
WORKSHOP

PUBLIC SAFETY COMMISSION

JANUARY 8, 2009

On the 8th of January, 2009, the following
meeting was held in Austin, Travis County, Texas

<p style="text-align: right;">2</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:</p> <p>4 Allan B. Polunsky, Chair</p> <p>5 C. Tom Clowe</p> <p>6 Carin Marcy Barth</p> <p>7 Ada Brown</p> <p>8 John Steen</p> <p>9</p> <p>10 DIRECTOR'S STAFF OF THE DEPARTMENT OF PUBLIC SAFETY:</p> <p>11 Colonel Stanley E. Clark</p> <p>12 Lt. Colonel Lamar Beckworth, Assistant Director</p> <p>13 Dorothy Wright, Executive Assistant</p> <p>14 Duncan Fox, Acting General Counsel</p> <p>15 Michael Kelley, Legislative Liaison</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 Significant progress has already been made, as you're</p> <p>2 aware. In certain areas within the agency as in</p> <p>3 driver's license, vehicle inspection, promotional</p> <p>4 opportunities, things that we've already addressed</p> <p>5 because of those studies.</p> <p>6 But I think, more importantly, you'll see an</p> <p>7 enthusiasm in the agency right now embracing the</p> <p>8 direction in which we're going, the change that is</p> <p>9 expected. This morning I want to present our proposed</p> <p>10 organizational chart for the Department that will mirror</p> <p>11 the findings of the Deloitte report and Sunset</p> <p>12 recommendations. The organizational chart that you'll</p> <p>13 see this morning is doable. It's affordable and it can</p> <p>14 be implemented immediately.</p> <p>15 Furthermore, I can tell you that I can have</p> <p>16 the personnel in place by February the 10th to begin</p> <p>17 this new transition, this new change that we're</p> <p>18 anticipating. And I'm going to ask after today's</p> <p>19 presentation that the Commission approve this proposed</p> <p>20 organizational chart and grant us the green light to</p> <p>21 move forward and implement these changes.</p> <p>22 I'll ask Colonel Beckworth to explain the</p> <p>23 chart in some detail that will make it more easily</p> <p>24 understandable, and especially how it addresses the</p> <p>25 findings of the Deloitte study and Sunset. Following</p>
<p style="text-align: right;">3</p> <p>1 MR. POLUNSKY: (Roll call) I am present. I</p> <p>2 am present. Let the record reflect that a quorum is</p> <p>3 present pursuant to the relevant provisions of the Texas</p> <p>4 Open Meetings Act. I now declare this meeting of the</p> <p>5 Texas Public Safety Commission open. It is 10:36 a.m.</p> <p>6 We are conducting a workshop this morning. We have</p> <p>7 various items that have been posted for discussion and,</p> <p>8 I guess, possible action in some cases or not --</p> <p>9 MR. CLARK: Yes, sir.</p> <p>10 MR. POLUNSKY: -- on these issues. So what</p> <p>11 I'd like to do is just go ahead and begin unless there</p> <p>12 are any comments from any of the Commissioners who would</p> <p>13 like to say anything at this point. Okay. First item</p> <p>14 on the workshop agenda is discussion and possible action</p> <p>15 on implementation of recommendations contained in recent</p> <p>16 organization study, IT Optimization Study, Sunset</p> <p>17 Review, Driver License Division civilian model</p> <p>18 transformation, and other studies and reports presented</p> <p>19 to the Commission. And that will be Colonel Clark.</p> <p>20 COLONEL CLARK: Mr. Chairman and</p> <p>21 Commissioners, good morning. Today's workshop, we</p> <p>22 believe, is extremely important as we look to the future</p> <p>23 of our agency. The administration has spent a</p> <p>24 considerable amount of time studying and digesting the</p> <p>25 Deloitte report as well as the Sunset recommendations.</p>	<p style="text-align: right;">5</p> <p>1 his remarks, I'd like to make a closing statement,</p> <p>2 Mr. Chairman. And at this time I'd like to ask Colonel</p> <p>3 Beckworth to present -- first of all, we have some</p> <p>4 information we need to pass out to you. So if you'll do</p> <p>5 that and then I'll ask Colonel Beckworth to explain some</p> <p>6 of the details of this proposal.</p> <p>7 COLONEL BECKWORTH: Mr. Chairman,</p> <p>8 Commissioner, I look forward and thankful for the</p> <p>9 opportunity to discuss this with you. I apologize,</p> <p>10 first of all, for my voice this morning. I'm trying to</p> <p>11 overcome a cold. But I am personally -- if I talk loud</p> <p>12 enough, I think everybody will understand and hear what</p> <p>13 I'm saying.</p> <p>14 What I'd like to do is pass out to you the</p> <p>15 recommendations and issues addressed by the Sunset</p> <p>16 Commission. The items highlighted in yellow are items</p> <p>17 that we need some direction and guidance based upon</p> <p>18 funding or legislative issues that we have to address.</p> <p>19 Second item I have for you is a copy of the Deloitte</p> <p>20 organization structure study and recommendations. And</p> <p>21 the highlighted items in yellow are those items that we</p> <p>22 need some guidance and direction from the Public Safety</p> <p>23 Commission.</p> <p>24 As each of you know, I was heavily involved</p> <p>25 with the Deloitte study, being the project manager on</p>

<p>6</p> <p>1 the study itself. If I could, I'd like to move around 2 to the room and kind of identify what the Deloitte study 3 says and what those findings are as they relate to what 4 we're trying to do. As many of you know, this is the 5 organizational study that the Deloitte group presented 6 to us, and they identified many findings that impact 7 this agency moving forward into the 21st Century. 8 One of the main issues that they identified 9 and recommended was issue number one which states that 10 restructure DPS by lining close related organizational 11 function stretching the regional command, establishing 12 new leadership team and improving strategic planning and 13 communication. They indicated that is critical for this 14 agency to move forward from where we are today and where 15 we need to be futuristic. So this is their particular 16 chart that they identified and what we need to do those 17 things. 18 We believe that we as an agency can fulfill 19 the recommendation -- excuse me, the -- not necessarily 20 the recommendations, however, but the findings of the 21 recommendation by providing you this particular chart 22 that's pretty well made up of our organization today. 23 So basically kind of let me explain how this system 24 would align and work by side by side comparison. One of 25 the things we -- the particular process talked about,</p>	<p>8</p> <p>1 The other thing is we'd have direct contact 2 with General Counsel and all of their staff with the 3 director. This allows the director to manage this 4 component to be Freed up to do the things he needs to do 5 as an ambassador for the Department of Public Safety. 6 Our plans calls for identifying two deputy directors, 7 one to support law enforcement and one to support the 8 law enforcement support initiative. 9 This is a recommendation the Deloitte study 10 made and aligns those particular lines across their 11 perspective. These two individuals, whoever's selected, 12 must have the ability to be able to interact with one 13 another in a very concise and precise way. And we 14 believe that -- 15 MR. STEEN: May I interrupt you and ask you 16 a question? 17 COLONEL BECKWORTH: Yes, sir. 18 MR. STEEN: What we're looking at here, over 19 here is -- this is the Deloitte -- this is an enlarged 20 version of what Deloitte has in their report? 21 COLONEL BECKWORTH: Yes, sir. 22 MR. STEEN: And this is something that you 23 all, the staff has prepared -- 24 COLONEL BECKWORTH: Yes, sir. 25 MR. STEEN: -- to say, looking at that but</p>
<p>7</p> <p>1 was the fact we need to have better relationship with 2 the Governor of the State of Texas. And Colonel Clark 3 need to be freed up in order to be able to do that from 4 having to do the necessary day-to-day operations of the 5 agency. 6 So our thought process is let's free him up 7 so that we can allow him to build those types of 8 relationships as ambassador for the agency. So we 9 designed setting the director in place here with the 10 processes that are in place today, it allows for the 11 Public Safety -- five members of the Public Safety 12 Commission to still have direct involvement with the 13 Audit Inspection program. It also allows for our 14 Internal Affairs unit to have direct relationship to a 15 director, but have a dotted line to the Public Safety 16 Commissioner for them to have interaction with that 17 individual at any point in time. 18 Also, interaction between media relation 19 with the director and also the Public Safety Commission. 20 One slot that we do not have on here that we'd like to 21 include is our legislative liaison, which is Michael 22 Kelly, in his office would have direct involvement 23 coming off of this line here, and we apologize for not 24 having that. We had him down here; we're moving him up 25 here.</p>	<p>9</p> <p>1 this is how we would like to do it. 2 COLONEL BECKWORTH: Yes, sir. 3 MR. STEEN: So you've got some changes here 4 and what's what you're going through? 5 COLONEL BECKWORTH: Yes, sir. 6 MR. STEEN: And what are the numbers that 7 are next to it? 8 COLONEL BECKWORTH: The numbers that are 9 next to it are the individuals who are currently in 10 those positions. There are -- and some of these numbers 11 may vary. But there are five people in Media Relations, 12 there are so many people in the Audit Inspection 13 program, five Public Safety Commissioners, six people in 14 Internal Affairs. Those numbers represent the number of 15 people in those positions. 16 MR. STEEN: All right. I just wanted to 17 demonstrate -- 18 COLONEL BECKWORTH: Thank you for bringing 19 that to my attention. Two things we have to cognizant 20 of, based upon legislative issues that we know of today, 21 currently if you look in the law, it stipulates the 22 Texas Ranger Division has to have direct interaction 23 with the director of the agency. So we allow the direct 24 link to the director, but also allow the dotted line for 25 the Texas Ranger Division to have interaction with the</p>

<p style="text-align: right;">10</p> <p>1 deputy director of law enforcement so they can carry out 2 those functions out in the field operations. 3 The second component of that, stipulated in 4 Sunset recommendations, stipulates that Emergency 5 Management Division, based upon an executive order that 6 exists today, this particular position is linked to the 7 Governor's office and also the Department of Public 8 Safety. The recommendation of Sunset and our 9 recommendation is to bring this position back in under 10 the director, and by law stipulated same as the Rangers, 11 this person has to have direct involvement with the 12 director. So he or she would have direct involvement to 13 the director. And that's why we align it in that 14 fashion. 15 Now we get down to looking at the deputy 16 director of Law Enforcement who has all the 17 responsibility on this side of the board, and the deputy 18 director of law enforcement support which has 19 responsibility for all these positions to the right of 20 the board. Currently, we have the Texas Highway Patrol 21 Division, Criminal Law Enforcement Division, and those 22 are the two divisions that we have making up the current 23 existent system that we have in place. 24 Our recommendations are in line with the 25 recommendations of Deloitte which stipulate that you</p>	<p style="text-align: right;">12</p> <p>1 the agency based on inoperability moving forward. 2 That's our plan as it relates to this. 3 Now, Law Enforcement Service Division -- 4 Service Support Division was addressed from a standpoint 5 Deloitte study said it's not fair and it's not proper to 6 have our crime laboratories function in the Criminal Law 7 Enforcement arena. You have an entity that's going to 8 be unbiased in any way, and they should report to the 9 chief of Criminal Law Enforcement. It never should've 10 been there. And our recommendation's agreeing with the 11 proposed Deloitte study saying we move those particular 12 positions back in the law enforcement support function, 13 and that's what we're doing. 14 Our Crime Records Division, which David 15 Gavin oversees, held all TLETS and all those particular 16 functions of all state agencies, even the Law 17 Enforcement Support function, but yet, we had him on 18 administration in our past process. We suggest moving 19 all of this, crime records, crime laboratory and our 20 breath test program, which is currently on the Highway 21 Patrol all into one Law Enforcement Support arena and 22 provide a division chief, executive director, whatever 23 title you want to give it, for that particular position. 24 That's the function that's identified in the Deloitte 25 study and we would align it in this form or fashion.</p>
<p style="text-align: right;">11</p> <p>1 need to have a Highway Patrol Division, a Law 2 Enforcement Service Division, a Criminal Law Enforcement 3 Division, an Intelligent Counterterrorism Division. 4 They are stipulating that we need to have those 5 particular divisions branch stopped. And that's our 6 recommendation and that's the findings, and we believe 7 those findings in this particular chart address those 8 specific issues. 9 Now moving forward on how we processed this, 10 I'll go a little bit in depth to each one of these 11 specific issues. It relates to the Highway Patrol, they 12 are currently crossing 3,000 employees, which is the 13 largest part of our agency, probably almost a third of 14 our agency is in the Highway Patrol Division. They are 15 the boots on the ground for this organization. 16 We believe that by currently allowing 17 Highway Patrol to function in their THP commercial 18 enforcement, and the communication link, and what we've 19 done, we've bridged communication all in the Highway 20 Patrol. It used to be in administration. Now we're 21 bringing it all in the Highway Patrol and they are the 22 ones that will facilitate all communication, not only in 23 Highway Patrol, but for the entire state of Texas 24 including local and sheriff department agencies and 25 other state agencies that require communications from</p>	<p style="text-align: right;">13</p> <p>1 Now we move to our Criminal Law Enforcement 2 Division. Criminal Law Enforcement Division currently 3 exists right now with the narcotics, criminal 4 intelligence, motor vehicle theft, and it has several 5 special components within it. We're suggesting that we 6 break out the Criminal Law Enforcement Division to 7 include narcotics. 8 What used to be our motor vehicle theft, 9 Deloitte study says that those particular employees need 10 to be more diverse and more lateral in their ability. 11 They're currently assigned motor vehicle theft 12 activities. They're currently assigned the racing 13 commission component of overseeing racing facilities in 14 the state, and they also deal with the ten most wanted 15 search process. So their activity is diversified. So 16 we want to remove the motor vehicle inspection -- excuse 17 me, motor vehicle investigator title and identify the 18 criminal investigators and keep them in their. 19 Our other process is Identity Theft Fraud. 20 Currently our Identity Theft Fraud unit is in the Driver 21 License Division. We have approximately 15 commissioned 22 officers who manage that program in the driver license 23 component. We believe, and also Deloitte says, that 24 will be better suited in the Criminal Law Enforcement 25 component. So we believe we'd like to move that</p>

<p style="text-align: right;">14</p> <p>1 component over in our Criminal Law Enforcement division. 2 We also have a Cyber Crimes Unit that's involved in the 3 Narcotic Division, and we would also keep them within 4 that particular component as aligned in the Deloitte 5 study. So those are the recommendations we'd like to be 6 considered for those particular components. 7 Now we talk about intelligence and 8 counterintelligence division. One of the most critical 9 things that we have had brought before us is our 10 inability to be able to go out and do the things from an 11 intelligence and counterintelligence directive that's 12 identified in the Deloitte study. Our approach to 13 resolving those issues is creating another division, 14 identify them as the intelligence/counterintelligence 15 division, bring in the bureau of information analysis 16 which is a group of analysts who do all the specific 17 work in support of the law enforcement component 18 gathering data, nationwide and within this state to 19 eradicate crime. 20 We believe that we need to develop this 21 particular unit. Now, this unit was developed before 22 but there was some issues with it, and we want to 23 address those issues. When we first brought the bureau 24 of information analysis in place, we brought 140 or 50 25 people into one component. The investigators called in</p>	<p style="text-align: right;">16</p> <p>1 can to bring them up to the level so they can provide 2 the service that we need for the fusion center in this 3 state. That's our objective from that. We'll also take 4 some of these particular investigators and support it 5 from a criminal intelligence component, and we'll make 6 sure that component is in place. 7 Currently, we would like to add a special 8 operations unit to this component. The special 9 operations unit will consist of SWAT team members, dive 10 team members, and the Governor's protective detail 11 component. They will be managed and supervised out of 12 this. The SWAT team unit and the dive team unit will be 13 specialized. That will be the only job that they do. 14 Currently our system is they're troopers. When we get a 15 SWAT call out, they grab all their gear and they run and 16 try to get to the particular incident and address that. 17 Our dive team members are the same way. They're all 18 over the state. They run, grab their gear, try to 19 compile and go and do a dive operation. 20 We suggest specializing these components, 21 that 's the only work they do. When they are not doing 22 those things, we suggest they become strike teams 23 capable to go to any county incident or area that we 24 have to address those particular issues that might be 25 currently going on. We also ask them to do another</p>
<p style="text-align: right;">15</p> <p>1 to get an analyst. They got one and they had to go back 2 and tell them all the history of what occurred in that 3 particular investigation. We suggest that in the bureau 4 of information analysis, they be broken down to support 5 all these other initiatives. 6 We put so many analysts to our narcotics 7 component, so many analysts to our Ranger component, so 8 many analysts to our fusion center component, so many 9 analysts to our criminal intelligence component and 10 break them out so they become specialized and they know 11 ineptly what's going on within each one of those 12 activities, and they are better able to suit the service 13 of our investigators across the state. 14 In addition to that, we're developing our 15 fusion center. That process is going on here today. 16 We're trying to finalize with Austin PD their movement 17 into this facility. We're bringing in many of the 18 federal law enforcement agencies. We pretty well have 19 their facilities worked out over here. We got to try to 20 secure the perimeter of this complex as required by the 21 requirements of the fusion center and some other things 22 that we need to do to make this happen. So this is 23 going on in place. 24 Then we plan on putting all these analysts 25 in one of the most highest training components that we</p>	<p style="text-align: right;">17</p> <p>1 thing, we need to make sure that from time to time we 2 make sure that all our security components are in place. 3 They will be able to go across the state to any 4 building, Capitol, example, and make sure that our 5 security is sound by critical efforts to try to breach 6 that particular operation and identify what all the 7 weaknesses are. The counter-terrorist component, 8 they'll work to support that. And that's our thought 9 process that we drive these. 10 Now, we have these numbers laid out to the 11 side, and those numbers will change depending upon how 12 many people we decide to put in each one of these 13 particular areas of consideration. Then shifting this 14 to what one of the most critical things that we talked 15 about in Deloitte study says, your communication to 16 field operations occur at the headquarters, and it takes 17 a while before the directions get out there. And then 18 those particular individuals are creating silos where 19 they can't work together as a team to eradicate crime. 20 So our approach to this, based upon Deloitte 21 study, and I don't have this on a the chart, but we're 22 going to basically set up an operation to where we have 23 commanders. And we're going to move all the regional 24 boundaries into like operations. Let me give you an 25 example what I'm referring to. Today as we sit here in</p>

<p>18</p> <p>1 this room, we have the Highway Patrol and the Ranger 2 service, boundary lines are the same. They're the only 3 two services whose boundary lines are the same in the 4 regional operation. 5 We suggest aligning our Narcotics Division, 6 our Criminal Intelligence Division, our Motor Vehicle 7 Theft Division, boundary lines all to be aligned with 8 the rest of them. In addition to that, we believe we 9 need to realign the driver's license lines with the rest 10 of it. Currently, right now, the driver's license 11 lines, or line, with exception of Region 3 and Region 8. 12 They were not aligned when Highway Patrol made their 13 transition in 2003. So we suggest bringing all these 14 particular service in line. 15 What that would do in the theater of 16 operation is this, years ago in the 70s, the regional 17 commander was the soul and heart of the regional 18 operation. Commissioner Clowe can go to the heart of 19 that because he knew many of those guys back in that 20 time. They were the heart and soul. They fired, they 21 hired, they did all the things, and everybody addressed 22 those issues. We believe it's our direct best effort to 23 try to go back to that model. In order to do that by 24 aligning these particular regions up, give you an 25 example. If we want to do this in the Waco, which is</p>	<p>20</p> <p>1 In the 21st Century. 2 The other thing that we'd like to do, is our 3 aircraft service currently have 56 people. The 4 legislature's being gracious enough to give us enough 5 aircraft to put operations across the state so we can 6 run a 24-hour operation. Those aircraft can get up, 7 support local police departments, sheriff's department, 8 and DPS in a fashion that we've never seen before. And 9 that's a great attribute that we have going forward. We 10 have the best aircraft police operation in the world. 11 You provided us with one of the best pieces of 12 equipment, a 20 engine helicopter. It's the only one in 13 the nation of its kind that's being deployed. DPS has 14 that thanks to the legislature. We believe those assets 15 are going to help us do a better job of eradicating 16 crime in this state. 17 That's the deputy director of law 18 enforcement's responsibility to the left of this page. 19 Now, we shift to the deputy director of law enforcement 20 support to other side of the page. We believe -- and I 21 apologize -- Deloitte study says that we need to create 22 a regulatory division putting all our regulatory 23 functions under one arena. And I apologize for this. 24 We believe that we should have a regulatory division 25 where Driver License should be here by the side of this</p>
<p>19</p> <p>1 the regional office for Region 6, we'd have a Highway 2 Patrol captain there, we'll have a commercial vehicle 3 enforcement commander there, we have a narcotics 4 commander, criminal intelligence commander, a motor 5 vehicle theft commander, and we would have someone in 6 the counter intelligence component there to support them 7 from that initiative. 8 Our overall objective then would be to have 9 the regional commander be the person who, with the 10 unified command concept, would direct all the 11 activities. And his job would be to go out and work 12 with local police, sheriff's department, identify what 13 crime issues they have in that area, and come back to 14 his staff and team and say, hey, we have a drug problem 15 in a certain part of the area. We have a gang problem 16 in a certain part of the area. Let's put all our 17 resources together, aircraft and all that, to go out and 18 eradicate the crime in that particular area. 19 They then, that regional director, or 20 regional commander, would report directly to the deputy 21 director of Law Enforcement. That will be his contact. 22 The rest of these commanders would report to their 23 particular division chiefs. And so we believe by using 24 that concept of theater operation, we can affect crime 25 in a positive way in the State of Texas moving forward</p>	<p>21</p> <p>1 and all of their functions running down the side. We 2 apologize for not having it that way. 3 But you have a chief over the regulatory 4 division, a chief for the Driver License Division. The 5 regulatory division would be in charge of private 6 security, motor carrier, motor vehicle inspection, and 7 concealed handgun. And the Driver License component, 8 which is the larger component, will be responsible with 9 all of the functions supporting the Driver License 10 operation, which is significant and many. And there's 11 approximately 1,464 civilians that work in the Driver 12 License component, and there are 223 commissioned 13 officers currently there. 14 And our thought process, based upon some 15 additional information we give you today, if we can 16 transition this, based upon the Sunset recommendations, 17 we turn this into a pure civilian business model, and 18 all of these functions will be functioned in the same 19 way. Many of these functions, what they have attached 20 to them is similar. All of their administrative 21 functions has to be processed through SOAH. Everything 22 they do, processed through SOAH, and we think that's a 23 good fit for all of these particular entities within our 24 deal. 25 The other thing we do is administration</p>

<p style="text-align: right;">22</p> <p>1 division currently has fleet operation. We leave fleet 2 there. Our building program operation would remain. 3 Our general services operation would remain the same. 4 And I told you we moved the legislative liaison out and 5 them up there and this would be our administration 6 component. 7 I'm going to shift sides for a moment. 8 Finance division will be set up. There are significant 9 things going on in the Comptroller's office that will 10 hopefully help us automate many of the systems in our 11 finance component that does not exist today. The 12 Comptroller's office plans, in the next year or two, is 13 to move forward in the system to allow everything to 14 link up. Right now we've got two or three systems we 15 have to try to feed information into to get things out. 16 We're also talking about a system to where 17 we will no longer be handing out payroll checks like we 18 do. If you want to get a copy of your payroll stub, 19 you're going to go online and get a copy and print it 20 out yourself. It won't be delivered, so it'll be 21 significant to mailing. We have three ladies there at 22 the end of the month stuffing payroll checks. Every 23 month they do that significant hours every month. And 24 so with those kind of changes, we think our finance 25 division is going to be addressed.</p>	<p style="text-align: right;">24</p> <p>1 Also, our Criminal Law Enforcement 2 component, in 1995, through a grant program provided by 3 the Southwest Criminal Justice Department Division took 4 funding from that program and built a data base for our 5 criminal activity -- Criminal Law Enforcement activity. 6 It's called the CLERIS system. Many of you've heard of 7 it because it's antiquated. The other antiquated 8 component that we have is a TR-1 that the Rangers took 9 some information -- some money from funding from the 10 program they had, and they developed their TR-1 system. 11 That's their system of IT. And then we developed our 12 information management system out of some fund that we 13 started drawing from and never been properly provided 14 funding from the legislature from. 15 So we have, and Deloitte study points this 16 out clearly, that we have these silos where we can't 17 share information. That's a fact. That's a true 18 statement today. We have silos. We're trying to do 19 everything we can to match all this information 20 together. And that's why in this LAR that we are 21 presenting before the legislature, we are asking for 22 significant dollars to allow us to build in our 23 protection aligned platform in order to be able to 24 address the issues as a relating to information 25 technology.</p>
<p style="text-align: right;">23</p> <p>1 Grants and finance management, this is a 2 component we'd have to get people in place to do this 3 component, but we believe that we can do it. And this 4 is what the Deloitte study recommended. In the risk 5 management we did some research. There is no other 6 state agency that has their risk managements component 7 in the finance division. All of them in the human 8 resource division. But if this is the recommendation we 9 can go, we'll keep it over here in the finance division. 10 We did some research, and there's not a single one of 11 state agency today that have their risk management 12 component in the accounting department. So FYI that's 13 the information we did research wise. 14 Information management is the biggest 15 challenge for the agency today. Let me tell you why, 16 and we have been criticized by this significantly for 17 the last several years. In 1989 our Texas Highway 18 Patrol Division adopted some funding through a federal 19 grant and they developed a LEADS system, Law Enforcement 20 Automated Data System is what it was called, LEADS. 21 Today it's called Automated Information System. They 22 used those funds to build a system so they could 23 automate their data. We've asked for funding from 24 legislatures in previous session, you can go back and 25 check, to kind of help us address this.</p>	<p style="text-align: right;">25</p> <p>1 So we're asking for this enterprise 2 platform. In one branch we'll have the Driver License 3 technology component set aside, the cost of Driver 4 License reengineering, and all the intricate things 5 associated with that. In another component we'll have 6 the law enforcement technology. That's critical to us. 7 If we can get the law enforcement technology today -- we 8 talk about this, about sharing information. This agency 9 stores all the data for all law enforcement in this 10 state. It also links to all other connections 11 throughout the nation. 12 So it's critical that we get this particular 13 component this legislative session. If we don't, the 14 boot's on the ground won't mean a thing. Because our 15 systems, as I told you, were developed in 1989, 1995 and 16 they are at the end of their life, and we're holding 17 them together as best we can. So we need some help in 18 getting those things from the session. 19 The other thing I'll tell you about this is 20 from this perspective is that if we can get the law 21 enforcement technology right today, the Highway Patrol 22 troops cannot pull up any information on their in-car 23 computers associated with criminal activity on an 24 individual that they might need help stopped on the road 25 that our Criminal Law Enforcement people have a book on,</p>

