
OPEN MEETING

PUBLIC SAFETY COMMISSION

SEPTEMBER 22, 2008

On the 22nd of September, 2008, the following
meeting was held in Austin, Travis County, Texas

<p style="text-align: right;">2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:</p> <p>4 Allan B. Polunsky, Chair</p> <p>5 C. Tom Clowe</p> <p>6 Elizabeth Anderson</p> <p>7 Carin Marcy Barth</p> <p>8</p> <p>9 DIRECTOR'S STAFF OF THE DEPARTMENT OF PUBLIC SAFETY:</p> <p>10 Colonel Stanley E. Clark</p> <p>11 Lt. Colonel Lamar Beckworth, Assistant Director</p> <p>12 Dorothy Wright, Executive Assistant</p> <p>13 Duncan Fox, Acting General Counsel</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 hometown heroes of the people of Texas. And we have</p> <p>2 been reminded again of how much we rely upon them for so</p> <p>3 many things and how important it is that we recruit more</p> <p>4 of them.</p> <p>5 TSTA has already provided tens of thousands</p> <p>6 of dollars of cash financial assistance to DPS employees</p> <p>7 who were effected by the storm without regard for their</p> <p>8 rank or membership or civilian status. We have helped</p> <p>9 marshall and transport generators and gasoline to DPS</p> <p>10 families who needed them. We wish to particular thank</p> <p>11 and commend Sergeant Tom Lambert and Sergeant Chuck</p> <p>12 Havert for this help with this.</p> <p>13 I am offering personally to provide any kind</p> <p>14 of assistance that a lawyer can provide to any DPS</p> <p>15 employee in region two who needs legal counsel in matter</p> <p>16 relating to Hurricane Ike. TSTA is continuing to</p> <p>17 solicit and collect donations from our members and from</p> <p>18 the general public which will go directly, ever penny of</p> <p>19 it, to assist disaster recovery efforts for DPS</p> <p>20 employees.</p> <p>21 Anyone who wishes to contribute to TSTA's</p> <p>22 fund raising for disaster relief efforts for DPS</p> <p>23 employees and their families is invited to visit our</p> <p>24 website message Board at www.texasstatetroopers.org for</p> <p>25 instructions, which I will post later today.</p>
<p style="text-align: right;">3</p> <p>1 MR. POLUNSKY: (Roll call) There is a</p> <p>2 quorum present this morning. The regular session of the</p> <p>3 Texas Public Safety Commission is convened in accordance</p> <p>4 with Chapter 551 of the Texas Government Code, the Open</p> <p>5 Meetings Act. During this meeting, the Commission will</p> <p>6 be conducting business from the agenda posted in the</p> <p>7 Texas Register. A quorum of the Board is present and</p> <p>8 the meeting is now declared open. It is 9:35 a.m.</p> <p>9 The first item on today's agenda is public</p> <p>10 comment. Any member of the public wishing to address</p> <p>11 the Commission is invited to do so at this time. Their</p> <p>12 comments will be limited to five minutes.</p> <p>13 DON DICKSON: Mr. Chairman.</p> <p>14 MR. POLUNSKY: Mr. Dickson.</p> <p>15 DON DICKSON: Good morning, Mr. Chairman and</p> <p>16 Commissioners, and Colonel Clark, Colonel Beckworth. My</p> <p>17 name is Don Dickson and I'm an attorney in the Austin</p> <p>18 office of the Parker Law Firm and I'm speaking to you</p> <p>19 this morning on behalf of the Texas State Trooper's</p> <p>20 Association.</p> <p>21 Mr. Chairman, we solute the men and women of</p> <p>22 DPS, and most particularly of the Highway Patrol</p> <p>23 Division for the outstanding work that they've been</p> <p>24 doing and are continuing to do in the aftermath of</p> <p>25 Hurricane Ike. They have proven again that they are the</p>	<p style="text-align: right;">5</p> <p>1 I want to briefly address the matter of</p> <p>2 compensating our troopers fairly for the heroic work</p> <p>3 that they do when disaster strikes. After the space</p> <p>4 shuttle disaster and after Hurricane Rita, almost every</p> <p>5 trooper that was deployed to the disaster zone was</p> <p>6 required to submit time records, which did not really do</p> <p>7 justice to their actual time and their work.</p> <p>8 We had troopers who were sleeping in their</p> <p>9 patrol cars, we had troopers sleeping on concrete floors</p> <p>10 in churches and fire houses. Many went for long,</p> <p>11 miserable stretches without food, water or sanitary</p> <p>12 facilities. We had some female troopers this past week</p> <p>13 who I am told couldn't go for an entire day because</p> <p>14 there was literally no place for them to go.