've already identified and corrected.
Other than that, that's my report. Any questions?

MR. POLUNSKY: Are there questions?

Thank you. But will you stay after the meeting, I want to ask you a question?

MR. RUOCCE: Sure.

THE MR. POLUNSKY: Driver's license, Chief Brown.

MS. JUDY BROWN: Chief Brown, Chief of Driver's License.

The only addition that I would provide to my report is a recent notification that we received from the Katy city officials. We have a very small office that's been provided to us in the VFW Hall at Katy and we are receiving notice that we are being evicted. They do not want to renew our lease. I expect we'll see some publicity over that. Katy is a growing population. Their complaint is that it's a growing population and they don't need our traffic there. We are getting with TFC and asking them to begin an immediate search for a location there. I will tell you that we've done that several times over the past three or four years and are unable to find space in that area, but we are moving forward with our search and asking TFC to do what they do to try to find some
property that we can afford. I can tell you that we have only been allocated in our budget $900 a month for Katy and there's no way that we'll come anywhere close to getting property for that amount, so we'll have a budget application that we'll have to make decisions. But, again, knowing that that has the potential to become controversial, I wanted to make you aware.

That's all I've got.

MR. CLOWE: Home many employees in that office?

MS. JUDY BROWN: I think we have five issuing, probably two examiners. We probably have five to seven there.

That's an office that, I will tell you, is a very small office in the very back of the VFW Hall and it's very common to any other VFW hall I've seen, it's a large area that's not being used. That large area on any given time that I have been in there is full of our customers waiting, so it's really not adequate for what we do, but it will -- I'm very concerned about the complaint we'll receive when our lease expires if we have not found a facility to move to.

MR. CLOWE: What are we paying now?

MS. JUDY BROWN: $825 a month, I think.
We had a lot of controversial discussions, it was either the last session or the session before, they wanted to throw us out, the police department wanted to find space for us, the local representatives don't want us to leave. Actually, we were in what we call free space in that same VFW Hall but we were not paying for the space and the legislature allocated the $900 a month for us to pay for that space, and even though we offered the opportunity for them to go up on our grant, they really don't want us in their facility, so we'll look for space.

MR. POLUNSKY: Thank you very much.

Emergency Management Division, Chief Colley.

MR. COLLEY: Mr. Chairman, Commissioners, Jack Colley, Chief of Emergency Management Division.

The 27th of April, we activated the highest level of activation, which is emergency division's level one for H1N1. It is a major separation conducted around the state, a very intense operation, in that, we had a lot of unknowns. Obviously, with this, the governor directed us to take all the measures necessary to protect the state. With that, we employed what's called the Strategic National
Stock Style of Antivirals. We're the only state that did that. It was a major operation to ensure that every citizen, all 22 million Texans, had access to antivirals if we needed them. The Texas Highway Patrol did an outstanding job coordinating that. As they always say, Texas is not rolled out. 224,000 square miles, we deployed in eight major locations around the state, established two stock piles. The amount of antivirals it classified, so I can't get into that, but just to say, it was a major, major logistic operation to do that to protect our citizens.

We're about to get the two major agencies, Park State Health Services and one we typically do not work with, and that's the Texas Education Agency, and that's because we got 4.5 million children in school, half a million faculty, over 1,036 independent school districts, and probably 8,600 campuses, so that was the target area. That was our risk analysis of where the greatest probable risk was. I think we closed close to almost 800 schools, and so that was all that. The bottom line was, we responded very well in a very short period of time and it was a very coordinated effort to do that.

Obviously, we face hurricane threat. That's the single greatest natural threat to the state,
manmade or natural in terms of what we face. We're now
into the last stages of our preparation. We've
c onducted over 32 exercises. Two major conferences
next week for the 27th and 28th. We do what we call
Hurricane Summit, where we bring in about 150 mayors
and county judges and we go through a last-minute
rehearsal, going through the whole piece of both
evacuating and hosting, sheltering. We'll do that, and
then on the 1st and 2nd of June, we will bring in our
volunteer organizations, which are a very important
part of our effort here in Texas, and we'll go through
the same drills with them, and we'll do that here in
Austin.