<p style="text-align: right;">26</p> <p>1 or our narcotics people have information on. They can't 2 pull that information up on the side of the road, which 3 can be a safety issue. If they had that information, 4 and then they had a John Doe stopped, and they know John 5 Doe has been being hauling dope up and down the road, 6 that's good information to have while you have John Doe 7 stopped on the side of the road.</p> <p>8 The other information that would be 9 critical, our Criminal Law Enforcement who do 10 significant investigations, they do not have the ability 11 to link into Highway Patrol data. There are 2.5 million 12 traffic stops made by the Highway Patrol, and there are 13 probably 1.5 million traffic stops made by the Criminal 14 Law Enforcement. So you're talking about five million 15 records that a Criminal Law Enforcement person could 16 pull up, and he's working the case on John Doe, he can 17 track whether John Doe's been stopped by a Highway 18 Patrol anywhere in the state of Texas. He can track his 19 movement anywhere.</p> <p>20 We also need to provide that kind of 21 information to the local police and the sheriff's 22 Department. It would be vital information. So if we 23 can get this information management component in place, 24 it would move us leaps and bounds in law enforcement in 25 the state. And we checked with other states, many of</p>	<p style="text-align: right;">28</p> <p>1 them, two years out, they're gone. So those are 2 challenges that are real in this organization. And they 3 are something that we're going to have to address. So 4 our recruiting deal, \$14,000 is what we provided for 5 advertisement last year. \$14,000, that's the money 6 provided. So we need to try to ask the legislature for 7 some funding to address -- help us with recruiting and 8 retaining our people.</p> <p>9 Our training component, we have 15 guys 10 assigned to training. And we are provided by statute to 11 provide training to law enforcement, not only in DPS but 12 all the local law enforcement in the state of Texas. We 13 try to do that, and that's the challenge with this many 14 people. So what we do is we bring these troopers in 15 from the field, and that's what they do, they purport 16 this training mechanism. So now we're taking 100 troops 17 off the record, come in here and train these troopers, 18 these particular employees, and then send them back out. 19 So that's a challenge.</p> <p>20 And our thought process, if we can build our 21 facility out in Florence, enhance the number of 22 personnel there and create the best possible training 23 program we can in the country, we'll be far, far ahead 24 of anybody that -- in competition with us from a law 25 enforcement perspective. Employee relations is in this</p>
<p style="text-align: right;">27</p> <p>1 them don't have this ability either. But we want to be 2 on the leading edge of doing these kind of things.</p> <p>3 Moving from there over into our Human 4 Resource Division, that's critical because we have 5 probably 8,200 and some-odd FTEs in this particular 6 agency. And we talk about talent, developing talent, 7 retaining talent and all of that. We spend -- we have 8 no funds appropriated for advertisement in this agency. 9 For years and years, the Department of Public Safety 10 lived on this reputation, hey, everybody wants to get 11 in. That's no longer in existence today. It's all 12 about what can you do for me right now from a pay 13 perspective.</p> <p>14 And we believe that we need to address this 15 from a pay perspective. And there's a proposal in the 16 LAR asking for a significant pay increase. We believe 17 that we need to talk about and address the issues as 18 associated with many of these people today. We end up 19 training all of these analysts, all 159 of them we 20 train. Their salary is such that when in two years of 21 us training them, getting all this high clearance, 22 within two years they can leave us and go to a federal 23 program and double their money. So we become a training 24 ground because we can't pay them.</p> <p>25 Our IT people are the same way. We train</p>	<p style="text-align: right;">29</p> <p>1 particular arena. Psychological service. We started 2 off with four or five people. That's doubled now. We 3 have 15 people. We have seven -- we have seven regions. 4 We have a -- two psychological people in each region. 5 Our EEO program is in place, and we need to try to 6 ensure that our human resource division is sound.</p> <p>7 So we're suggesting -- here's what we're 8 suggesting. We're suggesting that we create a human 9 resource division, chief or whatever name you want to 10 label it, we already have information management, 11 finance administration. We ask that we create a 12 regulatory division. We ask that we create an 13 intelligence/counterintelligence division, and a law 14 enforcement service division and add a deputy director 15 of law enforcement support to address the findings in 16 the Deloitte study. And we think if we can get that 17 done, we are in the right direction for the future of 18 this agency.</p> <p>19 MR. STEEN: Question. I'm trying to 20 understand -- normally when you see an organizational 21 chart, when you see a box below, a box, it's a reporting 22 relationship. But that's not what you're -- that's not 23 how this is set up.</p> <p>24 COLONEL BECKWORTH: That's correct.</p> <p>25 MR. POLUNSKY: You're just stacking.</p>

<p style="text-align: right;">30</p> <p>1 COLONEL BECKWORTH: I'm stacking. 2 MR. STEEN: And this is the way -- when you 3 see that, you can see -- 4 COLONEL BECKWORTH: Right. Right. But we 5 did not create it in that form and fashion. This is one 6 that we put together. So you're correct. It would be 7 process -- reporting process would be set up a different 8 way. But I will tell you that all of these particular 9 entities report to this particular division chief. All 10 of these particular entities would report to this 11 division chief. All of these would report to this one. 12 And here, we have regulatory people would report to the 13 regulatory chief, and the Driver License people would 14 report to the Driver License chief. 15 MR. STEEN: So the fact that they're 16 stacked, that's really -- 17 COLONEL BECKWORTH: Well, we -- 18 MS. BARTH: I think direct reports are going 19 to each one of the deputy directors. 20 COLONEL BECKWORTH: How many direct reports, 21 you would have one, two, three, four, five here plus the 22 eight regional people -- seven regional people. We 23 don't link this to our Governor's operation downtown. 24 We wouldn't have it tied that way. And over here, you'd 25 have one, two, three, four, five direct links.</p>	<p style="text-align: right;">32</p> <p>1 MR. CLOWE: You do not identify reporting 2 structure. 3 COLONEL BECKWORTH: That is correct, sir. 4 MR. STEEN: I have a couple questions, but I 5 don't want to -- 6 MR. POLUNSKY: No, no. Please, go ahead. 7 MR. STEEN: For a new person, tell me what a 8 fusion center is and why there's a question mark next to 9 it. 10 COLONEL BECKWORTH: The term, fusion center, 11 has the -- the linkage of all of your intelligence 12 components bringing them into (Inaudible), bringing 13 local police agencies intelligence components into this 14 center, bringing sheriff department intelligence 15 components from all over the state into this center, and 16 bringing -- state additional state -- Parks & Wildlife, 17 TABC, those people have an office positioned back there. 18 The Attorney General's Office have a spot back there; 19 bringing all those in. 20 And then you have a federal component, the 21 FBI, CIA, all of those particular people would have an 22 office here. So now you're bridging all their 23 intelligence information that they have, all these 24 entities have into one deal, fusing it together. And 25 the reason there's a question mark there is we're not</p>
<p style="text-align: right;">31</p> <p>1 MR. STEEN: Just to be clear, when I'm 2 looking at this, say you're look at the Criminal Law 3 Enforcement Division -- 4 COLONEL BECKWORTH: Yes, sir. 5 MR. STEEN: -- and you have the four boxes 6 under there, what you're saying is that each of those 7 areas would report -- as between each other, they're 8 not -- 9 COLONEL BECKWORTH: There -- there's a -- 10 there's a commander of narcotics, a commander of 11 criminal intelligence, a commander that would be in 12 identity theft, and someone in cyber crimes. Each one 13 of these individuals report to this one person here. 14 And there's an assistant to this individual there to 15 support the operations. 16 MR. STEEN: So the criminal investigation is 17 not in some sense supporting their narcotics, that's 18 what that would tell me. 19 COLONEL BECKWORTH: Right. Right. He would 20 be reporting -- he would jump from over narcotics and 21 talk to the chief of -- assistant chief of that 22 division. 23 MR. CLOWE: Another way to say that is you 24 just identify functions -- 25 COLONEL BECKWORTH: Yes, sir.</p>	<p style="text-align: right;">33</p> <p>1 sure exactly how many people we will bring. We believe 2 we have enough FTEs in the existing criminal 3 intelligence -- Criminal Law Enforcement Division to 4 fill the numbers that are necessary for the fusion 5 center here. And that's why the question mark, we're 6 not sure exactly how many people there would have to be. 7 Once we got all the law enforcement in place we would 8 know how many that would be. 9 MR. POLUNSKY: And I would imagine, Colonel, 10 that's one of the reasons that we may be a little behind 11 the curve, as far as getting this fusion center set up. 12 COLONEL BECKWORTH: That's correct, sir. 13 MR. POLUNSKY: So now there are a couple of 14 other fusion centers in the state that probably should 15 not have been created; we should have probably had them. 16 COLONEL BECKWORTH: Had we had one in place, 17 these others would not be necessary. Houston has one. 18 Dallas has one. So we are -- and Austin PD is trying to 19 put theirs together, but we've convinced them to come 20 join the team. So that's where we are. 21 MR. POLUNSKY: Certainly the logical site 22 for a fusion center in this state -- 23 COLONEL BECKWORTH: Is here. 24 MR. POLUNSKY: -- Is in this building. 25 COLONEL BECKWORTH: That's correct. That's</p>

<p style="text-align: right;">34</p> <p>1 a fact.</p> <p>2 MR. POLUNSKY: And everybody should be</p> <p>3 brought in here. But -- but --</p> <p>4 COLONEL BECKWORTH: But because of issues,</p> <p>5 we don't have them here.</p> <p>6 MR. POLUNSKY: They're not here now. But</p> <p>7 hopefully in the future, if this is developed properly</p> <p>8 and funded adequately and so on, then that's the</p> <p>9 direction that, theoretically, everybody should be</p> <p>10 headed.</p> <p>11 COLONEL BECKWORTH: That's correct, sir.</p> <p>12 MR. POLUNSKY: I'm sorry, Mr. Steen.</p> <p>13 MR. STEEN: Well, would you go over the</p> <p>14 major ways that your proposed organizational chart</p> <p>15 differs from what was recommended by Deloitte.</p> <p>16 COLONEL BECKWORTH: I'll do that.</p> <p>17 Deloitte's basically says that we want you to achieve</p> <p>18 these particular activities by going back and adding a</p> <p>19 significant number of resources to address this issue.</p> <p>20 And we believe that we can do it from a standpoint of</p> <p>21 existing staff with the few additions, five new</p> <p>22 additions, compared to the number that Deloitte is</p> <p>23 saying we need to achieve this objective.</p> <p>24 They're telling us we need a human resource</p> <p>25 management. That, we talked about, a -- they're saying</p>	<p style="text-align: right;">36</p> <p>1 MS. BARTH: I guess I don't read it that</p> <p>2 way. That's where I'm struggling. I think we have it</p> <p>3 pretty well set up that way. Whether or not with each</p> <p>4 of those boxes we have the right people --</p> <p>5 COLONEL BECKWORTH: Yes, ma'am.</p> <p>6 MS. BARTH: -- is another decision. But as</p> <p>7 I understand, procurement report's right in there right</p> <p>8 now. So I'm a little confused on -- I'm still not</p> <p>9 reconciling --</p> <p>10 COLONEL BECKWORTH: Procurement is in there.</p> <p>11 All of our information, as you well know because of some</p> <p>12 concerns that we've had, we have all of our inventory</p> <p>13 components that are going into that particular region.</p> <p>14 MS. BARTH: But they're all reporting into</p> <p>15 one deputy.</p> <p>16 COLONEL BECKWORTH: Yes. Deputy and his --</p> <p>17 the assistant.</p> <p>18 MS. BARTH: Okay. So what's different --</p> <p>19 COLONEL BECKWORTH: From the Deloitte study?</p> <p>20 MS. BARTH: Yeah.</p> <p>21 MR. POLUNSKY: I think it's just the top</p> <p>22 line.</p> <p>23 MS. BARTH: I think essentially that's what</p> <p>24 we have.</p> <p>25 COLONEL BECKWORTH: Yes, ma'am.</p>
<p style="text-align: right;">35</p> <p>1 create another group of people at this level, a CFO, an</p> <p>2 assistant director of finance, information technology</p> <p>3 CIO, CIO for assistant director of administration, human</p> <p>4 resources. They're telling us that we need a license</p> <p>5 and regulatory deputy director. That's the part we're</p> <p>6 saying. They're telling us that we need --</p> <p>7 MS. BARTH: Let me ask you a question on</p> <p>8 that, because I may disagree there. Let's take the</p> <p>9 finance office. Who all reports into our chief financial</p> <p>10 officer which functions?</p> <p>11 COLONEL BECKWORTH: The functions?</p> <p>12 MS. BARTH: Currently.</p> <p>13 COLONEL BECKWORTH: Currently we have</p> <p>14 accounting and budget control, we have our grant program</p> <p>15 which is managed in there, and we have all of our</p> <p>16 travel, all those particular components are addressed by</p> <p>17 the chief and the assistant chief and several managers.</p> <p>18 MS. BARTH: Okay. So now what is different</p> <p>19 with that than what's Deloitte saying?</p> <p>20 COLONEL BECKWORTH: Deloitte's saying that</p> <p>21 we need someone that in this finance component that's</p> <p>22 freed up to look for other ways to draw financial</p> <p>23 issues, to be a facilitator and manage all of these</p> <p>24 operations. And they're telling us that we need to do</p> <p>25 it by adding all these other components, which --</p>	<p style="text-align: right;">37</p> <p>1 MS. BARTH: Okay. So maybe Deloitte's just</p> <p>2 pulled it out, but functionally I think that's what we</p> <p>3 have going on right now.</p> <p>4 COLONEL BECKWORTH: I think you're correct.</p> <p>5 MS. BARTH: Okay.</p> <p>6 MS. BROWN: Help me out here, question just</p> <p>7 to make sure I'm reconciling these correctly. On the</p> <p>8 narcotics, on proposal that you and the Colonel are</p> <p>9 suggesting.</p> <p>10 COLONEL BECKWORTH: Yes, ma'am.</p> <p>11 MS. BROWN: I want to make sure I'm</p> <p>12 understanding that. The structure of that in your</p> <p>13 proposed plan versus the structure here, am I reading</p> <p>14 for that particular division it would really be the</p> <p>15 same, narcotics, that you've got these five sub</p> <p>16 divisions under CLE? Narcotics, and you've got these</p> <p>17 five.</p> <p>18 COLONEL BECKWORTH: It's the same format</p> <p>19 that's here.</p> <p>20 MS. BROWN: Got ya.</p> <p>21 COLONEL BECKWORTH: It's shifted the other</p> <p>22 way, but that's the same format. The only difference</p> <p>23 would be over here, and they're showing it, too, is this</p> <p>24 theater of operations one to eight regions, they're</p> <p>25 showing it over here and I'm not showing it on this</p>

<p style="text-align: right;">38</p> <p>1 particular chart. I described it from the theater of 2 operation, but I'm not showing it on that particular 3 chart. 4 MS. BROWN: Okay. So but just for example, 5 in that division, so even though you've mentioned, like 6 you said the region -- the regional component of it, it 7 would still report to the law enforcement deputy 8 directors, so it's essentially the same. 9 COLONEL BECKWORTH: Same. 10 MS. BROWN: Okay. 11 COLONEL BECKWORTH: That's correct. 12 MS. BROWN: Okay. Wanted to make sure I'm 13 reading those right. Thank you, sir. 14 COLONEL BECKWORTH: To kind of go a little 15 bit in depth, if y'all we prefer, we can go a little 16 deeper into this. One of the things that was brought to 17 our attention was this state, after 9/11, had some 18 significant issues with communication. Significant. 19 The agency has tried its best to try to address these 20 specific issues, and funding has provided to the agency 21 in aspect of inoperability. And Department of Public 22 Safety has been identified as the gatekeeper for all 23 state agencies' communication, for every state agency; 24 Health & Human Services, all of them. We are the people 25 that's overseeing the communication component, emergency</p>	<p style="text-align: right;">40</p> <p>1 ability to communicate with one another. That's our 2 objective and goal. That's been a challenge for all 3 state police agencies and all law enforcement since 4 9/11, and we believe this plan addresses those specific 5 issues going forward. And we'd like to introduce 6 that -- as a matter of fact, this direction we adopted 7 this plan January 1st of 2009. It's actually in place 8 today, this particular plan. 9 And going beyond that, Bureau of Information 10 Analysis is another component. I'm not going to go into 11 this, but I'll show you a breakdown of how we plan to 12 move forward in creating the support using those 150 13 some-odd analysts I told you about, and how they will 14 support each one of these particular services, and how 15 they'll specialize their abilities going forward. Mind 16 you, I told you about the salary that these people was 17 critical. We train them, they get this specialized 18 clearance, FBI, CIA, all these different hire them from 19 us. So we need to address that. But that's what these 20 particular position are and how they support that 21 component. 22 MS. BARTH: Can I ask you a question? 23 COLONEL BECKWORTH: Yes, ma'am. 24 MS. BARTH: Just so I understand, what I'm 25 looking at is essentially adding two deputy directors,</p>
<p style="text-align: right;">39</p> <p>1 management and all of these. 2 Dollars are provided for this particular 3 program. We believe going forward we need to re-shift 4 our thought process. We had these particular 5 components. Our RHF component was in administration, 6 consisted of three people working independently over 7 there by themselves. Our components linking our 8 equipment that went in automobiles was down at fleet 9 operation. We have 14 technicians who are out in the 10 field that work for fleet operation. However, they are 11 supervised mainly by the Highway Patrol out there. 12 And we have these 34 communication 13 facilities across the state that was in Highway Patrol 14 and they were managed by the regional commander. We 15 want to free the regional commander up to be able to do 16 the job in eradicating crime, so we're moving the 17 communication component from them and putting it up 18 under a director of communication and creating our 19 communication coordination, our mobile technology 20 information, in-car component. 21 And we have the wildest (Inaudible) 22 inoperability coordinator. This person is seeing all of 23 the operations for the state at the state level, at the 24 local level and all. We're bridging our communications 25 together so that any incident we have, we don't lose the</p>	<p style="text-align: right;">41</p> <p>1 so to speak, one over law enforcement and one over -- 2 COLONEL BECKWORTH: Law enforcement support. 3 MS. BARTH: Well, you could call it 4 support -- 5 COLONEL BECKWORTH: Yes, ma'am. 6 MS. BARTH: Administration -- 7 COLONEL BECKWORTH: Yes, ma'am. 8 MS. BARTH: -- IT, finance, which is -- 9 which is essentially adding another deputy director; is 10 that right? 11 COLONEL BECKWORTH: Yes, ma'am. 12 MS. BARTH: Okay. Just wanted to make sure 13 I understand. 14 COLONEL BECKWORTH: Previously -- 15 MS. BARTH: And then -- one second. 16 COLONEL BECKWORTH: Okay. 17 MS. BARTH: And then each of those functions 18 we have one person who would oversee -- I'd say all -- 19 let's take administration, you have one person called an 20 assistant director, whatever you want, who would oversee 21 that group of boxes; is that right? 22 COLONEL BECKWORTH: That's correct. 23 MS. BARTH: Okay. So I still am not 24 following -- 25 COLONEL BECKWORTH: The administration</p>

<p style="text-align: right;">42</p> <p>1 division that currently exists today, and they oversee 2 the fleet operations down at the shop. 3 MS. BARTH: Right. 4 COLONEL BECKWORTH: Then our Building 5 Programs Unit is also apart of our administration 6 division, and they make sure that the boats and all the 7 things, and light bulbs are on all around these 8 different complexes, not only here, but in the field. 9 And our general services component is the one that makes 10 sure our manuals and all those particular deals, all the 11 supplies and processes, our uniforms and all those 12 things are in place. All these things have familiarity 13 to one another, and the administrative division is the 14 one that support that. They support the law enforcement 15 function. 16 MS. BARTH: But then you would have still an 17 assistant director that would oversee all those others 18 still. 19 COLONEL BECKWORTH: Right. And then that 20 person would have an assistant to them. So it'd be -- 21 like now we have a chief and an assistant chief. 22 MS. BARTH: Okay. Okay. But then that 23 person would then report to what I call the second 24 deputy. 25 COLONEL BECKWORTH: That's correct.</p>	<p style="text-align: right;">44</p> <p>1 What I'll tell you is the things that are most 2 significant, and I don't think we disagree upon them, is 3 our IT issue. That's important to what we do, and we 4 had some significant issues there. We have the ability 5 here to take our Driver License component. Let me tell 6 you about that. We're talking about 23 to 24 million 7 people who reside in this state. We currently have 8 process -- Chief Brown, where are you? 9 There are probably 17 million Driver License 10 records in our system. And when you go back and look at 11 what we've been appropriated for the previous years, 12 we've been getting very little to continue to manage 13 that. And so in our big office, you see a line at 7:00 14 around the building. That'll never go away unless we 15 get the resources we need to drive that. So those 16 things that were brought out by Sunset and brought out 17 by this particular study are real issues that we need 18 funding and resources to move forward. 19 So I think our ideas and views were 20 significantly similar. I'm not sure -- the only -- the 21 other component I would tell you is our Intelligence 22 count. We -- they enlightened us in reference of where 23 we should be in in that intelligence. If anything I'll 24 tell you, that's where -- that's the most significant. 25 MR. CLOWE: Colonel, let me try to help you</p>
<p style="text-align: right;">43</p> <p>1 MS. BARTH: I don't think there's a 2 difference to what you have up there to what Deloitte is 3 showing us unless I'm missing something here, at least 4 with respect to the right side. 5 COLONEL BECKWORTH: I think you're correct. 6 We believe that we can achieve -- these are focussed on 7 the findings. We believe that with the current 8 administration that we have plus the addition to the 9 five additional components we're asking you to consider 10 today, that we can start immediately to make these 11 things happen. We bring the project manager in and help 12 us not only address this, but address the other things 13 that we need to going forward. That's our thought 14 process. And this is the mindset of the division chiefs 15 that are in this room, and are very supportive of moving 16 forward with this. 17 MR. STEEN: Colonel, I'll ask you again, we 18 had Deloitte come in and do a study, paid a good amount 19 of money for it. And I'm trying to get the big picture 20 here. But if you had to list maybe the three major ways 21 that what you all are suggesting, various from Deloitte, 22 what would those be? 23 COLONEL BECKWORTH: Various from Deloitte? 24 MR. STEEN: Yes. 25 COLONEL BECKWORTH: That's a tough one.</p>	<p style="text-align: right;">45</p> <p>1 answer -- 2 COLONEL BECKWORTH: Thank you, Commissioner. 3 I need -- 4 MR. CLOWE: -- Mr. Steen's question. 5 COLONEL BECKWORTH: I need help. 6 MR. CLOWE: If I were standing where you are 7 and answering commissioner Steen's question, I would say 8 these are the three things -- 9 COLONEL BECKWORTH: Okay. 10 MR. CLOWE: -- that are most important. You 11 and Colonel Clark and the chiefs agree with the 12 findings -- 13 COLONEL BECKWORTH: Yes, sir. 14 MR. CLOWE: -- of Deloitte, the Sunset 15 committee, the promotion policy, the issue of conversion 16 to civilian model for Driver License on the findings of 17 the study, which we paid almost a million dollars to 18 have; you're in agreement? 19 COLONEL BECKWORTH: Yes, sir. 20 MR. CLOWE: Secondly, you feel the 21 presentation you're making this morning represents an 22 organization that will achieve those findings and move 23 the agency forward. But it's done in a different way 24 and you're using the resources that are in place to 25 create economies that are not representative of Deloitte</p>

<p style="text-align: right;">46</p> <p>1 presentation.</p> <p>2 COLONEL BECKWORTH: Very well.</p> <p>3 MR. CLOWE: The third thing that I see</p> <p>4 coming up in your presentation which would be part of my</p> <p>5 answer, is that because of your institutional knowledge</p> <p>6 and your working knowledge, you are putting greater</p> <p>7 emphasis in your presentation on weak areas that you</p> <p>8 feel rise above ore areas that need special attention.</p> <p>9 COLONEL BECKWORTH: That's correct.</p> <p>10 MR. CLOWE: Those would be my three points</p> <p>11 to make with Commissioner Steen if I were --</p> <p>12 COLONEL BECKWORTH: Appreciate that.</p> <p>13 MS. BARTH: I'm going to help you a little</p> <p>14 bit more here --</p> <p>15 COLONEL BECKWORTH: All right.</p> <p>16 MS. BARTH: -- okay? Between the two</p> <p>17 different studies, or what you're suggesting, one is an</p> <p>18 additional deputy --</p> <p>19 COLONEL BECKWORTH: Yes.</p> <p>20 MS. BARTH: -- okay, is the first one that</p> <p>21 stands out to me. Number two is capturing what the</p> <p>22 legislation -- the legislature has with respect to the</p> <p>23 Texas Rangers and where Deloitte put it in and where it</p> <p>24 has to go --</p> <p>25 COLONEL BECKWORTH: That's correct.</p>	<p style="text-align: right;">48</p> <p>1 group has to support that and they support it with no</p> <p>2 other people. They don't get anybody. So they end up</p> <p>3 borrowing a few people from here to there to carry out</p> <p>4 these initiative, and that's a challenge for them. But</p> <p>5 what would help them more than anything is to automate</p> <p>6 our systems. And if we can get the IT component, if the</p> <p>7 other entity that we have to deal with, such as the</p> <p>8 Comptroller's office, automate us, the direct process</p> <p>9 for us, it will enhance our ability to do our job.</p> <p>10 MS. BARTH: Well, on your recommendation you</p> <p>11 have not pulled procurement out.</p> <p>12 COLONEL BECKWORTH: No, ma'am, I have not.</p> <p>13 MS. BARTH: I'd like to see it pulled out.</p> <p>14 COLONEL BECKWORTH: Okay.</p> <p>15 MR. POLUNSKY: Have you had any discussions</p> <p>16 with people at Deloitte, your ideas, your changes?</p> <p>17 COLONEL BECKWORTH: No, sir, I have not had</p> <p>18 much discussion with Deloitte. Many of those members</p> <p>19 are no longer with Deloitte. I've tried to talk to</p> <p>20 them. The project manager, he left and went to another</p> <p>21 firm. Another guy left and went to another firm. So</p> <p>22 I've not had much discussion.</p> <p>23 MR. POLUNSKY: What'd you do to all those</p> <p>24 people?</p> <p>25 COLONEL BECKWORTH: But -- but --</p>
<p style="text-align: right;">47</p> <p>1 MS. BARTH: -- based on legislation, would</p> <p>2 be my second observation. And then I guess the third</p> <p>3 observation that I see -- actually, three and four,</p> <p>4 Deloitte has media relations sort of imbedded down</p> <p>5 below. We brought it up to more importance. And</p> <p>6 fourth, is the general counsel would report to the</p> <p>7 director as opposed to (Inaudible) a dotted line to the</p> <p>8 commissioners, would be the things that stand out to me.</p> <p>9 Deloitte also has procurement, which you haven't gone</p> <p>10 into. I'm not sure where it is on this, but Deloitte</p> <p>11 pulled it out of finance.</p> <p>12 COLONEL BECKWORTH: They pulled it out of</p> <p>13 finance.</p> <p>14 MS. BARTH: And I don't know where you have</p> <p>15 it now. Do you have it pulled out of finance or not?</p> <p>16 COLONEL BECKWORTH: Don't have it pulled out</p> <p>17 of finance. And I made a statement early on that things</p> <p>18 are going on to automate a lot of things. Our system is</p> <p>19 such that -- that we don't have many things that's</p> <p>20 automated. If you go in our -- our finance department,</p> <p>21 the people are doing the best they can with what they</p> <p>22 have.</p> <p>23 Let me tell you another thing about this.</p> <p>24 Every single legislative session we go down, we get new</p> <p>25 initiatives; \$30 million, \$50 million. That finance</p>	<p style="text-align: right;">49</p> <p>1 MR. CLOWE: Good question.</p> <p>2 COLONEL BECKWORTH: But it was a valuable</p> <p>3 lesson, especially for me to learn how they went about</p> <p>4 doing what they did.</p> <p>5 MR. STEEN: Tell me again the project</p> <p>6 manager's name. Was he the one that made the</p> <p>7 presentation at the meeting?</p> <p>8 COLONEL BECKWORTH: No. No, that's not the</p> <p>9 project -- the project manager's Felicia (Inaudible)</p> <p>10 Mr. Cooper. Robert Cooper was the administrator of that</p> <p>11 program. Felicia, I can't think of Felicia's -- Felicia</p> <p>12 Lyons. So we had -- our onsite project manager was</p> <p>13 Felicia Lyons. Robert Cooper was the offsite project</p> <p>14 person out of Chicago who was handling that component.</p> <p>15 MR. STEEN: And the man that made the</p> <p>16 presentation --</p> <p>17 COLONEL BECKWORTH: He is a -- I'm assuming</p> <p>18 an entity that works with them locally here that was</p> <p>19 facilitating activities here.</p> <p>20 MR. POLUNSKY: He's our partner here in</p> <p>21 Austin.</p> <p>22 MR. STEEN: Tell me his name again.</p> <p>23 ROB THRASH: The gentleman that presented</p> <p>24 was Drew Beckley.</p> <p>25 COLONEL BECKWORTH: Drew Beckley. Thank you</p>

