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OPEN MEETING
PUBLIC SAFETY COMMISSION
APRIL 16TH, 2009

On the 16th day of April, 2009, the following meeting was held in Austin, Travis County, Texas.

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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 Stanley E. Clark
- Lt. Colonel Lamar Beckworth, Assistant Director

1 MR. POLUNSKY: Commissioner Barth?

2 MS. BARTH: Here.

3 MR. POLUNSKY: Commissioner Clowe?

4 MR. CLOWE: Present.

5 MR. POLUNSKY: Commissioner Steen?

6 MR. STEEN: Present.

7 MR. POLUNSKY: Let the record show that

8 I am present.

9 The Texas Public Safety Commission is
10 called to order in accordance with Chapter 551 of the
11 Texas Government Code, The Open Meetings Act. A quorum
12 of the commission is present and the meeting is now
13 declared open. It is 10:37 a.m.

14 The first item on the agenda is the
15 approval of the minutes. Has everyone had an
16 opportunity to review the minutes?

17 MR. STEEN: So move.

18 MS. BARTH: Second.

19 MR. STEEN: All right. There is a
20 motion made by Commissioner Steen and seconded by
21 Commissioner Barth that the minutes be approved. Any
22 discussion? There being no discussion, all in favor,
23 please say aye. Any against no. Motion passes.

24 The next item on the agenda is public
25 comment. Is there anybody here this morning who would

1 like to address the Public Safety Commission?

2 It appears that there is no one here
3 that would like to address the Public Safety Commission
4 so there will be no public comment.

5 At this time I would like to deviate
6 from the published agenda and go to reports. The first
7 report I'd like to hear at this time is from the
8 Information Management Service. Mr. Lane, I would like
9 to have a brief report on the status of the issues that
10 the department has experienced in the last day or so
11 with respect to our Information Management System.

12 MR. LANE: Okay, sir. Bryan Lane,
13 Chief, Information Management Services. Chairman,
14 Commissioners, Colonels, at 11:00 a.m. Tuesday morning,
15 the AC began to experience erratic network activity as
16 well as beginning to see some account lockouts. During
17 that time, we initiated the agency's computer instant
18 response team, which is an IMS team. They came
19 together and identified that we were infected with a
20 Conflinker Worm Virus, which is a known virus that's
21 been attacking enterprises across the nation since
22 early January. We have been engaged full time with
23 Microsoft, because the virus attacks the Microsoft
24 operating systems; our two major virus -- antivirus
25 organizations, which is Semantic and McAfee; as well as

1 the Department of Information Resources; and Cisco,
2 which is our network hardware provider.

3 We continue to battle this virus. We
4 still are infected at the agency. We had an emergency
5 call this morning with the information security officer
6 for the State of Texas, Mr. Bill Perez, and the United
7 States Computer Emergency Response Team was on that
8 call, and we continue to strive for different
9 strategies on how to contain this virus. The response
10 that we received from the Department of Information
11 Resources, our vendors, and the federal participants in
12 our call was, as we kill this virus, they have seen the
13 same issues, it's recreating itself on machines that we
14 had believed had been inoculated or had had the
15 appropriate patch put on them. The recommendation from
16 the Department of Information Resources is to take any
17 machine that has the virus on it -- and our latest
18 count was right at 280 -- and remove them from our
19 network, re-image them, and re-establish them.

20 MR. POLUNSKY: All right. Thank you,
21 Chief Lane.

22 MR. LANE: Yes, sir.

23 MR. POLUNSKY: Because of the
24 sensitivity of the issues that revolve around the
25 problems that Chief Lane has articulated this morning

1 and the security problems that could result or could
2 already have resulted from the problem that Chief Lane
3 has put forth, I think it would be appropriate -- and
4 I've discussed this with our general counsel -- for the
5 Public Safety Commission to go into Executive Session
6 to discuss this more fully and receive information
7 that, in my opinion and in the opinion of the general
8 counsel, would be inappropriate to discuss in a public
9 forum, so at this time, the commission would adjourn to
10 Executive Session, which is closed to the public in
11 accordance with the Texas Government Code, Sections
12 551.071 and 551.074. We will also be discussing other
13 items that would be appropriate for discussion in
14 Executive Session that would have been discussed
15 otherwise.

16 (Executive Session from 10:39 to 1:27)

17 MR. POLUNSKY: The regular session of
18 the Texas Public Safety Commission is reconvened in
19 accordance with Chapter 551 of the Texas Government
20 Code, The Open Meetings Act. It is currently 1:30 p.m.

21 Chief Lane?

22 MR. LANE: Yes, sir.

23 MR. POLUNSKY: Would you come forward?

24 MR. LANE: Bryan Lane, Chief IMS.

25 MR. POLUNSKY: Chief Lane, it's my

1 understanding from your discussion that the department
2 has been -- or that the Department's information system
3 has been compromised by a virus known as the
4 Konflikter.

5 MR. LANE: Yes, sir.

6 MR. POLUNSKY: And this virus was
7 introduced within the last day and a half or so and
8 that the IMS Division has been working diligently to
9 address this issue and there have been good successes
10 in addressing these issues, although the system is not
11 bug free at this point. Would that be a --

12 MR. LANE: Yes, that is correct.

13 MR. POLUNSKY: -- presumptively concise
14 summary of what's taken place here?

15 MR. LANE: Yes, sir.

16 MR. POLUNSKY: Is there anything else
17 that you would like to add?

18 MR. LANE: Not at this time.

19 MR. POLUNSKY: Okay. Anything that the
20 commissioners would like to add with respect to this
21 particular issue?

22 Okay. Again, it's my understanding that
23 there have been problems primarily with the Driver's
24 License Division, but in other divisions as well, but I
25 sure hope that this will be completely addressed no

1 later than this weekend.

2 MR. LANE: Yes, sir.

3 MR. POLUNSKY: Okay. Thank you.

4 MR. LANE: Thank you.

5 MR. POLUNSKY: With respect to that, is
6 there any further discussion?

7 Commissioner Barth?

8 MS. BARTH: Mr. Chairman, I would like
9 to ask that the colonel look into outside resources
10 towards proactively addressing some of the IT issues.

11 MR. CLOWE: I would agree with that, and
12 thank you for making that suggestion.

13 MR. POLUNSKY: I concur as well. I
14 think it would certainly be the prudent thing to do. I
15 know that Chief Lane has been working feverishly the
16 last day and a half or so, but this still strikes, you
17 know, a problem, and the problem is large and it's
18 something that we've been aware of for a long period of
19 time and, you know, we need assistance. And I think
20 it's up to you, Colonel Clark, to provide outside
21 assistance in addressing the general issues with
22 respect to IT.

23 MR. CLARK: It will be done.

24 MR. POLUNSKY: Thank you. All right.
25 We're going to go back to the agenda as it was

1 published.

2 New business: Discussion and possible
3 action regarding DPS overtime and compensatory time
4 policies.

5 Ms. Logan?

6 MS. LOGAN: Paula Logan, Human Resources
7 Director.

8 MR. POLUNSKY: And I believe that
9 Commissioner Brown is involved in this as well.

10 MS. BROWN: That's right, and, actually,
11 Ms. Logan was kind enough to send me information I
12 requested. We kind of visited about the numbers and
13 we're working together to begin a dialogue about comp
14 time, so she and I are still kind of forming the
15 paperwork together and she's followed up on some
16 requests I've had, and we're working on that right now.

17 MR. POLUNSKY: Okay. Is there anything
18 else that you would like to discuss with respect to
19 that?

20 MS. BROWN: Not at this time. You've
21 provided me the FLSA. We've discussed some statistics.
22 Ms. Logan has been very good about providing the
23 information that I requested. She's working on pulling
24 some numbers for me as we speak.

25 MR. POLUNSKY: Okay. Thank you, Ms.

1 Logan.

2 All right. We'll move on to ongoing
3 business: Reports, discussion, deliberation, and
4 possible action regarding the following. Number one:
5 Procurement of a project management contract to
6 implement organizational changes and planning regarding
7 the development and administration of the project
8 management plan.

9 Commissioner Clowe?

10 MR. CLOWE: Mr. Chairman, in order to
11 conduct this discussion, it might be well for me to
12 summarize where I think we are in this process and then
13 the commissioners would be in agreement or disagreement
14 on where we are and what action we ought to take going
15 forward.

16 My sense of it is, since you assigned
17 Commissioner Steen and myself to move this project
18 forward and Commissioner Brown was initially assigned
19 in this task -- she's taken on other responsibilities
20 now -- it's to the point where the Deloitte Consulting
21 Group has determined to be the successful bidder, and
22 in discussions we have had with their representatives,
23 the determination has been made that their initial
24 offering was beyond what this board felt comfortable in
25 the way of compensation for the task as outlined.

1 There is a re-adjustment, or a new approach, that
2 Deloitte has offered, and that is the conducting of a
3 workshop on a pro bono basis to identify goals and
4 objectives and then a lesser fee over a two-year period
5 which would be oversighted and managed by perhaps a
6 committee of two commissioners as the process was
7 ongoing.

8 Now, Commissioners, we have a number of
9 choices about how to approach the determination of the
10 organization of the DPS. One is the employment of a
11 PMO on the basis that Deloitte has suggested most
12 recently or some other basis. We have a choice of
13 employing employees internally and conducting the
14 reorganization at the direction of the commission and
15 the senior leadership using current employees, and I
16 think if we were to do that, a workshop would be a
17 first step. We have another choice of going out with
18 an RFP, which I think would be necessary for an
19 individual -- or seeking out an individual and offering
20 that person employment to function as a PMO person or a
21 facilitator. Those are options that I'd like to lay
22 out for the board to consider in this discussion today.

23 I would like to say a word about the
24 workshop and how necessary I feel it is from the
25 standpoint of bringing together the board's senior

1 leadership and other key players to identify goals and
2 objectives in the reorganization that will move us
3 towards the best result for the department in the State
4 of Texas. Deloitte I think has made a very gracious
5 offer to do this pro bono and there may be a sense that
6 if we take their offer and utilize their facilities and
7 their skills and talents, we're obligated to go forward
8 with them in some manner or form. They've already done
9 some work. They have met with Colonel Clark and
10 Colonel Beckworth and a number of the senior leadership
11 and they have identified, Colonel, if I'm correct my
12 recollection, some goals and objectives or needs and
13 wants, and so we need to give them credit for having
14 done that work on a pro bono basis.

15 My sense, Commissioners, is, we're
16 approaching the point where we need to decide what we
17 want to do. Colonel Clark and his group have
18 offered -- I think we're in the third integration now
19 of an organizational chart development and they are
20 eager, I think I can say enthusiastic, about moving
21 forward, as are many of those individuals at the DPS,
22 but I don't think the board has really decided it's
23 ready to make a step and I hope we can have a
24 discussion here now in that regard discussing maybe one
25 of the three options I've laid out or a fourth or a

1 fifth option.

2 And, Mr. Chairman, that's where I think
3 we are right now.

4 MR. POLUNSKY: And do you have a
5 recommendation?

6 MR. CLOWE: Well, I honestly like the
7 idea of using an outside firm to help us move forward.
8 I like the idea of using Deloitte because of the work
9 they have done and the feeling I get of real commitment
10 and interest in this department. The initial
11 \$6 million price tag that they gave us was a real turn
12 off to me. It was just out of reasonable
13 consideration. If they were our choice, I think that
14 that would need to be carefully oversighted and used in
15 a very conservative way. I'm not in favor of us trying
16 to do this on our own internally. So I think that
17 would be the direction I'm leaning in, and I'm
18 respectful of the other commissioners' thoughts and
19 comments and are eager to hear them so that we can be
20 guided as a group.

21 MS. BARTH: I would agree with
22 Commissioner Clowe with respect to outside assistance.
23 I think we obviously -- with whatever price tag, we
24 have to prioritize. I think a workshop would help us
25 to prioritize change within the agency and what could

1 be affected internally and what could be where we need
2 help externally. IT is the example I look at today as
3 perhaps rising to the top of projects that have come
4 out of multiple studies now, not just Deloitte but
5 Gartner as well. So I would agree with you in terms of
6 some sort of a workshop.

7 MR. STEEN: Mr. Chairman, maybe -- and
8 I'll ask Commissioner Clowe what he thinks of this,
9 maybe rather than trying to discuss it today, the
10 decision we should make would be to schedule the
11 workshop and then all these issues will be fully
12 discussed later. Don't you think that's the order we
13 ought to do it in?

14 MR. CLOWE: Yes, sir, I do.

15 MR. STEEN: I think we were talking
16 about that in our March meeting and then, because of
17 the scheduling, it is our regular meeting. I think our
18 meeting in March was on the 26th and then we have this
19 meeting today, so should we be doing that, Mr.
20 Chairman, scheduling the workshop?

21 MR. POLUNSKY: I mean, certainly, if
22 that's the consensus of the commission, I'd be happy to
23 do it.

24 So if I understand you, Commissioner
25 Clowe, you're recommending that we go ahead -- and also

1 Commissioner Steen recommending that we go ahead and
2 set up a workshop put on by Deloitte at no obligation,
3 for discussion purposes, to see if this is something we
4 want to pursue, and if we do, how we pursue it and how
5 we segment it out and so on and so forth. Is that kind
6 of what you're suggesting?

7 MR. CLOWE: Yes, Mr. Chairman, it is,
8 and let me describe how I see the environment in a
9 workshop. It must be a public meeting and yet we would
10 want to strive for the most informal and candid level
11 of communication achievable. And when I have done this
12 in the past in other entities, it's been sort of an
13 "everybody check your gun at the door," and in this
14 case, that would be literal and not figuratively, but
15 take off your badge of rank and be addressed as if you
16 are a member of the team and say what you really think
17 about how we can make this organization better. And
18 when you get that kind of candor among stakeholders --
19 and you have to have a facilitator. You've got to have
20 somebody that says, "Okay, that's a problem. We can't
21 solve that today; we're going to put it on the wall and
22 hold it right there," or, "Okay, here's something that
23 everybody agrees on, we've got to deal with this. How
24 do we do it?" You come out with a better focus on the
25 road for the future, and I think we're at that point.

1 I think we need to have that very candid exchange of
2 where we are, what our weaknesses are, what our
3 strengths are. Commissioner Barth has just identified
4 one that's major, but the future organization is the
5 one that I think is principle. We've got to know how
6 we're going to identify the division of leadership
7 tasks and get that lined up, then we identify goals and
8 objectives. That's what I'd like to see as the result
9 of the workshop. And I think it's a full-day deal, if
10 possible, outside of this campus where we achieve
11 informality and candor on the record.

12 MR. STEEN: Mr. Chairman, I notice
13 Mr. Beckley is here from Deloitte. If you want to --
14 did you notice he was here, Mr. Clowe?

15 MR. POLUNSKY: Yeah, there's a neon sign
16 that says "Deloitte." Mr. Beckley, would you like to
17 come address the Public Safety Commission?

18 MR. STEEN: I guess why I'm bringing
19 that up, you've expressed, Mr. Clowe, your vision of
20 what this workshop would be and just to get your
21 reaction to that.