A week from today, on the 29th of May,
the assistant secretary for Homeland Security for
border security, assistant secretary Ted Sexton will be
here. He's coming down to get briefed up on what we're
doing in Texas for border security. That will be a
major thing here. In fact, I just got that word while
we were sitting in here. We'll invite the chiefs to
attend that briefing. That will be a major briefing
for him. He's responsible -- he's named by the
secretary of Homeland Security as the principle for
border security in the United States.

That concludes my report, Mr. Chairman.
MR. POLUNSKY: Thank you, Chief Colley.

Are there questions?

Texas Highway Patrol Division, Chief

Baker.

MR. BAKER: Good afternoon, Mr. Chairman, Commissioners. You have my report and I would like to just bring y'all up to speed on a project that we're working on in the Highway Division.

Currently our seven regional recruiters are issued the standard black and white Crown Victoria police vehicle. When they pull up to a college campus to recruit, the college students don't know that they're there -- they don't know if they're there to serve an arrest warrant or try and hire somebody, so we're trying to get our regional recruiters on a level playing field with other agencies. Our plans are to put each of our regional recruiters in a Chevrolet Tahoe police vehicle and we're also going to address to pop those up a little bit and put on what's called a raft, and these are some examples of some rafts that we're looking at. This kind of gives you an idea of what our agency does by looking at the vehicle. And we hope that that will help us to be a little more successful in our recruiting campaign. Relatively inexpensive, about $1,600 a vehicle. I thought it
would be a lot more expensive. I think it's an investment that will pay dividends.

And with that, I'll close and be glad to answer any questions.

MS. BROWN: Are you going to have a good sound system --

MR. BAKER: We're working on that.

MS. BROWN: -- with good music?

MR. BAKER: They like that music.

MR. POLUNSKY: Any questions?

MR. STEEN: Chief, an update on your crash activity report.

MR. BAKER: Yes, sir. On the last page of the report, during the month of April, we had a 3.5 percent decrease in errors from May -- or, I'm sorry, from March.

MR. CLOWE: No injuries, no --

MR. BAKER: Thank God.

MR. STEEN: You're making progress, though?

MR. BAKER: Yes, sir.

MR. POLUNSKY: Thank you, Chief.

Texas Rangers Division, Chief Leal.

MR. LEAL: Tony Leal, Texas Rangers.

You have my regular report. I wanted to
point out two things. In continuing on the cold case
squad we talked about last time, again, this time
period between the last meeting and this one, out in
the Midland, we solved another 20-year-old murder of a
man whose car had been found at the Midland Airport in
1988, and that was another one on those that's not a
typical DNA hit. One of our Rangers of our Cold Case
Squad started worked it from the -- taking all the
reports that had been done by the Rangers and the
police officers from before and started working that
murder and found one suspect I think in Colorado and
another one in another state and had a confession on
one and some physical evidence on another and ended up
with two indictments on another 20-year-old murder, so
that's a positive thing.

And on another note similar to what
Chief Ruocco was talking about, we really have I
believe more than any time I've ever seen it in my
career with DPS all of the divisions working together
out there. And we had a four-year-old girl on May 12th
that was playing outside with her 12-year-old little
sister and a white male kidnapped her, and it was a
real kidnapping. It's not, you know, family related or
anything. He had tried to kidnap a little girl the
night before and was unsuccessful in that kidnapping.
This time he assaulted this girl's 12-year-old sister but she was still able to get a partial plate off of that car that took her little sister. And when I say the old apartment, at that time, DIA, the CLE put out an Amber Alert through GM. GM was on the border so GM helped us with shutting down the border and getting that message out. Then they started the investigation, CLE narcotics Motor Vehicle Theft Intelligence and the Rangers did so. Highway patrol helped us with the road searches once we started identifying who we thought it was through a tip on the FBI line. It's a very rural area, so it's not like using the same investigative techniques you would in Houston or Dallas. It's a wide open space in this area.