<p>50</p> <p>1 very much. Drew Beckley.</p> <p>2 ROB THRASH: (Inaudible) local partner.</p> <p>3 MR. STEEN: Is someone here from Deloitte?</p> <p>4 COLONEL BECKWORTH: I'm not sure.</p> <p>5 UNIDENTIFIED MALE SPEAKER: Yes.</p> <p>6 UNIDENTIFIED FEMALE SPEAKER: Yes.</p> <p>7 ROB THRASH: I'm here. I was -- my name's</p> <p>8 Rob Thrash. I was not part of the project team but I</p> <p>9 worked with the local state of Texas team as well.</p> <p>10 MR. STEEN: Would you be in a position --</p> <p>11 Chairman Polunsky has a good question. Would you be in</p> <p>12 a position to respond to this -- this proposal?</p> <p>13 ROB THRASH: I really -- since I was not</p> <p>14 part of the actual client service delivery team, I</p> <p>15 really don't feel like that'd be appropriate. I'll be</p> <p>16 glad to -- to follow up and get input back to you.</p> <p>17 MR. POLUNSKY: Are there any questions?</p> <p>18 MR. STEEN: Well, Mr. Chairman, I think that</p> <p>19 I -- I may be alone on this, but I would feel more</p> <p>20 comfortable -- we -- we had the suggestion of Deloitte.</p> <p>21 We now have the staff having come up with their thoughts</p> <p>22 on it. I would like to hear back from Deloitte in terms</p> <p>23 of how they'd respond to what the staff has come up</p> <p>24 with.</p> <p>25 MR. POLUNSKY: Yeah, we can certainly do</p>	<p>52</p> <p>1 to remember what you don't see on this chart is the --</p> <p>2 the PMO here that we're going to hire. That -- this is</p> <p>3 going to get us the momentum moving in the right</p> <p>4 direction.</p> <p>5 We're going to put people in these places.</p> <p>6 There's five positions that need to be filled in order</p> <p>7 to actually get this skeleton complete. The PMO will</p> <p>8 come on board and through the next two years help us</p> <p>9 flesh out even more as the Deloitte study has required.</p> <p>10 But we have priced this out. As I stated in my opening</p> <p>11 comment, this is doable, it's affordable with our</p> <p>12 existing personnel and infrastructure with the exception</p> <p>13 of five individuals that we need to -- to fill. And</p> <p>14 Colonel Beckworth pointed those out.</p> <p>15 Our people understand this perfectly. If</p> <p>16 you just look at this line right across the top, those</p> <p>17 are our existing chiefs right now. That's David Baker,</p> <p>18 that's Joe Ortiz, Valerie Fulmer -- although she's right</p> <p>19 here -- Oscar Ybarra. And so that -- that kind of tells</p> <p>20 you where we are. But I think that -- again, we've</p> <p>21 looked at this Deloitte study now for a couple of</p> <p>22 months. We've had meetings. The chiefs, the upper</p> <p>23 management, they're all on board. We're enthusiastic.</p> <p>24 We want to get moving on this. And we feel that the</p> <p>25 time is right. Again -- yes, ma'am.</p>
<p>51</p> <p>1 that. That would delay this process to some degree.</p> <p>2 But --</p> <p>3 COLONEL CLARK: Mr. Chairman.</p> <p>4 MS. BARTH: How do you want to approach it</p> <p>5 if you don't agree?</p> <p>6 MR. POLUNSKY: Right.</p> <p>7 MS. BARTH: The boxes, so to speak here. I</p> <p>8 have some disagreements.</p> <p>9 MR. POLUNSKY: Well, I -- there are certain</p> <p>10 things that jump out at me as well. I think that if</p> <p>11 there are issues or problems or whatever, that other</p> <p>12 commissioners have with the organizational chart here,</p> <p>13 structure, that we need articulated at this point.</p> <p>14 COLONEL CLARK: If I can make one comment,</p> <p>15 and I think this will help clear up some -- some of the</p> <p>16 confusion. We have fully embraced the Deloitte</p> <p>17 recommendations, no doubt about that. They brought to</p> <p>18 light a lot of significant improvements that the agency</p> <p>19 needed to go forward with. I think one of the -- I'll</p> <p>20 call it a problem, if you will, is the way they put</p> <p>21 together their chart.</p> <p>22 Our agency, our people can much more readily</p> <p>23 identify with this organizational chart than that. We</p> <p>24 have really brought forward many of the various</p> <p>25 recommendations that they made. I think it's important</p>	<p>53</p> <p>1 MS. BARTH: I'd like to see -- before I</p> <p>2 think about approving this, I'd like to see this as an</p> <p>3 organizational chart with the boxes -- are there, you</p> <p>4 know, which I'm hearing, is that there's an assistant</p> <p>5 director head of finance, there's an assistant director</p> <p>6 head of information technology, and that these report</p> <p>7 down to that person. So it may be here in, obviously</p> <p>8 understandable by your organization,* I just don't</p> <p>9 understand it, just to lay it out to me. I see that</p> <p>10 we're adding two instead of one deputy director. That's</p> <p>11 very readily apparent to me.</p> <p>12 MR. POLUNSKY: No, we have two deputy</p> <p>13 directors.</p> <p>14 MS. BARTH: But it wasn't divided that way.</p> <p>15 COLONEL CLARK: Yeah. And, again, those --</p> <p>16 those were Deloitte recommendations. I don't think we</p> <p>17 ever approved everything that they said in that -- in</p> <p>18 their report.</p> <p>19 MR. POLUNSKY: But anything, their</p> <p>20 recommendations --</p> <p>21 COLONEL CLARK: Right.</p> <p>22 MR. POLUNSKY: -- as is this.</p> <p>23 COLONEL CLARK: Exactly. And our</p> <p>24 recommendation is we just believe through all the work</p> <p>25 that we've put into this, that this will work. We'll be</p>

<p>54</p> <p>1 able to accomplish the goals that Deloitte and Sunset 2 have laid out for the Department. We think we can do it 3 with this. That's the bottom line. 4 MR. STEEN: Colonel, help me with something 5 you are talking about the theater of operations concept, 6 and how is that overlaid onto this? 7 COLONEL CLARK: Well, it's not on this. 8 MR. STEEN: But explain that, and -- and how 9 it's -- how Deloitte addressed that and how you're 10 addressing it. 11 COLONEL CLARK: Okay. Let me just explain. 12 You'll notice here, here's one of the big issues that 13 you see over here, this -- these regional directors. 14 Okay. That's an extra layer of -- of salary, of 15 personnel, FTEs that -- that -- that Deloitte is 16 proposing, what we're proposing. 17 MR. STEEN: Where are they at? 18 COLONEL CLARK: They're -- they're right 19 here. Right here, the regional directors. If I can 20 just simplify this for you. Let's just look at the 21 Texas Highway Patrol Division right here. The Patrol 22 Division, which is our largest black and white uniform 23 services, Highway Patrol, commercial vehicle enforcement 24 and our communications. The way the theater of 25 operation works -- and I'll just use -- since I came</p>	<p>56</p> <p>1 reporting to the chief now, though, that regional 2 commander reports directly to the deputy director of Law 3 Enforcement. Because right now they're all Highway 4 Patrol majors. 5 What we're proposing is we're going to open 6 this up to any commander. It's a competitive process. 7 But it could easily be one of Tony Leal's captains that 8 decides he would like to compete for that regional 9 commanders position, that guy that's going to coordinate 10 all that activity. He would no longer report to Tony 11 Leal, he would report to Lamar Beckworth. That's the 12 theater of operations. And that would go forward in all 13 seven of our regions, not including the capital region. 14 Does that help at all? 15 MR. STEEN: Well, it's confusing because 16 those -- I don't think those positions are on there, 17 right? 18 COLONEL CLARK: No. This is a skeleton, 19 sir. I mean, this -- each one of these is broken out 20 like this. Communications, there's communications. To 21 put this on a board would be enormous. There's no way 22 on an organizational chart we can get all these exact 23 positions. But we can -- we can break each one down 24 individually for you. 25 MS. BARTH: I'm just trying to get the</p>
<p>55</p> <p>1 from Dallas, I'll give you the Dallas example. I was 2 the regional commander in Dallas. We have a Highway 3 Patrol captain there. We have a CVE captain, a Motor 4 Vehicle Theft captain, a Narcotics captain, a Ranger 5 captain, a Criminal Intelligence captain. Those are all 6 commanders of the services in a region. 7 Now, what we're proposing -- the way it 8 currently is, the regional commander is assigned to the 9 Highway Patrol. He direct reports to the chief, Chief 10 Baker. And there's eight of these regional commanders. 11 The Deloitte report expressed a desire to have a 12 regional director that would coordinate a theater of 13 operations like the military. And what Colonel 14 Beckworth tried to explain there, is let's assume that I 15 am the regional commander in Dallas. I'm going to be 16 working closely with those commanders, those captains of 17 those services, Rangers, Criminal Intelligence, 18 Narcotics, et cetera, to address crime in that region, 19 wherever it may be. 20 Now, those captains, Rangers, Narcotics, 21 they still report to their chief, which is the Criminal 22 Law Enforcement chief, Joe Ortiz. They still report to 23 him. But I coordinate their work. I assume that job of 24 a regional director working with those individuals and 25 those services to address the crime. Instead of</p>	<p>57</p> <p>1 reporting positions. 2 COLONEL CLARK: And I know it's -- 3 MS. BARTH: That's what I'm trying to -- 4 COLONEL CLARK: It's difficult. 5 MS. BARTH: Because I don't see a lot of 6 difference between this thing and what Deloitte is 7 proposing. 8 COLONEL CLARK: And that's a good thing. 9 MS. BARTH: I'm not arguing either way. But 10 I'm just trying to understand the five new positions and 11 how they interact the way it's proposing. 12 MR. POLUNSKY: Yeah. Getting back to my 13 question and -- and Mr. Steen's comments and question, 14 I'm troubled by the fact that we've got this 15 presentation from the staff, which very well may be 16 wonderful. Certainly meritorious in areas and well 17 thought out, logical and this and that. But we spent a 18 million dollars, pretty much, for this -- for this study 19 that Deloitte put together for us. And they're not here 20 to either discuss, you know, their thought process on 21 why they did this or what they think of your proposal 22 and how it differs from what they recommended and 23 whether they agree, disagree or, you know, feel that we 24 ought to consider this revision or that revision. 25 It's somewhat ignoring to some degree. I</p>

<p style="text-align: right;">58</p> <p>1 know -- I know this is the fundamental blueprint that 2 this is built on. I fully understand that. But 3 nevertheless, I mean, there's silence. There's no 4 interpretation on what this is all about as compared to 5 this. Am I making sense? 6 COLONEL CLARK: Well, yes, sir. I would 7 just say I think that we worked hard to try to 8 incorporate all of those findings that Deloitte brought 9 to our attention and just put them in a more simplified 10 organizational chart. The -- as Lamar said, the 11 intelligence counterterrorism that they show under this 12 deputy director, we have created a division for that. I 13 mean, we recognize that's important. We created that 14 division. We'll hire a chief of intelligence and 15 counterterrorism, and he will be responsible for all of 16 these -- these functions right here. 17 That's what we tried to do. We just tried 18 to simplify it into an organizational chart that looks 19 familiar to DPS institutional knowledge that we all have 20 as we work together, understanding what the 21 recommendations and findings were. We just did not -- 22 MR. POLUNSKY: Right. And -- 23 COLONEL CLARK: -- put it in their -- 24 MR. POLUNSKY: I'm not sure that the goal 25 here should be to have an organizational chart that</p>	<p style="text-align: right;">60</p> <p>1 forth. So I think the concern is obviously we paid a 2 whole lot of money to get their thoughts. You've now 3 given us your thoughts. And the concern is that -- that 4 if there is a compelling rationale for how they're doing 5 it, and maybe there's not, that we would not necessarily 6 know that if we don't hear their side to kind of rebut 7 that. They haven't been presented with this, right? 8 MR. POLUNSKY: No, they have not. 9 MS. BROWN: Okay. Got ya. So it's sort of 10 like, you know, they presented their evidence, you 11 presented yours, and now the other side kind of gets an 12 opportunity, I hate to say to cross examine, but -- 13 MR. POLUNSKY: Yeah, but unfortunately 14 they're in separate hearings. 15 MS. BROWN: Right. 16 MS. BARTH: Might I add there, I think the 17 idea's for everyone to work together. I don't -- I 18 would hope that we would come to some consensus between 19 what is -- Deloitte's recommended and what you have 20 recommended by everybody talking here. 21 MR. STEEN: But if Deloitte was here today, 22 they may very well say, we like what you're doing. We 23 understand that you had to tweak it. 24 COLONEL CLARK: Well, and the format here 25 today is a workshop. We're open for suggestions. We'll</p>
<p style="text-align: right;">59</p> <p>1 looks familiar to DPS. Part of the initiative here is 2 that there's change going on. 3 COLONEL CLARK: And we want to do that. We 4 embrace that, sir. And if it looks different than 5 theirs, our intent is not to not be the same as it 6 always has been. I just thought this was easier to read 7 and understand than what the Deloitte's organizational 8 chart was. 9 MR. POLUNSKY: And it may be. 10 MS. BROWN: Allen, if I could chime in for a 11 moment. Whenever you were kind of giving us an outline 12 what we could expect today and you made reference to 13 making a closing statement, what that made me think of 14 is kind of going back to the courtroom. And it kind of 15 comes back to me here, too. Deloitte has presented this 16 and we're familiar with their recommendations. If I'm 17 hearing you right, Allen, I think the concern is not so 18 much that the structure is different, but that you have 19 presented an alternative. 20 What we're concerned about, if we just made 21 a judgement based on what we've heard so far, is we 22 don't know necessarily what their rationale was for -- 23 they haven't seen your differences. So it's almost like 24 I'm supposed to rule on a case but I haven't given the 25 other side to tell me your thoughts about yours and so</p>	<p style="text-align: right;">61</p> <p>1 be glad to contact Deloitte, have them review this. 2 MR. POLUNSKY: Well, yeah, but, you know, 3 not -- not to be overly critical, but Drew should've 4 been standing here, or somebody from Deloitte should've 5 been standing here to participate in this discussion 6 because I think it's going to prolong this process. I 7 don't see how we can move forward on this based on your 8 presentation, which is -- which is a fine presentation. 9 But nevertheless, this is silent. Nothing is -- is 10 coming out of this. There's not interaction, there's no 11 discussion, there's no back and forth. 12 MS. BROWN: Point counterpoint without the 13 counterpoint, not to make it sound adversarial. 14 MR. POLUNSKY: I mean, I guess we could go, 15 yeah, let's do this. But -- but I don't know how we can 16 ignore that. That's my opinion. 17 MR. STEEN: Mr. Chairman, I've got a 18 suggestion. We've got a meeting next week, right? 19 MR. CLOWE: Next week. Next Thursday. 20 MR. STEEN: On the 15th? 21 MR. CLOWE: A week from today. 22 MR. STEEN: This is -- I appreciate that 23 we're trying to move things along. I talked to 24 Commissioner Clowe about it earlier. We really do want 25 to push forward, but this is so important. I agree with</p>

<p style="text-align: right;">62</p> <p>1 the Chairman. I don't know how we can pass judgement on 2 this without getting the -- seems like it would be -- 3 we'd be derelict if we didn't hear from Deloitte in 4 terms of how -- how they -- how they respond to what you 5 all have come up with. 6 MS. BROWN: And just to clarify, when I used 7 the analogy of court, I don't want to make this sound 8 like I believe it should be adversarial. But as you 9 said, I think we'd be derelict. If there's a wonderful 10 compelling rationale that they could raise the response 11 to one of your suggestions, and maybe there's not. 12 Maybe they just moved it there, and you've got a point 13 and you've got a better reason and we agree with you. 14 But I don't know that we know that with the current 15 format. 16 MR. STEEN: Well, and judge, I'll say again, 17 it may be that Deloitte would be in here saying, this is 18 great. They're embracing our findings and they're going 19 about it a little bit of a different way, but we -- but 20 this is okay. 21 MS. BROWN: Right. 22 MR. STEEN: But I'd like to hear that. 23 MS. BROWN: Yeah. I agree. 24 MS. BARTH: Could I go back and say I'd like 25 to have seen some discussion between our plan and their</p>	<p style="text-align: right;">64</p> <p>1 MR. POLUNSKY: This all initiated from the 2 Public Safety Commission if you'll recall. But 3 nevertheless, this is the blueprint of the future. This 4 is how the Department will be structured going forward 5 many, many years most likely. We have brought in a 6 professional consulting group. They, in my opinion, 7 have done a good job of putting something together. 8 This should have been orchestrated a little better. 9 There should've been a more cohesive communication and 10 discussion between the consulting group and our 11 administration. My opinion next to impossible for us to 12 take any action today. But -- 13 COLONEL CLARK: We'll follow up. 14 MR. POLUNSKY: And we haven't heard from 15 Commissioner Clowe. I think he's got some ideas and 16 comments as well. 17 MR. CLOWE: I do. Sit down and let me talk 18 to you for a minute. Listen to what I want to say to 19 you because I think there's some things that need to be 20 said about where we are. I probably will say some 21 things that'll make everybody in the room happy and 22 maybe make everybody in the room unhappy. But I think 23 we need to sum up where we are and hopefully get some 24 agreement about how far we've come and how far we have 25 yet to go.</p>
<p style="text-align: right;">63</p> <p>1 plan. I don't view Deloitte's study as just something 2 the Commissioners had. I view it as the whole agency 3 embracing it just for knowledge itself as a tool to go 4 back and forth here. I mean, for me to look at this for 5 the first time and expect to say, yeah, that's great, 6 that's a hard one to swallow anyway. It's just come to 7 us for the very first time right now. I've expressed my 8 concern about passing out information. We haven't had 9 the opportunity to look at ahead of time. And this 10 is -- I would agree with Mr. Steen, this is the 11 blueprint. So we've got to at least make every effort 12 to get this right whether I agree or disagree. 13 COLONEL CLARK: I understand. 14 MS. BARTH: This is to be used as a tool. 15 COLONEL CLARK: And, again, there's a lot of 16 enthusiasm. We're ready to move forward and embrace 17 these changes and make these -- fulfill these 18 recommendations. And, again, the PMO that we're about 19 to hire is going to help us as we go forward. But I 20 understand your concerns and will be glad to follow 21 through with those. 22 MR. POLUNSKY: Colonel Clark, nobody or no 23 group is more enthusiastic and more dedicated to making 24 sure that this thing goes forward. 25 COLONEL CLARK: Yes, sir.</p>	<p style="text-align: right;">65</p> <p>1 For the benefit of the two new 2 commissioners, newer than Commissioner Barth and myself, 3 to have a presentation like this from the management of 4 the DPS, when I came on this board in March of 08, just 5 wouldn't have happened. It was we've done it this way 6 in the past, we're going to do it this way in the 7 future, and it's been good. You know, this is 8 revolutionary to have the colonels and the chiefs step 9 up and say, here's our plan. We're ready to go. And 10 it's big change. And to that, I say hallelujah. You 11 know, that's what we wanted when this board was formed 12 and what we asked you to do when you were appointed to 13 your positions. And I am appreciative. I'm gratified. 14 And I thank you for that. 15 Now, I think I understand there are two 16 things that are in your mind. One is we're in these 17 positions and we can do this job. And it's incumbent on 18 us to get going. And I congratulate you for taking that 19 challenge and making a presentation that has merit. 20 Secondly, I want to hit this real hard. My sense is, 21 from conversations that I've had throughout the agency, 22 the people want action. The people need some resolution 23 of this period of unknown that we're in. I've had many 24 conversations with people in this room and people who 25 are not in this room who have said to me, give us the</p>

<p style="text-align: right;">66</p> <p>1 task. We're ready to move forward. We want to do it. 2 And I think that is a second very strong thing that 3 you're reacting to. And I'm a people guy. I understand 4 that. And I know this board wants to be responsive to 5 the needs of the people of this agency. I see that as 6 one of our prime responsibilities. 7 I want to step back and describe how I see 8 the big picture. This thing started in March of '08 9 when the Chairman assigned me the responsibility of 10 conducting a study to see if change was needed. Came 11 back in April, said yes. We moved forward. I think we 12 made a good selection. I think they did a good job. 13 And then we began to have personnel changes that 14 occurred in August. We're pretty much concluded in 15 September. Appointments were made, for the most part, 16 on an interim basis. 17 And my recollection of the charge was you're 18 in this job, run it like you own it. Take charge and do 19 what you need to do. We want oversight. We want to 20 know what's going on and approve it, but we want you not 21 to feel like you're just a caretaker. And I will say 22 that I think you've done a magnificent job of that, and 23 the other chiefs that are performing. 24 And I could go around the room and name each 25 one of you and give you a specific example. And there</p>	<p style="text-align: right;">68</p> <p>1 leader of this process and buy into it. And then right 2 on down the line as we decide whether it's going to be 3 this or this or something else, we got to have the 4 leadership that not only engenders the confidence and 5 the loyalty of the people that go into the those jobs 6 like you're doing in your position, and Colonel 7 Beckworth is, too, today to get to where we want to be 8 ultimately. 9 You mentioned the PMO. But, you know, the 10 RFQ is not even going to be closed until the 20th of 11 this month. And they're going to have a great 12 involvement in what the organization looks like as I see 13 it. I see it as an ongoing process that can change and 14 will get better as part of that change. If we did 15 something like this right now, you would almost be like 16 saying the president elect Obama, you know, here is the 17 current Bush cabinet, or here is the cabinet that we put 18 together before the Bush Administration went out. 19 Here's your new cabinet, president elect Obama. 20 I think he's coming in with a whole new 21 team. And if I were a candidate for this position, I 22 would want to be able to say, here's the organization I 23 want and here are the people I want. I wouldn't take 24 the job if I couldn't have a say in all of that. And I 25 think the PMO wants that kind of opportunity as well.</p>
<p style="text-align: right;">67</p> <p>1 are people that are not in this room that have kept the 2 faith with the DPS. But I want everyone to understand 3 from my viewpoint. I'm one of five. This is not an 4 event, this is a process. And we must have adherence to 5 process to achieve the best result. And your 6 presentation today is part of the process that needs to 7 be blended with Deloitte. And I don't see that as a 8 controversial blending. I see that as a work in process 9 that you've come now with institutional knowledge and 10 detailed knowledge, and an emphasis on areas that you 11 know better than anybody else need help, and you're 12 making that contribution to the process that will put us 13 in the end in a better place. 14 Clearly, there are too many open issues at 15 this point in time to say, yeah, this is what we want to 16 do, let's vote on it and let's do it. Colonel, you made 17 some comments about, well, you know, so and so did this 18 job and this job. I don't agree with that. We don't 19 know who's going to be in this job. We've got Corn 20 Fairy out there right now looking for this person, and 21 it may well be you or an internal candidate, or it may 22 be an external candidate. 23 And to get these steps right, in my mind, 24 this is a key step that before we start changing things, 25 we've got to make sure the director is going to be the</p>	<p style="text-align: right;">69</p> <p>1 So I think there was a rush, I think because 2 of the people concerned that you're feeling. And I'm so 3 glad you're empathetic to that, to say here's our plan, 4 we can get it in effect -- I think you said by February 5 the 11th. 6 COLONEL CLARK: 10th. 7 MR. CLOWE: 10th. But it's kind of like 8 we're building this vehicle as we go down the highway. 9 We've got some wheels on axels. We don't really know 10 yet the engine and we haven't got the doors on it. 11 We're not ready to get into the race. But when we get 12 in the race, we want to have all these questions 13 answered. We want to have the people in place, the 14 right organization, and we want to have the funding for 15 the organization that we've adopted. 16 Colonel Beckworth was very articulate about 17 the need for funding for the new Driver License 18 operation. That's a big question. You know, we're 19 trying to organize to do what they want us to do, but 20 we've got to see the money to be able to hire those 21 people. So I congratulate you on what you've done. I 22 think it will be a positive contribution. But I think 23 it's only fair to say to the Commissioners, take this as 24 our suggestion, and then we'll work with the PMO, we'll 25 work with the new organization.</p>

<p style="text-align: right;">70</p> <p>1 And I have to tell you, in my mind, all 2 those positions are open for the best qualified 3 candidate. Now, certainly, many of the people who are 4 in these positions today are the best qualified 5 candidates. And that was sort of a leap of faith that 6 you made. You assumed that. And I understand that. 7 And if I were in your position I'd probably done the 8 same thing. But from a commissioner's viewpoint, from 9 here throughout the organization, I want the best 10 qualified candidate. And as you adopt a new 11 organization, that's the time to look and to see that 12 you've got the best qualified candidate. 13 So I think this is a contribution. And I 14 think it's a good step forward. I understand, I think, 15 your motivation. I applaud it. I appreciate it. 16 You're very articulate in your presentation. But I 17 think we've got to stay in the process to get to where 18 we want to be. And when we change this, we only want to 19 change it one time. One time and do it right. And 20 we're just going to have to ask the people of the agency 21 to continue to be patient. It's hard. It's not easy. 22 Everybody wants to know what's in the future. We can't 23 tell you. You've just got to stay the course and wait 24 until we come out on the other end and be part of the 25 change.</p>	<p style="text-align: right;">72</p> <p>1 just the very type of thing we're talking about, and 2 that that would be part of your -- the deal you made 3 with us. We wouldn't be incurring additional expense to 4 have y'all come in and react to this. 5 MR. POLUNSKY: Right. In fact, I think 6 it -- it's axiomatic. I mean, that's part of the work 7 product or the job description of what they were 8 retained to provide us, which is post-recommendation 9 support, discussion, input, whatever. 10 MR. STEEN: But importantly, I think the 11 Deloitte gentleman here, you're confirming with -- 12 ROB THRASH: Yeah. 13 MR. STEEN: -- Chairman Polunsky. 14 ROB THRASH: Yes. That's -- certainly be 15 willing to do that. 16 MR. STEEN: Can you state your name again 17 for us. 18 ROB THRASH: Yeah. My name is Rob Thrash, 19 T-H-R-A-S-H. I'm part of the local team. 20 MR. POLUNSKY: Well, that's a hard act to 21 follow here. I strongly feel that it's fine, and I 22 appreciate the presentation that was made here this 23 morning. I certainly appreciate, as was stated by 24 Commissioner Clowe, all the work that's gone into 25 putting that together, the thought processes that were</p>
<p style="text-align: right;">71</p> <p>1 And it's my promise, and I think the Board 2 would join me in this, we're going to make it better in 3 every way. That's -- the five of us are dedicated to 4 making it better. But to take an answer at this point 5 is premature. There's input from the legislature that 6 we have to be respectful of, the leadership. We have to 7 be aware of all of these influences. Just got to be 8 patient. And this Commission has got to be patient and 9 use judgment as we move forward. 10 Now, I didn't have any idea you were going 11 to make the presentation this morning. I've gone over 12 this, or some other similar form with you, informally at 13 a prior time. But I didn't know you were going to make 14 it today. And that's my immediate response to how I see 15 where we are. As I say, I may have made some people 16 happy and some people unhappy, but that's how I feel 17 about this. 18 COLONEL CLARK: Thank you. 19 MR. STEEN: Mr. Chairman, I've got a 20 practical question. Has -- has Deloitte been paid? 21 MR. POLUNSKY: Yes. 22 MR. STEEN: Have you all been paid in full? 23 ROB THRASH: (Inaudible) 24 MR. STEEN: But I think Mr. Beckley, when he 25 was here, said that he would be available for follow-up,</p>	<p style="text-align: right;">73</p> <p>1 Incorporated into the final product here as far as this 2 organizational chart is concerned. So we do appreciate 3 it. But it's only a step towards a final conclusion, in 4 my opinion, and it's something that we can discuss to 5 some degree this morning. But that's it. I don't see 6 anything coming out of this beyond moving on to another 7 level. And that would -- that level would include the 8 participation, and comments, and support that Deloitte 9 brought to the table. And that's why they were hired, 10 as I said previous. 11 MR. CLOWE: And, Mr. Chairman, just to 12 reiterate the process is under way. The search firm is 13 employed, that's Korn Ferry. They're in the process of 14 conducting interviews with commissioners and the 15 colonels and others that are recommended. They have 16 reported in -- is this in the agenda okay, Duncan? 17 DUNCAN FOX: Yes. 18 MR. CLOWE: This all right, Mr. Chairman? 19 MR. POLUNSKY: Yes, sir. 20 MR. CLOWE: They have worked over the 21 holidays to prepare for those interviews. They're 22 trying to contact commissioners and the colonels. I 23 think they've already had their interview with 24 Commissioner Barth. They're moving ahead hoping to have 25 a recommendation back to the committee. Commissioner</p>