22 MR. BECKLEY: Commissioner Steen, that's
23 pretty much what we had talked about as being the focus
24 on the workshop, really to sort through the large
25 number of recommendations that are out there and come

1 back with a set of priorities that could be
2 established, phased over time, and resourced with some
3 discussion around the resources that are required for
4 that priority and kind of go back and forth, if you
5 will, until you felt comfortable with, "These are the
6 right set of resources and we understand that that's a
7 reasonable expectation of resources to support it,"
8 then the detailed planning could go from there.

9 MR. STEEN: Well, I think it's
10 important, if we're all going to take our time to do
11 this, that we really feel like something very, you
12 know, substantive came out of it and we're not just
13 having a discussion and then kind of breaking and going
14 on, that we -- that we reach some large decisions.

15 MR. POLUNSKY: Ms. Brown, do you have
16 any --

17 MS. BROWN: Well, we certainly have
18 discussed the wonderful pros. I'm thinking to myself,
19 are there any cons? What negatives could there be? Is
20 there a possibility that this is something we could do
21 internally? I mean, it's gracious Deloitte has offered
22 to do this pro bono, for free, but is this something we
23 could do from within? Just for discussion purposes, I
24 throw that out.

25 MR. CLOWE: That's a good question, and

1 I think we can, but what a facilitator does, an outside
2 person, is, it takes the spotlight off of the chairman
3 where he can be a participant, not the leader. It
4 takes the spotlight off of a commissioner or a colonel
5 or a chief where they're a participant, and a
6 facilitator, a good facilitator, can make it move
7 along, and when it gets hung, up, and it will get hung
8 up, get it away from that snag and move it on to a good
9 conclusion.

10 I've done this before with public and
11 private entities and the good facilitator is really a
12 key role, and, you know, it's just, you've got to get
13 people to say what they really think and you do have to
14 check your gun at the door and take your insignia of
15 rank off of your collar and just be one of the team,
16 and I think it would be difficult for us to achieve
17 that level of candor without a facilitator. I have
18 facilitated these sessions in companies that I've been
19 a reconstruction consultant for and it's a fun job if
20 you come out at the end with a really good product, but
21 you have to work hard, you have to prepare, and you
22 have to be able to deal with a variety of personalities
23 and wants and needs. An amateur can't do it.

24 I would be hesitant to say we have a
25 workshop without that kind of facilitator if we want to

1 go forward with a reorganization, and I think it is
2 time for the board, as one commissioner, to speak to
3 the reorganization. We've looked at it, we have the
4 third integration, you know, it's about time that we
5 decided what we want the organization to look like and
6 have a good discussion. We can go that route, but I'm
7 not sure that we'll have the chance of success we'd
8 have with a good outside facilitator.

9 Does that answer your question?

10 MS. BROWN: Yes, it does. Thank you.

11 MR. POLUNSKY: Any further discussion on
12 this?

13 All right. Well, it seems to me that
14 the sense of the commission is that the commission
15 would like to have a workshop session such as the one
16 that we discussed at our last meeting, that Deloitte
17 would be the facilitator. And I guess we're talking
18 about a full-day commitment to doing this?

19 MR. CLOWE: I think, Mr. Chairman, you
20 know, we can end it any time a fistfight breaks out,
21 but I think to set aside a full day where somebody
22 doesn't have to get up at 2:00 and say, "I've got
23 another appointment; I have to leave" would be the way
24 to approach it.

25 MR. POLUNSKY: Okay. Well, I'm fine

1 with that. I would ask Mr. Beckley to get with me and
2 we'll set up a time. I would disagree with you on one
3 item, Mr. Clowe.

4 MR. CLOWE: Only one?

5 MR. POLUNSKY: Well, on this particular
6 topic. I don't want to leave campus on this. I don't
7 want to go to a hotel. I'd rather do it here. There
8 may be distractions here, but I don't like the -- I
9 don't like the look of that.

10 MR. PLATT: Mr. Chairman, Stuart Platt,
11 general counsel for the Commission and DPS. We would
12 need to post this as a meeting as well and that -- this
13 is our usual meeting place, but we can post if for
14 another location, but we need to keep that in mind, and
15 an appropriate time frame as well.

16 MR. POLUNSKY: I would understand that
17 that would be essentially a meeting open to the public,
18 as it should be, and anyone and everyone could attend
19 that.

20 MR. CLOWE: In that regard, may we have
21 a seating arrangement that's different from this
22 current one, in that, I'm suggesting a round table
23 arrangement where everybody sits on the same level and
24 sits around in a large square table that is a
25 participant so that there is a sense of equality, and I

1 think that will focus on improved communication. I
2 think you need to start off with the idea that it's a
3 team working to obtain a goal, and I think this setup
4 that we have here fosters, the group sitting up here is
5 in charge and that's the way it is, but I don't think
6 that's the way we want it in the workshop.

7 MR. POLUNSKY: So I don't get the
8 spotlight on me?

9 MR. CLOWE: We can arrange a spotlight,
10 can't we, Linda? We'll have a spotlight on the Chair.

11 MR. POLUNSKY: All right. Well, that's
12 not going to be your problem, but go ahead and set that
13 up in that manner and that makes all the sense.

14 MR. CLOWE: Make that a neon flashing
15 light.

16 MR. POLUNSKY: Well, he's got the neon
17 flashing light there. That's fine, but you know where
18 I am on this money issue, so --

19 MR. BECKLY: Yes, sir, I do, but I
20 really see the workshop --

21 MR. POLUNSKY: I understand the workshop
22 is conceptual and theoretical and this and that, but,
23 nevertheless, I'm not -- I'm not deviating.

24 MR. BECKLY: I think you've been very
25 clear, Mr. Chairman.

1 MR. POLUNSKY: Yes, and I'm going to
2 continue to be clear on that issue. Thank you.

3 MR. CLOWE: Thank you, Mr. Chairman. I
4 think that's a good move forward for us.

5 MR. POLUNSKY: Next item: Department
6 organizational structure.

7 Colonel Clark?

8 MR. CLARK: Yes, sir, Mr. Chairman. I
9 believe that the majority of the people in the room
10 have a copy of our draft organizational chart that they
11 can look at. I believe this is the third revision that
12 we've presented, and, again, this is a living,
13 breathing document to be flushed out as time moves on,
14 but I think that, as I listened to the discussion of
15 the workshop, I think this will be our first
16 opportunity to really sit down with the commission and
17 discuss the specifics of this organizational chart.
18 The staff is very excited about this. We think we have
19 incorporated all -- many, if not all, of Deloitte's
20 recommendations.

21 And I mentioned this in our last
22 meeting, but for those that were not here last time,
23 one -- the major changes since the last draft about
24 this chart, I'd like to mention. It's divided into
25 three areas each managed by a deputy director, and the

1 first, which is the law enforcement section, those are
2 functions that interact with the public as violators or
3 victims; the second are functions that interact with
4 the public as clients and customers; and, lastly,
5 functions that provide the infrastructure to the agency
6 so that the other functions can be performed, and we
7 believe that this has been -- a lot of thought has gone
8 into this and we believe that this is a good step the
9 department needs to take. Again, not asking that it be
10 adopted today, but this is a good topic for discussion
11 at the workshop.

12 And we, again, visited with Deloitte.
13 Drew Beckley specifically was given a copy of this
14 where he gave his input and I think that the concerns
15 that he had were really minor. We talked about some of
16 those last time. But I think one change that we did
17 make on this current organizational chart that is
18 different from the one we presented last month,
19 Internal Affairs will be renamed as The Inspector
20 General's Office. That will be a direct report to the
21 commission, as was suggested by Sunset and others, so
22 that is reflected on this new chart. And we certainly
23 don't have time to discuss it this morning -- or this
24 afternoon, but it is in your booklet and we have made
25 this available to our public and staff.

1 So, with that, Mr. Chairman, that's just
2 a brief overview of the proposed organizational chart.
3 We're excited about it. You'll notice that the -- I
4 don't know if the copies that were made available had
5 the color changes on them. I hope they did. Yes.
6 You'll notice that the project management office is
7 included in the upper right-hand corner. We expect to
8 work closely with that individual or group of
9 individuals as we go forward. And, again, I just want
10 to state that we have wonderful internal people who
11 will do a marvelous job working with the PMO to
12 incorporate the changes that we all want that will make
13 this agency better and we have very qualified
14 individuals who can do a lot of this work in
15 conjunction with the PMO. So, with that, Mr. Chairman,
16 I'll close.

17 MR. POLUNSKY: Commissioner Barth?

18 MS. BARTH: I'd just like to make one
19 comment and give you some feedback on your proposal. I
20 really don't want to spend the workshop talking about
21 organizational charts myself. Maybe the other
22 commissioners do. I think it's important, but one of
23 the reasons that I prefer the proposed chart that came
24 in the Deloitte study was because I felt like we had
25 functions at the table. I think IMS should be at the

1 table in senior meetings. I don't think it should be a
2 deputy who oversees IMS. I think HR is an important --
3 important enough to be at the table, and so when I look
4 at these three deputies as a way to do it, you know, I
5 don't agree that that format would be the best way to
6 show that. I think there were six or seven specific
7 departments in business that I think should be
8 represented without a person between them. Creating
9 three new deputies as opposed to, in my mind, the six
10 or seven or eight direct reports to the colonel. You
11 know, I think much above seven or eight, it's very hard
12 to have that many direct reports, but I look at this
13 chart and it concerns me that we kind of have a layer
14 there again with the three different deputies as
15 opposed to direct reports to the colonel, like in
16 finance, like in HR, like in administration, like in
17 emergency management, and like in law enforcement.

18 The other concern I have is that, I'm
19 looking at the training academy and I think that should
20 be over in HR. I think all the training starts out in
21 HR, and so, though, I think it's a law enforcement
22 activity, you know, I think hopefully Ms. Logan and her
23 department does a good enough job from the screening
24 outside on the HR side and their skill set in that area
25 to bring the best people to go through the training

1 academy and then to move them over to law enforcement.
2 So that's my concern with this type of organizational
3 structure.

4 MR. POLUNSKY: Thank you for the
5 comments. Let me just address one specific comment you
6 made. With respect to the training academy, point well
7 taken. Certainly, point well taken with respect to the
8 recommendation from Colonel Clark, but, nevertheless,
9 there's a committee in place that's about ready to kick
10 off. Actually, it was chaired by Commissioner Brown,
11 and I think, you know, it would be prudent for us to
12 wait and see what that recommendation is as to where
13 the training academy is placed, but that's just that
14 particular issue that I wanted to comment on, but over
15 and above that, I appreciate your remarks.

16 MS. BARTH: I don't disagree. I'm not
17 trying to jump over yours. I just, you know, think we
18 have to really think about -- I'm more looking at the
19 bigger boxes in terms of making sure we don't have
20 another layer.

21 MR. CLOWE: And that's what you want to
22 hear?

23 MS. BROWN: Right. And I want to visit
24 with you about that, about your thoughts about that.

25 I've got a question about the

1 organizational chart. Colonel, can you explain to me
2 kind of what is the role of the regional director?
3 What's your vision of that?

4 MR. CLARK: The regional director will
5 be kind of a central figure that will coordinate based
6 on threat to a particular region or geographical area.
7 He will be a facilitator, I'll use that word, for the
8 commanders in a particular region. In other words, the
9 narcotics commander, the criminal intelligence
10 commander, the highway patrol commander, the motor
11 vehicle theft commander would pool their resources with
12 the regional director to work toward whatever the
13 threat might be. I mean, it might be a -- let's say
14 they have a large theft of Ford pickup trucks -- I'll
15 just use that as an example -- we might want to set up
16 a particular task force utilizing all of the services,
17 but the regional director would be a central person to
18 go to, to coordinate this theater of operations.
19 That's one of the big issues, and the military uses
20 this, and this has been basically copied after that
21 scheme.

22 And so the regional director -- and it
23 could -- initially, what our thought was, is that, as
24 we set this up -- and, again, Commissioner Barth, as I
25 stated earlier, this is not fixed in stone; this is --

1 this is a working document. We're open for
2 constructive suggestions, we just have not had that yet
3 from the commission. That's why I want to have some
4 discussion at this workshop, because this is our first
5 opportunity to elicit your real thoughts on this. But
6 we thought initially, if we got started, we could use
7 our regional commanders, the majors in each region, as
8 the regional director as we go forward. As attrition
9 begins over the years, we would employ the best person
10 available to be a regional director. It wouldn't
11 necessarily be a highway patrol major. It could come
12 from any source within the agency or outside the agency
13 to fulfill that role as the facilitator or the
14 commander of the theater of operations utilizing all of
15 our resources in a region.

16 Does that kind of --

17 MS. BROWN: It absolutely does. I was
18 trying to figure out, looking at the chart, where --
19 where they would kind of be as to rank. I see they're
20 underneath chief, but I wasn't sure if that was -- I'm
21 kind of visualizing that as equivalent to major or what
22 that would be.

23 MR. CLARK: And, again, this was a
24 recommendation directly from Deloitte. We've never had
25 regional directors per se. We've had regional

1 commanders and our distinct lines of commanding patrol.

2 MS. BROWN: And so are you saying this
3 is a commander rank?

4 MR. CLARK: The regional director, he is
5 a direct report to the deputy director of law
6 enforcement, so yes.

7 MS. BROWN: Thank you.

8 MS. BARTH: Commissioner Clowe, just a
9 quick question: On the posting for the IT, where do we
10 have the preferred reporting? Refresh my memory.
11 Maybe Ms. Logan can talk.

12 MR. CLOWE: Can you be specific about
13 that? I think I know, Paula.

14 MS. LOGAN: They can report to the
15 director because it was -- we used the [inaudible] so
16 like that's being entitled the deputy director, so they
17 report directly to the director.

18 MR. CLOWE: That's the way I remembered
19 it, but I wasn't clear.

20 MR. CLARK: On the job posting, it's
21 listed as deputy director but it's the Chief of
22 Information Management, so it will be a full chief.

23 MS. LOGAN: And Commissioner Clowe and I
24 had a conversation about that when I was putting
25 together the job description, but I wasn't sure whether

1 we were going with the Deloitte model or going with the
2 current model, and he said, "Well, we need to build it
3 to where it could transition from one to the other," so
4 that's the way we -- that's the way we posted it.

5 MR. CLOWE: Thank you, Paula. That's
6 exactly right.

7 MR. POLUNSKY: Anything else on this?

8 MR. CLOWE: Could we have Commissioner
9 Steen -- he hasn't commented on his reaction to it. Do
10 you have a thought, Commissioner?

11 MR. STEEN: On the organizational chart?

12 MR. CLOWE: Yes, sir.

13 MR. STEEN: I'm glad to see that it's
14 evolving and I think it's going to take some time to
15 work through it.

16 I would like to -- now that I have a
17 chance, Colonel Clark, we actually had this on our --
18 I'm surprised it's not up there. Duncan, can you run
19 our -- well, we're about through with it now, but I
20 just now noticed it wasn't up there after all that
21 preparation. And you directed me to do that, I
22 apologize.