So they started working it. As luck would have it, Captain Hearne and an FBI agent came upon a house where they had some information leading that this person may be living at from the description they had on the suspect, and as they were taking cover behind his vehicle, this guy comes out. So through the description they had -- he walked out I think to get a pack of cigarettes out of the car. Ranger -- or Captain Hearne got ahold of him and talked to him a little bit there outside the house, arrested him, kicked in the door of the house and found the little
girl on the bed handcuffed behind the back and on her feet, this four year old, and they were able to get her safely home to her parents. And then after that, the Administration Division helped us with the Victim Services responded and helped with the families involved and the child. So the whole department worked together on that and I think it came out in a very positive way. Other than that --

MR. STEEN: Chief, where did that occur?

MR. LEAL: Down in the Valley outside of McAllen.

MS. BROWN: I wanted to bring something up that I found really interesting in your report about the Texas Ranger forensic artist. That was really impressive. For everybody that didn't get the report, just a quick blurb, there was a 14-year-old girl walking to school and was abducted at gunpoint. And talk about a hero, she was able to remember all of her surroundings and give a very child-like picture of her attacker, and apparently a Ranger forensic artist was able to take that child's photo, or that child's drawing, and make it into something law enforcement could use and they found the bad guy.

MR. LEAL: And that's unusual. I started putting in what Suzanne is doing. I started
doing that a couple of meetings ago. She travels --

there's not that many. There's one in Houston that --

Suzanne teaches and works with the FBI Academy at the

forensic academy in Tennessee. She travels all over

the State of Texas helping the smaller departments that
don't have those resources, and I have not found one
month that I looked that she doesn't have a success
with one of these cases somewhere in the state, so I
started putting it in here for y'all.

MS. BROWN: Well, I thought that was

really amazing, and if that doesn't show the amazing

variety of skill that the Rangers have. I just commend

you on that, that's really neat.

MR. LEAL: I don't draw very well.

MS. BROWN: Well, maybe she can re-draw

it for you.

MR. LEAL: That's all I have.

MR. CLOWE: Chief Leal, I wanted to

thank you for setting up a meeting earlier this week

with one of the captains of the Rangers and captains of

other divisions. And I want to tell you that the

captain of the Rangers that I visited with made a

comment that I think is exemplary of the kind of

cooperation between the divisions that you mentioned.

He said that he's been a Ranger, or has been with the
department 27 years, and he's seen more information now
coming from Austin down to the troops than ever in the
past, and I think that's very significant and very
important. People out in the field need to know what's
going on. And he praised you and the rangers for that
activity.

The second thing he said was a little
suspect. He was telling me what a sharp dresser you
are, and I don't know, chairman Polunsky and you are
sort of my idols, you know, and I'm having a hard time
making a decision here.

MR. LEAL: It's all a matter of taste.
MR. POLUNSKY: I yield. I yield. I'm
not in your league.

MS. BROWN: I don't want to hurt your
feelings, but you don't win.

MR. LEAL: Well, I'll say this also, on
that information you're talking about, our new boss
over there, that's the very first thing he told us, and
that's important to me and I know it's important to the
other chiefs and I know it's very important to him, so
I know when I was a field captain, when I was a field
sergeant, a field lieutenant, you really feel like
you're a couple of months behind on decisions that are
being made and it's not good for morale, and I think
all the chiefs are doing what they can to make sure we
get that information to them as soon as possible.

MR. CLOWE: Great.

MR. LEAL: Thank y'all.

MS. BROWN: And take Allan with you next
time you go shopping. He looks great.

MR. POLUNSKY: I need all the help I can
get.

IMS, Chief Lane.

MR. LANE: Brian Lane, Chief IMS.

Good afternoon. I have nothing further
to add in my report, but I did want to update you on
something that we will be tracking over the weekend.
The U.S. Marshal's office disconnected from other
criminal justice agency computer systems today because
of a virus they have. The external network at the
FBI -- the external FBI network is also infected with
this same virus. They have not identified as of this
reading what virus they have, but they're taking
proactive actions by disconnecting much like we did
from our sister agencies last month. We'll track this
using the Department of Information Resources, Bill
Perez, the State computer information security officer,
to ensure that we understand what this virus is and
that we have the deployed resources on our network
configured to block that virus if it comes in, but it's
something new that we haven't seen before, so I'll keep
you updated if there's any change. If there's any
infection, I'll let you know.