<p style="text-align: right;">74</p> <p>1 Barth and I have been assigned by the Chairman promptly. 2 The PMO RFQ is out. It closes January the 20th. The 3 director of human resources is working on the grading 4 matrix. We already have agreement from a number of 5 outstanding individuals to serve on the selection 6 committee reporting to Commissioner Steen and myself, 7 the committee the chairman appointed. 8 So we're moving ahead as quickly as we can 9 in government service. And everyone is being 10 cooperative and lending their best efforts. 11 MR. POLUNSKY: Do any of you have any 12 specific comments or suggestions or recommendations with 13 respect to this chart today? Let me just jump in. In 14 my mind, the General Counsel, there should be a line to 15 the Public Safety Commission. Just a comment of mine. 16 This is something we can go to -- go into further detail 17 later. That's something that's very important to me. 18 MS. BARTH: I'd like to see procurement out 19 of the CFO's office. 20 MR. STEEN: Mr. Chairman, just a question I 21 have. Mr. Fox, if I could put you on the spot here. 22 But what is the statute that -- that says that the 23 Rangers -- 24 DUNCAN FOX: There is a provision 25 (Inaudible) I can provide that for you.</p>	<p style="text-align: right;">76</p> <p>1 we may or may not take action at that point. But -- but 2 no action will be taken today. Am I -- am I reading 3 everybody correctly? 4 MR. STEEN: Mr. Chairman, are we in good 5 shape in terms of putting that on the agenda? 6 DUNCAN FOX: We are -- fortunately, we do 7 have a -- an agenda statement for the January 15th 8 meeting. It has language that I think fairly calls this 9 into (Inaudible) Discussion and possible action 10 concerning the organizational structure study of the 11 Department. So I believe that's pretty clear will 12 support the discussion and action if that was desired. 13 MR. STEEN: Are we going to take a break? 14 MR. POLUNSKY: Yes, sir. 15 MR. STEEN: I have a -- a comment. And 16 you'll have -- you know, a number of us are chairmen -- 17 came over here as chairmen of other commissions and what 18 have you, so you'll have to forgive me on this. And I'm 19 not -- I'm not a technologically up to speed person. 20 But over at the TABC, when we met, we would have a 21 computer in front of us. And if a presentation was 22 being made, instead of shuffling papers, we were 23 actually looking at the screen. And -- and I know 24 there's been this movement to open this up. We'd have 25 screens tilted toward the audience so that as we're</p>
<p style="text-align: right;">75</p> <p>1 MR. STEEN: Would you mind -- I just -- is 2 it something you can address right now? And that's a 3 question I'd ask Deloitte. Were they aware of that 4 statute or -- 5 DUNCAN FOX: They were. 6 MR. POLUNSKY: They were aware of it. 7 MR. STEEN: And so in setting up their 8 chart, what were they saying, that that statute needs to 9 be changed by the legislature? 10 MR. CLOWE: They offered it up, in the 11 conversations I had with them, as compromised. 12 DUNCAN FOX: Commissioner, the statute is 13 411.021 of the Texas Government Code, and it provides 14 that the Texas Rangers are a major division of the 15 Department consisting of a number of Rangers authorized 16 by legislature. The highest ranking officer of the 17 Rangers is responsible to and reports directly to the 18 director. 19 MR. STEEN: Thank you. 20 MR. POLUNSKY: All right. Before we take a 21 break, let me make sure we have a sense of the 22 Commission here. My feeling is that we are just going 23 to have to defer this on to, I guess, our next meeting, 24 and invite the representatives of Deloitte to be present 25 in order to participate in discussing this matter. And</p>	<p style="text-align: right;">77</p> <p>1 going through -- for example, going through these 2 charts, people sitting out in the audience could follow 3 along. 4 I think that would be a good thing to look 5 to do here. I don't think it would be that expensive. 6 And I think it would make -- make it easier on us. I 7 had to shuffle some papers today. But also, I think -- 8 I wouldn't want to be a member of the audience sitting 9 out there, and we're all talking about things, and the 10 chart up here, and they can't see any of it. So I'd 11 like to bring them in on it, too. So it's just a 12 suggestion. 13 MR. POLUNSKY: I think that's very valid and 14 a good suggestion. Is that okay with everybody? 15 MS. BROWN: That's a great suggestion. 16 MR. POLUNSKY: Yeah, I think. So can we go 17 ahead and do that -- 18 COLONEL CLARK: We can do that. 19 MR. POLUNSKY: -- going forward? Okay. We 20 will now recess for ten minutes and be back basically at 21 12:30. 22 (BREAK) 23 MR. POLUNSKY: The Texas Public Safety 24 Commission is now reconvened. It is 12:37. The next 25 item on the agenda is Discussion and possible action on</p>

<p style="text-align: right;">78</p> <p>1 revisions to Exceptional Items List for FY 2010 to 11, 2 Legislative Appropriations Request. That'll be Colonel 3 Beckworth. 4 COLONEL BECKWORTH: Commissioners, I would 5 like to, first of all, apologize for having to provide 6 you additional documents at a late time. But that's 7 where we are in reference to providing you some 8 documentation. I'm going to ask Dorothy to provide you 9 some copies of our exceptional items update information 10 and also some new items for consideration. And you have 11 in your booklet the previous LAR that you approved on 12 the 19th of June 2008 to be included in the document 13 there under the LAR. And I have Oscar Ybarra, Chief of 14 Accounting, here to kind of help assist us in this 15 particular process. 16 If you look at the document that we provided 17 you, one of them shows exceptional item FY 10 and 11 18 worksheet. The second item identifies exceptional items 19 for consideration on a day-to-day. And it identifies 20 updates for those particular issues. When we look at 21 this area on the sheet -- on both sheets, we talk about 22 issues, why we made some changes on our IMS technology 23 personnel. Our old request was \$3.7 million, -- 24 \$2.7 million, and our new request is \$1.6 million which 25 is a difference of \$1,110,000. In our explanation, we</p>	<p style="text-align: right;">80</p> <p>1 calls us to add those additional necessary funding 2 moving forward for the previous next two years, for 10 3 and 11. That's why we're asking you to consider 4 allowing us to make that change to our LAR as it relates 5 to that. 6 The next category, as it relates to updates, 7 deals with Real ID. We're saying that we requested 8 \$129,147,000. But because of us moving forward with the 9 business model of Driver License, we went back and 10 removed the commissioned personnel out of that 11 particular information we provided you earlier, which 12 reduces that amount by \$24, 200,000. And we're asking 13 your consideration to make that particular adjustment to 14 our LAR. 15 And then we go to item "B" under new items, 16 and we've identified the need for FTEs noncommissioned 17 personnel. The biennium cost \$48,427,488. That is what 18 chief Brown provided you in her civilian business model 19 in Driver License. And our question is consideration to 20 include that particular cost in our LAR to address the 21 business model for Driver License. This is a new 22 initiative we're asking you to consider. 23 And secondly under new items, we have two 24 state disaster resource supporting staffing sites and 25 we're asking for \$3.6 million in our emergency</p>
<p style="text-align: right;">79</p> <p>1 went back and reanalyzed our request for funding. And 2 the dollar cost was much -- was a lot less than what we 3 initially projected. 4 So we're asking consideration to update that 5 particular category on our critical staff on 6 information -- critical staff compensation. Secondly, 7 on the commissioned officer salary, you approved in 8 June, \$106,154,920. We went back and addressed our 9 figures. Based on the current funding of commissioned 10 officers, we underestimated that number. And it's now 11 \$401,670,000, which is \$4,408,644 less, and we ask your 12 consideration to make that adjustment and update that 13 particular LAR as it relates to those particular. 14 The other category is information 15 technology, which is on your exceptional item under 16 distributed computer environment. We estimated that to 17 be 61,547,000. The new request is 73,239,000 for a 18 difference of \$11,692,000, and we're asking that -- 19 we'll provide an explanation. That has to do with the 20 Driver License reengineering project. 21 And those particular issues, as it relates 22 to Driver License reengineering has to do with the fact 23 that we have the funding for the first year pushing 24 Driver License reengineering out. But the second and 25 third year, there are no funding for that. So that</p>	<p style="text-align: right;">81</p> <p>1 management program to provide the lease space for 2 establishing our resources to deploy to the hurricane or 3 disaster event anywhere across the state. Currently in 4 the past, Hurricane Ike, we had a resource facility in 5 San Antonio at a military base there, and when that 6 particular storm event occurred, we had to develop 7 another one in Lufkin north of that particular storm. 8 We realized how effective those particular components 9 were. And Chief Colley and his staff is asking that we 10 lease two permanent storage and state facilities in 11 those two areas futuristic, going forward. And he's 12 left with 3.6 -- \$3,687,250 for that. 13 So those are the things that we're asking 14 the Commission to consider to update the current LAR and 15 to consider adding to the current LAR. And we have 16 those items listed on the document dated update on 17 exception items. And that's the information we want to 18 report to you as relates to changes to the LAR. Oscar, 19 go ahead with any kind of follow-up that you might have. 20 OSCAR YBARRA: The other things we did talk 21 about outside of these were consideration in one of the 22 exceptional items, the operating shortfall regarding 23 gasoline. As we all know, the price of gas has dropped 24 dramatically. I think -- I think the national average 25 is projected to be around \$2 this year. The projection</p>

<p style="text-align: right;">82</p> <p>1 that we made in the exceptional item is \$3.60 which was 2 about 11-and-a-half-million dollars. And that might be 3 something the Commission may want to consider as far as 4 changing.</p> <p>5 We do have something in our legislative 6 corporation request. We used to have it in the past 7 that we'd put in there just in case we didn't get the 8 operating dollars for gasoline. And that's a rider. It 9 was back in our GA -- General Appropriations Act 1906 10 and '07. And that rider basically -- what that rider 11 did is if the price of gas went above a \$1.38 per 12 gallon, then the Comptroller would provide us funding 13 once that average gas went above that amount. And the 14 agency kind of had the decision to make whether they had 15 funding to cover the shortfall or ask for the money from 16 the Comptroller.</p> <p>17 This last session that rider was changed, 18 and it increased the price per gallon to \$2.48. But it 19 didn't provide us the opportunity to ask for additional 20 funding from the Comptroller, but rather it allowed us 21 to transfer funds from the next year into the current 22 year which would then make it probably be short in the 23 next year. The rider we've proposed, would kind of put 24 it back to what we had in '06 and '07 giving us the 25 opportunity to ask for additional dollars. We wanted to</p>	<p style="text-align: right;">84</p> <p>1 exceptional items and kind of -- and kind of deal with 2 the expenditures the way we have in the past, these 3 writers that exist today, or potential writers that will 4 help us with gasoline in the future.</p> <p>5 MR. POLUNSKY: Is that it, sir?</p> <p>6 OSCAR YBARRA: Yes, sir.</p> <p>7 MR. POLUNSKY: Chief, let me ask you a 8 question with respect to the FTEs that are revolving 9 around the changes in Driver License. There's been some 10 for want of a better description, agreement between the 11 Department and, say, the Governor's office of how 12 they're interpreting all of this. Can you explain a 13 little as to what's going on there and --</p> <p>14 OSCAR YBARRA: Well --</p> <p>15 MR. POLUNSKY: -- what -- what the -- why 16 these interpretations or opinions are different?</p> <p>17 OSCAR YBARRA: There's -- there's -- I 18 believe there's two issues here that -- that -- that are 19 being considered by the agency based on what Sunset 20 recommended; "A," is let's move the commissioned 21 officers over to Texas Highway Patrol. That particular 22 issue identified the deduction of law enforcement in the 23 state of Texas. That's one thing that -- that -- that 24 would definitely happen. And that's a concern for the 25 agency moving into the session.</p>
<p style="text-align: right;">83</p> <p>1 bank on that rider because of the price of gas being so 2 volatile right now, and just kind of focus on the rider. 3 That would afford the agency dollars if we needed them 4 due to the price of gasoline. And I have a copy of that 5 rider. That was something that was approved in the LAR. 6 So that's something you all may want to consider.</p> <p>7 There's some other things in the operating 8 shortfall that you may want to consider also, the 9 Attorney General rider. That rider specifically, we 10 request \$650,000 from the AG's office -- excuse me, to 11 pay the AG's office for services every year. The way 12 the writer's written today, it identified that if we 13 have the money, we'll pay the AG's office. And we 14 always have to have to wait till the end of the year to 15 determine whether we're going to pay them or not. And 16 the strategy behind the operating shortfall is to say 17 why don't you just fund it and we'll pay it.</p> <p>18 But that's something you may want to 19 consider also as far as eliminating that and leaving the 20 rider as is. And a lot of this I mention would be with 21 the current economic times. If you recall, Governor 22 Perry sent the letter over to the agency regarding us to 23 consider looking at our current budget and our LAR 24 request to see what we could do to cut back. These is 25 some things that the agency could do to reduce our</p>	<p style="text-align: right;">85</p> <p>1 The other issue is that Sunset, I believe, 2 identifies that it's a zero cost to do what they 3 recommended. But in order to implement a civilian 4 business model that will serve the State of Texas, Chief 5 Brown and her staff worked with the directors, and my 6 staff have identified what it would take to provide that 7 service to the State of Texas. And that costs money. 8 And that's my summary, and I'd be glad to defer to Chief 9 Brown like to add to that if she'd like to.</p> <p>10 MR. POLUNSKY: Chief.</p> <p>11 JUDY BROWN: As a point of clarification, 12 Chairman Polunsky, the two different schools of thought 13 are with regards to the budget that's assigned to those 14 commissioned positions. There's about \$14 million that 15 comes into the Driver License Division that supports the 16 commissioned officers on my staff. If those positions 17 move to Highway Patrol and the money moves to Highway 18 Patrol with them for support in the Driver License 19 offices versus the positions move to Highway Patrol and 20 the money stays in Driver License.</p> <p>21 You can look at it from probably four 22 different angles. The premise behind the recommendation 23 for the civilian management model is that all but about 24 \$1.8 million transfers. When we went through -- if 25 you'll recall the recommendations were to move certain</p>

<p style="text-align: right;">86</p> <p>1 amount of commissioned officers to different arenas, and 2 that left us with a small number of positions that we 3 would -- the positions would be lost through attrition, 4 and the salary would be retained by DL. And that was 5 about 1.8 million. 6 So you can -- you can enhance our proposal 7 either by reducing that cost. However, if those 8 positions -- if those commissioned officers stay in 9 Driver License, they need to be paid. I'm being 10 allocated the money for it now whether I ask for it or 11 whether we move them to THP and THP asks for it. I 12 think it's a zero balance when you get to the bottom of 13 the agency's request. But those are the two different 14 schools of thought as to whether that money stays in 15 Driver License to support Driver License programs, or 16 whether that money moves with those positions to THP. 17 MR. POLUNSKY: All right. But is there a 18 third school of thought here that's coming out of the 19 budget and policy office? 20 JUDY BROWN: Recent conversations, the third 21 school of thought is if those DL positions are going to 22 stay in Driver License offices to support Driver License 23 activity, that that budget ought to come out -- ought to 24 stay in DL to support those positions. 25 MR. POLUNSKY: Okay.</p>	<p style="text-align: right;">88</p> <p>1 MR. CLOWE: So you've got the money. 2 OSCAR YBARRA: But one factor to consider 3 also is we also have a school that's about to graduate 4 in April. So majority of those folks will be going into 5 THP. 6 JUDY BROWN: And when you talk about those 7 positions, I think that's where we've got to maintain a 8 clarity. If Chief Baker pays for those positions out of 9 his salary dollars to support my function, that's that 10 many sets of boots on the ground that are now in Driver 11 License offices and not on the highway. And therein 12 lies the reason that we transferred the money under the 13 expectation that the Commission wanted those positions 14 to be in Driver License office to support those 15 functions. 16 MS. BARTH: Aren't you reducing the number 17 of commissioned officers in the offices? 18 JUDY BROWN: We are not reducing the number 19 of troopers, we are reducing the number of supervisors 20 that would be required. However, again, those 21 supervisors when we look at -- 22 MS. BARTH: Supervisors meaning commissioned 23 officers? 24 JUDY BROWN: Commissioned supervisors, would 25 be reduce to support the Driver License function. But</p>
<p style="text-align: right;">87</p> <p>1 MR. CLOWE: Are you clear on that? I don't 2 think I am. 3 JUDY BROWN: Want me to take another stab at 4 it? 5 MR. CLOWE: Well, can I ask a question? 6 MR. POLUNSKY: Absolutely. 7 MR. CLOWE: I think I saw where you said the 8 cost of civilian management in the DL Division was 32 9 million the first fiscal year and 34 the second fiscal 10 year? 11 JUDY BROWN: That is civilian management and 12 all the customer service initiatives. 13 MR. CLOWE: So that includes some new FTEs 14 and higher compensation throughout the division? 15 JUDY BROWN: Yes, sir. 16 MR. CLOWE: And that's the cost with the 17 money staying in the Division or going with the 18 uniformed commissioned individuals to THP? 19 JUDY BROWN: That is the cost with 20 \$1.8 million of the current commissioned salary staying 21 in DL and 12-something going to THP. 22 MR. CLOWE: Going to THP. Now, what has THP 23 got in unfilled FTEs to compensate those individuals if 24 they come to THP? 25 DAVID BAKER: We have 240 vacancies.</p>	<p style="text-align: right;">89</p> <p>1 we're also talking 30 of those sergeants moving them 2 into the CLE for the -- for the identify theft 3 increasing that unit -- that task in CLE. 4 MR. CLOWE: And, in your mind, does that 5 comply with the sense of the Sunset recommendation that 6 by transferring those commissioned officers in 7 management roles out of Driver License but keeping the 8 troopers, it follows the recommendation of Sunset which 9 this Commission has adopted? 10 JUDY BROWN: I would -- I would tell you 11 that I believe the original sense of Sunset was you 12 remove those positions and the supervisors out of Driver 13 License offices. 14 MR. CLOWE: That was my impression. 15 JUDY BROWN: Now, if the Commission's 16 decision is that those commissioned officers perform 17 a -- a valuable function in the Driver License offices 18 and need to remain, we certainly could reduce the number 19 of supervisors to supervise those troopers, and we did 20 that moving the entire function to THP. We could do 21 that leaving the function under Driver License. It's a 22 matter of -- it's a matter of control and support and 23 training from that perspective. 24 But the early Sunset recommendation, as 25 we've spoken to Sunset, was that entire group of people</p>

<p style="text-align: right;">90</p> <p>1 come out of Driver License offices. And I believe, 2 again, that's part of the reason why Sunset felt like 3 there was no budgetary impact. And if you look at my 4 proposal, it's 14.3 to replace all of the commissioned 5 with civilian managers. So if you looked at Sunset's 6 recommendation and our proposal for the civilian 7 managers, that would be a very little cost impact. 8 MR. CLOWE: That's where the confusion was 9 in my mind. 10 MR. STEEN: Chief, I want to go back to 11 something that you said. We went through the Sunset 12 process, and Sunset Commission said we wanted -- you 13 know, they focused on the Driver License Division, and 14 they recommended that we go to civilian management 15 model. You're saying when they made that recommendation 16 they thought it wouldn't cost us anything? Did I hear 17 that correctly? 18 OSCAR YBARRA: They stated in their report, 19 sir. 20 MR. STEEN: And now we've done our work on 21 it and we're talking about how much? 22 JUDY BROWN: As a total proposal, we're 23 talking 20 -- get my numbers so I don't misquote -- 24 OSCAR YBARRA: That the biennium? 25 JUDY BROWN: 26 the first year and 22 the</p>	<p style="text-align: right;">92</p> <p>1 that Driver License was similar to a retail service. 2 However, we don't operate like a retail service. We 3 operate very much within the confines of the budget that 4 we're provided as a state agency. And so when we looked 5 at their proposal and looked at the expectations of this 6 Public Safety Commission, and I believe the legislature, 7 what do we need to do to fix the process and operate 8 more from a customer service perspective as a retail 9 service. And in that, we laid out another \$22 million 10 in technology, services, restructuring, business 11 processes that we could provide to the public; and 12 reduce the number of complaints we have, reduce the wait 13 times and therefore increase our services to the public 14 and operate more like a retail environment. 15 MR. STEEN: So what you're saying is Sunset 16 Commission said move this -- move our -- 17 COLONEL CLARK: People. 18 MR. STEEN: Just move people, the certified 19 peace officers, whatever, out of the -- out of Driver 20 License and move civilians in, and that'll be a wash. 21 That's about as far as they got on it? 22 MR. POLUNSKY: I think they went further on 23 it in the sense they were looking for better customer 24 service and better methods for providing the end product 25 of Driver License.</p>
<p style="text-align: right;">91</p> <p>1 second for a total of 48 over the biennium. 2 MR. STEEN: \$48 million. 3 JUDY BROWN: And that's our civilian 4 management model as well as \$22 million plus of customer 5 service initiatives to fix the process. 6 MR. STEEN: Someone help me with that, 7 because there's a tremendous disconnect there between 8 saying it's not going to cost anything and now we come 9 back and say it's going to cost -- what'd you say, 10 \$40-something million? Give me the perspective. 11 JUDY BROWN: In looking -- 12 MR. STEEN: How did the Sunset Commission 13 miss that in terms of making that recommendation? 14 JUDY BROWN: Sunset recommended that we 15 could make better use out of our commissioned peace 16 officers by using civilian managers in driver license 17 offices. And if you look at the fact that right now I 18 have about \$14 million allocated to -- to the complete 19 commissioned process, troopers and supervisors in driver 20 license offices, if I reduce all of those commissioned 21 officers from Driver License, I can replace them with a 22 civilian management staff at 14.3. So that -- that is a 23 minimal cost from -- from a -- from a bigger picture 24 perspective of the agency's budget. 25 However, Sunset also recommended that stated</p>	<p style="text-align: right;">93</p> <p>1 COLONEL CLARK: But I don't think they went 2 into the detail that -- that Chief Brown has described. 3 MR. POLUNSKY: That's correct. But it 4 wasn't just -- 5 COLONEL CLARK: Yeah, they wanted the 6 customer service improved. 7 MR. POLUNSKY: Right. That's where they 8 were going with all that, is ways of accomplishing that 9 would be to civilianize the division. So kind of the 10 other way around. 11 MR. STEEN: But what's happening today, 12 we're being asked to go ahead and embrace this as a 13 plan? To go to the legislature and say, here's our plan 14 and here's what it's going to cost? 15 JUDY BROWN: That's correct. 16 OSCAR YBARRA: As an exceptional item to be 17 added to what we currently have. 18 MR. STEEN: And what's the -- how do we feel 19 about that? Is that -- is everybody being brought along 20 with that? Is that going to come as a shock to people? 21 OSCAR YBARRA: Well, I will tell you that 22 customer service, and what I witness in front of the 23 legislature when we're testifying is there's a big 24 concern about the waits that -- that are happening, 25 especially in Houston and Dallas. Dean Whitmire jokes</p>

<p style="text-align: right;">94</p> <p>1 about people ordering pizza while they're in line, and 2 what we can do about that. I know it's been a big issue 3 with the legislature. And I think Chief Brown's staff 4 have -- have looked at what can be done to improve that, 5 and it has a price tag. 6 JUDY BROWN: Commissioner Steen, we have -- 7 we have provided this proposal to a very small number of 8 people. And the reason that we've hesitated to move 9 forward with it is wanting the blessing and the 10 direction of the Public Safety Commission. Governor's 11 office staff has had an opportunity to review it; a 12 couple of key legislatures; we've provided it to Sunset. 13 I've provided it to Deloitte, and we've -- I've gotten 14 comments back from Sunset, from Deloitte. Have not had 15 the opportunity to follow-up on comments with the 16 Governor's office and some of the key legislative staff. 17 But, again, hesitant to move completely 18 forward until we knew what the will of the Public Safety 19 Commission would be. We're in preparation to prepare a 20 smaller version of this recommendation based on your 21 blessing or -- or lack thereof, to show what we need to 22 move forward what that would look like, and to clarify 23 those dollars for key legislators. 24 MS. BARTH: How did the Governor's office 25 react?</p>	<p style="text-align: right;">96</p> <p>1 money. 2 And then I think you get into the 3 negotiation and you could call it that, of here's what 4 we will settle with and here's what ought to be asking 5 for. But I think our people have done the right job 6 saying well, if you really want this, we'll go get it 7 and here's what it's going to cost, and think the key 8 questions are what's the response from the Governor's 9 office, what'd Sunset have to say about it, what shall 10 we do with it. 11 I think that's basically the fundamental 12 question. The more I got into this, the more I ended up 13 concurring with the recommendation of the Sunset staff 14 and thereafter, the Commission. I do feel it's in the 15 best interest of the public, and certainly the 16 Department, to civilianize the -- the Division as far as 17 management is concerned, and also to provide additional 18 customer services so that -- so that process can be 19 improved because that process, in many cases, has been 20 set out here are -- are less than desirable, 21 particularly in the big cities, the urban areas. 22 So I am in agreement on -- on going forward 23 and making these improvements and making the changes 24 that we're talking about here. But I think that there 25 probably is somewhat of an impasse, or maybe impasse is</p>
<p style="text-align: right;">95</p> <p>1 JUDY BROWN: I have had the opportunity to 2 provide it to the Governor's office. I know there -- 3 there are comments. We have not had the opportunity, 4 due to the holidays, to go over those comments. 5 MR. POLUNSKY: Mr. Clowe. 6 MR. CLOWE: Commissioner Steen, I think you 7 asked a good question. And there were a lot of 8 discussions about this over a period of time. And I 9 think the Sunset recommendation saw it, in one way, to 10 achieve the results that the Chairman has identified, 11 and that was better customer service. I think that's 12 what the legislature has indicated they want. 13 My sense of it is we now as an agency gotten 14 into it in depth, and we're saying we want better 15 technology. We want expanded hours. We want higher 16 paid management. We want higher paid front-line 17 employees. This is the area we have the highest 18 turnover of anywhere in the DPS. And we want to keep 19 those uniforms there because of a number of reasons, and 20 so we've come back with this higher cost. 21 And I think the question before us today is 22 do we want to agree that these numbers are right and we 23 want to go back to the budget office. Certainly ought 24 to be communicating with Sunset saying we see it 25 differently. We see it's going to cost quite a bit of</p>	<p style="text-align: right;">97</p> <p>1 not the correct word, but disagreement between our staff 2 and the Governor's office as to how some of this funding 3 is -- you know, should be characterized, particularly 4 with the FTEs. I think that's -- that's where a lot of 5 this is. So I guess we just need to -- you know, if we 6 don't exactly have the Governor's office position public 7 discussion here, we may just have to go forward. I 8 don't know. 9 MR. CLOWE: And I think it's important to 10 say what you just said, Mr. Chairman, that we're all in 11 favor of the recommendation and we're behind it. But we 12 think it's a legitimate estimate of cost. We're -- you 13 know, oh, you're just saying it's too expensive, you 14 don't want to do it. That's not the case at all. This 15 is what we really think the cost is going to be. And 16 now let's go into a discussion about that and justify 17 it, and then if it's a better solution to do something 18 else, we want to look at that. But we're all behind the 19 Sunset recommendation in fact, and in a commitment to do 20 this, to make the service better to the public and the 21 state of Texas. 22 JUDY BROWN: Chairman Polunsky, if it would 23 be your will, if you in theory want to approve the 24 recommendation as is, Colonel Beckworth, Chief Baker and 25 I can meet with the Governor's office, iron out what we</p>