23 MR. POLUNSKY: Well, I'm not worried
24 about that. I am formally directing you, Colonel
25 Clark, to have all this information posted on this huge

1 screen going forward.

2 MR. CLOWE: Is that me?

3 MR. CLARK: Nobody can read the words
4 but it's up there.

5 MR. STEEN: Thank you.

6 MR. POLUNSKY: All right. Next item:
7 Internal audit services contract.

8 Mr. Walker?

9 MR. WALKER: Farrell Walker, director of
10 Audit Inspection. Mr. Chairman, Commissioners, we are
11 in the final phases of negotiation with our top scoring
12 candidate. I understand that we're supposed to have a
13 teleconference with him this afternoon to wrap up the
14 final points of contention. I expected to have a
15 contract by now, but I hope to have one by the end of
16 the day. However, I haven't received a phone call as
17 to when that teleconference would be held either, so I
18 don't know what may be going on.

19 MR. POLUNSKY: Are there any questions
20 of Mr. Walker?

21 Mr. Clowe?

22 MR. CLOWE: No, sir. Thank you.

23 MR. POLUNSKY: Thank you, sir.

24 Executive Search firm services for
25 executive director and management positions and

1 interview processes for those positions.

2 Commissioner Clowe, who I seem to have
3 appointed to any number of tasks here.

4 MR. CLOWE: Mr. Chairman, I have made a
5 report to the commissioners in Executive Session under
6 personnel matters and I have nothing to add at this
7 point in time in the public meeting.

8 MR. POLUNSKY: Thank you, sir. Any
9 discussion beyond that?

10 Next item: Implementation of driver's
11 license reengineering, new driver's license system, and
12 options regarding implementation, including
13 consideration of current key contract relationships and
14 possible expedited contracting processes during the
15 implementation phase.

16 Chief Brown?

17 MS. BOLINE: Good afternoon, Chairman,
18 Commissioners. Well, we were successful this weekend
19 with our migration of the Legacy system to the new
20 driver's license system. We have had a lot of fun this
21 weekend. It has been extremely challenging. We did --
22 we laughed a lot. It has been an experience that I
23 don't think any of us will ever forget. We're very
24 excited about the implementation of the system, even
25 through the struggles we've had with the virus. We've

1 had rave reviews from people who have had the
2 opportunity to use it and we think it's only going to
3 get better from here, it should anyway.

4 Let me give you a few stats on the
5 records that we migrated. We migrated 23,400,000
6 records and anticipated approximately 100,000
7 migration, if you want to call them, errors, but from
8 the data report, we had some migration issues that we
9 weren't expecting. Out of that 100,000, we only wind
10 up with about 89,000. We quickly had a team of
11 driver's license division employees that were here
12 ready to start reviewing records. We identified 1,500
13 of those 89,000 that required immediate attention. We
14 got the records corrected within a day and that process
15 was very smooth. The users that used the system to get
16 the records to the correct state were so enthusiastic
17 about the opportunity to get something done that
18 quickly.

19 From there, we had -- of those 1500 I
20 was speaking of, I'll give you a couple of examples.
21 There were some ALR cases -- you're familiar with
22 ALR -- where a person had requested a hearing which
23 would stay their suspension. Those suspensions weren't
24 going to be stayed by the way that they had been
25 brought over, so we got those corrected, and then we

1 had some where there were DWI drug repeat offenders who
2 had completed an education course and were set to be
3 suspended, but we got them corrected as well right away
4 to extend that education program. We had some other
5 minor, lower priority migration issues that we are
6 still dealing with, and it's things like duplicate
7 entry zone records that were brought over and the
8 system just didn't know exactly how to deal with them,
9 but -- and those are being dealt with very efficiently
10 and we're doing an automated program to get a bulk of
11 those out with every little statement -- programming
12 statement that we can write. So we are extremely
13 excited about the migration effort, and the practice
14 that we had was -- paid off really well.

15 I'll let Jimmy speak more to the
16 technical aspects of that migration effort and where we
17 are today.

18 MR. WEISE: Jimmy Weise, IMS. A lot of
19 the errors that we had were due to preserving the
20 integrity of the new database system. The system, you
21 know, is 15-plus years that we migrated from and, over
22 that time, data just gets dirty, and so the errors that
23 she was talking about was things that needed to be
24 corrected, and they're underway now. We basically came
25 up Monday afternoon on running production data. We

1 didn't turn any of the users on at that time, but we
2 caught up all of last week's work that afternoon. The
3 first cards were produced and were brought up Tuesday.
4 From the week before, we did the first batch and the
5 vendor is still working on catching up right now on
6 last week's. It's basically about 6,000 cards that
7 need to be produced.

8 From a stat from where we are today,
9 really, all that I have, because of the virus that's
10 going on internally, is our outside interfaces. TUX --
11 and we reflect two types of stats, basically like your
12 name, address, convictions, history, things like that,
13 and our average is about a 12,000 transactions process.
14 Out of all of those, only 70 of them were barely over
15 one second. Everything else is basically less than 70
16 milliseconds. Now, that's from our end. The total
17 round-trip process is still well under five seconds.
18 The status inquiries, that are basically anything on a
19 DL card, name, address, we're averaging about 6,500
20 every two hours, 75 milliseconds, and we have about 47
21 of them that were barely over one second, so
22 performance is there from the outside interfaces.

23 AMVA, right at 3,000 transactions and
24 basically less than 7/10 of a second. Texas Online
25 basically we'll take it from them, was a four hour

1 average. We've already produced almost 13,000
2 transactions. They're well under 70 milliseconds as
3 well on the average. The renewal request, we've done
4 roughly 2,000 of them in a four hour average, and this
5 was immediately when we turned these folks on basically
6 midnight Tuesday, okay, and we only had one transaction
7 that was more than 3/10 of a second, so performance is
8 there. The data correction that the in-house folks had
9 been using at headquarters, they knocked out 1,700
10 corrections in less than an hour, okay, and this is
11 with still getting accustomed to the new interface as
12 well, so it's doing its job.

13 You know, we can bore you with all kinds
14 of stats, but, you know, when they talk to you about
15 the data migration that occurred, the 24 million
16 records, you know, when you start adding photos,
17 prints, signatures, that basically comes out to over
18 200 million rows of data that we created. That whole
19 process was performed in well under 24 hours, and it's
20 because the agency basically got together. We modified
21 production runs on Thursday night. Friday, people
22 sacrificed to delay their jobs and they take off.
23 Okay? We were off the mainframe in basically 12 hours;
24 we had allowed 48. Everything went smooth.

25 So the issue that we had yesterday was

1 basically a mapping issue between -- in the field
2 office between the Legacy System inquires against the
3 new database. That got resolved, implemented in the
4 field this morning beginning about 7:15, and all of
5 those are currently up except three, which are
6 experiencing an issue between the old hardware, which
7 is normal, as well as the combination of some satellite
8 issues, but they're all being worked on as we speak.

9 MS. JUDY BROWN: As Jimmy indicated, we
10 are producing licenses, so we've gone from old system
11 all the way through the migration and all the way
12 through the production cycle to produce licenses. We
13 handed out to you a sample of the new card. I will
14 tell you, that card before you has state-of-the-art
15 security features. There is no card in this nation
16 that is produced with that level of security on their
17 driver's license today. We have worked through TELA's
18 office and one of my staff members to create a complete
19 public awareness campaign. We have made the media
20 aware and continue to work through that campaign to
21 ensure that all law enforcement, state agencies, other
22 states that have interest in that product and in our
23 system are being notified appropriately. I will be
24 glad to individually make each one of the commissioners
25 aware of the security features in that card. There are

1 more than what you can see with the naked eye.

2 I will tell you that, as Linda
3 indicated, we had fun. We put in -- this team put in a
4 lot of hours. I can also tell you that some worked
5 well working 20 hours a day better than I did. Some
6 may have enjoyed it more than I did, but this team,
7 both from the IT perspective, Jimmy's team, as well as
8 Linda's business team, we touched these people right
9 now and they believe commitment. I mean, they have --
10 they have put in the hours, put in the nights, put in
11 the weekends, and it paid off, it paid off. I was
12 talking to Drew, in a similar project he did, I kept
13 saying we missed something, wait, go back and
14 double-check, because things were going so smoothly,
15 things were going so well. The migration issues that
16 came up were expected, they were counted upon, we knew
17 them. As they produced, we were able to mark them off
18 of the plan as we expected them. And so I owe my
19 appreciation to these two and to their team and I think
20 the State will owe them as well.

21 That concludes our report unless you
22 have questions.

23 MR. POLUNSKY: Comments?

24 MR. STEEN: Chief Brown, I'd like to
25 ask: On the new license, in terms of the proliferation

1 of these fake ID's, how will this impact that?

2 MS. JUDY BROWN: It will impact it
3 greatly. It will take -- it will -- dependent upon the
4 level of counterfeit, whether you're a student in
5 college, which we're finding out they have far better
6 means of producing those in today's technology than
7 some of those who were trying to commit fraud from a --
8 you know, from another perspective, but it will take
9 them some time to determine what the security features
10 are in that card, and I will tell you, it will take
11 them a considerable amount of time to be able to
12 produce something that is not evident to the user, to
13 the person using it, that it has not been tampered with
14 or it is not a counterfeit. We have gone through the
15 covert security features in that card with our law
16 enforcement personnel in the agency so that they're
17 acutely aware of what's there and that will become
18 widely known within the law enforcement agencies and I
19 think it will serve as a deterrent.

20 MR. STEEN: Thank you.

21 MS. JUDY BROWN: I will also tell you
22 that, as we talked before, as our project plan, we plan
23 to run pilot -- run this headquarters environment for
24 about three weeks and then we'll begin to pilot in the
25 driver's license offices. We have picked seven sites

1 that will go live in there, again, operating publicly
2 about a three-week period before we begin rollout
3 across the -- across the state. As well, Commissioner
4 Barth, Commissioner Clowe, and myself have talked about
5 budget and being able to monitor the budget process as
6 we move forward, and we'll continue to do that and make
7 your aware in our monthly meetings.

8 MR. POLUNSKY: Could you repeat that
9 part about rolling out? What is your -- your schedule
10 for rolling out?

11 MS. JUDY BROWN: Our schedule is to
12 begin rollout in the pilot offices the first week of
13 May. Actually, it is the second full week of May, but
14 we'll begin that rollout. We'll go to Garland, we'll
15 do North Lamar, San Antonio, Denison, Vantage Parkway
16 in Houston, but we'll put those offices on within a
17 week of one another. Again, another critical aspect in
18 this project is to get those out in the field offices
19 and ensure again that our testing has paid off and that
20 there's not anything that we might need to fix in that
21 environment. Once we have those seven offices
22 stabilized, then we have a project plan that rolls
23 those -- the remainder of the offices out through the
24 summer. We've got eight teams that will be doing
25 installs of equipment, training, and installation. Our

1 goal is, in the larger offices, that we'll -- when the
2 offices close on Thursday evening, we'll do
3 installation of equipment through the night. Friday,
4 we will close those larger offices so we allow for two
5 days of training, Friday and Saturday, and then Monday
6 morning, we'll come up live in those offices. The
7 medium and smaller sized offices, we will do the
8 closure and bring them right -- or the closure Friday
9 night and bring them right back up on Monday, because
10 they'll have alternative training sites to utilize.

11 MR. POLUNSKY: All right. But I would
12 assume that your confidence level at this point in time
13 is such that you would not want to roll this out any
14 sooner than that or --

15 MS. JUDY BROWN: It's not really a
16 matter of confidence about rolling them out sooner.
17 It's a matter of decisions as they have been made, the
18 delays that we had with the RTE. We've got to allow
19 the teams, both internal to DPS as well as external
20 contractors, the opportunity to get phone lines in,
21 data drops in, equipment delivered, and then the
22 installation teams that go in to do that. We've worked
23 over probably the past three years with this same
24 theory of how we roll this out. There's 260 full-time
25 locations that we're -- that we're rolling this out to,

1 and so it's not that we couldn't push it a little
2 tighter; it's the delivery, the training, ensuring
3 that, when those people come up on Monday morning, that
4 they know the system, they're comfortable with the
5 system, we've done our job from a training aspect, and
6 we've allowed all the contractors and the
7 subcontractors to do their job with the installation
8 and network capability.

9 MR. POLUNSKY: All right. So you -- if
10 I still understand you correctly, you would be waiting
11 on equipment and so on in certain aspects?

12 MS. JUDY BROWN: That is correct.

13 MR. POLUNSKY: Well, let me just be
14 direct: Would it be theoretically possible for you to
15 set up a kiosk at the Texas State Capitol and issue
16 driver's licenses there?

17 MS. JUDY BROWN: It would be possible
18 for us to use the mobile unit there. It would be
19 possible, with some validation of the network at the
20 Capitol office -- and I'm trying not to get kicked
21 here -- that we could put that office -- the Capitol
22 office online sooner than what we had planned if that
23 would be your desire.

24 MR. POLUNSKY: Well, I think it would --
25 if it could be done successfully and not prematurely

1 and so on -- and I don't want to put anyone into a bind
2 on this, but if it could be accomplished, I think it
3 would go a long way to showing our friends at the
4 Capitol, both at the members of the legislature and
5 others, what you've done, what we have accomplished,
6 and let them see, touch, feel, whatever, you know, the
7 finished product. I think there's a certain public
8 relations --

9 MS. JUDY BROWN: We want them to see
10 that. And I will tell you, just as a point of fact as
11 we planned, that card is being produced for anybody
12 that goes into a driver's license office location
13 today, so whether they have the old equipment or the
14 new equipment, as we converted to this new system, that
15 card begins to be produced, so transparent to what the
16 equipment looks like in the office and what the program
17 looks like and how it runs in the office, that card is
18 being produced, so the public -- we have already
19 coordinated with one of the legislators downtown who
20 has a constituent that did not agree with the way our
21 name truncation was happening on the old system. We've
22 already produced cards for that individual at the
23 request of that constituent so that his name would
24 present exactly as he would like it to present and as
25 the new system allows for. So the card is being

1 presented. The final product is there for all
2 applicants regardless of where they go in. But we will
3 absolutely go back and look at the network in the
4 Capitol office and determine if we can move it up in
5 the -- in the process.

6 MR. POLUNSKY: Well, I would -- I would
7 ask that you consider that and take a look at it. I
8 think that it would -- it would make a very strong
9 statement over there, a very positive statement about
10 the department and certainly what your division has
11 accomplished. I think it would bear fruit for the
12 Department of Public Safety, so if that could be done
13 expeditiously while they're still in session so that
14 members of the legislature can walk over there and
15 renew a license, whatever, or at least see how it works
16 and see what's coming out and so on, and staff members
17 and others, that would be a nice place to start, in my
18 opinion.

19 MS. JUDY BROWN: We'll do that. We'll
20 look at the -- look at the details and let you know
21 what date that will happen.

22 MR. POLUNSKY: Thank you. Thanks for
23 getting this done.

24 MR. CLOWE: Chief Brown, I want to tell
25 you that Commissioner Barth and I appreciated those

1 updates you gave us over the weekend. That was very
2 helpful. I'd like to say to you and your team members,
3 very fine job and hope you will pass on our
4 appreciation to all of the group that worked so many
5 hours. It may have been fun but it was still a lot of
6 hours.