</p> <p>15 This is miserable and dangerous work, and</p> <p>16 our officers deserve fair compensation for their</p> <p>17 sacrifices for their sacrifices and their courage.</p> <p>18 There's a perception that in these past critical</p> <p>19 incidents, troopers were allowed to report and were paid</p> <p>20 for a lot fewer hours and expenses than the Department</p> <p>21 was reporting to the federal government for purposes of</p> <p>22 reimbursement.</p> <p>23 And TSTA respectfully asks you Commissioners</p> <p>24 and Colonel Clark to make sure that our troopers get</p> <p>25 paid for every man hour for which the Department</p>

<p style="text-align: right;">6</p> <p>1 receives compensation from Washington. And we ask that 2 you assure DPS employees of some transparency in this 3 process with respect to federal reimbursements so that 4 our members know that they have been treated fairly. 5 And finally, Mr. Chairman, we ask that the 6 Department grant all region two personnel up to five 7 days of administrative leave covering the immediate 8 aftermath of the storm. I know that our troopers in 9 region two were very grateful for the opportunity that 10 was presented to them to attend to the safety and health 11 of their families and their homes before being required 12 to report to duty. 13 Mr. Chairman, you have a lengthy and 14 important agenda today, and I will stand down. I am 15 very grateful for the Commission's time. 16 MR. POLUNSKY: Thank you, Mr. Dickson for 17 your comments. Your comments are duly noted. Would 18 anyone else like to address the Commission at this time? 19 Certainly, the overall situation that we've been 20 experiencing for the last couple of weeks was 21 illuminated by Mr. Dickson and his comments. I don't 22 see Chief Colley here this morning. I'm sure he's 23 probably downstairs, or over at the SOC, I should say, 24 involved in the continuation of his efforts along with 25 the numerous people that work for him.</p>	<p style="text-align: right;">8</p> <p>1 confident that I'm speaking on behalf of the Commission 2 to communicate to you our sincere thanks, both to the 3 Governor's Department of Emergency Management and all of 4 the other state agencies, departments, private 5 companies, individuals, the whole group that has 6 coalesced together to work together as one unbelievable 7 team to address this situation, including the Department 8 of Public Safety. 9 So thank you very much and just keep up the 10 good work. You have anything you'd like to state at 11 this time? 12 RUSS LECKLIDER: Thank you, sir. I think 13 the key part of the whole thing is -- gets real hot in 14 EOC cause there's so many people in there helping. And 15 that includes, as you said, the state agencies, DPS, a 16 whole bunch of volunteer groups from all over, private 17 industry. The likes in which we didn't use three and 18 four years ago. We've got 56 companies that essentially 19 help us with logistics, food, water, held hostage 20 representatives of all the electric companies over 21 there, and they did a wonderful job for us. 22 So it's been a great experience. And we 23 also had the largest FEMA presence I can ever remember. 24 They have about a thousand people here in Austin, and 25 had a two star coast guard admiral that has been there</p>
<p style="text-align: right;">7</p> <p>1 But I would like to take this opportunity to 2 thank him. Is there anyone from Emergency Management 3 here? Sir, I cannot begin to tell you what wonderful 4 efforts have been put in by the -- in this case, 5 literally hundreds if not probably thousands of people 6 that have come together to address the natural disaster 7 that is hurricane Ike, both preparatory in evacuating 8 preparing the coast for the onslaught of the hurricane, 9 and then certainly what has been going on since 10 hurricane has struck. 11 It is -- it is beyond a tribute to you all 12 for what you have been doing. It really illustrates why 13 Texas is a unique and special place to live. I doubt 14 that there's another state in this country that would 15 have stepped up to the plate as strongly as the State of 16 Texas and the people that have worked together over the 17 last two or three weeks to address this calamity. 