<p style="text-align: right;">98</p> <p>1 need to with regards to salary. It will -- could alter 2 the bottom line. But as we go from today, we'll have to 3 move this document into LAR format and finalize it. So 4 we'd have a couple of days, I would expect, that we 5 could work through that discussion and try to reach 6 agreement at that point. We could convey that to the 7 Public Safety Commission. 8 MR. POLUNSKY: Well, and that's fine, Chief, 9 and we may end up doing that. But you've not had 10 discussions with the Governor's office prior to today? 11 JUDY BROWN: I've had several conversations 12 with the Governor's office, multiple conversations prior 13 to today. As I said, the most recent conversation that 14 I had was the conversation with regards to if the Driver 15 License troopers are going to stay in Driver License 16 offices, maybe the Driver License trooper budget should 17 stay under the control of the Driver License Division. 18 That was the most recent conversation that I've had. 19 As I said, I'll be glad to move forward. I 20 really think it almost is going to be a wash unless we 21 change the decision -- unless the Commission changes the 22 decision with regards to those officers being in DL 23 offices. 24 MR. POLUNSKY: So, again, the additional 25 money is for the enhanced customer services.</p>	<p style="text-align: right;">100</p> <p>1 to help train him and then we're going to move her to a 2 smaller office where there are no troopers. Again, we 3 have troopers in minimal offices. We do not have them 4 in all of our offices. But if you want us to look at 5 the reduction of troopers, then we could look at the 6 reduction of those positions. 7 Right now we have 118 troopers; we could 8 look at the reduction of those. The -- the issue with 9 reducing the troopers also is an issue with reducing our 10 effectiveness from a -- from a law enforcement 11 perspective because the -- the fraud and the crime goes 12 to offices where we don't have troopers today. They 13 follow that pathway to know when -- when a trooper's 14 going to be there or where an office is where there's 15 not a trooper assigned. 16 MR. CLOWE: But to answer Commission Brown's 17 question directly, your test is on management, it's not 18 on -- 19 JUDY BROWN: My test is on management. It's 20 not -- just this month we will move her to an office 21 where there's no troopers assigned to give her an 22 opportunity to see how that works in that environment. 23 That's an office today that doesn't have a full-time 24 supervisor at it anyway. So it -- it's almost destined 25 for success because it gives them an added layer that</p>
<p style="text-align: right;">99</p> <p>1 JUDY BROWN: Yes, sir. 2 MR. CLOWE: I -- I think it's a fair 3 question to say does the Commission still feel that 4 those uniformed troopers ought to be in the DL offices. 5 We felt that way in the past, but that's a big part of 6 this number, cost wise. 7 MR. POLUNSKY: Well, to tell you the truth, 8 I'm not convinced as I was previously that they need to 9 be in these offices. 10 MR. CLOWE: Well, that will make -- if -- if 11 the Commission changes that position, that'll make, 12 what, \$14 million difference? 13 JUDY BROWN: Yes, sir. 14 MR. POLUNSKY: Or that they need to be in 15 all of those offices. 16 MR. CLOWE: Now, there, that -- that might 17 be the key to it. 18 MS. BROWN: Well, and to chime in, isn't 19 that kind of the pilot program that -- don't you have a 20 pilot program going where you have kind of a roving -- 21 JUDY BROWN: We have a pilot program today 22 where we have a civilian supervisor in the North Lamar 23 Driver License office. The person that she was 24 replacing was on military leave; he's just returned. We 25 are asking -- we are actually at this moment using him</p>	<p style="text-align: right;">101</p> <p>1 they've not had in the past. 2 MR. CLOWE: But she hasn't taken troopers 3 out as a test. 4 MS. BROWN: Okay. So -- so we haven't -- we 5 haven't -- we do not have a pilot program on that 6 particular issue. 7 JUDY BROWN: That's correct. 8 MS. BROWN: Okay. 9 MR. CLOWE: That was your question. 10 MS. BROWN: Yes. Thanks. 11 JUDY BROWN: I'm sorry. 12 MS. BROWN: That's okay. I got the answer. 13 MR. CLOWE: It might be that we want to look 14 at where the greatest need for uniformed troopers is in 15 these DL offices and see if, you know, the number could 16 be reduced and thereby the cost diminished. And my 17 sense is that probably we're the greatest demand, and 18 congestion, and unhappiness is, is probably where the 19 need is the greatest. 20 MR. POLUNSKY: I'll agree with that. 21 MR. CLOWE: Probably Houston, Dallas, San 22 Antonio -- 23 MS. BROWN: If I could chime in for -- 24 MR. CLOWE: El Paso. 25 MS. BROWN: -- for a moment, if our dual</p>

<p style="text-align: right;">102</p> <p>1 concerns in having a uniformed trooper are prevention of 2 fraud and having someone there, I guess, to arrest on 3 warrants, I mean, it seems -- like you were saying, it's 4 common sense would say that because you have more people 5 in Dallas that that's where you're going to have most of 6 your fraud, that's where you're going to have most of 7 your arrests. Does statistics bear that out where your 8 smaller, more rural places have less fraud? 9 JUDY BROWN: They -- they do bear that out 10 and they also bear out that that's where the majority of 11 my troopers are placed. 12 MS. BROWN: Okay. 13 MR. CLOWE: Judge, we have, in McLennan 14 County, individuals who are on probation who are showing 15 up to appear before a judge who are under the influence 16 of alcohol and drugs to the extent that they have 17 provided testing facilities, and they take them into 18 custody and test them right then. It's on the front 19 page of the Waco newspaper this morning. And we have 20 people who come in these driver license offices who are 21 under the influence and have an active arrest warrant or 22 subpoena out for them. And that's where the need for 23 the uniformed commissioned officer is. 24 MS. BROWN: And I sure do want them to be 25 able to snatch that person up. I mean, I -- I don't</p>	<p style="text-align: right;">104</p> <p>1 JUDY BROWN: So we -- we get a lot of those 2 unaware of the situation. Usually -- usually when 3 there's a warrant and there's a trooper in the office, 4 the warrant's served. The person -- the person is taken 5 care of on the spot. 6 MR. STEEN: Chief, when -- when we were 7 going through Sunset, sounds like they just said, 8 wouldn't it be a great idea to civilianize the Driver 9 License Division, and maybe there was not an 10 appreciation of the things we're talking about. There 11 were other reasons that maybe they didn't consider why 12 troopers needed to be in the offices. 13 MR. CLOWE: Commissioner Steen, I know the 14 Chairman was at our meeting where this was discussed, 15 and he answered a number of questions eloquently. There 16 was a strong desire to do a better job of making the 17 public happy. And quite frankly, the alternative was 18 we're just going to take DL out of DPS and we're going 19 to put it in TxDot, or we're going to make it a separate 20 entity. And the chairman responded to that, said, we're 21 going to do the right thing. 22 But I -- my sense of just being in the room 23 and hearing the exchanges, was the Sunset committee and 24 the legislatures wanted service to the public. And they 25 expect us to deal with the problems that now Judge Brown</p>
<p style="text-align: right;">103</p> <p>1 think any of us can sleep at night if they (Inaudible) 2 on their way home. Here's my question. I mean, 3 practically, if you don't have a trooper in every 4 location, I'm assuming even the most competent employee 5 can only stall so long. Most people know they've got 6 warrants. And if you're scratching your ear for ten 7 minutes, they know somebody's coming; is that right? 8 JUDY BROWN: If you begin to delay in an 9 offices where there's not a trooper, if it's a -- if 10 it's a case of fraudulent documents, they leave the 11 documents on the counter. They can go buy another set. 12 They're gone. 13 MS. BROWN: Do you find the same with people 14 with active warrants? I mean, I remember being on the 15 bench, and you knew when you walked into court if you 16 would be taken in. So I would assume if you don't have 17 somebody there right then -- 18 JUDY BROWN: I would tell you -- 19 MS. BROWN: -- they're leaving. 20 JUDY BROWN: -- that there's a -- there's 21 a -- at least 50 percent of the people who come into the 22 offices either don't know they had warrants or they're 23 not aware that we serve warrants in Driver License 24 offices. 25 MS. BROWN: Okay.</p>	<p style="text-align: right;">105</p> <p>1 and the Chief are discussing. And I think it's a 2 legitimate response for us to say, we want to do what 3 you've told us to do. We're committed to that, and 4 here's our best cut on how to do it and what the cost 5 is. And then I think you -- you go from there. But 6 we're sincerely committed to giving better customer 7 service. That's the underlying place that we start. 8 MR. POLUNSKY: Yeah. We -- we made an 9 express commitment to the Sunset Commission and to other 10 members of the legislature that we are going to do what 11 needs to be done in order to improve customer service 12 and make it the very best possible. So to me that's not 13 an issue. The additional cost there, I would be in 14 favor of. I'm -- I'm just kind of focussing on these 15 FTEs and who's paying for what there, where they end up, 16 and whether they need to stay there. But the 17 additional -- additional services that are being asked 18 for, I'm in favor of. 19 MR. CLOWE: Well, that's basically her 20 proposal, I think, at this point. How about going to 21 that to the Governor's office and then if the response 22 is, that's too much money, then we begin to look at how 23 to reduce it. 24 MR. POLUNSKY: That's the only way to do it. 25 MR. CLOWE: And that would be a reduction of</p>

<p style="text-align: right;">106</p> <p>1 the uniformed commissioned officers to where we perceive 2 the problem is the greatest and the need for enforcement 3 on the scene. Keep the management cost, keep the FTEs, 4 keep the paid of clerical individuals, keep the 5 technology. That's all part of basic package. And I 6 would like to try to sell the idea of keeping the 7 troopers in the offices. I've always been personally in 8 favor or that as much as possible. 9 MS. BROWN: Can I ask a question, do we have 10 any idea what percentage of active warrants are actually 11 discharged by picking somebody up at -- because that 12 might be helpful to say that, you know, of active 13 warrants, you know, 25 percent of them are actually 14 picked up when somebody comes to Driver License. 15 MR. CLOWE: They've got some of those 16 statistics. They -- they have told us that those 17 uniformed officers make higher percentages of arrests 18 than the officers who are out -- 19 MR. POLUNSKY: On the field. 20 MR. CLOWE: -- on the field. 21 MS. BROWN: That's pretty compelling. 22 JUDY BROWN: We've got numbers -- 23 MR. CLOWE: Am I correct? 24 JUDY BROWN: You are correct. Per capita, 25 the driver license trooper makes more warrant and more</p>	<p style="text-align: right;">108</p> <p>1 MS. BROWN: I agree. Makes people not cut 2 up. And I would think with the issue of fraud, if one 3 were so inclined to try to get a phony ID or not have 4 proper credentials, certainly they would hopefully give 5 it greater -- greater thought by seeing somebody who 6 could slap the cuffs on them. 7 JUDY BROWN: That's correct. 8 MR. STEEN: It sounds like to me coming in 9 this stage, what happened is that you get this notion 10 and on the surface it sounds real good. Let's 11 civilianize the Driver License Division. And what 12 you're thinking is, the public wonders, well, why are 13 all these troopers in an office like this. Why aren't 14 they on the street arresting people and doing the things 15 that they're trained to do. But in fact what we're 16 finding out is that there's a real reason for them to be 17 in those offices, and maybe that hasn't been 18 communicated like we should. And if that's the case, 19 are we getting off on a tangent getting this whole idea 20 of civilianizing the -- the Driver License offices or 21 what do you think? 22 MR. POLUNSKY: Well, I think the 23 civilianizing the Driver License office -- the Driver 24 License Division is more on the management side. 25 That's -- I think that's where the Sunset Commission was</p>
<p style="text-align: right;">107</p> <p>1 arrests than any other in -- in -- in the state. I 2 personally don't know the number of comparison of how 3 many warrants they serve versus how many warrants are in 4 the system. We can get you the statistics on how many 5 they serve and we can look at the other. I'm not sure 6 it's a -- it's a real valuable perspective because of 7 the number of warrants that are actually put in the 8 system. It may be a smaller number when you look at the 9 percentage. But I think when you look at the day to day 10 activities, the number of warrants served, number of 11 arrests made. I think you'd be astounded by the numbers 12 we would provide. 13 MS. BROWN: And I don't want you to feel 14 like you've got to go compile some statistics. It 15 sounds like you've got another number that presents how 16 important that is just by being able to say that you 17 are -- you're serving -- you're getting rid of warrants 18 more from people coming in than troopers on the road are 19 stopping them. 20 JUDY BROWN: Absolutely. We've got those 21 numbers available. 22 MR. CLOWE: And there's an intangible, 23 judge, of the uniformed officers being there. It's 24 called a command presence. You know, having a bailiff 25 in the court.</p>	<p style="text-align: right;">109</p> <p>1 recommending that we go with all of this. And I firmly 2 concur with that recommendation. As far -- as far as 3 staffing these offices with troopers, I mean, it's 4 pretty much the same situation that we have now. It's 5 just matter of who's paying for it, where do they end 6 up. 7 MS. BROWN: Commissioner Steen, my 8 understanding, and please tell me if I'm wrong, Chief, 9 is that as it stands now, you have a uniformed officer 10 that's not just being a law enforcement presence and 11 arresting people if they have warrants, but also acting 12 as a supervisor, is that it? 13 JUDY BROWN: We have 123 troopers acting to 14 do enforcement work, investigations, deterrence of fraud 15 serving warrants. We have 89 supervisors. Those 16 supervisors not only supervise the trooper but they 17 supervise the civilian technicians and examiners and the 18 public as they come into the office in the process. And 19 therein lies the significant value is could those 20 commissioned supervisors be better utilized as 21 commissioned supervisors supervising commission ranks 22 for strictly commission duties rather than the civilian 23 duties managed in the Driver License Division. 24 MS. BROWN: So is the uniformed trooper, 25 just to make sure, am I understanding that correctly,</p>

<p style="text-align: right;">110</p> <p>1 you would have a uniformed trooper as it stands now that 2 would supervising civilians in addition to the other 3 duties; is that right? 4 JUDY BROWN: The trooper does not 5 supervise -- 6 MS. BROWN: Oh. 7 JUDY BROWN: -- the civilians. 8 MS. BROWN: I'm sorry. 9 JUDY BROWN: The trooper answers to the 10 sergeant and the civilians answer to the sergeant. 11 MS. BROWN: Okay. Got ya. 12 JUDY BROWN: So there's a -- there's a, you 13 know, great cost savings reduction when you look at the 14 commissioned management numbers outside of just the 15 troopers. 16 MS. BROWN: Thank you for clarifying that 17 for me. I appreciate it. 18 MR. CLOWE: But judge, the trooper will get 19 behind the desk and issue driver's licenses. They'll 20 actually -- 21 MS. BROWN: Goodness gracious, that's a lot 22 of jobs. 23 MR. CLOWE: Deal with the public from time 24 to time. 25 MS. BROWN: You arrest, you -- I mean, what</p>	<p style="text-align: right;">112</p> <p>1 I used on this subject. And it was not a quick 2 decision. We really beat this around. 3 MR. STEEN: Well, I guess what I'm saying is 4 you look at two things. There's civilianizing Driver 5 License Division, and then something that we're all 6 embracing which is improving customer service. And just 7 wonder if we're -- if you had to break those down cost 8 wise, if you divided it that way, what is -- what is 9 civilianizing cost versus improving customer service? 10 JUDY BROWN: We have it broken down. The -- 11 the materials that you have in your packet, the -- the 12 one chart shows that the civilian management is 25 13 million over the biennium, and the customer service 14 initiatives are 22 million over the -- over the 15 biennium. Commissioner Steen, when you -- when you 16 compare the Sunset report to the Deloitte report, I 17 think it -- there's some added value. Sunset makes the 18 recommendation that we need to operate more like a 19 retail environment, more like a retail business. 20 Deloitte comes in and goes into more depth. 21 And the pleasing thing, from my perspective, 22 is as Deloitte's doing their study, we're doing our 23 research and trying to move forward with the Sunset 24 recommendation. Our technology customer service 25 initiatives are aligned almost identical when we got the</p>
<p style="text-align: right;">111</p> <p>1 don't they do? 2 JUDY BROWN: In -- in the larger offices, 3 that's a little bit more of a rarity because they have 4 more enforcement investigative activity. But they 5 should absolutely, and as far as I know, all have the 6 capability of to sit down and do that. They need to 7 know that option and how it -- how it works in order 8 to -- to get -- 9 MR. CLOWE: So that does -- 10 JUDY BROWN: Testimony and make sure of -- 11 it does happen. It does happen. 12 MR. CLOWE: Well, I've seen it in Waco, but 13 I didn't know that it doesn't happen in Dallas or 14 Houston. They -- they don't have the time to do that. 15 MS. BARTH: I would disagree. I've been in 16 an office where trooper's behind the desk doing 17 something. 18 MS. BROWN: So it sounds like they provide 19 many functions. They're actually working as -- doing 20 civilians' jobs, and doing arrests when it's necessary, 21 and just by their very presence, they're a deterrent to 22 fraud. 23 JUDY BROWN: That's correct. 24 MR. CLOWE: Commissioner Steen, we -- we 25 really had some lively discussions, I think, from a term</p>	<p style="text-align: right;">113</p> <p>1 Deloitte report. There's maybe one in ours that 2 Deloitte didn't have, or one in Deloitte's that we 3 didn't use. But Deloitte goes a little more in depth 4 with the things that we could do to provide better 5 service and become more like a retail service operation 6 in our ability to serve the public. 7 MR. CLOWE: You okay with letting this run 8 on a little bit in? 9 MR. POLUNSKY: I'm okay with it. 10 MR. CLOWE: Commissioner Steen -- 11 MS. BARTH: I'd just like to see the BCS 12 tonight. 13 MR. CLOWE: In another light -- in another 14 light -- 15 MR. POLUNSKY: We can bring a monitor in. 16 MR. CLOWE: -- I ran a retail business that 17 had public offices where people came in to pay their 18 bills, and we were focussed on customer service. You 19 know, in a call center there was a flashing light, how 20 long people had to wait before an operator answered, how 21 many seconds, and we would time in the payment centers 22 how long a person stood in line before they got to the 23 cashier. And my sense is that what we're trying to do 24 is to achieve customer satisfaction in that way of 25 thinking in the issuance of driver's license.</p>

<p style="text-align: right;">114</p> <p>1 The thing that makes it a little more 2 difficult for us is that it's not just here's my money, 3 give me my stamped receipt. You know, we had clerks 4 behind 3-inch Kevlar glass, and a scoop that money was 5 passed out and received. Next in line, get out of way 6 and bang, bang, bang. Here, you've got to coach so many 7 who come in about the document requirements. You've got 8 to visit with them. We have a language issue, 9 particularly in Houston, Harris County, also in other 10 counties where you have many bilingual or multilingual 11 requirements. And you have a high percentage of people 12 who come with invalid documents or insufficient 13 documents; requires a lot of personal interaction. And 14 that slows things down. 15 And because this group has the highest 16 turnover, they're, in many cases, not as well trained as 17 we'd like them to be. And I'm not saying anything 18 about -- derogatory about the good job that so many do. 19 But the fact is that other jobs pay more and people are 20 seeking increased compensation. And I think it's only 21 fair to say -- Chief Brown may want to make a comment on 22 this -- there's the issue of bribery that we see come to 23 surface from time to time, and that's something that you 24 don't see in a retail business. A person will attempt 25 to bribe a clerk with hundreds of dollars of cash from</p>	<p style="text-align: right;">116</p> <p>1 The significant difference in that same cost perspective 2 is the number of supervisors that we can provide for the 3 same dollars. We have 89 commissioned supervisors; 4 that's sergeants, lieutenants and captains. Within -- 5 within our \$14 million proposal is 256 civilian 6 managers. So it allows us to put more managers over a 7 process that needs to be managed. 8 Quite often now you'll see a sergeant is 9 responsible for three or four offices, even in larger 10 cities. They're responsible for multiple locations. 11 And so in the civilian management model, for the same 12 cost that we pay our commissioned officers, we almost 13 triple the number of managers that we have and allow a 14 better saturation, if you will, of supervisory 15 personnel, ensuring the process is moving, making the 16 right decisions being there to -- being there to serve. 17 MS. BARTH: I just want to say one thing. 18 Commissioner Steen, I think Sunset and, I believe, 19 ourselves, have looked at other states along the way. I 20 don't think this is, like, some new concept out there, 21 okay. Other states have the same issues that we have, 22 people coming in that aren't supposed to get a license, 23 language barriers, et cetera. So I just -- I really 24 think -- I don't want to get looking at this in a vacuum 25 on the situation. Because I fully believe this is where</p>
<p style="text-align: right;">115</p> <p>1 time to time. And that's an issue that you don't have 2 in retail business. 3 MR. STEEN: See, I've come around on this. 4 I think when I first heard this about civilianizing it, 5 really what I was focussed on is why are those troopers 6 in offices behind desks, why aren't they out, you know, 7 catching the bad guys. So I've come around on my 8 thinking that there is a reason to have the troopers 9 there. And so, you know, I'm wondering if -- you know, 10 we're talking about civilianizing is 25 million, 11 improving customer services is 22 million. Is it valid 12 just to think about let's just really focus on improving 13 customer service and maybe move away from this 14 civilianizing idea. And I guess the question I have in 15 that regard, how does civilianizing DLD fit into 16 improving customer services; is that part of what you're 17 considering? 18 JUDY BROWN: I think another -- 19 MR. STEEN: Are they separate? 20 JUDY BROWN: -- illustrious commissioner on 21 the board has asked that question to me in the past. 22 Civilianizing -- the difference between what a civilian 23 manager can do and a commissioned manager is minimal. 24 It's up to us to do the training, to provide -- provide 25 the tools that a person needs to manage this process.</p>	<p style="text-align: right;">117</p> <p>1 we need to head with some law enforcement in the 2 offices, and I understand and recognize that. But I 3 believe that Sunset saw, what I think, is out there, 4 some deficiencies by going to a civilian model. And we 5 aren't and other states are moving this way, okay. So 6 with all sorts of incentives out there and ideas to 7 drive license renewal electronically, we're appropriate. 8 I think it was the state of Virginia where it cost you 9 more to come in if you're eligible to do it 10 electronically. So I think these are ideas that we have 11 to look at. It's just I don't want to be looking at oh, 12 gosh, we can't do this. We've got to have a law 13 enforcement presence. 14 MR. POLUNSKY: Chief Brown, remind me, how 15 many states are totally civilian with respect to 16 issuance of driver's licenses? 17 JUDY BROWN: There are less than eight that 18 use law enforcement in their driver license offices. 19 MR. POLUNSKY: All right. So there's at 20 least 42 states that have completely removed law 21 enforcement supervision totally; is that correct? 22 JUDY BROWN: That's correct. 23 MR. STEEN: And how are they dealing with 24 these issues about warrants and fraud? 25 JUDY BROWN: The difference is the majority</p>

<p style="text-align: right;">118</p> <p>1 of those driver license functions are in a Department of 2 Motor Vehicles, or in a Department of Revenue. They're 3 not in a law enforcement agency. So they are -- are if 4 you -- if you will, oblivious to that the warrant 5 exists. They don't have access to that information and 6 so these people are issued licenses and move on about 7 their business.</p> <p>8 MS. BROWN: I'm not seeing this as 9 inconsistent. And -- and if I can chime in here, it 10 sounds like the civilian model that's being proposed is 11 effective and cost effective, especially if we can 12 balance in law enforcement presence where feasible. But 13 what I'm taking from this is the big change is rather 14 than having law enforcement in management all the time, 15 we're not wanting -- I don't think any of us want to 16 completely do away with the presence of law enforcement 17 because of deterrence of fraud.</p> <p>18 MR. POLUNSKY: That's correct. I know of no 19 one here who wants to totally eliminate law enforcement 20 presence in these offices. There may -- there may be 21 some offices where --</p> <p>22 MS. BROWN: Sure.</p> <p>23 MR. POLUNSKY: -- they could be eliminated 24 or reduced. But for the most part, that's not the 25 issue. What we're looking at, in my mind, as far as</p>	<p style="text-align: right;">120</p> <p>1 properly being utilized for long-term purposes to a 2 large degree. But when you go into the urban areas, 3 yes, there's -- absolutely, I -- there's no question 4 that -- that there is a necessity to have law 5 enforcement people there.</p> <p>6 That's the argument I made at the Sunset 7 Commission. And members of the Sunset Commission when 8 this issue was brought up and certainly argued 9 vigorously, publicly, privately by a Representative 10 McClendon. I feel that -- that there are reasons to 11 have Driver License under the auspices and supervision 12 of a law enforcement agency like DPS. We don't want to 13 change that. But -- but we can certainly make service 14 more efficient and more accountable, I feel, if it has a 15 civilian management structure.</p> <p>16 We kind of got off the track here. This was 17 all on FTEs to begin with. But -- so your -- you 18 request is what, Chief?</p> <p>19 JUDY BROWN: To move forward with the 20 proposal working with the Governor's office, Chief 21 Baker, and Colonel Beckworth to come to a resolution on 22 the salaries for those FTEs, whether it stands as it's 23 recommended or whether we need to alter it in some 24 format so that we can move forward with getting it into 25 the exceptional item list.</p>
<p style="text-align: right;">119</p> <p>1 civilianizing the Division is on the management side.</p> <p>2 MS. BROWN: And that sounds like it's 3 effective.</p> <p>4 MR. POLUNSKY: And I -- you know, the Sunset 5 Commission has come forward with this recommendation, 6 Deloitte has come forward with this recommendation. And 7 I'm in agreement on that with respect to that part. 8 Just to be very blunt about it, I have a problem with 9 spending the money to send people to recruit school for 10 six months to become law enforcement people -- law 11 enforcement officers, and then they actually are turned 12 into administrators in the Driver License Division. And 13 that doesn't make a whole lot of sense to me. They're 14 not trained -- they're trained to be law enforcement 15 people but end up being administrators.</p> <p>16 MS. BROWN: I agree. And it sounds like 17 what -- what we're doing is -- is using them in an 18 appropriate method and taking a civilian to task the 19 civilian to do.</p> <p>20 MR. POLUNSKY: Right. So that's, in my 21 mind, the civilianizing part. Not certainly completely 22 or dramatically removing the troopers from the driver's 23 license offices. Although, like I said, I've walked 24 into a couple in rural areas where -- not that I'm an 25 expert, but it appears that they're -- they're not</p>	<p style="text-align: right;">121</p> <p>1 MR. POLUNSKY: I would like to do that. I 2 mean, does anyone else feel differently?</p> <p>3 MR. STEEN: We need formal action.</p> <p>4 MS. BROWN: I agree.</p> <p>5 MR. POLUNSKY: Okay. Would somebody like to 6 make a motion to that effect, then?</p> <p>7 MR. CLOWE: So moved.</p> <p>8 MS. BROWN: Second.</p> <p>9 MR. POLUNSKY: Moved by --</p> <p>10 MR. STEEN: Sorry, maybe Chief Brown could 11 tell us what the motion is.</p> <p>12 MR. POLUNSKY: Well, I think she did, but 13 you want to go ahead and restate it.</p> <p>14 JUDY BROWN: To move forward with the DL 15 restructure recommendation as it stands ironing out the 16 final detail with regards to FTE and salary placement 17 between Driver License and THP and the Governor's 18 office.</p> <p>19 MR. STEEN: When you said, as it stands, 20 what -- where -- where is that?</p> <p>21 JUDY BROWN: You should have it in your 22 package.</p> <p>23 OSCAR YBARRA: Under "L" on the summary 24 sheet that you have, the one with all the detail on the 25 exceptional item list.</p>