7 In regard to this new format, how close
8 does this come to satisfying what you perceive to be
9 the requirements of the Real ID's?

10 MS. JUDY BROWN: As far as the card
11 security itself, the security requirements exceed what
12 the Real ID requirements are at our design. Real ID
13 does have a feature that is an indicator as to whether
14 that card is a Real ID compliant or noncompliant card
15 that is not on this card and would not be on that card
16 unless the legislature chose to pass Real ID.

17 MR. CLOWE: Okay. And on these samples
18 you gave us, what is the heart significant off.

19 MS. JUDY BROWN: The heart is
20 significant of your indication to register in the
21 Glenda Dawson Donor Registry. When you go into a
22 driver's license office, if you mark the box that you
23 indicate to be an organ donor, you will have a red
24 heart on there. If you have a -- do not indicate that
25 you wish to be an organ donor, you will not have that

1 heart on your license.

2 MR. CLOWE: And I was happy to hear you
3 say about the correction on the license of a
4 constituent of a member and I was delighted to hear
5 Chairman Polunsky recommend a kiosk at the Capitol. I
6 looked at my license and I found an error in it, and
7 when you get open, I'm going over there. My license
8 says I'm five foot seven and I'm really six foot four,
9 so I'm going over there.

10 MR. POLUNSKY: Let me tell you, if
11 you've got him down for five foot seven, you're having
12 way too much fun because that is a gross over
13 exaggeration.

14 MR. CLOWE: Well, maybe I'll just leave
15 it like it is.

16 MS. JUDY BROWN: I will offer to each of
17 you, if you are interested in bearing the newest in
18 technology in your pocket with regards to your driver's
19 license, I can arrange duplicates to be taken care of.

20 MR. CLOWE: Five foot seven, that's what
21 I've got to settle for.

22 MR. POLUNSKY: Hey, I'd be happy with
23 five seven.

24 MS. JUDY BROWN: We'll verify that data
25 before we issue Commissioner Clowe's.

1 MR. CLOWE: Thank you.

2 MR. POLUNSKY: Anything else? Thank you
3 all very much.

4 Discussion and possible action regarding
5 transcription of Public Safety Commission meetings,
6 including discussion and possible action regarding
7 abridged minutes and pilot project for posting
8 recordings of meetings on the DPS website.

9 Mr. Platt?

10 MR. PLATT: Mr. Chairman, pursuant to
11 the commission's comments last month, we have worked
12 with Commissioner Steen and we've communicated some
13 with him this month. We've had some phone tag issues
14 at times. But what we've done is, we've provided in
15 your packets a summary sheet of some of the comments we
16 thought were appropriate. Let me summarize some
17 issues. We have produced minutes for you. We got some
18 feedback from the minutes. Dorothy worked extremely
19 hard. She called outside the agency, checked on ways
20 other agencies were doing minutes and she put together
21 a draft, which probably pleased some and didn't please
22 others, but we presented those, and they were approved
23 earlier today.

24 Minutes are minutes and that's the
25 bottom line. They give you a simple summary. One of

1 the great difficulties is that minutes do not capture
2 Commissioner Clowe's General MacArthur speeches from
3 time to time. They are -- they are objective by nature
4 and should be. They -- so minutes have the inability
5 to capture some of the comments in the right context,
6 but they do give us a summary. Our transcriptions are
7 less certified, that is, someone reads them and
8 certifies them as accurate. They're valuable in that
9 they show the words, but they may or may not have
10 inaccuracies. Typically, they would have some, like
11 any court reporting function would. Digital recordings
12 probably have the fewest form of accuracy. We put
13 together -- and because of the IMS issues, we could not
14 play it for you on the screen today. We actually have
15 a series of links that we have worked which show the
16 February minutes, they have a hyperlink that
17 Commissioner Barth asked about last month, and we can
18 actually move -- you can click on an agenda item or
19 click on that action item and it takes you to
20 Commissioner Brown or Commissioner Clowe speaking at
21 that point in time at that agenda item. It's a very
22 affective tool. We can demonstrate it for you in our
23 offices if our machines were up, but we cannot
24 demonstrate it here today. We had our demonstration
25 ready. It is a very affective tool with an agenda.

1 Additionally, we made some
2 recommendations to the commission. We actually
3 recommend that you all blend all three forms of
4 capturing the commission's activities, that is,
5 minutes, the transcriptions, which are not certified,
6 and the digital recording capability but with a form of
7 table of contents, and not just limit it to the agenda
8 items but also list action items, so you could click on
9 it, and when the Chair speaks and says, "I give the
10 following guidance" or a motion is made, that you could
11 click on that point. As a result of that
12 recommendation, we prepared the example that I had
13 hoped to play today. We also suggest to you in the
14 white paper that we provided that, when you have an
15 action item, such as a motion, that perhaps we start
16 recording and giving a sequential number to those
17 action items and log those in so that, at a later
18 point, if you we want to come back and commissioner
19 Barth says, "It seems like back in February that we
20 talked about and made a motion," that we would actually
21 have a log and, corresponding to that log, we would
22 have an order that summarized it that I could present
23 to the Chair for signature to document in a notebook
24 what actual motion or action item and guidance was
25 given by the commission. So based on the instructions

1 from the commission last month to explore the idea of
2 minutes and other forms of capturing what occurs in the
3 commission's meetings, we provided you this white
4 paper, and that's the summary of our findings.

5 My thought right now is, we would like
6 to, at a later date, when the information management
7 system is fully running, give you an opportunity to see
8 the hyperlink program that we set up. It could be
9 placed on the DPS website. It would actually be
10 available for the public. They could click down and
11 move to any portion of the recording and it picks up
12 where you click on that agenda item or that action
13 item. It would require some additional time by
14 personnel to make sure that we link it properly to the
15 agenda item or the action item. I will tell you this,
16 there is a point that was raised about the hearing
17 impaired and there's some requirements we have to meet,
18 and if you put that on the website, you have to meet
19 certain exceptions for hearing impaired. I think we
20 can work through those issues.

21 In summary, we suggest that you use, for
22 a period of time, this pilot project all three forms,
23 abridged minutes, the recordings that we will -- we'll
24 add the hyperlink issue for you, and uncertified
25 transcriptions. And that would be my report on our

1 guidance from last month.

2 MR. POLUNSKY: Mr. Steen?

3 MR. STEEN: Well, thank you, Mr. Platt.

4 That's a very good report and I think you all did a
5 fine job on the minutes for the last meeting. Looking
6 through your paper, you mentioned that -- you know,
7 that you're concerned the board members will have
8 recurring concerns about how statements are
9 characterized and the minute approval process could
10 become difficult. I'm just going to tell you, in all
11 my experience, that does not happen. I've just seen
12 the quality of minutes that you all produced, I don't
13 think that's going to be an issue in terms of approving
14 minutes. I think that will become pretty routine as we
15 go on.

16 I like what you're saying here, that
17 you're going to track the website hits on the
18 transcript, and if after the end of the current
19 contract, which you say is July of 2009, there's
20 evidence that the transcript is not used by the public
21 that much, that you'll recommend that the transcription
22 be discontinued. I think the transcription, based on
23 what we're doing, is superfluous, I think that's going
24 to happen, but I'm glad we're going to track it that
25 way. I appreciate what you all are doing. And,

1 anyway, good job on this.

2 MR. POLUNSKY: Anything else? Thank you
3 Mr. Platt.

4 Update, discussion, and possible action
5 regarding the recruitment policy committee.

6 Commissioner Brown.

7 MS. BROWN: I have been working on
8 developing a committee and that will be rolled out
9 early next week. I've got a list of names that have
10 been proposed and I have a list of names that I came up
11 with and that some of the other folks came up with and
12 we are integrating those as we speak, so very shortly
13 here, we will have a final committee and we will jump
14 into action.

15 MR. POLUNSKY: That's great. I really
16 appreciate you taking on that responsibility. I would
17 suggest that, if any of the other commissioners have
18 any recommendations for the members of that committee,
19 they might want to get with Ada prior to next week so
20 that your thoughts can be incorporated.

21 MR. CLOWE: I would like to just say
22 that I think the placement of the academy is a key
23 issue. Commissioner Barth raised that. I'm not sure I
24 agree with that. I'm thinking it ought to be in a law
25 enforcement position, but I'm glad that she raised the

1 issue and I'd like to see that fully addressed so that
2 all the commissioners can think about that and it will
3 help us decide how we feel.

4 MS. BROWN: Absolutely.

5 MR. POLUNSKY: Anything else? Thank you
6 very much.

7 Discussion and possible action regarding
8 the ongoing Sunset Review recommendations and other
9 legislation affecting the Department of Public Safety.

10 Mr. Kelly, or Chief Kelly. Excuse me, I
11 forgot about your recent promotion.

12 MR. KELLEY: Thank you. Mr. Chairman,
13 Commissioners, and Colonel, I'm Chief Michael Kelley,
14 government relations office. Today I want to present
15 you an update on DPS legislative activity, DPS
16 requested bills, and then the DPS Sunset Bill. As the
17 chart up here shows you --

18 MR. STEEN: Before you go on, thank you.
19 I've been asking for this and it looks like you're the
20 first one that's going to really follow through on it.

21 MR. KELLEY: What we've got is a -- if
22 you can notice the difference in the number of bills
23 that we're tracking this session versus last session,
24 the 80th session we started off, we had 6190 total,
25 this year we've got 7318. That is an increase for us

1 of 1128 total bills, of which we have 813 tracked last
2 session by DPS, 1,051 this session, so we have 238 more
3 bills that we're tracking this session. In essence,
4 we're doing -- we're having to look at many more bills
5 and keep an eye on many more bills, but I will say, the
6 organization this session of the divisions to monitor
7 and track these bills is much more affective despite
8 the fact that we've got many more bills to cover. The
9 fact that the divisions have empowered certain
10 individuals within their areas to go down to the
11 Capitol on a regular basis has made this process work
12 despite this large increase in the number of bills that
13 we're tracking.

14 If you look also for the area of
15 responsibility, these are what the divisions are
16 covering, you can see what administration, highway
17 patrol, driver's license, accounting and budget
18 control, that's your bulk of your bills, but within
19 each one of these divisions, you've got services
20 bureaus that are all working with us at the Capitol and
21 have been very affective in helping us to keep track of
22 that.

23 Working out at my office at the Capitol,
24 I've got Jannie Smith as our legislative liaison, and I
25 was able to hire Ronda Trumble, and she is helping us

1 as a coordinator with criminal justice, and what
2 they're doing is working with these division points of
3 contact, while that frees me up to do a little bit more
4 in dealing with Sunset, working with Chief Ybarra and
5 his officials and the Chairman and other commissioners
6 when it comes to our budget, but you can see where the
7 workload is, that we have quite a few bills we are
8 tracking but we're doing a great job keeping up with
9 that.

10 The office of audit and inspection
11 prepares and oversee the preparation by the divisions
12 of fiscal notes. So far the agency has 533 requests of
13 today fiscal notes. We've completed 515 of those. 188
14 of those bills would have at least some fiscal impact
15 on the agency. 327 of those bills were deemed as
16 having no fiscal impact. So that will give you an idea
17 about the legislative activity we have this session.

18 MS. BARTH: Mr. Kelley, did we ever get
19 someone assigned specifically -- just remind me, with
20 respect to the activity, I've had a concern about
21 inspection and audit handling the legislative activity,
22 and I just want to make sure that we've addressed that.

23 MR. PLATT: In terms of your question,
24 we review with them any of those issues. I'm not sure
25 exactly I know what your question is.

1 MS. BARTH: I thought we were going to
2 actually find a legislative -- or assign --

3 MR. FOX: Duncan Fox, general counsel's
4 office. We do have an attorney who is assigned to
5 coordinate communication and control of the issue as
6 well as individual lawyers who specialize in individual
7 cases, but we do have a central coordinator.

8 MS. BARTH: Legislative. Not
9 litigation, legislative.

10 MR. FOX: Right, legislative.

11 MS. BARTH: Okay. This is one of the
12 things I would hope we would look at on the whole
13 reorganization. This idea that we are looking at
14 legislative bills through the inspection and audit
15 department bothers me. It was brought up a couple of
16 different ways by different people, so after the
17 session, I would hope that we leave them in terms of
18 our own sessions.

19 MR. PLATT: We do review the legal
20 aspects of it, but those inspectors also coordinate
21 with each technical expertise arena and make sure, so
22 they're not the only eyes on each of those bills.

23 MS. BARTH: I understand. I just still
24 hadn't quite reconciled a lot of the inspections
25 offices in our legislative activity.

1 MR. KELLEY: I'd also like to discuss
2 the bills that we've requested -- that DPS has
3 requested of the legislature. These are the same bills
4 that, back in October, we met with you, the divisions
5 did, and we discussed. We've gotten -- these bills, we
6 have 44 of them that are out there, 37 issues, so
7 there's seven bills that are companions that match up.
8 Some major bills that we're looking at, Senate Bill
9 1785 by Senator Carona corrects the benign issue we
10 talked about, and that was passed by the committee and
11 we're looking forward -- we're looking at that coming
12 out next week. Private security will meet on -- there
13 will several bills on private security on Monday
14 that -- that Representative -- that Driver is going to
15 carry House Bill 2286, which is our cleanup bill for
16 private security, but we'll have some other ones there,
17 and we know that, right before licensing, will be
18 present. And then we have five bills that we still
19 have to get through Senate Criminal Justice. We're
20 working closely with Senator Whitmire and we should
21 have no trouble moving those forward. Four of those
22 are carried by Chairman Carona, which he carries a lot
23 of weight over there, he's greatly respected. The
24 other is being carried by Glenn Hegar, and he's a
25 senator who has worked on criminal Justice issues for a

1 long time so I think we'll be okay with that.

2 Next, I want to discuss with you the DPS
3 Sunset Bill. House Bill 2730 by Representative Lois
4 Kolkhorst is already -- we already had a public hearing
5 on it several weeks ago. It was left pending, and the
6 reason it's pending is because there's a discussion as
7 to what type of benign cleanup language should be
8 placed on that bill at this time. Representative
9 Kolkhorst is not going to accept some language that
10 Representative Burnam has recommended, language that is
11 controversial to some of the members on the committee;
12 namely, Representative Driver has brought up some
13 concerns. Representative Kolkhorst is not interested
14 in accepting that amendment in committee and so,
15 therefore, the bill is being held up as they try to
16 determine where they will go forward from here.

17 Over on the Senate side, Senator
18 Hinojosa is still waiting, does not want to have a
19 meeting on his bill. He's got Senate Bill 1017. That
20 could turn into becoming a vehicle to the House bill
21 bog down, but then we would still face the problem,
22 what would happen if that Senate Bill went over to the
23 House? Would it still get bogged down in Public Safety
24 or would the Speaker be willing to send it to a
25 different committee where it would not get bogged down?