18 It is something that is certainly 19 regrettable and painful. But at the same time, it is 20 heartwarming to see that -- what we've done, what you've 21 done to come together and to address this horrible 22 situation that we find ourselves in and still are trying 23 to work our way through, as one of the members of our 24 Commission can speak firsthand to. 25 So I would like -- I believe -- I feel</p>	<p style="text-align: right;">9</p> <p>1 the whole time. And they really coordinated things 2 well. I think we worked well together, all of the 3 components of the team. 4 MR. POLUNSKY: I'll certainly second that. 5 And I can -- I think I can state confidently that there 6 are a lot of people in this state who are living and 7 breathing today because of what you all have done, and 8 can't be any better than that. So thank you, once 9 again. Would any members of the Commission like to make 10 any comments at this time? 11 MS. BARTH: I was down there yesterday, and 12 I can tell you y'all have a very large job ahead of you. 13 What you've done so far has been tremendous. But having 14 seen it firsthand and seeing what the cleanup is in all 15 fashions, it is going to be very difficult. 16 But I feel like -- very confident from our 17 end, from this Department, that we meet the challenge. 18 No question about it. I appreciate all of the officers 19 that have been there, three, four, five days straight, 20 six days, both in the command center in Houston and in 21 Galveston. 22 MR. POLUNSKY: Thank you, Commissioner 23 Barth. Anyone else? Thank you. I would also like to 24 take this opportunity to welcome the guys here. Our 25 interim director, Stan Clark, and our interim assistant</p>

<p style="text-align: right;">10</p> <p>1 director, Lamar Beckworth. We are very happy to have 2 you with us. 3 We are encouraged and inspired by your 4 vision, and energy, and thoughts of where the Department 5 should be going and we are quite confident that you will 6 be able to effectuate a lot of the changes and steps 7 forward that we've been talking about over the last 8 several months. And we wish you the best of luck in 9 your position. So thank you for agreeing to step into 10 these positions and look forward to working with you. 11 Next stated item on the agenda is the 12 discharge appeal hearing for DPS employee Carolyn 13 Briggs. It's my understanding that this may have been 14 withdrawn. To confirm that, Colonel Clark? 15 STAN CLARK: Yes. She has withdrawn her 16 appeal. 17 MR. POLUNSKY: All right. So we are not be 18 hearing anything on that today. And she has accepted 19 her termination? 20 STAN CLARK: Yes, sir. 21 MR. POLUNSKY: Thank you. Next item is the 22 deliberation, discussion and possible action, including 23 a final decision, on the discharge appeal of Peter 24 Mason, appeal we heard in our last meeting. 25 MS. ANDERSON: Mr. Chairman, I move to</p>	<p style="text-align: right;">12</p> <p>1 to affirm the discharge of Mr. Mason. Is there a second 2 to Ms. Anderson's motion? 3 MR. CLOWE: Could I ask for clarification? 4 MR. POLUNSKY: Yes, sir. 5 MR. CLOWE: If this motion is seconded and 6 voted on, will it be to affirm the discharge only or 7 will it also express the position that Commissioner 8 Anderson has stated? 9 MR. POLUNSKY: I see that as a comment, but 10 you tell me what your thoughts are. 11 MS. ANDERSON: Right, it is. 12 MR. CLOWE: I second the motion. 13 MR. POLUNSKY: All right. So what we'll -- 14 basically then, just so that the record will show, 15 Commissioner Anderson is making a motion to affirm the 16 director's discharge decision for Mr. Mason. 17 She's made some additional remarks regarding 18 some of the allegations that were in the original case, 19 but that is separate and apart from the issue, and the 20 issue is whether the discharge should be upheld by the 21 Public Safety Commission. And Ms. Anderson's motion is 22 straight discharge. And it's been seconded by 23 Mr. Clowe. 24 All right. Is there discussion on the 25 motion? There is no discussion. All in favor, please</p>