<p style="text-align: right;">122</p> <p>1 MR. STEEN: You mean on this right here?</p> <p>2 OSCAR YBARRA: Yes, sir.</p> <p>3 MR. STEEN: Where it says, civilian business</p> <p>4 model DL?</p> <p>5 OSCAR YBARRA: Yes, sir. It's also on the</p> <p>6 exceptional item comparison spreadsheet, and it'll be</p> <p>7 under letter "B," first item under letter "B."</p> <p>8 JUDY BROWN: And then within your materials</p> <p>9 you have a chapter out of our recommendation that's got</p> <p>10 more detail.</p> <p>11 MR. POLUNSKY: Okay. There's a motion on</p> <p>12 the floor that was made by Commissioner Clowe and</p> <p>13 seconded by Commissioner Brown. Is there any discussion</p> <p>14 on the motion? There's no discussion -- I'm sorry?</p> <p>15 MR. STEEN: Just to be clear, so what we're</p> <p>16 voting on, the civilian business model portion of it?</p> <p>17 Are we also voting on the customer service part of it?</p> <p>18 MR. POLUNSKY: Yes.</p> <p>19 MR. STEEN: It's all wrapped in together?</p> <p>20 MR. POLUNSKY: Yes.</p> <p>21 MR. STEEN: Thank you.</p> <p>22 MR. POLUNSKY: Any furtherer discussion?</p> <p>23 MR. STEEN: No.</p> <p>24 MS. BARTH: May I amend that motion?</p> <p>25 Because I think Chief needs also to add the list of</p>	<p style="text-align: right;">124</p> <p>1 us today for approval?</p> <p>2 OSCAR YBARRA: Those are simply updates due</p> <p>3 to information that's been researched or things of that</p> <p>4 sort. The items remain the same. The numbers have been</p> <p>5 updated.</p> <p>6 MR. CLOWE: Well, it's \$179 million more,</p> <p>7 isn't it?</p> <p>8 OSCAR YBARRA: Yes, sir, it is. If you want</p> <p>9 to look at it that way, you would be improving the</p> <p>10 increases.</p> <p>11 MR. CLOWE: Does that require Commission</p> <p>12 approval?</p> <p>13 OSCAR YBARRA: The way we look at -- the way</p> <p>14 I was looking at the exceptional items, is you've</p> <p>15 approved the items. The amounts changed due to some</p> <p>16 further research, and we're informing you of the</p> <p>17 changes.</p> <p>18 MR. POLUNSKY: Well, I -- for something like</p> <p>19 that, I think we probably need to go ahead and --</p> <p>20 OSCAR YBARRA: That's fine.</p> <p>21 MR. POLUNSKY: -- be on the record.</p> <p>22 MR. CLOWE: That's \$180 million.</p> <p>23 MR. POLUNSKY: Yeah. Okay. So --</p> <p>24 MS. BARTH: I withdraw my (Inaudible)</p> <p>25 MR. POLUNSKY: All right. There's a motion</p>
<p style="text-align: right;">123</p> <p>1 disaster recovery support to the exceptional item; is</p> <p>2 that right?</p> <p>3 OSCAR YBARRA: Yes. That would be a</p> <p>4 separate item. Unless you want to approve those</p> <p>5 together that would be fine, yes. If you're so in favor</p> <p>6 of that, yes, that would work.</p> <p>7 MS. BARTH: Whichever way you'd do it.</p> <p>8 OSCAR YBARRA: The other item on the letter</p> <p>9 "B," sir, which is for the warehouse and staff that</p> <p>10 Chief Lecklider could -- can update the Commission if</p> <p>11 necessary.</p> <p>12 MR. CLOWE: Well, that's a good question.</p> <p>13 Are we going to do them one at a time or we just going</p> <p>14 to do it all?</p> <p>15 MR. STEEN: Well, there are only two.</p> <p>16 MR. POLUNSKY: Oscar, we've got more than</p> <p>17 two, we've got all of this, don't we?</p> <p>18 OSCAR YBARRA: The -- the letter "A," sir,</p> <p>19 are simply updates for your review. And if you have any</p> <p>20 questions we would provide that for you. The letter "B"</p> <p>21 would be additions to exceptional items that you would</p> <p>22 need to vote on today, sir.</p> <p>23 MR. POLUNSKY: Okay.</p> <p>24 MR. CLOWE: But don't you have an increase</p> <p>25 in the LAR from what we approved back in August before</p>	<p style="text-align: right;">125</p> <p>1 on the floor. Let's go ahead and do the Driver License.</p> <p>2 All in favor, please say, "Aye."</p> <p>3 COMMISSIONERS BROWN AND CLOWE: Aye.</p> <p>4 MR. POLUNSKY: Any against? No. Motion</p> <p>5 passes. Does somebody want to address the -- the</p> <p>6 disaster resource support sites?</p> <p>7 MS. BARTH: Move to approve.</p> <p>8 MR. CLOWE: Second.</p> <p>9 MR. POLUNSKY: All right. There's a motion</p> <p>10 by Commissioner Barth and seconded by Commissioner Clowe</p> <p>11 on the two state disaster resource support staff sites.</p> <p>12 Any discussion? No discussion. All in favor, please</p> <p>13 say, "Aye."</p> <p>14 COMMISSIONERS BROWN AND CLOWE: Aye.</p> <p>15 MR. POLUNSKY: Any against? No. Motion</p> <p>16 passes. Okay. Commissioner Clowe, do you want to</p> <p>17 address --</p> <p>18 MR. CLOWE: Well, I think from what the</p> <p>19 numbers were in August of '08 to this presentation</p> <p>20 today, the amount is increased 179,545,540 some-odd</p> <p>21 dollars. My calculator doesn't carry that last digit.</p> <p>22 I would think you'd want to discuss these with the</p> <p>23 Commission, Oscar --</p> <p>24 OSCAR YBARRA: Sure.</p> <p>25 MR. CLOWE: -- and tell us where this</p>

<p style="text-align: right;">126</p> <p>1 increase comes from.</p> <p>2 OSCAR YBARRA: As far as the items that were</p> <p>3 provided for letter "A" on the exceptional item list</p> <p>4 with the updates, which have blue ink on them, Colonel</p> <p>5 Beckworth did discuss this when he made the presentation</p> <p>6 of what changed, which this spreadsheet identifies as of</p> <p>7 what changed. The -- I'm unfamiliar with what you're</p> <p>8 identifying as to what has changed from the bottom line</p> <p>9 outside of what's on this variance report, Commissioner.</p> <p>10 What we've identified is what has changed in the</p> <p>11 exceptional items. The civilian based model is the \$48</p> <p>12 million that would've caused that change.</p> <p>13 You've got the two disaster resource, which</p> <p>14 would be on the second page, which is an addition of</p> <p>15 \$3.687 million. Those would be the big, big numbers</p> <p>16 that would change what we requested in the past. So --</p> <p>17 MR. CLOWE: Okay. Oscar, straighten me out.</p> <p>18 On the worksheet where you say this list was approved by</p> <p>19 the PSC, 61908, the total's 265,639. And this total is</p> <p>20 445,185. That's what I'm adding and subtracting. Am</p> <p>21 I -- am I in the wrong place?</p> <p>22 OSCAR YBARRA: Yes. If you'll note -- if</p> <p>23 you'll not, on that old spreadsheet, sir, you do not</p> <p>24 have letter "L" which is the civilian business model.</p> <p>25 There's your 48,427,000. That's your biggest change.</p>	<p style="text-align: right;">128</p> <p>1 under "A" on the new sheet, and it's up there at the top</p> <p>2 under critical staff compensation incentives.</p> <p>3 OSCAR YBARRA: We tried to summarize. I</p> <p>4 guess it caused some confusion.</p> <p>5 MR. CLOWE: Yeah. I'm in the wrong place.</p> <p>6 So it's all --</p> <p>7 OSCAR YBARRA: It's all laid out here, sir.</p> <p>8 MR. CLOWE: -- for the most part.</p> <p>9 OSCAR YBARRA: All laid out here.</p> <p>10 MR. CLOWE: Yeah.</p> <p>11 MR. POLUNSKY: So we're okay then.</p> <p>12 OSCAR YBARRA: Yes, sir.</p> <p>13 MR. CLOWE: I think so. Thank you for that</p> <p>14 explanation.</p> <p>15 MR. POLUNSKY: So you're all right,</p> <p>16 Commissioner Clowe?</p> <p>17 MR. CLOWE: Yes, sir.</p> <p>18 MR. STEEN: Chief, you're saying just, in</p> <p>19 essence, just ignore these two exceptional item --</p> <p>20 comparing these two worksheets --</p> <p>21 OSCAR YBARRA: We --</p> <p>22 MR. STEEN -- because you summarized it,</p> <p>23 here?</p> <p>24 OSCAR YBARRA: Correct, sir.</p> <p>25 MR. STEEN: And what we've done just now,</p>
<p style="text-align: right;">127</p> <p>1 Okay. That's the big changer right there.</p> <p>2 MR. CLOWE: And that's a blue number.</p> <p>3 OSCAR YBARRA: Yes, sir.</p> <p>4 MR. CLOWE: But then you've got other blue</p> <p>5 numbers.</p> <p>6 OSCAR YBARRA: Right. If you look at the</p> <p>7 information technology, letter "B," there's a change</p> <p>8 there. There's an increase of \$11,692,000 on your</p> <p>9 variance report due to things that were identified on</p> <p>10 the variance report. And then there are a few</p> <p>11 reductions under the critical staff compensation senate</p> <p>12 due to adjustments made by Accounting & Budget Control</p> <p>13 and the divisions due to some findings, and that would</p> <p>14 be a reduction of 4,487,000 over the biennium for the</p> <p>15 commissioned salaries, and 1,110,000 reduction for the</p> <p>16 information management service personnel request. So</p> <p>17 this particular variance report addresses all of the</p> <p>18 changes.</p> <p>19 MR. CLOWE: Well, I think I'm seeing</p> <p>20 commissioned officer salaries increased 101 million.</p> <p>21 OSCAR YBARRA: No, sir. If you'll look at</p> <p>22 the original request, which was 106,154,000 was the</p> <p>23 biennial request. The request on the updated version is</p> <p>24 101,670.</p> <p>25 MR. CLOWE: Okay. I'm confused because it's</p>	<p style="text-align: right;">129</p> <p>1 we've approved the -- the two new items.</p> <p>2 OSCAR YBARRA: Yes, sir.</p> <p>3 MR. STEEN: And so you're saying if we</p> <p>4 wanted to approve the updates then we would cover</p> <p>5 everything, as far as what's --</p> <p>6 OSCAR YBARRA: Yes, sir.</p> <p>7 MR. STEEN: -- changed.</p> <p>8 OSCAR YBARRA: Unless -- you know, there was</p> <p>9 discussion at the last Commission meeting about</p> <p>10 gasoline. I've kind of -- 11 million. We'll be going</p> <p>11 to the legislatures at \$3.60.</p> <p>12 MR. STEEN: Give us -- give us the quick</p> <p>13 summary on that, on the gasoline.</p> <p>14 OSCAR YBARRA: Gasoline, the agency is</p> <p>15 probably paying on average \$3 right now because of what</p> <p>16 we were paying in early September. But everything I'm</p> <p>17 reading is -- probably the average is going to be about</p> <p>18 \$2 a gallon for the year in 2009.</p> <p>19 MR. STEEN: But you said there's two ways we</p> <p>20 could handle it, either --</p> <p>21 OSCAR YBARRA: Yes, sir. There's two ways.</p> <p>22 We could try to identify a dollar per gallon -- which</p> <p>23 is -- I laid out to the Commission, that number's going</p> <p>24 up and down. Right now it's actually going back up,</p> <p>25 went up 7 cents -- and try to figure out what number</p>

<p style="text-align: right;">130</p> <p>1 we'd want to advertise to lock in to a number to gain 2 for the agency an exceptional item. I believe that's -- 3 that could hurt us in the end if the price of gas goes 4 back up to \$3.60 a gallon. 5 MR. STEEN: Then we're just -- at that point 6 we're kind of guessing. 7 OSCAR YBARRA: Yes, sir. The security 8 blanket we put in the LAR rider was to put that rider 9 back in where based on current activity, we would be 10 funded at a certain level via that rider, keep it 11 simple. And that has covered us in the past. And it 12 gives the decision back to the Commission and the 13 director as to whether they want to go to the 14 Comptroller -- back then it would go to the 15 Comptroller -- and ask for additional funding. In the 16 past we only did that once. 17 MR. STEEN: Well, and that's the way you're 18 bringing it to us really is you're saying if you'll 19 approve these updates, that'll be covered. And are you 20 asking us to approve the rider, too? 21 OSCAR YBARRA: The writer's already 22 approved. My question to you is do you want me to 23 eliminate the operating shortfall associated with 24 gasoline that we presented at \$3.60, which is 25 \$11 million, which is a big difference than what we're</p>	<p style="text-align: right;">132</p> <p>1 That \$2.40 rider said that once you exceeded 2 \$2.40 per gallon, you can borrow money on the next year 3 but you don't get that back. So it really doesn't help 4 us any way. So Oscar's saying we have two options; 5 either leave the \$21 million in shortfall, or we go back 6 and ask the LBB and legislature to allow us to go back 7 to the previous \$1.38 rider. What that does is 8 basically whatever gasoline price is, all up and downs 9 it's going through, it keeps us at a constant price. 10 We're not asking for more than what we need, only what 11 we need when we need it. And that's what the \$1.38 12 would do to allow us to do that. If we went back to the 13 rider, that's the way it would be. So if you approve 14 this, we would take out \$11 million by that shortfall. 15 MR. POLUNSKY: Which I think we ought to be 16 doing. 17 COLONEL BECKWORTH: And when you look at it 18 from that perspective, we're basically saying we're 19 being honest an upfront about exactly what we're 20 spending, and we're not forecasting based on an unknown. 21 MR. STEEN: Colonel, what's your 22 recommendation? 23 COLONEL BECKWORTH: I recommend we go back 24 to the rider of \$1.38. 25 MR. STEEN: You concur with that?</p>
<p style="text-align: right;">131</p> <p>1 paying right now. 2 COLONEL BECKWORTH: Could I clear this up a 3 little bit, if I could? 4 MR. POLUNSKY: Colonel Beckworth. 5 COLONEL BECKWORTH: If you take a look at 6 what we've done previously, we appropriated a little 7 over \$7 million annually for gasoline. In 2007, we 8 spent \$11 million in gasoline; 4 million over the amount 9 was appropriated. In 2008, we spent \$17 million in 10 gasoline; 10 million over what we appropriated. At the 11 time that you approved -- at the time that you approved 12 this particular document in June, gasoline was extremely 13 high, virtually \$4. Based on our projection, we 14 indicated that our shortfall amount would be \$3.60 times 15 5.9 million gallons used annually, come out to \$11 16 million. 17 So if you look at item number "C" on the 18 shortfall amount, we're showing \$21 million. What Oscar 19 is saying is if we use the previous process that we had, 20 we would subtract \$11 million from that 21 million 21 shortfall and go with the \$1.38 rider that we've had in 22 place for years. The previous session before, the 23 legislature, based on -- I'm not sure why they did it, 24 but they put in -- they took out this particular \$1.38 25 rider and put a \$2.40 rider in place.</p>	<p style="text-align: right;">133</p> <p>1 OSCAR YBARRA: Yes, sir, with a lot of 2 advertising. We've got to be sure it shows up. 3 COLONEL BECKWORTH: We have to make sure we 4 get it. 5 MR. STEEN: If we're going to do that, what 6 do we need to do as a Commission? 7 OSCAR YBARRA: Remove the gasoline shortfall 8 exceptional item from this list and we rely on the rider 9 that we're proposing. So that would reduce our 10 exceptional items \$11 million. 11 MR. POLUNSKY: I think we have to do that. 12 MR. STEEN: So moved. I'll make the motion 13 to do that. That's what you're looking for, is formal 14 action? 15 OSCAR YBARRA: Yes. I think based on the 16 information we received from the Governor's office, I 17 think I would recommend it, yes, sir. 18 MS. BROWN: I'll second. 19 MR. POLUNSKY: Thank you. There's a motion 20 that's been made by Mr. Steen and seconded by Ms. Brown 21 to remove that item. 22 MR. STEEN: Colonel, how do you weigh it? 23 COLONEL CLARK: Same thing. I like the 24 \$1.38. Pay as we go. 25 MR. POLUNSKY: Discussion? There's no</p>

<p style="text-align: right;">134</p> <p>1 discussion. All in favor, please say, "Aye." 2 COMMISSIONERS STEEN, BROWN AND CLOWE: Aye. 3 MR. POLUNSKY: Any against? No. Motion 4 passes. 5 OSCAR YBARRA: I guess I would leave it at 6 this point for the Commission to look at any of the 7 items that are listed on the summary sheet of 8 exceptional items on whether they would want to consider 9 adjusting or removing any of the other items that are on 10 the exceptional items today. 11 MR. STEEN: What about this discussion we 12 had about the updates? 13 OSCAR YBARRA: Oh, I'm sorry. 14 MR. STEEN: Commissioner Clowe, do you still 15 want to do a motion on the updates? 16 MR. CLOWE: No. I think I'm satisfied with 17 the explanation that was given. 18 MR. STEEN: And your explanation, again, was 19 on the updates? 20 OSCAR YBARRA: Was that we have made 21 adjustments to what was approved in the past as far as 22 dollar amount. Our concern, Colonel Beckworth went into 23 detail about every one of those -- well, summarized why 24 we made changes on each one of those items. And just 25 for the record, sir, as far as the schedule "C" is</p>	<p style="text-align: right;">136</p> <p>1 a 1985 Commander. There's pros and cons. And it's in 2 the exceptional items. There's a lot of advantages to 3 having a jet aircraft. But the one we have is paid for 4 and it does get us around. 5 MR. CLOWE: It's old and it's slow, and we 6 probably need a new one. But a jet airplane for a state 7 agency, I don't think we're going to sell it. And my 8 sense is we need to ask for what we really need. And I 9 think we lose some stamina if we go after a jet 10 airplane, and ought to be putting our people cost and 11 our customer service cost and those items ahead. We can 12 get by for another biennium with that old, worn out Aero 13 Commander. And I don't like it. I'm a pilot. I know 14 all the good reasons. I've been through the selling 15 process on the new air plane. I'd love to have it. But 16 I just -- I think we have other items that are more 17 critical. I appreciate you calling that to our 18 attention. 19 MR. STEEN: Commissioner Clowe, and I agree 20 with you on this in the environment we're in about a jet 21 aircraft. But who'd you say could talk about it? 22 COLONEL CLARK: Chief Nabors is our chief 23 pilot. 24 MR. STEEN: Chief, you want to come up here? 25 BILL NEIGHBORS: And for the record, Bill</p>
<p style="text-align: right;">135</p> <p>1 concerned, the schedule did not change. It was a matter 2 of the funding mechanism that we used to measure what we 3 needed. So the schedule did not change, want to make 4 that clear for the record. 5 MR. POLUNSKY: Are there any items that 6 anybody wants to -- 7 MR. STEEN: I think we covered it in terms 8 of what you expect -- you wanted the approval on the two 9 new items, and then you were going -- then you've given 10 us the report on the updates. 11 OSCAR YBARRA: Yes, sir. 12 MR. POLUNSKY: I know. But he's asking 13 whether we want to pull any of these other items out of 14 here. 15 OSCAR YBARRA: Yes, sir. Due to the current 16 economic situation. 17 MR. POLUNSKY: Colonel Clark? 18 COLONEL CLARK: Well, I would ask you to, in 19 all fairness, based on this economy, you might want to 20 look at "K." We don't overlook that and make sure that 21 we're all on board there. 22 MR. CLOWE: That's really a good point. My 23 sense is we're not going to get that. 24 COLONEL CLARK: Chief Nabors is here to 25 answer any questions about that. You know, we're flying</p>	<p style="text-align: right;">137</p> <p>1 Nabors. 2 MR. CLOWE: Chief -- 3 MR. STEEN: It's a 1985 aircraft. Could you 4 just comment on the safety of it? 5 BILL NEIGHBORS: I believe it's currently 6 safe. I don't have a problem flying it for another 7 biennium. I think probably the industry standard is 8 moving to the jet. But I can also appreciate the fact 9 that we also have to sell the legislature on making 10 these types of purchases especially in this type of 11 biennium. I don't have a problem flying it for another 12 two years. 13 MR. STEEN: What's the 12 million, for 14 what -- what kind of aircraft? 15 BILL NEIGHBORS: That would be -- kind of 16 hate to put a name on a particular jet, but it would be 17 a Citation XLS is what we were looking at. There are 18 other jets. I know there's a dirty three-letter word. 19 But there's an Encore that's about eight-and-a-half 20 million. There's a King Air that's about six-and-a-half 21 million. So there are other alternatives to that 22 particular make and model. 23 MR. STEEN: Commissioner Clowe, you're a 24 pilot, so I'm saying isn't there something between 25 flying a pretty old aircraft that I might be concerned</p>

<p style="text-align: right;">138</p> <p>1 about getting on versus a new Citation? Isn't there 2 something -- a new prop plane maybe? 3 MR. CLOWE: I think you bring an excellent 4 point to the table. The answer is yes, and maybe that's 5 the more correct position for us to assume. You know, 6 the legislature's been very good, as the Colonel said 7 earlier, about law enforcement aircraft. And we have 8 probably the finest aircraft section of any law 9 enforcement, maybe the feds have better than we do. But 10 our helicopters are out in the state. They're 11 responsive. We just got, what, seven new ones? 12 BILL NEIGHBORS: Six. 13 MR. CLOWE: Six. And we've got that dual 14 helicopter. We're the only police force in the United 15 States that has that. We're in good shape on that. The 16 point that the Chief would make, I think, is that 40 17 percent of the trips that Aero Commander makes are out 18 of state. Am I right in that number, Chief? 19 BILL NEIGHBORS: That is correct. Somewhere 20 around 35 percent to 40. 21 MR. CLOWE: Well, give me a little -- 22 BILL NEIGHBORS: Yes, sir. 23 MR. CLOWE: And, you know, we're going to 24 Colorado. We're going to lots of places with evidence. 25 We're taking prisoners. We're bringing prisoners. We</p>	<p style="text-align: right;">140</p> <p>1 There are costs to operating a piece of equipment that 2 is 20 to 25 years old. 3 MR. CLOWE: And, you know -- go ahead. 4 MR. POLUNSKY: Why are you flying to Boston 5 and New York City for, Driver License? 6 BILL NEIGHBORS: No, sir. I went to Boston 7 for the Driver License records. I might get Chief Brown 8 to jump in here and help out. 9 JUDY BROWN: We flew -- we asked aircraft to 10 fly us to Boston. As you're aware, we've got our image 11 verification system, and we utilized the vendor that we 12 selected to enroll all those images and store them on 13 servers in Boston so we could go through the enrollment 14 of those images, the cleaning of those images to ensure 15 that they enrolled properly. We got them all enrolled. 16 And then we sat in Boston with 24 million images on 17 servers that needed to be moved to Texas. 18 We researched every potential moving company 19 option to try to get it here -- get those images here 20 and get them here securely. And every step, as we would 21 go through the research to look at opportunities to get 22 them here, we had them sitting in a hotel parking lot 23 overnight, or sitting in a, you know, van. But in a 24 virtually open storage facility overnight. And so we 25 opted at that point -- and, again, as we looked at each</p>
<p style="text-align: right;">139</p> <p>1 went up to, where was it, to get all those DL records? 2 BILL NEIGHBORS: That was Boston. But last 3 month we flew to San Bernadino, California; then from 4 there on to Olympia, Washington; then the following 5 week, New York City taking some investigators to see 6 some money up in New York. So we do fly it for law 7 enforcement missions quite a bit outside the State of 8 Texas. 9 MR. CLOWE: So, you know, you've got that on 10 one side. On the other side, I've asked members of the 11 legislature how's the water. Don't ask for it. And so 12 maybe the better position is something that is newer and 13 really safe. I appreciate the Chief's response that 14 he'll get behind the left seat -- or behind the left 15 wheel. I've flown some airplanes like that, too. But 16 I'd much rather have flown a newer, more modern 17 airplane. And we may be at that point. 18 BILL NEIGHBORS: It does become a -- if I 19 could interject, it does become a bit of a cost factor 20 also. The last 150-hour inspection -- and we do operate 21 about 300 hours a year. The last 150-hour inspection 22 required two pieces to be added to the main gear that 23 cost 22,000 a piece for \$45,000. I had an environmental 24 unit fail on me going to New York. Just recently got 25 that repaired and it was about \$20,000 for that repair.</p>	<p style="text-align: right;">141</p> <p>1 one of these -- these options, we also looked at 2 increased cost. So we felt like at that point the 3 safest way to get those images back securely and ensure 4 that they could not create a problem for the agency was 5 we asked aircraft to fly up and pick those -- pick those 6 servers up and bring them back to the state. 7 BILL NEIGHBORS: And as far as the New York 8 trip in December, I believe some *eight* liner money was 9 going to be seized, and I believe the figure's somewhere 10 and 2.4 to 3 million. We flew five investigators to 11 New York City. The very next day they conducted three 12 interviews. And then on Wednesday of that trip, they 13 seized, or at least froze, two-and-a-half to \$3 million 14 on that trip. 15 MR. POLUNSKY: Couldn't fly commercial to 16 New York City from Austin, Texas? 17 BILL NEIGHBORS: I would assume you could. 18 The -- the advantage to the airplane is they didn't 19 exactly know when the investigation was going to finish. 20 They could conduct it and not feel rushed on a return 21 flight back, and not have to stay maybe a day or two 22 booking those flights. Cost is about \$400 an hour just 23 for fuel. We use a DLD fuel. I'm able to purchase fuel 24 for about \$2.50 a gallon as opposed to \$7 a gallon in 25 New York City. So we had quite a bit of savings as far</p>