1 The third alternative would be the failsafe measure.
2 House Bill 1959 by Isett and Senate Bill 1006 by Hegar,
3 those are bills that the Sunset Chair and Vice-Chair
4 respectively always carry, that's why Isett and Hegar
5 have them, and they will elect the governmental entity
6 subject to the Sunset review process. What would
7 happen is, if our Sunset Bill were to get bogged down,
8 then our continuation -- we would be allowed to be
9 continued as an agency for two more years within that
10 bill and there would be no major Sunset changes made,
11 so that's the failsafe just in case there is a problem
12 with getting our Sunset Bill through the process.

13 One thing to keep in mind, the DPS
14 Sunset Bill, as related to DPS, could very well contain
15 many controversial issues by the end of the session
16 considering how slow bills are moving through the
17 process, so there is the potential that the DPS Sunset
18 Bill, the actual bill itself, could get slowed down in
19 the process because of the large debate that would
20 happen on the bill. So, should that happen, we've been
21 assured by Chairman Isett and Vice-Chair Hegar, they
22 would find a way to include us in this continuation
23 bill, so we would continue for two more years and just
24 keep working with Sunset to come back and do the actual
25 Sunset Bill next session, and that's just the failsafe

1 just in case something were to happen.

2 That concludes my report about the
3 legislative activity and requested bills in the Sunset
4 Commission, and I'll be glad to answer any questions.

5 MR. POLUNSKY: Are there any questions
6 directed to Chief Kelley?

7 MR. STEEN: Mr. Kelley, I think you're
8 doing an outstanding job. Appreciate the e-mails.

9 MR. KELLEY: Thank you.

10 MR. POLUNSKY: Thank you.

11 Update, report, discussion, and possible
12 action to develop an approach for transforming the
13 administration of the Driver's License Division to a
14 civilian business model.

15 Chief Brown?

16 MS. JUDY BROWN: Judy Brown, Driver's
17 License Division Chief. Commissioners, Chairman
18 Polunsky, on a couple of occasions, you have had a
19 document very similar to this in your commission
20 packet. Colonel Beckworth asked us this month that I
21 go through that document in more detail with you and
22 ensure your approval. We are ready to move forward
23 with the transition of the commissioned officers into
24 the Driver's License Division. Basically, what we've
25 done in the document on the screen is to highlight the

1 portions that I'll go through with you.

2 The Transfer of the Personnel and the
3 FTE to the Texas Highway Patrol Division: It is our
4 intent to transfer all of the troopers, ten sergeants,
5 and four lieutenants, and one captain to the Highway
6 Patrol Division. The captain position will -- during
7 the initial portion of the transition, will be
8 headquartered in Austin, will work in the Driver's
9 License Division to ensure that the transition goes
10 smoothly, and at some point during that process, as
11 Chief Baker and I agree that that transition is well on
12 its way and moving smoothly, then that captain's
13 position will be transferred to a Highway Patrol
14 Division. Of those 118 troopers, ten of those position
15 will be assigned as border security positions. Those
16 ten positions will be identified out of the complement
17 of troopers that Driver's License already has along
18 those border sites. Basically, the intent is that the
19 troopers transfer in their current positions. They'll
20 will be changing patches out and staying in the
21 existing office where they are currently assigned.

22 The supervisory personnel, as we begin
23 to transfer those, will be transferred based on an
24 agreement of all the division chiefs. We came together
25 to ensure that that transfer policy, if you will, met

1 the agreement of all the division chiefs. Affective
2 May 1st, actually, and if we have your approval, then
3 we will begin that transition. We will begin to post
4 the vacancies, the ten sergeants, four lieutenants, and
5 one captain, that will go as the management group that
6 will supervise the DL troopers, and we will also post
7 other vacancies in the agency that these sergeants,
8 lieutenants, and captains would be eligible to transfer
9 to. They will be eligible to compete for comparable
10 positions, and the details of the policy are included
11 in this document. Our goal is to move forward with the
12 transfers May 1st moving forward and to backfill. As
13 those sergeants indicate their desire to transfer to
14 another division, that we approve those transfers, we
15 hold those sergeants back as we backfill those
16 positions with civilians and make sure that those
17 civilians are trained accordingly before those
18 sergeants are finally released to go onto their next
19 assignment.

20 If a supervisor has not transferred by
21 August 31st of 2001, which would give them a little
22 more than the full two years to do the transfer, almost
23 two years to do the transfer, then the agency will
24 offer those people positions at the highest rank
25 available, not to exceed their current rank. The

1 effort, as you'll see on the next pages, I don't think
2 we'll -- I don't think we'll get to that point of the
3 policy. The supervisor vacancy in the Driver's License
4 Division are not being posted to be filled by
5 commissioned officers at this point. We are moving
6 forward with filling those vacancies with civilians.

7 As we looked at the positions going to
8 the Fraud Investigation Unit and Criminal Law
9 Enforcement, there will be 54 FTE's transferred to that
10 division. It is the intent and agreement of the
11 division chiefs that those positions be competitive
12 positions, so the existing fraud troopers and the DL
13 sergeants would have to test and complete interviews
14 for positions just as anybody else would in a
15 promotional process. We do that in order to ensure
16 that the Criminal Law Enforcement Division is able to
17 ensure that those that are going into the sergeant --
18 the Fraud Unit sergeant investigator positions are
19 those that are equipped for those positions. That
20 would take care of 43 positions. As you see on the
21 chart, which I know will be a little difficult to read
22 on the screen but you have it before you, is the
23 distribution of the positions both in Highway Patrol
24 and in the Fraud Unit. They're color coded on your
25 charts. The next page is the existing supervisor

1 vacancies in the Highway Patrol Division and they are
2 ready to post and open them to the Driver's License
3 Division personnel.

4 And, basically, in summary, with your
5 approval, we'll move forward posting these vacancies
6 effective no later than May 1st, at the earliest
7 convenience that we can. In looking at the numbers,
8 looking at the number of vacancies that I have today
9 and the positions that I have today, there is a
10 potential that we would have minimal positions left
11 that may not be placed by 2011. We expect that number
12 to be somewhere around -- between five and ten, and
13 with retirement and some other things coming up, that
14 may not -- that may not occur at all. So with your
15 approval, we will begin to post positions. This will
16 also open up opportunities for testing the promotion in
17 all the divisions as they have held their vacancies
18 waiting that we ensure that everybody is in agreement
19 and the commission is also in agreement with our
20 transition to civilian and the transfer of policy to
21 the commissioned officers.

22 MR. POLUNSKY: Thank you, Chief Brown.

23 Is there discussion or would somebody
24 like to make a motion on this item?

25 MR. CLOWE: I have a question, Mr.

1 Chairman.

2 MR. POLUNSKY: Clowe.

3 MR. CLOWE: So much of your presentation
4 has to do with the transferring of commissioned
5 officers out of DL, but I didn't hear much, if
6 anything, about the training of new hires, civilians,
7 noncommissioned employees, in managerial positions, and
8 the thrust of this effort is to make DL more customer
9 friendly. I'd like to hear some comment about the
10 training and the orientation to that goal.

11 MS. JUDY BROWN: Commissioner Clowe, we
12 have developed what I would tell you is the bear
13 minimum training to ensure that we begin to get these
14 personnel in and equip them with what they need to do
15 the job. And let me expand on that. We've got two
16 weeks in training that will cover business-related
17 issues and management-related issues that will allow
18 them to begin to get started in those positions, and
19 then, as Colonel Beckworth and I have spoken, we're
20 looking to develop a management level training, a
21 first-level supervisor and a management level
22 supervisor for each of these positions. As we're
23 hiring them a few at a time, it's our goal to get the
24 first 20 to 25 hired and then have that first level
25 supervisor training available for them and then,

1 subsequent to that, have the management level training.

2 Again, we've developed the course
3 outline for the -- for the business process and the
4 management specific to driver's license and then we'll
5 utilize the agency supervisory and management courses
6 to make sure that each one of these persons are given
7 the appropriate training at the management level as
8 well. Within the two week training that we have for
9 driver's license, we have incorporated in a significant
10 detailed customer service on dealing with issues that
11 may come up as related to our service to the public.

12 MR. CLOWE: Do you have measures,
13 program plans, a survey to evaluate how successful we
14 are in achieving the goal of a more customer-friendly
15 operation?

16 MS. JUDY BROWN: Within our exceptional
17 items in our customer service initiatives, absolutely
18 we do. Short of getting that funding and the
19 opportunity to do that, yes, we have measures that we
20 utilize today that we could do comparative analysis
21 with regards to the comments that we have today and the
22 comments that we would have in the future, but my goal
23 is that we not just use that comparative analysis but
24 we actually have a person that would be assigned to
25 that task and a team, if we're approved with our

1 customer service initiatives, that would ensure that we
2 do appropriately apply customer service training, we
3 appropriately measure that training, and we immediately
4 mitigate any complaints and any need that we have to
5 re-train personnel. That is encompassed with one of
6 those measures in our customer service initiative
7 package.

8 MR. CLOWE: Is there any movement on the
9 lowest level of employment in the DL office towards
10 increased compensation or better training, some
11 incentives to reduce the turnover in that area?

12 MS. JUDY BROWN: I am, as you are, a
13 little uncertain -- well, I shouldn't assume you're
14 uncertain, but based on what we have in the legislative
15 process between the Senate and the House, I am
16 uncertain as to what we will get in the final budget
17 with regards to compensation for those personnel.
18 Short of that, there is -- there is not enough
19 budgetary substance in my divisions that we could do
20 anything on our own.

21 MR. CLOWE: That's a key element, I
22 think, as well as the training, and I'd like to keep
23 those issues on the table as we go through the
24 legislative process and see where we end up.

25 MS. JUDY BROWN: We are monitoring that

1 very closely. I agree, I think those are key to our
2 success as we move forward.

3 MR. CLOWE: Thank you.

4 MR. STEEN: Chief, I have a question on
5 the first page of your policy. You said, "effective
6 March 1st, 2009, the following procedures will be
7 implemented," is March 1st the right date?

8 MS. JUDY BROWN: No. Actually, it's May
9 1st. I will tell you that we planned this policy; we
10 went through the approval process; the division chiefs
11 met; we agreed upon March 1st. We took a step back
12 because we wanted to look at some of the things that
13 were happening in the legislature and to ensure that we
14 had all of the vacancies in the agency appropriately
15 documented and considered so that the driver's license
16 personnel could have the fullest opportunity so that,
17 as they get this document, that they can see the full
18 picture of what their opportunity is, and so we took it
19 back. Colonel Beckworth asked me to bring it before
20 you again, and my a clerical area, I put March instead
21 of May.

22 MR. STEEN: Well, so in considering this
23 policy today, we should just strike through the March
24 and change that to May?

25 MS. JUDY BROWN: May 1st. With your

1 approval, we will publish it to all the division chiefs
2 and the DL personnel with the May 1st date.

3 MR. STEEN: Thank you.

4 MR. POLUNSKY: Is there further
5 discussion? Would somebody like to make a motion?

6 MR. CLOWE: So moved.

7 MS. BROWN: Second.

8 JUDGE MILLER: Moved by Commissioner
9 Clowe and seconded by Commissioner Brown that the
10 recommendation to implement the civilian model of
11 management for the Driver's License Division be
12 implemented as presented today by Chief Brown.

13 Any further discussion? There is none.
14 All in favor, please say aye. Any against, no. This
15 motion passes.

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

20 Chief Fulmer?

21 MS. FULMER: Good afternoon. Valerie
22 Fulmer, chief of administration. We've continued to
23 meet. In fact, the committee has a meeting scheduled
24 for tomorrow morning. As you're aware from last month,
25 we did make some initial changes. They have been very

1 well received within the agency. In fact, so well
2 received that we are scrambling to provide enough field
3 tests here in Austin to cover it. We've got all hands
4 on deck. All of our PT certified folks are going to
5 come and give these tests so that we can ensure that we
6 get everybody tested.

7 A couple of the things that are up for
8 discussion: In the committee meeting tomorrow, HR
9 recruiting folks have put together a draft of the
10 wellness class that we discussed. I've had a chance to
11 look at the class and it looks like it's going to be a
12 really beneficial class for our folks, so we'll let the
13 entire committee look at the draft tomorrow. And
14 they're also going to look at the final survey. It's
15 going out to our commissioned folks, and that should go
16 out in the next week. And that's the -- that's really
17 all that I have in the way of further discussion on
18 this unless you have questions.

19 MR. POLUNSKY: Are there questions? So
20 you don't need any action on this?

21 MS. FULMER: No.

22 MR. POLUNSKY: Okay. Next item:
23 Discussion and possible action regarding security
24 measures for department infrastructure.

25 Again, Chief Fulmer.

1 MS. FULMER: That's me again. And the
2 only update I have is that I have requested
3 information, as you requested in the Executive Session
4 during the last month, and I'm still waiting on
5 receiving that back, so I hope to have the information
6 back for the next meeting.

7 MR. POLUNSKY: Questions?

8 Since you're here, I still would like to
9 see some beautification to the grounds here.

10 MS. FULMER: We have worked on some
11 beautification. What we're trying to do is get rid of
12 the ugly now so that we can start beautifying. We've
13 made -- we've made several steps in trying to get rid
14 of some of the things that were causing issues, but we
15 do have a plan in place. If you want to talk about it
16 in anymore detail --

17 MR. POLUNSKY: Well, I don't think we
18 need to discuss it in any detail, but --

19 MS. BROWN: I think, Chairman, that
20 sounds like something the Dallas commissioner should
21 say.

22 MR. POLUNSKY: I don't know if you want
23 to look on Dallas, but --

24 MS. FULMER: I would agree with that as
25 well.

1 MR. CLOWE: For a river?

2 MS. FULMER: Yeah, we have tried to
3 identify some resources where we can, rather than just
4 taking out the ugly, we can include some beautiful.

5 MR. POLUNSKY: Well, that's fine,
6 Valerie, but, in all seriousness -- and I don't want to
7 belabor it -- it's not a major issue, per se, but, you
8 know, it's kind of ironic that, in the past, or even
9 now, when I visit TDCJ prison units, there -- you know,
10 there's landscaping, there's all -- you know, they do
11 the best they can to enhance the physical buildings
12 there, and here we are on Lamar and this is the
13 headquarters for the Department of Public Safety and
14 you walk in and the planters have -- you know, there
15 are garbage receptacles and things and it's not cool.