<p style="text-align: right;">11</p> <p>1 affirm the decision of the director to discharge 2 employee, Peter Mason. However, I would like to note 3 the following. Although I do think that Mason was 4 accessing highly objectionable material as alleged in 5 the investigation, I do not think that the allegations 6 in the investigation concerning child pornography were 7 established by the investigation or the report. 8 MR. POLUNSKY: All right. You have to 9 clarify that for me then. Are you -- Ms. Anderson, you 10 are moving to affirm the -- 11 MS. ANDERSON: The discharge. 12 MR. POLUNSKY: -- the discharge, but you 13 have problems with the evidence? 14 MS. ANDERSON: I do not believe that the 15 allegations concerning child pornography -- 16 MR. POLUNSKY: All right. That section. 17 MS. ANDERSON: That section, were 18 established by the investigation or the report. 19 MR. POLUNSKY: All right. But the other 20 allegations that were put forth by the General Counsel's 21 office, you feel were not sufficient enough to sustain 22 the discharge? 23 MS. ANDERSON: That's correct. 24 MR. POLUNSKY: All right. So there is a 25 motion that has been put forth by Commissioner Anderson</p>	<p style="text-align: right;">13</p> <p>1 say, "Aye." 2 COMMISSIONERS CLOWE AND BARTH: Aye. 3 MR. POLUNSKY: Any against? No. Motion 4 passes. 5 Item five, discussion and possible action on 6 the Director's action of discharging probationary 7 employees Anganika Harris and Kellye Sandlin. Mr. Fox. 8 DUNCAN FOX: Yes. Chairman, Anganika Harris 9 has not reported for work since August 1, 2008, and this 10 is a (Inaudible) job abandonment. Statute provides for 11 the Commission to provide advice and consent to 12 discharge probationary employee. 13 The same with Kellye Sandlin, who has also 14 been (Inaudible) to work (Inaudible) probationary 15 employee. Again, the statute provides for the 16 Commission to provide advice and consent to a discharge 17 of this person who is probationary employee. 18 MS. ANDERSON: Mr. Chairman, I move to 19 affirm the decision of the Director to discharge 20 Ms. Harris and Ms. Sandlin. 21 MR. POLUNSKY: Is there a second to Mr. 22 Anderson's (sic) motion? 23 MS. BARTH: Second. 24 MR. POLUNSKY: It has been seconded by 25 Commissioner Barth. There is a motion that has been</p>

<p style="text-align: right;">14</p> <p>1 moved and seconded that the Director's decision to 2 discharge probationary employees, Harris and Sandlin, be 3 affirmed by the Public Safety Commission. Any 4 discussions? 5 MS. BARTH: Mr. Fox, would you just go 6 through the second one, too, since we're taking them 7 together? 8 MR. FOX: She has -- Kellye Sandlin has been 9 unable to report for duty since April 17, 2008 due to a 10 nonworking related medical condition. Her time is 11 exhausted and she no longer qualifies for any leave 12 entitlements and is unable to return to (Inaudible) 13 functions of her position. 14 MS. BARTH: Thank you. 15 MR. POLUNSKY: Any other questions? All 16 right. There is a motion on the floor. All in favor, 17 please say, "Aye." 18 COMMISSIONERS CLOWE AND BARTH: Aye. 19 MR. POLUNSKY: Any against? Motion passes. 20 Next item on the agenda is item number six, Executive 21 Session. At this time, the Commission now adjourns to 22 Executive Session which is closed to the public in 23 accordance with the Texas Government Code Sections 24 551.071 and 551.074. 25 The Commission actually would move to a</p>	<p style="text-align: right;">16</p> <p>1 practice? 2 JAMES BRUBAKER: Yes, ma'am. 3 MR. POLUNSKY: Any other questions? All 4 right. So you're requesting action on this? 5 JAMES BRUBAKER: Yes, sir. I would ask that 6 the Commission approve this gift of the Department of 7 Public Safety for utilization in the crime lab. 8 MS. ANDERSON: I move approval of the gift 9 from the Longview Police Department. 10 MS. BARTH: Second. 11 MR. CLOWE: Second. 12 MR. POLUNSKY: It's been moved by 13 Commissioner Anderson and seconded by Commissioner Clowe 14 that the Public Safety Commission accept the guns from 15 the Longview Police Department for use in the crime 16 laboratory for the testing. Any discussion? There is 17 no discussion. All in favor, please say, "Aye." 18 MR. CLOWE: Aye. 19 MR. POLUNSKY: Any against? No. Motion 20 passes. Next item, reports, discussion, deliberation 21 and possible action regarding the following: The RFQ to 22 study the management and organizational study (sic) of 23 DPS. Colonel Beckworth. 24 LAMAR BECKWORTH: This Chairman, 25 Commissioners, Deloitte, one of their representatives is</p>