<p style="text-align: right;">142</p> <p>1 as that goes.</p> <p>2 MS. BARTH: Wait a second. What does it</p> <p>3 cost you to fly it an hour?</p> <p>4 BILL NEIGHBORS: Now, it depends on exactly</p> <p>5 how you're looking at it. The plane came free, gratis.</p> <p>6 It was seized in '88.</p> <p>7 MS. BARTH: The -- the operating cost.</p> <p>8 BILL NEIGHBORS: It roughly costs \$400 an</p> <p>9 hour to operate as far as the fuel burn. A typical</p> <p>10 150-hour inspection runs about anywhere from 15,000 to</p> <p>11 20,000 on average.</p> <p>12 MS. BARTH: So would you say it's \$2,000 an</p> <p>13 hour, not including fuel?</p> <p>14 BILL NEIGHBORS: I would say probably 1,00,</p> <p>15 1,200 an hour at least, including fuel.</p> <p>16 MS. BARTH: I'm surprised it's that low.</p> <p>17 BILL NEIGHBORS: It's really not too bad.</p> <p>18 MR. STEEN: Chief, you're worrying me more</p> <p>19 about this aircraft. So it's not only a 1985 aircraft,</p> <p>20 but it was seized?</p> <p>21 BILL NEIGHBORS: Well, it was seized</p> <p>22 relatively new. Actually, the person that was making</p> <p>23 the purchase did not everyone get to fly it. He was</p> <p>24 walking out it to and then they seized the aircraft from</p> <p>25 him.</p>	<p style="text-align: right;">144</p> <p>1 And that would be real comparable, and it would still</p> <p>2 certainly do everything that we need to do.</p> <p>3 MS. BARTH: So University of Texas got</p> <p>4 approved 6.9 million in this environment?</p> <p>5 BILL NEIGHBORS: They just made the purchase</p> <p>6 four months ago. Yes, ma'am.</p> <p>7 MR. STEEN: Chief, but, you know, even in</p> <p>8 those four months, it's getting to be a buyer's market,</p> <p>9 isn't it, with planes with the economy going the way --</p> <p>10 BILL NEIGHBORS: Yes, sir, that's correct.</p> <p>11 MR. STEEN: So if we put 6 million in there,</p> <p>12 would you think that would --</p> <p>13 BILL NEIGHBORS: If I could just put maybe 7</p> <p>14 million in there, and we could always get less.</p> <p>15 MR. STEEN: I'll make the motion that we --</p> <p>16 that we change it. I don't know if I'll get a second on</p> <p>17 this, from -- from 12 million to 7 million, and that we</p> <p>18 look to, you know -- with the idea -- I know you don't</p> <p>19 want to focus in, but the type of aircraft you're</p> <p>20 talking about, may be a used King Air.</p> <p>21 MR. CLOWE: Used Turboprop.</p> <p>22 MR. STEEN: Used Turboprop.</p> <p>23 BILL NEIGHBORS: I think -- I think -- there</p> <p>24 may be a problem buying a used (Inaudible) That would</p> <p>25 have to be checked. The State does not encourage -- a</p>
<p style="text-align: right;">143</p> <p>1 MR. STEEN: Bill my question -- I mean,</p> <p>2 you're prepared today to -- because I do think if you go</p> <p>3 to the legislature, and I'm glad you pointed this out,</p> <p>4 and you say we want a Citation (Inaudible) I think</p> <p>5 they'd say, get real.</p> <p>6 BILL NEIGHBORS: Yes, sir, I think so, too.</p> <p>7 MR. STEEN: But I also think that -- that</p> <p>8 not being reluctant to fly in an old -- I don't know</p> <p>9 about you, judge. You're looking at me.</p> <p>10 MS. BROWN: I think bad guys have the really</p> <p>11 good stuff usually.</p> <p>12 MR. STEEN: But a 1985 aircraft? I think we</p> <p>13 would do well to buy -- you know, buy something new.</p> <p>14 That's gotten a lot of use over almost 25 years. But</p> <p>15 what -- what would -- if you wanted to put something out</p> <p>16 there --</p> <p>17 BILL NEIGHBORS: I can tell you what</p> <p>18 University of Texas just purchased, and they were given</p> <p>19 direction to -- they said buy it used, so they bought</p> <p>20 something about (Inaudible). They said no jet. They</p> <p>21 just recently purchased a King Air 350. I think it is</p> <p>22 real comparable, maybe even exceeds an Air Speed, what</p> <p>23 we currently have. Exceeds in seating by two. They</p> <p>24 have a two plus nine, so they can seat 11. We're two</p> <p>25 plus seven. I think it cost them about 6.3 million.</p>	<p style="text-align: right;">145</p> <p>1 lot of times we'll hear this -- buying used property.</p> <p>2 OSCAR YBARRA: But a rider would definitely</p> <p>3 fix that if they put it?</p> <p>4 BILL NEIGHBORS: Sure. Yeah.</p> <p>5 DUNCAN FOX: Part of the LAR.</p> <p>6 *OSCAR YBARRA:* Right.</p> <p>7 BILL NEIGHBORS: Yeah. We can seize used</p> <p>8 but we can't buy used.</p> <p>9 MS. BROWN: So from law abiding citizens you</p> <p>10 can't buy it used.</p> <p>11 BILL NEIGHBORS: That's right. Certainly I</p> <p>12 think what ever figure you put in to this, you know, we</p> <p>13 would make a really good purchase below with that</p> <p>14 amount. I think just like the Commissioner. I know</p> <p>15 several times he's flown with me, he wants to do the</p> <p>16 preflight of the airplane.</p> <p>17 MR. CLOWE: Commissioner Steen, the Chairman</p> <p>18 and I are going to jump out of it this afternoon.</p> <p>19 BILL NEIGHBORS: (Inaudible) Walking around</p> <p>20 kicking the tires before he gets onboard.</p> <p>21 MR. STEEN: We all -- we all want to do</p> <p>22 right with the taxpayer's money, but I can also see a</p> <p>23 situation where you're flying an old aircraft that we</p> <p>24 seized. What if we had some kind of a problem, people</p> <p>25 came back and said, y'all were flying a 1985 --</p>

<p style="text-align: right;">146</p> <p>1 *MR. POLUNSKY*: That's not that unusual. 2 TDCJ has -- 3 BILL NEIGHBORS: And it's really -- and I 4 don't want to over-dramatize the age. I mean, it's not 5 unusual for people to be operating mid-80s aircraft. I 6 can just say from a standpoint of moving on, we have a 7 15-year replacement schedule on our helicopters, also on 8 our Cessnas. Previous legislature and administrations 9 have seen that that -- it's a good idea to have a 10 replacement schedule. And this one is -- it is time to 11 replace it. Firmly -- and we've had this conversation, 12 so has the administration -- we think that a King Air 13 will suffice especially in this market. And I would 14 look forward to the purchase of a King Air for 15 replacement. 16 MS. BROWN: I've got a question. If we -- 17 hypothetically, if we purchase this, how long do you 18 foresee being able to, with a very gently used one, will 19 that hold us for another decade? I mean, ballpark. 20 BILL NEIGHBORS: I really think the -- 21 the -- it'll hold us for another 20 years -- 22 MS. BROWN: Okay. 23 BILL NEIGHBORS: -- to tell you the truth. 24 MS. BROWN: Okay. Thank you. 25 MR. POLUNSKY: All right. There's a motion</p>	<p style="text-align: right;">148</p> <p>1 motion. 2 MS. BARTH: (Inaudible) 3 MS. BROWN: And I'm assuming the concern is 4 that we -- by asking for something we can do without 5 that perhaps we'll get no's to things that we really 6 can't do without. 7 MR. CLOWE: Yeah. That's the concern. 8 MR. POLUNSKY: Well, yeah. And over and 9 above that, this -- just to be very blunt about it, this 10 is kind of a flash point issue with some people. I'm 11 not saying this is the case, but some people would 12 characterize that as a toy or something. I know it's 13 not. I'm not saying that it is. But if that comes out 14 and somehow -- 15 MR. CLOWE: That's very true. 16 MR. POLUNSKY: -- You know, all of a sudden 17 some other things get thrown in the pot with the toy or 18 the thing that they're using as a request that was 19 inappropriate to begin with, and what about this, what 20 about that, and then some other things kind of get 21 peeled off along the line or along the way. And, you 22 know, again, I don't disagree with the request. And in 23 a healthy fiscal environment, if there was lots of money 24 out there and so on, then that might be a different 25 situation. But I just have a problem with it because</p>
<p style="text-align: right;">147</p> <p>1 made by Commissioner Steen. 2 MR. CLOWE: I'd like to second his motion. 3 MR. STEEN: Thank you. 4 MR. POLUNSKY: Seconded by Commissioner 5 Clowe. For discussion purposes, I'll be voting against 6 the motion. I think this is an inappropriate time for 7 us to be going to the legislature, even for \$7 million. 8 Chief has stated that we can get by for another 9 biennium. I think our money would be better spent on 10 pay raises and other things. So that's just my 11 position, but I certainly respect your thoughts. 12 MS. BARTH: I will agree with Chairman 13 Polunsky. 14 MS. BROWN: One quick question for you. Can 15 you safely -- do you feel like you can safely operate it 16 for another two years? 17 BILL NEIGHBORS: Yes, ma'am. 18 MS. BROWN: Okay. 19 BILL NEIGHBORS: Yes, ma'am. 20 MR. CLOWE: Well, I wish you'd spoken up 21 before Commissioner Steen made his motion and I 22 seconded. I don't think we ought to go to the 23 legislature unless we're unanimous on this. John, I 24 hate to -- 25 MR. STEEN: I thank you for seconding the</p>	<p style="text-align: right;">149</p> <p>1 it, in my mind, could jeopardize some of the other 2 things that we're asking for. 3 And if you're saying -- I'm not trying to 4 coerce you or put you -- put any pressure on you or 5 anything like that. 6 MR. CLOWE: Oh -- 7 MR. POLUNSKY: No, really. I'm not. If -- 8 if you -- if you legitimately feel that it's unsafe or 9 unwise to operate this aircraft for another two years, 10 then say so and I'll respect that. I'm not going to do 11 that with anybody. 12 BILL NEIGHBORS: Certainly. And I 13 appreciate your giving me that opportunity. But I would 14 say that I do not have any problem operating it for 15 another two years. I would like to revisit the 16 opportunity to replace it at the next legislative 17 session if we could. 18 MR. CLOWE: And, Commissioner Steen, I think 19 it's very important that the Board be unanimous on 20 something like this. 21 MR. STEEN: But I do have a question, 22 because there were some questions about how we use the 23 aircraft. Do we need this aircraft? Does everybody 24 agree with that? 25 MR. POLUNSKY: I think we need the aircraft.</p>

<p style="text-align: right;">150</p> <p>1 The Department needs an aircraft, yes. 2 BILL NEIGHBORS: It is quite -- 3 MR. POLUNSKY: I'm not quite sure we need it 4 to fly to New York City when you can fly commercial. 5 But any other number of other places where this -- 6 MR. STEEN: Because I guess I'm just 7 explaining my thought process, because if we don't need 8 it, that's fine. I just want to say it's -- you know, 9 it's something that's nice to have. In this 10 environment, we can do without. But -- and, you know, I 11 agree with Commissioner Clowe -- I'll withdraw my 12 motion. But I feel like if we need it, we shouldn't be 13 asking people to fly around in a 1985 aircraft that 14 was -- that was a seizure, that we ought to be -- and I 15 think you've got -- have you been around that long? 16 BILL NEIGHBORS: I just look like I have. 17 MR. STEEN: Did you fly this aircraft when 18 we first got it? 19 MR. CLOWE: Let me give you -- 20 BILL NEIGHBORS: No, sir. 21 MR. CLOWE: -- comfort on that, 22 Commissioner. 23 MR. STEEN: Yes. 24 MR. CLOWE: The fact that it is of the 25 vintage it is not really an issue in aircraft. The</p>	<p style="text-align: right;">152</p> <p>1 facility. So I -- I really -- 2 MR. STEEN: Okay. Well, we better move on. 3 But I'll -- I'll withdraw my motion. 4 MR. CLOWE: I'll withdraw my second. 5 MS. BARTH: And then I would like to make -- 6 MR. CLOWE: John, I tried. I really tried. 7 MS. BARTH: Mr. Chairman, I'd like to make a 8 motion to remove 12 million exceptional item list. 9 MS. POLUNSKY: Is there a second to 10 Commissioner Barth's motion? 11 MS. BROWN: I'll second. 12 MR. POLUNSKY: Seconded by Commissioner 13 Brown. The Motion is to remove the aircraft request. 14 Discussion on this motion? There's no discussion. All 15 in favor, please say, "Aye." 16 COMMISSIONERS: Aye. 17 MR. POLUNSKY: Against? No. Motion passes. 18 BILL NEIGHBORS: Thank you for your time. I 19 appreciate it. 20 MS. BROWN: Thank you for being candid. 21 MR. POLUNSKY: Thank you. Chief, anything 22 else? 23 OSCAR YBARRA: No. 24 COLONEL BECKWORTH: Mr. Chairman, couple -- 25 couple of other issues we want to discuss. As we talked</p>
<p style="text-align: right;">151</p> <p>1 point the Chief made about the maintenance and how that 2 machine is taken care of is really the issue. And I 3 really am comfortable flying in it. I've flown in it 4 quite a bit, Border Star and that sort of thing. 5 BILL NEIGHBORS: And it is -- it's still an 6 airframe that is highly sought by -- I think our 7 trade-in value would probably be \$1.5 million. 8 MR. CLOWE: And the Aero Commander has a 9 great reputation. It was the first airplane that a 10 president in the United States was authorized to fly in 11 like Twin. 12 MS. BARTH: We use other seizure vehicles, 13 right? I just want him to understand. 14 MR. STEEN: Well, I don't mind riding in a 15 seized vehicle, but I'm not sure about a seized 16 airplane. You know, do you know if the maintenance had 17 been done on it? 18 BILL NEIGHBORS: It was virtually used when 19 they seized it. They didn't have an opportunity to haul 20 dope and overstress it or what have you. So it was not 21 an abused aircraft. 22 MR. POLUNSKY: I mean, if there was a 23 problem we would've found out by now. 24 BILL NEIGHBORS: We also keep up (Inaudible) 25 directives, and we have a really good maintenance</p>	<p style="text-align: right;">153</p> <p>1 in our presentation earlier about the need for funding 2 to address retention on our employees, we do not have 3 any funds appropriated for that process. There've been 4 some discussions by legislatures for us to look at 5 probably asking for some funding for advertisement. And 6 right now, as I spoke to you earlier, there's about 7 \$14,000 that the agency provides for that particular 8 function. And so we'd ask you to consider an 9 opportunity to allow us to include as an item funding 10 for advertising for retention and hiring of employees. 11 MR. POLUNSKY: That's something that I agree 12 with completely. That's the life load of this 13 Department, and I think that that's -- not that any of 14 this other -- any of these other items are 15 inconsequential or anything, but I've been surprised 16 that we haven't funded efforts such as that before. 17 COLONEL BECKWORTH: We -- we believe that 18 starting out, based on the fact of the economy's 19 situation, that at least \$100,000 to \$200,000 ought to 20 be considered for funds set aside specifically for that 21 purpose. We just don't have any funds available. We 22 rob from different services to even go to job fairs 23 because they charge you now to get into job fairs, 24 *\$255* each time you go, and we just don't have those 25 funds set aside. We don't have any other advertisement</p>

<p style="text-align: right;">154</p> <p>1 that we do.</p> <p>2 There's some advertisement that we pay for</p> <p>3 in some of the smaller newspapers we can afford to put</p> <p>4 an article in there. We don't have the ability to put</p> <p>5 anything on television. We don't have much to put</p> <p>6 anything on the radio. We go to some of their late</p> <p>7 spots on radio and get some advertisement. But beyond</p> <p>8 that, we just don't have funds.</p> <p>9 MR. POLUNSKY: I strongly support that. Do</p> <p>10 you have -- do you have a specific recommendation?</p> <p>11 COLONEL BECKWORTH: I recommend that the</p> <p>12 Public Safety Commission consider putting an</p> <p>13 advertisement line in the exceptional item for \$100,000</p> <p>14 each year of the biennium to address the advertisement</p> <p>15 and hiring of retention of employees in the agency.</p> <p>16 MR. POLUNSKY: Is that enough?</p> <p>17 COLONEL BECKWORTH: I think that would be a</p> <p>18 good significant start for us, sir.</p> <p>19 MS. BARTH: (Inaudible) let's make sure we</p> <p>20 have the right number before we -- I don't even know</p> <p>21 what \$100,000 buys.</p> <p>22 COLONEL BECKWORTH: Well, it allows us to</p> <p>23 advertise in some of the late hour activities. I'm</p> <p>24 saying this from a standpoint that we're looking at an</p> <p>25 economic downturn issue. The true issue is that that</p>	<p style="text-align: right;">156</p> <p>1 MR. POLUNSKY: So you want to come --</p> <p>2 COLONEL BECKWORTH: Come back --</p> <p>3 MR. POLUNSKY: Come back with that.</p> <p>4 COLONEL BECKWORTH: -- with some</p> <p>5 information, and justify the need for that and what we</p> <p>6 would use it for.</p> <p>7 MR. POLUNSKY: That okay with you, Carin?</p> <p>8 MS. BARTH: That's fine. I mean, I just</p> <p>9 look at a 445 million of exceptional items and we want</p> <p>10 to add \$100,000 and you'd think we'd be able to put it</p> <p>11 into the critical staff compensation area there --</p> <p>12 MR. POLUNSKY: Right.</p> <p>13 MS. BARTH: -- as opposed to having a</p> <p>14 \$100,000 request.</p> <p>15 MR. POLUNSKY: Okay.</p> <p>16 OSCAR YBARRA: So we encompass it in the</p> <p>17 listing request.</p> <p>18 MR. POLUNSKY: Are you suggesting it could</p> <p>19 be -- that money could be utilized in lieu of the</p> <p>20 additional 100,000 or whatever amount they come out with</p> <p>21 should be merged into that?</p> <p>22 MS. BARTH: I think it should be merged.</p> <p>23 COLONEL BECKWORTH: So in our critical staff</p> <p>24 compensation incentive, you're saying merge that amount,</p> <p>25 whatever that amount is, into that category.</p>
<p style="text-align: right;">155</p> <p>1 will allow us to be able to advertise in some papers,</p> <p>2 some newspapers, do some advertisement on radio, and</p> <p>3 that will allow us to buy some brochures and things that</p> <p>4 we can use to sale the agency as a beginning process.</p> <p>5 MR. POLUNSKY: All right. Well, I certainly</p> <p>6 agree with that. I think Commissioner Barth's point,</p> <p>7 although not exactly made, was that there should be</p> <p>8 something -- there should be a specific amount and</p> <p>9 explanation of how this money would be utilized.</p> <p>10 COLONEL BECKWORTH: I suggest then that --</p> <p>11 do we have a spot on that we can put --</p> <p>12 OSCAR YBARRA: Yes.</p> <p>13 COLONEL BECKWORTH: -- Public Safety</p> <p>14 Commission meeting next week? If we'll provide that</p> <p>15 information to you at the next Public Safety Commission</p> <p>16 meeting to include in this (Inaudible) in the LAR.</p> <p>17 MR. CLOWE: Is it on the agenda, Duncan?</p> <p>18 OSCAR YBARRA: Under budget matters.</p> <p>19 DUNCAN FOX: That's a report on budget</p> <p>20 matters.</p> <p>21 OSCAR YBARRA: No, it says discussion and</p> <p>22 possible action.</p> <p>23 DUNCAN FOX: Oh, on LAR. It is on the</p> <p>24 agenda.</p> <p>25 COLONEL BECKWORTH: It's on the agenda, sir.</p>	<p style="text-align: right;">157</p> <p>1 MS. BARTH: Absolutely. That's fine with</p> <p>2 me.</p> <p>3 COLONEL BECKWORTH: Okay. We can do that.</p> <p>4 Thank you.</p> <p>5 The other thing finalizing this process, we</p> <p>6 had some discussions with the Governor's office in</p> <p>7 reference to how our exceptional item is laid out. As</p> <p>8 you can see, our items are "A," "B," "C" "D" "E" "F"</p> <p>9 "G," "H," "I," they asked us to consider the possibility</p> <p>10 of identifying these based on priority. In the past,</p> <p>11 we've not done it that particular way. They've asked us</p> <p>12 to consider identifying these in which priority we need</p> <p>13 those to be identified. So they asked that to be</p> <p>14 addressed. So that was something that the Governor's</p> <p>15 office asked us to consider.</p> <p>16 The information on research and why we do it</p> <p>17 this way in discussions with previous administrations,</p> <p>18 the thought process was every one of these items that</p> <p>19 we're requesting on the LAR is a critical need for the</p> <p>20 agency. Too often times when you put them -- when you</p> <p>21 put them in a chronicle order of 1, 2, 3, different</p> <p>22 constituents have desire to move on one. And it's not</p> <p>23 up on your list on a higher category, and that begins to</p> <p>24 cause some friction as it relates to why you didn't move</p> <p>25 my item number three compared to number eight. So</p>

<p style="text-align: right;">158</p> <p>1 that's why they pretty well said, all of these 2 particular items are vital needs of the agency and we 3 have not prioritized in that fashion in previous 4 processes. So that's the background that I found out 5 about why we didn't have them that way. 6 MR. POLUNSKY: Okay. What are the wishes of 7 the Commission? 8 MR. CLOWE: Well, are they rated then that 9 way? 10 COLONEL BECKWORTH: They're rated in our -- 11 in our -- In our LAR book, if you go into this book, 12 there's a priority section. They're rated there based 13 the way they're lined out here. 14 OSCAR YBARRA: They're in that order. 15 COLONEL BECKWORTH: They're in this order. 16 MR. CLOWE: Yeah. So you've got the people 17 cost first. 18 COLONEL BECKWORTH: Yes, sir. 19 MR. CLOWE: That would be my reaction to 20 what you said. 21 COLONEL BECKWORTH: We have the people cost 22 first and then IT issues that are -- would fall in this 23 category second. There's concerns that certain items 24 might need be given stronger consideration based on 25 where they lay on this sheet. So just want to make you</p>	<p style="text-align: right;">160</p> <p>1 question. 2 MR. POLUNSKY: Yes, sir. 3 MIKE MYER: I can make a comment on that if 4 you'd like. Make Myer, I'm with the senate finance 5 committee. I work with Articles 1, 5 and 6. I don't do 6 all the agencies, but I work with about 40 to 42. And 7 of those, DPS is the only one that does this format. 8 MR. POLUNSKY: I'll ask again, what are the 9 wishes of Commission? 10 MR. STEEN: Well, these are not prioritized. 11 MR. POLUNSKY: I think they are, aren't 12 they? 13 COLONEL BECKWORTH: Well, they're 14 prioritized in format in the book. But there might be 15 consideration based on how you as a Public Safety 16 Commission want to place these items. And Commissioner 17 Clowe indicated critical staff compensation should be 18 number one, then where should the other items be in 19 regard to that priority. And so we have several items 20 listed there operating shortfalls, driver track 21 operation personnel, deferred maintenance compensation, 22 TDEX funding, new training academy, fleet operation, 23 addition of personnel, all the building issues, border 24 security, and we removed the fixed wing. And then we 25 have civilian business model, and Real ID, and emergency</p>
<p style="text-align: right;">159</p> <p>1 aware of those concerns in the Governor's office. 2 MS. BARTH: Is that the way other agencies 3 do it, by priority? 4 COLONEL BECKWORTH: Oscar, you've got to 5 help me there. 6 OSCAR YBARRA: Yes, some agencies do 7 prioritize their exceptional items. 8 MS. BARTH: Most. Are we the exception? 9 OSCAR YBARRA: I -- I can tell you that the 10 way it's laid out on this spreadsheet, it's a 11 presentation that has been utilized by the director in 12 the past for budget appropriation purposes. 13 MS. BARTH: But the question I have is is 14 this the exception, do both of the agencies within the 15 state lay it out differently. Must be reason they're 16 requesting us to do it. 17 OSCAR YBARRA: It keeps them in order within 18 the yellow book in the LAR and they can identify to the 19 order of priority. In other words, the agency is giving 20 the message that this is the priority order. 21 MS. BARTH: Let me ask you this another way. 22 How many other agencies do it this way? 23 OSCAR YBARRA: Not many. 24 MS. BARTH: Less than five? 25 OSCAR YBARRA: I -- I couldn't answer your</p>	<p style="text-align: right;">161</p> <p>1 management issues behind this. 2 MS. BARTH: So let me just understand, we 3 just added civilian business model, and we just popped 4 it down as "L," right? 5 COLONEL BECKWORTH: You moved out the fixed 6 aircraft, so civilian business model moved up to "K" now 7 rather than air, basically what we've done. 8 MR. STEEN: Colonel, the Governor -- 9 Governor's office wants us to prioritize. 10 COLONEL BECKWORTH: That's correct. 11 MR. STEEN: I think we better prioritize. 12 COLONEL CLARK: Mr. Chairman, one other 13 issue you'll notice, I brought up the aircraft, I'll 14 bring this up, too, for your consideration. If you'll 15 look at "G," the new training academy and fleet 16 operations, you'll notice we have a dollar there. Our 17 architectural estimates on moving this facility out 18 there approaches \$500 million, and that's not listed on 19 here. But because the time this was put together, we 20 had no dollar amount on that. And I defer it to Chief 21 Fulmer, am I close to a figure 400 plus? 22 VALERIE FULMER: The original estimate is, I 23 think, 477 million. They haven't given us a final 24 estimate yet -- 25 COLONEL CLARK: But, I mean --</p>

<p style="text-align: right;">162</p> <p>1 VALERIE FULMER: -- but it's going to be 2 high. 3 COLONEL CLARK: -- down -- downtown about 4 that. That's the figure we're going to throw out. Now, 5 it can be, of course, built incrementally. But to build 6 what we want out there, the estimate was approaching 7 \$500 million. 8 VALERIE FULMER: What we're asking them to 9 do right now is to give us a cost for phases where we 10 would do part of it over one biennium and then add to it 11 in future bienniums. So the number for this biennium 12 may come out to be significantly less than that. 13 COLONEL CLARK: Just for your consideration. 14 MR. STEEN: What does -- help me with that. 15 What does Florence mean? 16 COLONEL CLARK: Florence is the property. 17 It's the city north of Austin, the community where we 18 have 1,100, 1,200 acres where our firearms training 19 facility is now. That is the future site of the 20 training academy, and our fleet operations, and our 21 driving track. 22 MR. STEEN: And the reason it's this high 23 from fleet operations (Inaudible) 24 COLONEL CLARK: Yes, sir. 25 MR. STEEN: Both those functions.</p>	<p style="text-align: right;">164</p> <p>1 Could we get it in advance of the meeting so we can have 2 a chance to think about it and not just be given it 3 during the meeting. 4 COLONEL CLARK: We'll assemble the team and 5 get those numbers to you. 6 MR. POLUNSKY: In the spirit of openness 7 here, you've got these other construction items, they're 8 a dollar as well. 9 COLONEL CLARK: Yes. 10 MS. BARTH: And deferred maintenance. 11 COLONEL BECKWORTH: We have tried our very 12 best to get some cost estimates from the Texas Facility 13 Commission, and we've been adamantly trying to do that. 14 We have not been provided any additional information 15 from the TFC. 16 MR. POLUNSKY: But I've seen numbers on 17 these before. 18 OSCAR YBARRA: Those are the -- those are 19 the numbers that were presented last biennium. Based on 20 that, they've taken what those costs were and how 21 inflation has impacted that and they're giving us new 22 estimates. 23 MS. BROWN: Is that something we could help 24 with? Is that something if we made a phone call maybe 25 they'd give us some numbers?</p>
<p style="text-align: right;">163</p> <p>1 MR. POLUNSKY: Well, you can't use the name 2 Florence over in the Capitol. That's an old -- old 3 joke. 4 COLONEL CLARK: Mr. Chairman, we'd be glad 5 to, if you'd like for us to, we'll get together and 6 prioritize these and present them to you next week. 7 MR. POLUNSKY: Colonel, I mean, based on the 8 fact that it appears that we're the only agency that 9 does it and the Governor's has requested that we do, I 10 think it would be in our best interest and (Inaudible) 11 policy for us to go ahead and prioritize these items, 12 unless somebody here disagrees. 13 MR. CLOWE: I agree with that. I'd like to 14 give you another comment in the way of being hopefully 15 responsive to help you. I think the people cost ought 16 to be first, and IT ought to be second, then Driver 17 License ought to be third. And -- 18 MR. STEEN: You're doing pretty well, 19 Commissioner. Just go through the list. 20 MR. CLOWE: Well, I don't have any problem 21 with the way you've got them ranked here. But I think 22 the Chair has directed you correctly to give us your 23 slant on it. But I think those first three items that I 24 mentioned would be my one, two and three. 25 MR. STEEN: Mr. Chairman, I have a request.</p>	<p style="text-align: right;">165</p> <p>1 SANDRA FULENWIDER: Excuse me, they actually 2 plan to have those two, I think, by next -- by the end 3 of next week, but it probably will be Friday and the 4 meeting's on Thursday. 5 MR. POLUNSKY: Well, can you tell them the 6 meeting's on Thursday so we'd like it on Wednesday. 7 What are they here for. 8 SANDRA FULENWIDER: We will do what we can, 9 sir. We will not have a figure on the deferred 10 maintenance, though. They are still working on that 11 contract. 12 MS. BARTH: That's a big number. I mean, I 13 saw something back in maybe four or five, six months 14 ago. That's a big number. 15 OSCAR YBARRA: 31 million. 16 MS. BARTH: How much? 17 OSCAR YBARRA: 31 million. And we haven't 18 had independent study on that, I'm not sure, ever. So 19 I'd bet you to say that 31 million is not enough. 20 OSCAR YBARRA: Certainly. 21 MS. BARTH: There are facilities that 22 clearly have -- I wouldn't even call it deferred 23 maintenance. (Inaudible) I've seen a project list 24 several months ago and I was very shocked at 31 million 25 and the project's in there, and it then felt like we</p>