16 MS. FULMER: So removing the dead
17 possums is probably not enough?

18 MR. POLUNSKY: I think that's a very --
19 that's a good first step and then --

20 MS. FULMER: Yeah. Okay. We'll build
21 on that. We'll build on that absolutely.

22 MR. POLUNSKY: All right.

23 MR. CLARK: The Rangers could help out.

24 MR. LEAL: I was going to say, we used
25 to get a lot more people to get it done.

1 MS. FULMER: That's true. Actually, we
2 used to require our recruits to do things like that.

3 MR. POLUNSKY: Right, I was going to --

4 MS. FULMER: There's been adjustments in
5 recent years and we don't like to do that --

6 MR. POLUNSKY: Well, that's up to y'all,
7 but -- and I don't want any --

8 MS. FULMER: Just cover it under the
9 recruiting --

10 MR. POLUNSKY: -- inmates and recruits
11 and all that, but they are over here.

12 MS. BROWN: Is there like a student
13 exchange program with the inmates? Can we borrow some?

14 MR. POLUNSKY: I don't think you want to
15 do that. It doesn't go over well with the neighbors.

16 All right. Anything else?

17 MS. FULMER: Nothing further.

18 MR. POLUNSKY: All right. Thank you.

19 We will now move into reports. Budget matters.

20 Chief Ybarra?

21 MR. CLOWE: You passed over commission
22 reports.

23 MR. POLUNSKY: I'll get back to that.

24 MR. CLOWE: Okay.

25 MR. YBARRA: Good afternoon, Mr.

1 happening with border security.

2 MR. CLOWE: Was that two and a half
3 million an increase for the driving track or was that
4 the total?

5 MR. YBARRA: About A little less than
6 half, sir, of what we asked for.

7 MR. CLOWE: We asked for \$5 million?

8 MR. YBARRA: Yes, sir.

9 MR. CLOWE: And so that was the total?
10 It was cut in half?

11 MR. YBARRA: Yes, sir.

12 MR. CLOWE: Okay. Thank you.

13 MR. YBARRA: As far as border security
14 is concerned, I recap what the agency has had available
15 in 2008, 2009. We continue to receive the 120 FTE's as
16 a funding for those FTE's. As I mentioned earlier, the
17 appropriation allows for 56 additional highway patrol
18 officers and ten additional Rangers. The funds also
19 provide for \$32,400,000 for overtime for DPS officers
20 and local entities, and then also additional moneys for
21 the Border Security Operations Center, to name a few.
22 There's probably an increase of about two and a half
23 million. We'll receive about six and a half, so this
24 is an increase. A couple of other items to mention is,
25 the items there are at the bottom, the 3.6, 6.5, and

1 1.5, it's about roughly eleven and a half million
2 dollars, this money is pretty much money being provided
3 through Byrne federal dollar assistance being injected
4 into the agency.

5 That concludes my report. I've provided
6 you with a little bit of detail behind this report to
7 kind of support the numbers I've provided you. I'd be
8 glad to answer any questions if you have them.

9 MR. POLUNSKY: Questions?

10 MS. BROWN: Oscar, I can't recall, what
11 did we initially ask for on the commissioned officer
12 compensation? Do you remember what our initial request
13 was?

14 MR. YBARRA: It's a little over \$48
15 million. It was a State Auditor's recommendation and
16 so they gave us a little less than half of what we
17 requested.

18 MS. BROWN: Thank you.

19 MR. POLUNSKY: So we're not done yet on
20 this?

21 MR. YBARRA: No, sir. And Michael
22 Kelley was going to come up and talk a little bit about
23 what's going to happen next. The House will be -- the
24 House Appropriation will be presenting their bill to
25 the full House tomorrow. We can listen carefully to

1 that. And I think Mike is going to give a report on
2 what's going to happen next.

3 MR. KELLEY: Michael Kelley, chief of
4 governor relations. I didn't cover budget on my part
5 earlier because Oscar decided that we would just do it
6 all at the same time, just to let you know. The House
7 Committee -- the Appropriations Committee has Senate
8 Bill 1, which is Committee Substitute to Senate Bill 1,
9 to the House floor. Amendments had to be turned in as
10 of Wednesday, so I went by yesterday, Representative
11 Riddle was able to give us a copy of those amendments.
12 Chief Ybarra and his staff and the colonels and I have
13 all sat down and reviewed them. We believe it's going
14 to clean up some of the items, including -- there's a
15 proposal to put back into the DPS budget the
16 \$20 million that Representative Raymond proposed to use
17 for Laredo. The District and County Attorney's
18 Association was very forthright about saying they did
19 not ask for that \$5 million they were given. They did
20 not want to create a rift between the department and
21 them and so they went and approached Representative
22 Riddle and very respectfully called me this weekend,
23 their executive director, Rob Kepple, to say he wants
24 to work to find those dollars but does not want to take
25 it out of DPS dollars, so I appreciate that they were

1 so willing to work with us, and they're going to try
2 and make sure that amendment goes on to the bill
3 tomorrow on the House floor. Now, the likelihood is,
4 it could be tomorrow or Saturday.

5 We know that there's 438 proposed
6 amendments that have been filed. If you can imagine,
7 150 House members debate on each one of those
8 amendments. You could probably work nonstop 24 to 36
9 hours. Representative Pitts, as Chairman of
10 Appropriations, is concerned that, after about
11 amendment 200, nobody is going to be paying attention,
12 and these are very important amendments, so he's
13 requested that the Speaker allow them to determine at
14 some point on Friday night that they go ahead and stop,
15 let me the members go home and get some sleep and then
16 come back and continue on Saturday until they finish
17 into Saturday night. So we'll be watching this
18 closely, Chief Ybarra and staff and mine. We'll keep
19 an eye and see what amendments do get adopted and see
20 what the final version of the House bill is. Once we
21 have that final version, we'll send you a copy of it so
22 you'll have it.

23 The next step in the process is that
24 this House version of Senate Bill 1 will go back to the
25 Senate; the Senate will formally not adopt it; we'll

1 seek a conference committee, and then a conference
2 committee consisting of five House and five Senate
3 members, a total of ten, will be -- will be set up in
4 order to negotiate which version of the bill, House
5 version, Senate version, or even some version like a
6 modified version. Usually the conference committee is
7 allowed to go outside the bounds. What this means is,
8 it's not stuck by just a House version or a Senate
9 version, they can actually play with the numbers. The
10 reason this is important is because the final dollars
11 of the total appropriations has to fall below the
12 biennial revenue estimate. That's the amount of money
13 the comptroller believes will be brought in over the
14 next two years.

15 So part of negotiating a conference is,
16 how much money is allowed, how much are they going to
17 afford us and other agencies, but how -- where does
18 that leave us now as far as how below -- much below
19 that biennial revenue estimate, so we've got to work
20 really hard to hold what we've got and then also work
21 to maybe try and come up with funding to fulfill some
22 of the obligations that we're seeking, such as the
23 employee compensation packages, the driver's license
24 reorganization, the IT implementation. Those are still
25 on the table, in essence, and that's why I'm working

1 really hard right now to try and get ready, once that
2 conference committee is named, that we go work with
3 them immediately. The chairman has approached me and
4 made himself available to go down and set up
5 meetings -- for me to set up meetings so that he can
6 actually go down with the colonels and I and we'll go
7 meet with the members of the conference committee to
8 try and let them know why some of these unfunded items
9 are a priority and why we should maintain the funding
10 that we're seeking.

11 Typically, the House Delegation is led,
12 of these five members, by the House Appropriations
13 Chair, so we believe it will be Representative Jim
14 Pitts. The Senate will be led by the Senate Finance
15 Chair, typically. We have no reason to not believe it
16 won't be Senator Ogden, just like the tradition, and
17 then it will be four of the members who are on
18 Appropriations and Finance, respectively. So we can
19 sit around and guess who that's going to be, but the
20 reality is, we will wait until we know who they are and
21 immediately then go to work with them to try and again
22 explain why what we've asked for is really important
23 and seek to try and fully fund as many of these
24 exceptional items as possible

25 MS. BROWN: And when do we imagine that

1 will happen?

2 MR. KELLEY: Probably, I'm guessing, in
3 about two weeks, because, typically -- we're on
4 schedule like we've been, and so, typically, you're
5 going to have the House pass its version of the bill
6 likely on Saturday, that then will take a couple of
7 days at least for it to be completely rewritten, and
8 then a side-by-side will have to be produced with House
9 and Senate versions, so just the administrative task
10 takes about another week, so we're looking two weeks
11 out at the earliest when they would announce this.

12 MR. CLOWE: Michael, I want to make a
13 comment on two areas in what you reported on. First,
14 the feedback I'm getting from the legislature is that,
15 to have the people at the committee meetings that we
16 have this session has meant a great deal in a positive
17 sense.

18 MR. KELLEY: Very much so, yes, sir.

19 MR. CLOWE: And that has been a
20 wonderful thing in regard to the image of the DPS.

21 The second is -- the most important
22 thing is, you lightly touched on how available and
23 involved and forthcoming Chairman Polunsky has been in
24 regard to meeting members and attending meetings and
25 that kind of activity. You know, you get paid for what

1 you do; the colonel gets paid; the chairman isn't paid
2 a dollar. I've never seen a member of a board put in
3 the time and effort in a legislative session that he is
4 putting in, and the employees of the DPS ought to know
5 about it and consider themselves very fortunate to have
6 a chairman that has said he would do what he's doing
7 and fulfill that commitment. If we come out of this
8 legislation session with the things that we're asking
9 for, it will be as a result of the teamwork, but his
10 leadership is key in that effort.

11 MR. KELLEY: Yes, sir. And if I may
12 add, Representative Kolkhorst and Chris Steinbach, her
13 chief of staff, let us know -- let the agency know,
14 when she was letting -- explaining the problems with
15 our Sunset Bill getting bogged down, she said that she
16 has a very strong comfort level with the chairman's
17 commitment to making the changes that are in the Sunset
18 report, that she doesn't believe a bill is necessary
19 for us to see these changes through, and was very
20 complimentary in the fact that he has met with her and
21 given a commitment to make this happen, which has
22 allowed us, therefore, not to be concerned that, just
23 because the Sunset Bill that we're looking at doesn't
24 go through, that we won't still be around, that we're
25 going to -- we'll still allow this to go on because

1 there is a true confidence that we're still going to
2 make those changes regardless of that bill, and that's
3 helped that she mentioned Mr. Chairman Polunsky by
4 name. That comfort level comes from the commitment
5 that he's given to the -- during the Sunset Commission
6 time and then afterwards in meetings that he's had with
7 her.

8 MR. POLUNSKY: Thank you.

9 MR. CLOWE: That's enough about him.

10 MR. POLUNSKY: Thank you for those very
11 nice words. Believe me, it is one of the most
12 unbelievable honors of my life to be able to be
13 associated with this department, and anything I can do
14 in any regard to assist this department to go forward
15 is, you know, certainly -- it's a wonderful feeling for
16 me, so, you know, I'm happy doing what I'm doing, but I
17 appreciate the good words.

18 And, Chief Brown, would you immediately
19 adjust his driver's license to show him, he's six foot
20 four?

21 MR. CLOWE: I was hoping to get you to
22 write me a check for what you spent coming up here and
23 being involved as chairman.

24 MR. POLUNSKY: Well, six four is about
25 it. Thank you, Tom. Thank you very much.

1 MR. KELLEY: That's all I have on that.
2 We will keep you posted, again, as the process -- as we
3 go through. I appreciate Chief Ybarra has consistently
4 given us updates of these side by sides as we see them.
5 He and his staff spent an inordinate amount of time
6 going through re-watching the tapes and listening back
7 to make sure we have not missed any dollars to know
8 where we are. We immediately forward those to you and
9 we'll keep you apprised as we go through this process.

10 MR. POLUNSKY: Thank you all very much.
11 Audit and inspection report. Mr.
12 Walker?

13 MR. WALKER: Farrell Walker, director of
14 Audit and Inspection. Commissioner Steen, as soon as I
15 figure out a good way to present our report on your
16 screen, I will do so, but so far I'm not sure what I
17 can do to make that happen in a way that makes sense.

18 But you have my report and it includes
19 two completed follow-up reports that deal with IT
20 issues, a General Services Bureau inspection report,
21 and outlines the projects that are in various stages of
22 completion. I might say that, in connection with the
23 satellite contract management follow-up, we found that
24 all of the recommendations in the original report had
25 been implemented. In connection with network

1 monitoring, four of the six recommendations have been
2 implemented; two remain in progress. The two that are
3 in progress have to do with disaster recovery and
4 certain hardware issues that are somewhat dependent on
5 what happens this session in connection with the
6 funding of exceptional item requests. The Inspection
7 Services Bureau was found to be meeting its mission,
8 but we included 13 recommendations that primarily
9 center around safety and a few operational improvement
10 items.

11 With that, my report is concluded unless
12 you have questions.

13 MR. POLUNSKY: Questions? Thank you.

14 Move on to division status reports on
15 activities and actions taken.

16 Aircraft, Chief Nabors? I think you're
17 going to have a show.

18 MR. CLOWE: We got a movie. We got a
19 movie.

20 MR. NABORS: With your permission,
21 Chairman, can I just stand over here off to the side?

22 MR. POLUNSKY: Yes, sir. As long as you
23 can be picked up by a microphone.

24 MR. NABORS: For the record, Bill
25 Nabors, Chief pilot. Last week at the staff meeting --

1 can you hear me? Last week at the staff meeting,
2 Colonel Clark was talking to Chief Lane and they were
3 talking about video and how well this system might
4 present the video, and I quickly volunteered to show a
5 couple of videos. And if I could just briefly,
6 Chairman, address Commissioner Clowe. Some of these
7 meetings, the staff meetings, are so tough and to check
8 your gun at the door, if you don't have one, they give
9 you one.

10 MR. CLOWE: I want a great big one.

11 MR. NABORS: We'll get you a big one.

12 MR. CLOWE: Great.

13 MR. NABORS: Just briefly, the aircraft
14 section, we offer about 14 of these helicopters and I
15 want to just highlight kind of two features that really
16 make this equipment really what it is and the benefit
17 that it gives the DPS PD Public Safety and the citizens
18 of this state. The very -- probably the most prominent
19 thing you see is the infrared camera. That's the clear
20 ball, and sometimes we call it the L3 camera, on the
21 front of the helicopters, also, the nights, so that
22 would be the next most external evidence of its
23 capabilities. But, by far, here in the past couple of
24 years, we've added the night-vision goggles thanks to
25 [inaudible] and Bill with Division of Emergency

1 Management. Probably about two or three years ago, I
2 guess, we added night-vision capability. It's a system
3 of about three things. It's pilot training obviously,
4 it's also the goggles themselves, and it's internal.
5 You have to adjust the lighting of the helicopter
6 lighting equipment. Power lines and things like that
7 and light poles and cell phone towers, 250 feet below,
8 they're not required to have lights. We certainly
9 don't usually offer those altitudes, but sometimes we
10 have to make alternate landings. It's also -- if you
11 drew a line from Austin to Dallas today and say I want
12 unlit towers within 20 nautical miles of the line on
13 either side of that route, you would have sheet of
14 paper probably about four feet long. Of the unlit
15 towers that are occupying airspace, typically below
16 300, but I have seen unlit towers as high as 2000 feet,
17 and the way we kind of avoided that is, in the past, we
18 would fly at two or 300 above the highest altitude of
19 any alternate sector when we fly IFR. IFR are roads.
20 We don't build towers over roads. With the
21 night-vision goggles, we're able to see those towers
22 and see those obstacles. That's a real benefit to us.

23 MR. CLARK: Check your switch there,
24 Bill.

25 MR. POLUNSKY: And by the way, you know,

1 as a horrible example, you had that helicopter fly into
2 the tower on IH-35 in between Temple and Waco.