And that concludes my comments.

MR. POLUNSKY: Thank you, Chief. Are
there questions? Thank you.

Next item on the agenda would be consent
items. Is there a motion to discuss any items
separately?

MS. BROWN: I wish to take up Item B,
the Special Rangers, separately, but I will move that
we approve Items A and C together at this time.

MR. CLOWE: Second.

MR. POLUNSKY: All right. It's been
moved by Commissioner Brown and seconded by
Commissioner Clowe that the Items contained in Sections
A and C be approved. Is there discussion?

MR. STEEN: Colonel Beckworth, anything
we ought to be concerned about in these areas? And I'm
talking about 8A and 8C.

MR. BECKWORTH: No, sir, there are no
issues or concerns about 8A and 8C. We would ask you
to consent and authorize approval on those two items.

MR. STEEN: Okay.
MR. POLUNSKY: Any other discussion?

The question has been called. All in favor, please say aye. Any against, no. Motion passes.

MS. BROWN: As to Item B, I'd like to make the following motion: I move that the following persons be appointed as special Rangers and special Texas Rangers: Jerry Allen, James Cochran, Carlos Delarosa, Joseph Fedor, Charles Gunn, David Hammonds, Curtis Hollis, Dennis Land, Ronald Morris, Armando Siens, John Allen, Gary Tafer, and William Coffon.

MR. CLOWE: Second.

MR. POLUNSKY: It has been moved by Commissioner Brown and seconded by Commissioner Clowe that the names set out in her motion be appointed as either Special Rangers or Special Texas Rangers. Is there discussion on the motion?

There's no discussion. All in favor, please say aye. Any against no. Motion passes.

Do any of the commissioners have items that they would like to have included for future agendas?

Date for future meetings? Dorothy.

MS. WRIGHT: We have our workshop on June 16th and the third Thursday would be June 17th.
MR. POLUNSKY: Does anybody have any
issue with -- we've run the traps on June 18th.
Correct? Everybody is -- and 17th as well? Everybody
is okay on the 17th? Okay, then we'll set those two
dates.

MS. BARTH: The 16th and 17th right? Is
it Wednesday and Thursday. Yes, it's Wednesday and
Thursday, okay. Okay.

MR. POLUNSKY: Okay?

MR. CLOWE: The 17th and the 18th.

MS. BARTH: Okay.

MR. POLUNSKY: Okay. Anything else?

MR. CLOWE: Move we adjourn.

MR. STEEN: I've got a --

MR. POLUNSKY: Commissioner Steen.

MR. STEEN: There's two things that I
want to -- in terms of Colonel Beckworth, I know we've
come a long way on this, but, Colonel, I wanted to
challenge you to make these meetings even more public
friendly, and I was impressed with the presentation by
Chief Kelley, and maybe if you could see about having
more presentations along those lines.

MR. BECKWORTH: Yes, sir, we'll do that.

MR. STEEN: And then, secondly, just a
personal point, I wanted to congratulate you on being a
MR. BECKWORTH: Thank you very much. I look forward to it. Braelyn was born this past Wednesday at 7:54 a.m., She weighed eight pounds 13 ounces, she was 21 inches long, and my wife has the car packed, so as soon as y'all get finished, I'm going to see.

MR. STEEN: Congratulations.

MR. BECKWORTH: Thank you very much.

MR. CLOWE: Drive carefully to Amarillo.

MR. BECKWORTH: Yes, sir, I will.

THE MR. POLUNSKY: The Public Safety Commission is now adjourned. The time is 5:03 p.m.
I, Kim Furr, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of my stenographic notes taken in the above-captioned cause at the Texas Public Safety Commission meeting in Austin, Texas.

Witness my hand this 8th day of June, 2009.

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