<p style="text-align: right;">15</p> <p>1 board room here down the hall, so it's unnecessary for 2 the members of the audience to vacate the room at this 3 time. 4 (Break for Executive Session). 5 MR. POLUNSKY: The regular session of the 6 Texas Public Safety Commission is reconvened in 7 accordance with Chapter 551 of the Texas Government 8 Code, the Open Meetings Act. Next item on the agenda is 9 budget matters. Chief Ybarra. 10 OSCAR YBARRA: Good afternoon Mr. Chairman, 11 Commissioners. It's my understanding that Chief 12 Brubaker will be coming in with discussion on possible 13 action and acceptance of guns from Longview Police 14 Department for the use by the crime laboratory. 15 JAMES BRUBAKER: James Brubaker, Criminal 16 Law Enforcement Division. 17 OSCAR YBARRA: Oscar Ybarra, Chief of 18 Finance. 19 JAMES BRUBAKER: Mr. Chairman, 20 Commissioners, what we have here is a court order that 21 was processed through the City of Longview and it's a 22 number of firearms that, upon the Commission's 23 acceptance, will be given to the Department of Public 24 Safety to be used for reference in the Garland lab. 25 MS. ANDERSON: This standard -- standard</p>	<p style="text-align: right;">17</p> <p>1 here today. They have submitted their first draft of 2 the final report to you. That report has (Inaudible) 3 structured information, management process, improvement 4 opportunity, implementation plans, detailed (Inaudible) 5 detailed findings and results. And that's the only 6 information I have at this time. 7 Their final draft, final document is due to 8 the agency on 9-29, and they were scheduled to present a 9 open discussion our next Commission meeting on October 10 16th. 11 MS. ANDERSON: Did I hear you say that it's 12 been submitted to the Commission? 13 MR. POLUNSKY: It's submitted to me. 14 LAMAR BECKWORTH: That's correct. 15 MS. ANDERSON: And so when would the rest of 16 the Commission anticipate receiving -- 17 MR. POLUNSKY: I'm going to meet with them, 18 probably in the morning, in San Antonio and then it'll 19 be submitted out after that. I just got this at the end 20 of last week. Long story short, death in the family. I 21 was out of pocket there for a day so. I couldn't 22 respond to them. Any other questions? Y'all like to 23 ask anything of the Deloitte representative? 24 MR. CLOWE: No. 25 MR. POLUNSKY: RFQ for internal audit and</p>

<p>18</p> <p>1 risk assessment services. Mr. Walker.</p> <p>2 FARRELL WALKER: Farrell Walker, director of</p> <p>3 Audit Inspection. The Clifton Gunderson auditors have</p> <p>4 hit the ground running. We have five internal audit</p> <p>5 projects underway now. One is -- or, actually, two are</p> <p>6 completing their field work and should be getting some</p> <p>7 draft reports very soon on those. They also started the</p> <p>8 risk assessment. They started with driver's license a</p> <p>9 few weeks ago, and plan to go to the Administrative</p> <p>10 Division next. Appears to me that things are going</p> <p>11 smoothly so far.</p> <p>12 MR. POLUNSKY: Questions? No question?</p> <p>13 MR. CLOWE: No questions.</p> <p>14 MR. POLUNSKY: Thank you, sir. RFQ for IT</p> <p>15 optimization assistance in the development of IT</p> <p>16 strategy.</p> <p>17 BRYAN LANE: Bryan Lane, acting Chief, IMS.</p> <p>18 MR. POLUNSKY: Congratulations on your</p> <p>19 promotion --</p> <p>20 BRYAN LANE: Thank you, sir.</p> <p>21 MR. POLUNSKY: -- Mr. Lane.</p> <p>22 BRYAN LANE: Good afternoon, Chairman,</p> <p>23 Commissioners, Colonels, thank you for giving me this</p> <p>24 opportunity to provide you a short update on the IT</p> <p>25 assessment. (Inaudible) the agency wide interviews that</p>	<p>20</p> <p>1 our needs. However, there are other conclusions that</p> <p>2 they discovered that weren't quite as obvious to us that</p> <p>3 I think are important to bring to the attention of this</p> <p>4 Commission and staff.</p> <p>5 From a budgetary perspective, more than 70</p> <p>6 percent of the Information Technology budget dollars</p> <p>7 spent within the agency are spent outside of the IMS</p> <p>8 organization. Again, I think a necessity that's grown</p> <p>9 from the historic structure of the organization as well</p> <p>10 as a need to get business done on a day-to-day basis and</p> <p>11 without the IT staff or budget to do it ourselves.