3 MR. NABORS: Yes, sir. That was -- that
4 was daytime. There was --

5 MR. POLUNSKY: And I know it was in the
6 fog and such, but --

7 MR. NABORS: It was in the fog and they
8 were below minimal.

9 MR. POLUNSKY: But I believe that the --
10 wasn't the lighting inoperable at that time?

11 MR. NABORS: No. The strobe light was
12 inoperable, and whether that -- that could have
13 facilitated the accident, it very well could have, that
14 is correct, but I was just kind of speaking to just the
15 night ops portion of this.

16 MR. CLOWE: I've got a question. Can
17 you land a helicopter under night-vision conditions or
18 do you go visual when you get ready to land?

19 MR. NABORS: At the airport, I'll -- you
20 know, I'll probably raise the night-vision goggles, but
21 outside the airport, I just leave the night-vision
22 goggles on. In the previous slide, they actually give
23 you enough relief where you can see the instruments and
24 everything in the cockpit around the night-vision
25 goggles, and then the goggles themselves occupy the

1 space that the wood springs would normally -- you know,
2 you wouldn't have the aid of the goggles. It's a
3 little bit like you're looking through a toilet tube,
4 you know, a toilet paper tube holder. It gives you
5 about a 20-degree angle is about all, so you have to
6 kind of keep your head moving, but --

7 MR. CLOWE: But you get the depth
8 perception?

9 MR. NABORS: You get the depth
10 perception past about 75 feet because you adjust them.
11 Now, they could be adjusted to see the cockpit
12 instruments, but then they would be our adjustment for,
13 you know, 50 feet onto infinity, so you adjust them to
14 50 feet to infinity.

15 The slide I'm showing here is just from
16 our parking lot looking back at the airport towers.
17 Obviously at night, it fades to something like that
18 with the un-naked eye.

19 MR. CLOWE: Bet they never had that at
20 the CABC, John.

21 MR. NABORS: And the thing I'd like to
22 point out is, with the night-vision, it's the same
23 exact picture. I just stood there for a couple of
24 hours and waited for the sun to set to take these
25 photos. Now, you can actually see the guide wires, the

1 wires, the light poles, the lights on the end of the
2 light pole, and it's a real benefit to fly in the
3 safety of flying at night. EMS has -- is just about --
4 the FAA is coming real close to just about making EMS
5 use night-vision goggles when they do their operations
6 at night. They haven't quite gone that far but they're
7 leaning that direction.

8 As far as the compatibility of the
9 cockpit, the left side of the slide shows the
10 incompatible previous cockpit lighting, the right side
11 shows the adjusted cockpit, and you really don't notice
12 in the bottom that much difference until you kind of
13 zoom in and you see how the left side is kind of washed
14 out. The lights inside the cockpit just give you a
15 terrible reflection of the instruments as opposed to
16 with all the lights out. There's a pretty big
17 difference. It's a really -- it's a three-system
18 approach and you really have to have all three of them
19 together. You can just see the normal lights outside
20 the circle as I hold the camera up through the
21 night-vision goggles.

22 There's only about 50 slides to this.
23 Not really. The next thing I'd like to show you is
24 three videos. The first video is from about a year ago
25 and it was number one. We had a little in-house kind

1 of competition and it was number one in our in-house
2 competition. It went to the Airborne Law Enforcement
3 National Convention and the Fleer Company, a competitor
4 of the one we use, has a Fleer luncheon and they gave
5 this video the number two ranking, which is the first
6 time that Fleer ever recognized an L3 pilot in their
7 approach for a pilot.

8 What happened here was, two guys had
9 been really hit and crash burglarizing convenience
10 stores, grabbing the ATM's and fleeing, and they just
11 had a rash of these so they set this task force up.
12 Sure enough, one of the officers witnessed the crash
13 burglary of a convenience store. One person was
14 quickly arrested. The next one got a way. There was a
15 search of a large residential area for about an hour,
16 and then this is kind of the end product of that
17 search. The image on the right is the arrow computer.
18 The magenta is the address that was dialed in. The
19 blue is going to be where the camera is looking, and
20 the pilot and co-pilot both see this image.

21 MR. CLOWE: Now, they are at an altitude
22 where they can't be heard?

23 MR. NABORS: No, sir. It's loud, I'm
24 afraid. What he -- the officer, he sees a warm spot on
25 a metal building. Now, it cannot see in the metal

1 building. It's heat transferred. The suspect is
2 crouched in the corner of the building leaned up
3 against the wall. The thing is, the observer, the
4 tactical fly officer, has been searching for an hour
5 and still has the power to see that little bit of
6 signature on that building. And, also, listen to the
7 directions given and how the composure of the air crew
8 after the find. This would be Chief Watts, our pilot
9 in Dallas. He's the tactical flight officer in Dallas.
10 This is going to be a PRT skills test. And the person
11 talking is the tactical pilot. The description was
12 black pants, white shirt, and a black male, so they're
13 getting ready to light it up.

14 Okay. The next video is little bit more
15 kinder. It was taken about three or four weeks ago.
16 We're going win this one. We're going to win this one.
17 Let me pause it for just a second. It's two suspects
18 in an F250, typical kind of carry vehicle. It was
19 obviously stolen. It's got several bundles of
20 marijuana in the back. They attempted to stop it.
21 It's already passed two spike strips. This is the
22 third strip it's passing right now. We're assisting
23 two local PD's in the pursuit of this. It's in
24 McAllen. Okay. That's the Rio Grande. Right at the
25 bottom left of the center is about three rafts.

1 They're waiting on cell phones. They know that they're
2 on the -- you know, they're approaching the other side,
3 so to speak, the south side of the river. They're
4 waiting on -- they just crashed in the river and
5 they've thrown all the contraband in their rafts and
6 they get away. There's four vehicles on the south
7 side, the Mexico side. They appear to be F250's, the
8 typical vehicle of choice that's stolen, and they
9 appear to have those similar bundles also.

10 MR. CLOWE: Now, is our copter over
11 Mexico at that time?

12 MR. NABORS: Probably briefly, yes, sir,
13 within gliding distance of Texas.

14 MR. CLOWE: What these guys are doing is
15 taking drugs into Mexico?

16 MR. NABORS: They are right now. Well,
17 they all get away.

18 This is the last one I want to show.
19 The setup up on this one is, two guys in a vehicle,
20 they had been going -- they were -- they'll be stopped
21 by customs border patrol because they were going around
22 a checkpoint. They tried to stop them, they're
23 fleeing. They make it all the way back to the river.
24 One guy bails out and you have CBP is chasing him. A
25 CBP helicopter is low level and we're above them and we

1 are asked to provide support because the two split up
2 on the Texas side, so one quickly went into the river
3 and went across the other side. The second suspect
4 kind of waited around. He really didn't want to cross
5 this side. He's being met by three people. We
6 believed that these three people are his friends. It
7 turns out, they're not his friends. What CBP thinks is
8 that they own an area of the river crossing, so to
9 speak, as their territory and this person has violated
10 their territory. If nothing else, he has brought two
11 helicopters and they know that they're going to engage
12 in some kind of criminal activity, so he is going to
13 reap some repercussions from it. What you'll see is,
14 there's one guy on a cell phone, one guy carrying a
15 stick and a club. I can tell you that the suspect is
16 attacked in the water. He retreats to the water. The
17 first swing of one of the suspects hits his cohort,
18 that kind of takes him out of action. The victim then
19 goes to about four feet of water where it's really hard
20 to hit a person who is on the bottom of four feet of
21 water, so that kind of prevents him from getting
22 seriously injured, but I think it could have turned
23 into a whole different story had he not fled to the
24 water.

25 I just really want you to just see

1 mainly the type of violence that is occurring. The
2 victim does go down about 200 yards and walks out into
3 the Mexico side. But this is pitch black, it's dark.
4 You can still see body language. If you watch this
5 tape, you can actually see what their intent is by
6 looking at their body language. The man on the top is
7 on a cell phone talking to probably the boss. He'll
8 give a signal to the guy that's standing next to him.
9 He'll say something. Did you see that? Watch him roll
10 his sleeves up. The guy at the top has just picked up
11 a rock, too. Part of it is just to show you the
12 violence that's occurring on the border. But just to
13 give you some idea of how good the infrared camera is,
14 if you bought those three up there on top of the
15 building a little bit later, you'd be able to see them
16 and identify who the hitter was irregardless of the
17 wounds of one of the suspects just based on the body
18 language and size and body type.

19 So I just briefly wanted to show you
20 what kind of equipment we have on board, the kind of
21 stuff that we do and what makes these helicopters
22 effective at night. Any questions?

23 MS. BROWN: It's incredible. It's nice
24 to see we finally have better toys than the bad boys
25 sometimes.

1 MR. NABORS: We do, but, you know, they
2 are getting night vision and stuff like that.

3 MS. BROWN: Are they?

4 MR. NABORS: Yes.

5 MR. STEEN: What did you say about the
6 night goggles, where the funding came from?

7 MR. NABORS: The first set that we
8 purchased, I want to say we've got 18 sets, we
9 outfitted nine cockpits. They come from Government
10 Division Emergency Management, the border initiative.

11 MR. STEEN: What did those cost?

12 MR. NABORS: They typically -- that set
13 cost us a little bit less than \$12,000 a piece. The
14 cockpit configure, that was about \$22,000. It takes
15 about \$10,000 a pilot for a week of instruction to be
16 certified. So I want to say the total is somewhere
17 around \$400,000 to convert our nine helicopters to
18 night vision and then give the pilots the training.

19 MR. STEEN: And when was that done?

20 MR. NABORS: Two and a half years to go,
21 to the best of my recollection. I want to say fall of
22 '06.

23 MR. POLUNSKY: John, have you been up at
24 night?

25 MR. STEEN: No.

1 MR. POLUNSKY: Would you like to
2 experience that?

3 MR. STEEN: Sure.

4 MR. POLUNSKY: Could you arrange for
5 that --

6 MR. NABORS: Sure.

7 MR. POLUNSKY: -- out of San Antonio or
8 wherever? He'd like to go.

9 MR. NABORS: I'm headed to Laredo the
10 9th if you want to ride to San Antonio.

11 MR. CLOWE: Don't let him fly the
12 helicopter.

13 MR. NABORS: No, sir, I'd be glad to.

14 MR. STEEN: Thank you.

15 MR. POLUNSKY: Did you ever get Kevlar
16 flooring?

17 MR. NABORS: No, sir.

18 MR. POLUNSKY: What's involved in that?

19 MR. NABORS: It's going to be some
20 money. There's a weight -- it adds quite a bit of
21 weight to the helicopter.

22 MR. POLUNSKY: So it's not necessarily a
23 positive?

24 MR. NABORS: It would be a positive if
25 the fire came from one direction, directly under the

1 helicopter, that's a positive. Typically we do -- and
2 I may not want to get into this open business if that's
3 okay.

4 MR. POLUNSKY: Okay.

5 MR. NABORS: Can we talk about it some
6 other time?

7 MR. POLUNSKY: Sure.

8 MR. NABORS: Thank you. Any other
9 questions?

10 MR. POLUNSKY: Thank you very much.
11 Administration, Chief Fulmer.

12 MS. FULMER: Thank you for allowing me
13 to follow immediately after that presentation. I only
14 have two things to comment on besides my report. I'd
15 like to introduce our new assistant chief for the
16 Regulatory Licensing Service. Wayne Mueller is here.
17 He comes to us from the General Counsel's Office. He's
18 been with them since 2000, and he has a very good view
19 into a regulatory service and we're very excited to
20 have him.

21 I also wanted to let you know that we
22 have accepted the Garland Crime Lab. We are right now
23 in the process of doing the internal work that we need
24 to do to have it ready for occupancy and we expect
25 probably sometime within the next month to be putting

1 together a grand opening and we'll invite the
2 commissioners to come out and check it out. That's all
3 I have unless you have any questions.

4 MR. CLOWE: I have a question. How long
5 is it taking us now to issue concealed handgun
6 licenses?

7 MS. FULMER: That's a tricky question.
8 It depends on what license it is and who the applicant
9 is and then where they're located. I mean, we are
10 currently doing most of them in the statutory period,
11 within the 60-day period or the four- to five-day
12 period. I continue to remain concerned, as I've told
13 you guys several times. We had yet another high toll
14 of applications received in March, more than we've ever
15 received since the beginning of the program. We've got
16 requests in the exceptional item requests for
17 additional personnel. It looks like we may receive
18 some of those if things continue as they are, and that
19 will certainly assist us.

20 MR. STEEN: You mentioned the statutory
21 period. Tell me about that. What does that say?

22 MS. FULMER: Sixty days for original
23 applications and 45 days for renewable applications,
24 and there are certainly -- the statute allows for
25 extenuating circumstances and allows us more time for

1 them, but in most cases, we expect to get them complete
2 within the sixty days.

3 MS. BARTH: Would you just refresh my
4 memory on the generators?

5 MS. FULMER: Yes. The generators, we
6 are working on the purchase memoranda as we speak.
7 That was approved by the Seized Fund Committee and by
8 the Chair and we are --

9 MS. BARTH: So they'll be installed
10 before hurricane season starts?

11 MS. FULMER: They certainly should be.

12 MS. BARTH: Thanks.

13 MS. FULMER: I'm not installing them
14 myself, I don't want to give you that impression.

15 MR. POLUNSKY: It would be
16 contemporaneous with the landscaping.

17 MS. FULMER: Absolutely.

18 MR. POLUNSKY: Thank you, Valerie.

19 Criminal Law Enforcement, Chief in the
20 Bronx, Chief Ruocco?

21 MR. RUOCCO: Tom Ruocco, Chief Criminal
22 Law Enforcement. I guess I should start off with a
23 story to kind of start off my first week. About a
24 month ago, I went down to the border to see our
25 territory and meet the two colonels and Chief Leal. I

1 thought they were my friends until Colonel Clark made a
2 phone call, about that time [inaudible], and I
3 proceeded to have to run into the water and that now
4 puts the bet out, Chief Leal got cut on the mouth.
5 Thank you Chief Nabors for capturing it on videotape.

6 You have my report and if you have any
7 questions.

8 MR. POLUNSKY: You know how to play the
9 game here. Good.

10 MR. CLOWE: A kid from the Bronx
11 shouldn't have any trouble with that.

12 MR. RUOCCO: I need to learn. A
13 baseball bat comes through the water and I was grateful
14 that Colonel Beckworth, you know, took a swing back and
15 caught Chief Leal with it. And I think that's a more
16 appropriate story than a sippy cup that we heard about.