<p style="text-align: right;">166</p> <p>1 needed to have someone come in and take a look at 2 deferred maintenance. 3 MR. POLUNSKY: Okay. Well let's see if we 4 can get those -- those numbers as well. 5 ***we'll do our best to get the numbers on 6 the construction projects. 7 MR. POLUNSKY: On those construction 8 projects. 9 ***yes, sir. 10 MR. POLUNSKY: So we'll have those numbers 11 hopefully and then we'll have priority -- the 12 prioritized items. 13 COLONEL CLARK: Yes, sir. 14 MR. POLUNSKY: Okay. We done with this? 15 OSCAR YBARRA: Yes, sir. 16 MR. POLUNSKY: Had enough. Okay. Thank 17 you, sir. 18 COLONEL CLARK: Mr. Chairman, if I may, are 19 we -- did we just finish "B"? Are you about to finish 20 up with "B"? 21 MR. POLUNSKY: Is there something we need to 22 do on "B"? 23 COLONEL CLARK: Well, we need to jump back 24 to "A" just a moment. This was an item that was 25 asked -- you asked to be put on the agenda. Bryan Lane</p>	<p style="text-align: right;">168</p> <p>1 associated with it, but they're identified and they're 2 running here. 3 There's other major elements within a 4 business continuity plan, which a disaster recovery plan 5 is a part of. So I kind of brought those out just at a 6 high level for you in this document that lines out why 7 we can't do everything right now and addressed all of 8 our challenges. We have to look at the continuity of 9 services, the command and control during a mission, how 10 we reestablish our agency if we do have a disaster here, 11 and the plans around how do you get back into business. 12 So as an IT disaster recovery, we can bring 13 you the technology to stand it back up. But there's the 14 people issue, our partnerships with our vendors and our 15 citizens, our customers, et cetera. 16 The -- the immediate actions that we 17 identified here that we could do is update our current 18 disaster recovery contract that we have today, 19 purchase -- and including updating that contract would 20 be purchasing some hardware/software/network 21 connectivity to our Boulder, Colorado disaster site. 22 Third, establish service level agreements with our 23 vending community to ensure they understand what our 24 needs are in the event that we have a disaster or an 25 outage. Fourth, establish data line connectivity so</p>
<p style="text-align: right;">167</p> <p>1 needs to discuss our disaster recovery needs. That was 2 an issue that you wanted discussed. So if you would 3 like to, we can -- It should've been discussed under 4 "A." 5 MR. POLUNSKY: Okay. I'm sorry. Chief 6 Lane. 7 BRYAN LANE: Yes, sir. I believe you have a 8 document that I presented to you last week. It's a 9 phased approach plan in response to your request, 10 Chairman Polunsky, to address our immediate and future 11 disaster recovery needs of the agency. So we came 12 together with this plan provides us as an agency to 13 address some of the critical systems that were 14 identified in the past from the business areas and 15 ensure the -- the functionality of those systems 16 continue to exist in the event of a disaster. 17 You also tasked us, sir, to come up with a 18 funding source for that estimated cost. And I believe, 19 Oscar, we've come up with the \$1.2 million that we 20 estimate will take us to, what I'll call the preliminary 21 phase of a disaster recovery plan. If you have the 22 opportunity to review the document, I brought out the 23 point that from a technology perspective, standing up 24 the systems is quite frankly pretty straight forward 25 because we know what those systems. There's an expense</p>	<p style="text-align: right;">169</p> <p>1 that we can actually reach Boulder via terrestrial lines 2 and keep our systems running. Then, of course, test 3 those disaster capabilities. 4 We've put together for you as well, 5 Commissioners, kind of a high level chart that I will 6 provide you either now or via e-mail to you, whichever 7 you'd like, which outlines kind of a -- an approach of 8 addressing our disaster recovery scenarios. The plan 9 that we're presenting to you this afternoon really gets 10 us just to the gold colored block, which is minimal 11 capability. We've asked for, in our legislative 12 appropriation request, \$3.5 million. That will take us 13 toward what you'll see the continuity of operations 14 plan, which is what you'll here referred to as a cooper 15 plan. 16 We believe that in the time frame to move 17 from the gold block to the yellow block, we'll be 18 quickly approaching several major decisions within the 19 agency. One, the rollout of NDLS will be in process. 20 Secondly, the enterprise architecture will have a better 21 idea of the funding we're going to get through the LAR 22 to determine if we can standardize our technology, which 23 will significantly impact a disaster recovery plan. But 24 thirdly, it takes 90 days to get these things rolling, 25 and the funding source for the LAR of 3.5 million may be</p>

<p style="text-align: right;">170</p> <p>1 more readily available for us.</p> <p>2 So the document that I provided you will</p> <p>3 give us the immediate opportunity to stand up, are the</p> <p>4 Texas Law Enforcement telecommunication switch, the CCH,</p> <p>5 or Computerized Criminal History, TCIC which provides</p> <p>6 the Texas Criminal Information Center, and quarry</p> <p>7 capability on the driver's license system, meaning that</p> <p>8 we would still be able to get quarry capability.</p> <p>9 Wanted to point out, that does not allow us</p> <p>10 opportunity to stand up our in-car computing systems or</p> <p>11 the -- what we know of today as the THP com system. So</p> <p>12 we will have to derive, working with Chief Baker and</p> <p>13 others, derive how we will do that in the short-term as</p> <p>14 we bring those into our disaster recovery capabilities.</p> <p>15 The applications we're standing up were explicitly</p> <p>16 identified by the agency. That needs to be updated.</p> <p>17 That's part of a business impact analysis, which again,</p> <p>18 is part of a business continuity plan. With that, I</p> <p>19 think the document hopefully will address any other</p> <p>20 questions. But I'm definitely available.</p> <p>21 MR. POLUNSKY: Are there questions for Chief</p> <p>22 Lane?</p> <p>23 BRYAN LANE: Chairman Polunsky, I believe</p> <p>24 since the funding's available, we just move forward with</p> <p>25 this; is that correct?</p>	<p style="text-align: right;">172</p> <p>1 presentation, discussion and possible action regarding</p> <p>2 DPS legislative monitoring process and procedures. Mr.</p> <p>3 Fox, Mr. Kelley.</p> <p>4 MICHAEL KELLEY: Mr. Chairman, I'm the</p> <p>5 legislative liaison. This afternoon we'd like to</p> <p>6 present -- I have Duncan Fox from the Office of General</p> <p>7 Counsel, Major Jude Schexnyder from Audit & Inspection.</p> <p>8 We would like to provide you an overview. Or I'm going</p> <p>9 to talk a little bit about what we're doing with bills</p> <p>10 requested by the Department of Public Safety and what</p> <p>11 we're doing to keep you informed with legislative</p> <p>12 updates.</p> <p>13 We're going to have Major Schexnyder talk</p> <p>14 about the bills as far as the legislative work flow that</p> <p>15 we're doing to monitor and track the bills that will</p> <p>16 impact or DPS will have to provide background back to</p> <p>17 the legislature. And then Mr. Fox will provide bill</p> <p>18 tracking and use of Telecon to assist you with looking</p> <p>19 at the Telecon system and talk about the bill tracking</p> <p>20 that we're doing.</p> <p>21 What I'd like to -- first of all, if I could</p> <p>22 point out, Mike Myer was here earlier. Cathy Panasek is</p> <p>23 new to the house appropriations committee. And those</p> <p>24 officials are -- have been here present working with us</p> <p>25 on the budget. We also -- earlier today we had Pete</p>
<p style="text-align: right;">171</p> <p>1 MS. BARTH: Yes.</p> <p>2 BRYAN LANE: Okay.</p> <p>3 MR. POLUNSKY: Everybody okay with that?</p> <p>4 BRYAN LANE: Okay. I'll keep you posted as</p> <p>5 we move forward. Thank you.</p> <p>6 MR. POLUNSKY: Next item is discussion and</p> <p>7 possible action concerning DPS legislative strategy and</p> <p>8 priorities in the 81st Legislative Session. Colonel</p> <p>9 Clark.</p> <p>10 COLONEL CLARK: Mr. Chairman, I believe,</p> <p>11 actually, we've kind of already talked about this. We</p> <p>12 wanted to discuss some funding and possible statutory</p> <p>13 authority, but specifically with Driver License and the</p> <p>14 implementation of moving to commissioned people. Chief</p> <p>15 Brown has already discussed that. And then the IT</p> <p>16 infrastructure, that was one of those issues that we</p> <p>17 would be addressing with the legislature. Chief Lane,</p> <p>18 is there anything you need to address about that?</p> <p>19 BRYAN LANE: No, sir. I think we've covered</p> <p>20 it all here.</p> <p>21 COLONEL CLARK: I really think we've already</p> <p>22 discussed those issues, all of letter "C," I believe.</p> <p>23 MR. POLUNSKY: So you have nothing further?</p> <p>24 COLONEL CLARK: Nothing further.</p> <p>25 MR. POLUNSKY: Thank you. "D,"</p>	<p style="text-align: right;">173</p> <p>1 Winkler with Senator Hager's office. Steven Polunsky,</p> <p>2 Adam Berkland and Sonny Garza were with the Senate</p> <p>3 Transportation Homeland Security Committee. Kyle</p> <p>4 Mitchell's here from the Governor's office. Katy</p> <p>5 Sellers is still here from the House of Law Enforcement</p> <p>6 committee. And Candice, the clerk, was here earlier.</p> <p>7 And these officials are working with us as</p> <p>8 we track and monitor bills. And I appreciate the fact</p> <p>9 that they attend these meetings and continue to work</p> <p>10 directly with us and so I wanted to recognize them.</p> <p>11 The handout you've been given is the same</p> <p>12 format. It's the bill track, where we are in the bills</p> <p>13 that you approved in October as far as us getting the</p> <p>14 bills drafted and entered into the legislative process</p> <p>15 by finding authors and sponsors. The last update I sent</p> <p>16 you was by e-mail on the 23rd of January -- excuse me,</p> <p>17 December. And then from now on, what we've agreed is to</p> <p>18 work together and we will meet every Friday at 9 a.m.</p> <p>19 standing, since that's the day that the legislature</p> <p>20 tends not to meet on, to go over where we are on bills</p> <p>21 that we've asked for, and where are we on bills that we</p> <p>22 are tracking, which, again, Duncan will go over in a</p> <p>23 little more detail.</p> <p>24 After that meeting, I will then send you an</p> <p>25 e-mail that contains both documents so that you will be</p>

<p style="text-align: right;">174</p> <p>1 receiving them weekly. And that way you'll know, where 2 are we on the bills that we've asked for, where are we 3 on all bills that we're tracking and monitoring through 4 the process.</p> <p>5 The color coding that we're using on this to 6 assist you is if it's in black, that means we have a 7 final draft from the Texas legislative counsel. Now, 8 the legislative counsel are the attorneys that work for 9 both the House and the Senate to draft and work on 10 legislation for the lawmakers. So they are the persons 11 that are actually doing the writing of the laws, to put 12 it in the proper format, bill format, to be introduced. 13 And so we have individuals from each one of the 14 divisions for which the division chiefs have provided us 15 contact to make sure that they are talking directly with 16 the bill drafters so that the bills are drafted in a 17 format that we are actually seeking.</p> <p>18 And I want to make a comment about that as 19 well. The only way this process will succeed is by 20 continuing to have the support that we currently do from 21 the division chiefs, and I want to say thank you to all 22 the divisions. Because as we've gone through and worked 23 on the bill drafts and asking for these things, they and 24 their officials have been readily available to help us 25 be able to get these bills ready, to answer questions</p>	<p style="text-align: right;">176</p> <p>1 provide you the Friday regular update, and then 2 periodically as needed will e-mail you with updates. If 3 I feel like there's something critical, major that you 4 need to know about, then I will provide that to you, the 5 colonels, and the division chiefs so that way you'll be 6 kept in the loop about what we're hearing. You can look 7 at this kind of as an intelligence piece. It's my job 8 to be down at the Capitol and a working to find out 9 everything that we need to know in order to be 10 successful as an agency, and that means finding out 11 what's happening and disseminate it back to you guys who 12 are the policy makers. And I'll continue to do that.</p> <p>13 Subject to your questions, that completes my 14 portion, and then Major Schexnyder will continue.</p> <p>15 JUDE SCHEXNYDER: Any questions? Like to 16 just give you a quick overview of the work flow process 17 for the bill analysis within the Department. As you 18 probably know, the Office of General Counsel does an 19 initial review of all pieces of legislation as they come 20 out. After they review that legislation, when they 21 encounter particular bills that may touch a portion of 22 the Department of Public Safety, they pull those bills 23 and they make a determination of what areas of the 24 Department would be impacted by that legislation. And 25 they send those out via the atlas system to different</p>
<p style="text-align: right;">175</p> <p>1 from bill drafters, to answer questions from the 2 legislative staff. And as long as we continue to work 3 together like this, I know we'll continue to be 4 successful.</p> <p>5 Now, anything that's colored in blue means 6 that the Texas legislative counsel has not yet provided 7 the final draft. That means they're still going back 8 and forth with our agency, they're still going back and 9 forth with Senator Corona, or our Representative Driver 10 staff, and they haven't given us a final draft. 11 Anything in green will be new items since the last time 12 I gave you this report. So anything in green on this 13 item here is something new compared to what you had in 14 the last report on the 23rd of January.</p> <p>15 So what I will do is I will send you this as 16 an e-mail tomorrow after we update it tonight and have 17 our meeting in the morning so you will continue to have 18 this on a weekly basis. Next I want to give you, as far 19 as legislative updates. You've already been receiving 20 e-mails that I provided you and the leaders about what 21 I'm hearing and seeing downtown. And the divisions and 22 the others are helping me keep up so that way we can 23 keep you informed fully about what we're hearing about 24 issues that may be impact us, such as the speakers race. 25 We will continue to do that. So I will</p>	<p style="text-align: right;">177</p> <p>1 monitors within each of the divisions that are impacted.</p> <p>2 In addition, they send all of those bills 3 all -- of those that might impact the agency to the 4 office of Audit Inspection. As I receive those bills, I 5 then assign them to an individual inspector within my 6 office. Because we have subject matter experts from all 7 the divisions of the agency within that office. So I 8 just make a determination of which one fits best and I 9 send it to that particular inspector. As the analysts 10 from across the different divisions complete their 11 different bill analysis and put those within the atlas 12 system, my inspector goes back, does an overview of all 13 those different analysts and compiles that into one 14 report trying to touch base with all the different areas 15 that may have some kind of impact with that legislation.</p> <p>16 It's then forwarded to me. I do a final 17 review of what my inspector's done, make sure that we 18 haven't missed anything. And at that point in time we 19 upload that into the atlas system at which point you 20 would review it. We have a similar system for fiscal 21 note process. You may or may not have received fiscal 22 notes at this point. But we have had at this point 68 23 requests for fiscal notes from the legislative budget 24 board. We've completed 38 of those. Eight of them have 25 had an impact. 30 of them were deemed no significant</p>

<p style="text-align: right;">178</p> <p>1 impact to the agency.</p> <p>2 We get those requests directly from the</p> <p>3 legislative budget board. It's assigned to the</p> <p>4 inspector that did the analysis on the bill. He touches</p> <p>5 base with all the different analysts from across the</p> <p>6 agency. They build a methodology and working in</p> <p>7 conjunction with the accounting and budget section, they</p> <p>8 build the fiscal notes and it's submitted to the LBB</p> <p>9 after approval by the Colonel and copies sent.</p> <p>10 DUNCAN FOX: Just to sum up again, then on</p> <p>11 the General Counsel's side, we receive the bills</p> <p>12 overnight in hard copy and begin doing our process where</p> <p>13 we get through identifying the bills by subject matter</p> <p>14 to the particular divisions. We assign a bill -- we</p> <p>15 assign the bill to the effective division. We also make</p> <p>16 sure that internal audit has a copy of that, too. Then</p> <p>17 the subject matter experts prepare analysis reports</p> <p>18 which are then uploaded into the atlas system, which is</p> <p>19 what we call -- which you can look at in what's called</p> <p>20 the Telecon system. That's an online tool that we have</p> <p>21 provided in the past with information being able to</p> <p>22 access.</p> <p>23 And in the January materials, I also have</p> <p>24 screen shots for how you can look up a bill, how you can</p> <p>25 look at the bill analysis that we've conducted, and how</p>	<p style="text-align: right;">180</p> <p>1 will be able to -- at least being able to have them</p> <p>2 packaged for you so you can see our prioritization. And</p> <p>3 then also enables you to see whether or not we need to</p> <p>4 reprioritize what we've presented.</p> <p>5 I do have a -- if you would like to see a</p> <p>6 presentation on the Telecon system, that would require</p> <p>7 me to get the projector up. Again, I do have the screen</p> <p>8 shots that are in the package. (Inaudible) the</p> <p>9 Commission (Inaudible) would like to see the</p> <p>10 presentation now or I can provide it to you</p> <p>11 individually. That completes my presentation.</p> <p>12 MICHAEL KELLEY: So again, in conclusion,</p> <p>13 we've gone over is we will continue on Fridays to</p> <p>14 provide you a list. There'll be two list, the Telecon</p> <p>15 list with all the bills that we just discussed that</p> <p>16 we're monitoring regardless if we ask for them or not.</p> <p>17 The other list will be this chart that will tell you</p> <p>18 what bills we've asked for, where we are in the process.</p> <p>19 Then we'll give you updates periodically as needed.</p> <p>20 MR. POLUNSKY: Sounds good.</p> <p>21 MR. CLOWE: Thank you very much.</p> <p>22 MS. BROWN: Thank you. And the e-mails are</p> <p>23 very helpful.</p> <p>24 COLONEL BECKWORTH: Mr. Chairman, we have</p> <p>25 here some documentation that we want to provide to the</p>
<p style="text-align: right;">179</p> <p>1 you can look at the fiscal note that's been prepared.</p> <p>2 This is -- we've also -- one thing you're aware of so</p> <p>3 that you can pull information out as you want it. We</p> <p>4 also -- Michael works towards making sure we can push</p> <p>5 the information to you is appropriate and (Inaudible)</p> <p>6 where you will be able to see how it fits together</p> <p>7 because of the number of bills. So far we've had 997</p> <p>8 bills in the prefile. And we have -- we are tracking, I</p> <p>9 believe, 185 and have analyzed --</p> <p>10 JUDE SCHEXNYDER: 157.</p> <p>11 DUNCAN FOX: So that's a lot of bills we try</p> <p>12 to hold onto even before we hop into the work force</p> <p>13 section. So what we looked to do when we got together</p> <p>14 was building a prioritization system so we can at least</p> <p>15 try to cull out those for you that we think, these are</p> <p>16 the hot bills, these are the high priority bills based</p> <p>17 upon the impact of either Department, fiscal</p> <p>18 implications or impact the public. So we would give</p> <p>19 that a high prioritization and make sure that that's</p> <p>20 reported out first.</p> <p>21 Then we have a prioritization for medium</p> <p>22 where there's some impact, and then a prioritization of</p> <p>23 low impact where there's no real significant impact on</p> <p>24 the Department operations or fiscal implications. This</p> <p>25 will help us as far as having fewer total bills that</p>	<p style="text-align: right;">181</p> <p>1 members of the Public Safety Commission. We're going</p> <p>2 for confirmation -- Senate confirmation. Michael is</p> <p>3 going to be kind of managing that component for you.</p> <p>4 But these are documents of questions that are frequently</p> <p>5 asked in the past. Those that are going before that</p> <p>6 process we think this information might be beneficial.</p> <p>7 MR. POLUNSKY: Do any of all have any</p> <p>8 questions about the confirmation process? Everybody's</p> <p>9 been through it? Ms. Brown has none?</p> <p>10 MS. BROWN: I have none.</p> <p>11 MR. POLUNSKY: Okay.</p> <p>12 COLONEL CLARK: Nothing further, sir.</p> <p>13 MR. POLUNSKY: Does anybody have an item for</p> <p>14 future agendas?</p> <p>15 MR. CLOWE: We need action on the six months</p> <p>16 restriction on appointment to positions internally</p> <p>17 within the agency, need an action item in the February</p> <p>18 agenda.</p> <p>19 MR. POLUNSKY: Okay. Could you get with</p> <p>20 Mr. Fox on that?</p> <p>21 MR. CLOWE: Well, I think he knows what to</p> <p>22 put on there. And Ms. Logan is here, and she'll work</p> <p>23 with him, I'm sure.</p> <p>24 MR. POLUNSKY: Okay. Could you take care of</p> <p>25 that, please, Mr. Fox.</p>

<p style="text-align: right;">182</p> <p>1 DUNCAN FOX: Yes, sir.</p> <p>2 MR. POLUNSKY: I would like to ask the</p> <p>3 Commission if -- and I know this deviates from what we</p> <p>4 discussed previously, but would it be possible for us to</p> <p>5 move the March meeting date? There's a conflict that I</p> <p>6 need to have addressed.</p> <p>7 MR. CLOWE: Fine with me.</p> <p>8 MR. STEEN: What's the current date?</p> <p>9 MR. POLUNSKY: What is the current date?</p> <p>10 MR. CLOWE: The third Thursday.</p> <p>11 COLONEL CLARK: Be the 19th. March 19th,</p> <p>12 that's the third Thursday in March.</p> <p>13 MR. POLUNSKY: Okay. Is there a day that</p> <p>14 anybody has a problem with other than the 19th? Can we</p> <p>15 just get back to you? We'll just get back to you on</p> <p>16 that.</p> <p>17 COLONEL CLARK: Were you going to try to</p> <p>18 utilize the third Thursday of every month as --</p> <p>19 MR. POLUNSKY: Well --</p> <p>20 COLONEL CLARK: -- a standard meeting?</p> <p>21 MR. POLUNSKY: -- let's talk about that. I</p> <p>22 feel that we need to have a specific date going forward</p> <p>23 that we stick to so that people set their -- their</p> <p>24 calenders and their certainty so on. If the third</p> <p>25 Thursday is not a good day, then let's hear it.</p>	<p style="text-align: right;">184</p> <p>1 Rangers about there being a specific statute. And I'm</p> <p>2 wondering if we can -- I understand there are other</p> <p>3 situations like that where we're potentially restricted</p> <p>4 of what we can do because there's statutory language.</p> <p>5 COLONEL CLARK: Concerning divisions or --</p> <p>6 MR. STEEN: Is that the only instance?</p> <p>7 DUNCAN FOX: There's a -- there's a</p> <p>8 provision about the number of divisions and bureaus as</p> <p>9 of August 1957 that's kind of an obscure provision.</p> <p>10 MR. STEEN: Just wonder if there are any</p> <p>11 like that. If we could somehow asterisk or something</p> <p>12 like that so we'd be aware of if we're making a change</p> <p>13 that we'd actually need to get the legislature to do as</p> <p>14 opposed to something we can do. Somebody during the</p> <p>15 break was showing me, I think with the Governor's</p> <p>16 office, if there are other areas where there's some</p> <p>17 specificity about our organization that we need to be</p> <p>18 aware of.</p> <p>19 COLONEL CLARK: Is that Mr. Mitchell shaking</p> <p>20 his head? If you'll get with me, let us know.</p> <p>21 MR. STEEN: As we go through this, I'd just</p> <p>22 like to be aware of those areas where there's a statute.</p> <p>23 MR. POLUNSKY: Any -- any further</p> <p>24 discussion? The meeting of the Texas Public Safety</p> <p>25 Commission is hereby adjourned. It is five minutes</p>
<p style="text-align: right;">183</p> <p>1 COLONEL CLARK: We're here 8 to 5 every day.</p> <p>2 MR. CLOWE: Third Thursday's a good day.</p> <p>3 MS. BROWN: Good for me.</p> <p>4 MR. POLUNSKY: Okay. So going forward, then</p> <p>5 the third Thursday is the day, unless there's some</p> <p>6 extraordinary set of circumstances that come to play.</p> <p>7 MR. CLOWE: And we have that in March.</p> <p>8 MR. POLUNSKY: Except for March.</p> <p>9 MR. CLOWE: And Friday is a bad day in</p> <p>10 Austin for March. It's tough to get out of this town on</p> <p>11 a Friday afternoon.</p> <p>12 COLONEL CLARK: But you have set February</p> <p>13 the 19th, which will be the Public Safety Commission.</p> <p>14 MR. POLUNSKY: Okay. All right. Anything</p> <p>15 else?</p> <p>16 MR. STEEN: Might be helpful, Ms. Wright, if</p> <p>17 you could just e-mail us all those dates so we can put</p> <p>18 it on our calender. And going back -- can I make a</p> <p>19 comment -- Colonel, I think when we come back to meet, I</p> <p>20 like the way that the Deloitte chart had where the</p> <p>21 darkened rectangles are recommended new functions. If</p> <p>22 you could adapt that.</p> <p>23 COLONEL CLARK: We could do that.</p> <p>24 MR. STEEN: And also, I was talking during</p> <p>25 the break, I know we've got this issue with the Texas</p>	<p style="text-align: right;">185</p> <p>1 after 3.</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

186

1 THE STATE OF TEXAS)
2 COUNTY OF TRAVIS)

3
4 I, Joy N. Quiroz-Hernandez, Certified Shorthand
5 Reporter No. 8391 in and for the State of Texas, do
6 hereby certify that the above and foregoing contains a
7 true and correct transcription of my stenographic notes
8 taken in the above-captioned cause at the Texas Public
9 Safety Commission meeting in Austin, Texas.

10
11 Witness my hand this the _____ day of
12 _____, 2009.
13
14
15

16 Joy N. Quiroz-Hernandez, CSR
17 CSR No. 8391 - Expires 12/31/09
18 Integrity Legal Support Solutions
19 Firm Registration No. 528
20 114 West 7th Street, Suite 240
21 Austin, Texas 78701
22 (512) 320-8690
23 (512) 320-8692-Fax
24
25