17 MR. POLUNSKY: Thank you, sir. Unless
18 you have another story.

19 MR. RUOCCO: No, sir.

20 MR. POLUNSKY: Driver's license.

21 MS. JUDY BROWN: We don't have anything
22 to top that.

23 MR. POLUNSKY: Yeah, we've had a full
24 plate here. Thank you.

25 Emergency Management, Chief Colley.

1 MR. COLLEY: Good afternoon, Mr.
2 Chairman. I'm Jack Colley, Chief Emergency Management
3 Division. We had a blast of active period last week.
4 We had a fire in North Texas. I want to take a moment
5 and describe that. Last Thursday, on the 4th of April,
6 we had the sort of perfect storm of conditions, about
7 40, 45 mile an hour sustained winds for about 12 hours.
8 That did not -- what that does is, we could not fly our
9 aircraft, which was very dramatic. What happened was,
10 basically a blow torch went through Clay, Jack,
11 Wichita, and Montague County, 100 homes destroyed, four
12 people lost their lives, hundred -- maybe thousands of
13 head of livestocks. Pretty devastating. The
14 frustration was, we couldn't get any aircraft in. On
15 the following day, on Friday and Saturday, we flew
16 probably the largest air-assault mission ever done in
17 peacetime in the United States of America, 604 missions
18 and dropped over 600,000 gallons of retardant in that
19 county to stop that fire. That was a phenomenal
20 operation.

21 Obviously, we're in hurricane
22 preparation. The 14th and 15th we have a major state
23 exercise here in Austin. The 27th and 28th of May, we
24 will have a hurricane site in College Station with
25 mayors and county judges. And we have our volunteer

1 organizations' annual conference the 1st and 2nd of
2 June here in Austin. We're still in recovery from Ike,
3 Dolly, Gustav that is ongoing. A major date is the
4 26th of April, next week, that's when 100 percent
5 reimbursement for debris removal ends. The government
6 has been very active, as you know, in our appeal
7 process to get -- ask for a six month extension on
8 that. If we do not receive that, it will revert to
9 75/25 and we'll have counties on the coast who are
10 bankrupt already that will not -- not bankrupt, but
11 they are -- do not have the means to be able to do
12 this. This is a major milestone date in the recovery
13 process and we still wait the answer to our request to
14 extend that period, and that's almost an hourly update
15 on that process. That's all I have, Mr. Chairman,
16 Commissioners, pending your questions.

17 MR. POLUNSKY: Any questions for Chief
18 Colley?

19 MR. STEEN: This fire you mentioned,
20 what caused that fire?

21 MR. COLLEY: High winds blew out power
22 lines. The power lines that hit the ground sparked and
23 caused it. There were several fires, about, you know,
24 30 something fires in that area, but they all came
25 together in a complex, which is unusual, and so we had

1 great -- I was up there this week and it's really
2 something to see in terms of the devastation caused by
3 that. It's real agricultural communities, which we
4 lost a lot of homes there. They don't have any homes
5 damaged; they're either destroyed or they're not
6 touched.

7 MR. STEEN: What's the guideline in
8 terms of -- you said you couldn't fly, what's --

9 MR. COLLEY: About 35 knots, 35 miles an
10 hour, giving the kind of -- to be able to drop water, I
11 mean to fly to be able to be affective with the
12 retardant. That played a big role and the fact that
13 this thing was such a fast moving fire. Generally fire
14 moves at the same speed as the wind, so if you've got
15 fire moving 45 miles an hour, that's pretty good, you
16 know, there's not much you can do.

17 MR. STEEN: Thank you.

18 MR. CLARK: Mr. Chairman?

19 MR. POLUNSKY: Yes, sir.

20 MR. CLARK: Jack, have a seat here just
21 a minute. You know, we've all been privileged to watch
22 Jack in action during all these crisis situations that
23 occur routinely now, it seems like, over the last few
24 years, but I think it's important to recognize Jack.
25 Jack, this week -- well, last week and this week has

1 been the recipient of two really wonderful awards. At
2 the National Hurricane Conference in San Antonio, he
3 received a Distinguished Service Award, and today --
4 were you able to make that one?

5 MR. COLLEY: In about another hour.

6 MR. CLARK: In about another hour, Jack
7 today will receive the President's Award from the Texas
8 Public Health Association. And I know that Jack
9 accepts these awards on behalf of the agency, but it's
10 to your credit, Jack, that you're getting these awards.
11 We appreciate what you do, and I know I speak for the
12 entire commission in thanking you for the -- really,
13 the great work that you do and the wonderful reputation
14 that you've given the department, you personally but
15 also the department. I just want to thank you for your
16 good work.

17 MR. COLLEY: Thank you.

18 MR. STEEN: Did you say, your second
19 award, you're supposed to receive it today?

20 MR. COLLEY: Yes, sir, in about an hour.

21 MR. STEEN: All right. Well, I think --

22 MS. BROWN: Can we excuse him?

23 MR. STEEN: You can go.

24 MR. COLLEY: All right. Thank you very
25 much.

1 MR. POLUNSKY: Thank you, Jack.
2 Texas Highway Patrol, Chief Baker.

3 MR. BAKER: Good afternoon, Mr.
4 Chairman, Commissioners. David Baker, Chief of Highway
5 Patrol. I'm pleased that I do not have to report to
6 you during this meeting that our troopers have been
7 fired upon during traffic stops nor have they had to
8 fire upon anyone. That's quite a feat in and of
9 itself, it seems, here recently.

10 You have my report. I would like to
11 point out a couple of things to you. At the request of
12 the commission, I've included our monthly crash
13 activity report statistics and we're continuing to
14 improve on the errors on crash reports, and one thing I
15 would like to do is to just kind of highlight the work
16 of the men and women of the Highway Patrol Division.
17 In the report, you can see the stats on the number of
18 crashes that they've worked, the enforcement actions
19 that they've conducted during step projects and during
20 border stops, but just on a routine basis, the troopers
21 in the division have seized over 7,000 pounds of
22 marijuana, over 13 kilos of cocaine, and lots of
23 methamphetamine, crack, and \$1.7 million in cash. The
24 men and women of the division go out there every day
25 and do a fantastic job and I just wanted to make y'all

1 aware of that.

2 That's the end of my report. I'll be
3 glad to answer any questions that you might have.

4 MR. POLUNSKY: Thank you, sir. Are
5 there questions for Chief Baker?

6 You people do a great job.

7 MR. BAKER: Appreciate that.

8 MR. POLUNSKY: We are aware of that.

9 MR. BAKER: Thank you.

10 MR. POLUNSKY: Texas Rangers, Chief
11 Leal.

12 MR. LEAL: Tony Leal, Texas Rangers.
13 Y'all have the regular report. I wanted to point out
14 something we haven't got into. We've been working on
15 other things up here at these commission meetings.
16 Y'all are aware we have an unsolved crime investigation
17 team, and their primary duties are working the unsolved
18 murders across the state, and it's really one of a
19 kind. There are unsolved crime investigation teams in
20 cities across the country. Many of those murders that
21 they do solve are hit murders, where they have a
22 murder, say, in a city like Houston and they have a DNA
23 hit and they match that DNA hit to one of their murders
24 and clear that murder. What's different about ours and
25 what we were charged with the legislature -- by the

1 legislature when we started this, when we -- we
2 re-investigate murders that have already been
3 investigated by someone else from the beginning up, so
4 the criteria for assault on one of our murders is not a
5 DNA hit from our lab and we go match it with some PD's
6 open case and put that person in jail. Ours are, an
7 agency or district attorney's office turned it over to
8 us and said, "We couldn't solve this," and we start the
9 investigation again from the beginning to end.

10 Because of some things in the
11 legislature, I've looked at it to see what we've done
12 this last year and this is -- really, when I started
13 looking at other agencies and there are no other state
14 agencies that do this the way we do it. This year, in
15 a 12-month period, we have solved six in-state murders,
16 old murders, one from California and with 16
17 indictments on defendants on unsolved murders, and
18 that's not -- that's not -- I mean, that's way above
19 what a normal cold case unit does in any city or
20 metropolitan area, and these are -- every now and then,
21 you'll see one on 48 Hours out of Houston or somewhere
22 where they re-investigated a murder and put somebody in
23 jail, but most cold cases are solved by a DNA hit or
24 something like that, and these are investigations that
25 were fully investigated from beginning to end after

1 someone else said, "We can't solve it."

2 I have got a -- usually I try to get
3 these to y'all before, but if you want, I've got a
4 summary of those cases here for y'all. We didn't
5 finish it until today, so I'd like to give you all
6 those and you can read it when you went.

7 MR. STEEN: Chief, how many people work
8 in this area?

9 MR. LEAL: We have one in each region.
10 We started out with a cold case squad, which I was the
11 commander of, in San Antonio four years ago, and what
12 we found is, the Rangers in San Antonio, because they
13 were stationed there, were getting a lot of cold cases
14 solved right around San Antonio but not the rest of the
15 state because they didn't want to travel, and it was
16 hard to work cases in Amarillo or Houston or Beaumont
17 when you're stationed in San Antonio, so what we did
18 was, we went to the director at the time, the
19 commission, and we moved those investigators out of San
20 Antonio and put one in each region so that that officer
21 knew the local officers. You've got -- what we were
22 also finding having it in one centralized location was,
23 you weren't getting tenured Rangers that knew what they
24 were doing with murder. It take a while to learn how
25 to work murders. And now that they're out in each one

1 of the company headquarters, you have the more tenured
2 Rangers taking that over and it's been beneficial.
3 It's been beneficial. They're solving more that way.
4 And if you'll look through here, we have many pending
5 cases, you know, that are ready for Grand Jury, that
6 are ready for -- I think it's going well.

7 Also, on the videotape about the
8 helicopter, that is actually the Mexican Border Patrol,
9 I think, that got that guy on the other side of the
10 river. We need to start some of that here.

11 I have nothing else, sir.

12 MR. POLUNSKY: Thank you, Chief.

13 Chief Lane I believe is tied up. Let me
14 go back to commission member reports and discussion.
15 Are there any commissioners that have any reports they
16 would like to present at this time?

17 MR. CLOWE: Mr. Chairman, I want to make
18 a comment about the Crime Laboratory Service. I think
19 probably other commissioners as well as myself received
20 the annual report for 2008 this week, and it hasn't
21 been mentioned and I want to call attention to the
22 board that these folks have done an outstanding job and
23 continue to perform exemplary service. We have 13
24 laboratories throughout the state. In 2008, they
25 handled 70,671 criminal cases. They've added 60 new

1 personnel in 2008. Chief Fulmer mentioned that the
2 Garland Laboratories is about to be open. It is a work
3 of art. I hope the board can attend that. And I
4 believe we can go up there without a public meeting
5 notice as long as we don't discuss any business.

6 It's not attractive, but the large air
7 curtain incinerator that's in Hidalgo County is a great
8 asset to the laboratory. It can burn 5,000 pounds of
9 marijuana per hour. And the Austin lab, which is
10 headquarters, and the 12 regional labs should receive
11 notice for an outstanding job. Pat Johnson, the
12 director, is doing a great job. I just wanted to call
13 that to the attention of the board members.

14 MR. POLUNSKY: Anything else, Mr. Clowe?

15 MR. CLOWE: Nothing further.

16 MR. POLUNSKY: Any other commissioners
17 have a report or any discussion?

18 MS. BROWN: No.

19 MR. POLUNSKY: I'll move to the consent
20 items. Would any commissioner like to pull a consent
21 item for individual discussion? All right. Would
22 somebody like --

23 MR. STEEN: I'm sorry. I'd like to ask
24 Colonel Clark what I asked him last time, anything in
25 here that's troublesome or something that we should pay

1 particular attention to?

2 MR. CLARK: No, sir. The majority of
3 the -- in Item C are cleaned up language
4 clarifications, routine probationary discharges for job
5 abandonment most of the time, and no -- only one
6 special Ranger that was recommended, and that's it.
7 Everything is good.

8 MR. STEEN: What about in the
9 publication -- the proposed rules for publication?

10 MR. CLARK: That was -- a lot of it is
11 word changes from using -- we used to use "accident"
12 and now it's "crash," and it's cleaning up our manuals
13 and our administrative rules.

14 MR. STEEN: Mr. Chairman, I move
15 approval on the consent items as a group.

16 MS. BARTH: Second.

17 MR. POLUNSKY: It has been moved by
18 Commissioner Steen and seconded by Commissioner Barth
19 that the consent items be approved as presented in the
20 agenda. Discussion?

21 MS. BROWN: I have a comment, if that
22 would be timely.

23 MR. POLUNSKY: Certainly.

24 MS. BROWN: Colonel, I just want to
25 applaud you, having looked at the consent items -- I'm

1 sure that this is not up on the screen, but one of the
2 terminations was for someone using a very inappropriate
3 racial slur to a customer at a driver's license office.
4 I think it sets a really good tone for the new era and
5 the new vision of the zero-tolerance policy on that, so
6 I applaud you for having no tolerance on that.

7 MR. CLARK: Well, it was certainly more
8 than inappropriate and we took the appropriate action.

9 MS. BROWN: Well, I commend you.

10 MR. POLUNSKY: Further discussion?
11 There's no discussion. There's a motion on the floor.
12 All in favor, please say aye. Any against, no. Motion
13 passes.

14 Next item: Items for future agendas.
15 Any there any items that any commissioner would like to
16 present for a future agenda?

17 MS. BROWN: I would like to put back on
18 the agenda for next month to have another discussion
19 and possible action regarding DPS overtime, comp time
20 policies.

21 MR. POLUNSKY: Okay. Who does that now?
22 Is that --

23 MS. WRIGHT: We'll be working on it
24 together.

25 MR. POLUNSKY: That's a joint project?

1 Okay.

2 Anything else? Anybody have anything
3 else they'd like to add to a future agenda?

4 Okay. Future meeting dates. Are we
5 okay on our standard date here? Unless I hear
6 otherwise, I would think yes.

7 That went out in 1942.

8 MR. CLOWE: I know.

9 MR. POLUNSKY: We can't even buy one of
10 those things.

11 MR. CLOWE: You buy them in England and
12 you carry them in your shirt pocket.

13 MR. POLUNSKY: Is that how it works?

14 MR. CLOWE: And it works today --

15 MR. POLUNSKY: Okay.

16 MR. CLOWE: -- if you get my meaning.

17 MR. POLUNSKY: I think I picked up on
18 it.

19 MR. CLOWE: Okay.

20 MS. BROWN: And I'm still waiting for
21 my -- these are already scheduled.

22 MR. POLUNSKY: Okay. So our standard
23 date is okay, then?

24 MR. STEEN: Could you repeat it again?

25 MS. BARTH: The 21st of May.

1 MR. STEEN: Thank you.

2 MR. POLUNSKY: Okay.

3 MR. CLOWE: But it's likely we'll have
4 another meeting between now and then.

5 MR. POLUNSKY: We'll have a workshop
6 meeting. I will get with Mr. Beckley and then we will
7 poll you all and make sure that there is a date that
8 works for everybody and that meeting will be set.

9 Okay. Anything else? The Public Safety
10 Commission is now adjourned. The time is 4:15.

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1 THE STATE OF TEXAS)

2 COUNTY OF TRAVIS)

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5 I, Kim Furr, Certified Shorthand Reporter in and
6 for the State of Texas, do hereby certify that the
7 above and foregoing contains a true and correct
8 transcription of my stenographic notes taken in the
9 above-captioned cause at the Texas Public Safety
10 Commission meeting in Austin, Texas.

11

12

13 Witness my hand this 8th day of May, 2009.

14

15

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