</p> <p>12 Addition, from a staffing perspective,</p> <p>13 earlier I reported that we leveraged one person within</p> <p>14 the IMS organization as a source of strategy. There's</p> <p>15 169-and-a-half full-time equivalent IT skill sets being</p> <p>16 deployed within the agency that aren't state employees.</p> <p>17 So we see that from each business division,</p> <p>18 the need to find the IT critical skill sets so that they</p> <p>19 can deliver on their projects and deliver on their</p> <p>20 missions. And they're having to go outside the IT</p> <p>21 organization to do that.</p> <p>22 Additionally, 30 percent of the state IMS</p> <p>23 employees' responsibilities today are assigned to a</p> <p>24 specific division. And what I mean by that is there's</p> <p>25 not 30 percent of my staff only in one division, but 30</p>
<p>19</p> <p>1 we had with both the acting chiefs of today as well as a</p> <p>2 previous leadership as well as the information</p> <p>3 technology managers, also through review of budget and</p> <p>4 financial documents, contracts, project documents and</p> <p>5 ongoing continual conversations throughout the agency,</p> <p>6 the Gardner team has delivered a final draft of the IT</p> <p>7 state document.</p> <p>8 Some of the findings in that document, the</p> <p>9 agency was fully aware of and they validated those.</p> <p>10 Such as, IMS is carrying a 19 percent vacancy rate at</p> <p>11 this time, which is definitely impacting our ability to</p> <p>12 deliver the services at the level that's required to</p> <p>13 move forward.</p> <p>14 Projects with IT components are often</p> <p>15 executed independent of the IMS involvement. Although</p> <p>16 we are involved in a lot of the procurement peaks of it,</p> <p>17 due to critical staffing shortages and lack of</p> <p>18 governance, we haven't had the ability as an IT</p> <p>19 organization to be involved at the level that we could</p> <p>20 leverage in the future for a better and more efficient</p> <p>21 use of the Information Technology funds that are</p> <p>22 available to us.</p> <p>23 Additional findings that we are very aware</p> <p>24 of was our ability as an internal organization, IMS, to</p> <p>25 leverage sourcing strategies to fit critical skills into</p>	<p>21</p> <p>1 percent of my staff has specific assignments to a</p> <p>2 division. Again, that lack of flexibility from an</p> <p>3 organizational creates a lot of challenges for us to</p> <p>4 manage and enterprise system.</p> <p>5 From an application perspective, only</p> <p>6 14 percent of the applications that we have in our</p> <p>7 business today are actually bought off the shelf, are</p> <p>8 also called cots. Software that have no type of</p> <p>9 enhancements or -- or no type of enhancements. What</p> <p>10 that causes us to do, is we're supporting 86 percent of</p> <p>11 ratifications through maintenance and ongoing upgrades,</p> <p>12 et cetera, that require a skilled IT employee to do that</p> <p>13 and to have a lot of intimate knowledge on those aps.</p> <p>14 So we could definitely be doing a better job</p> <p>15 finding customized off-the-shelf software or just buying</p> <p>16 packaged software off the shelf and use it in working</p> <p>17 into our business model versus have this software that</p> <p>18 we're having to actually assign people to hire skills</p> <p>19 set for and then also commit them to just supporting</p> <p>20 those.</p> <p>21 We have 20 different data base products</p> <p>22 today that we have deployed in the agency. And over the</p> <p>23 last decade or so, there's been a convergence within</p> <p>24 this area to two or three major data base providers.</p> <p>25 However, the agency has still 20 different ones</p>

<p style="text-align: right;">22</p> <p>1 deployed.</p> <p>2 Of many of those, the skill set, we cannot</p> <p>3 attain in the marketplace. For instance, one of the</p> <p>4 database that we have deployed is 204, which in the</p> <p>5 light -- which means that the manufacturer no longer</p> <p>6 supports or manufacturers for particular data base was</p> <p>7 several years ago. And we have some mission critical</p> <p>8 applications that are running on the M204 today that</p> <p>9 we're actively working on to move off of. But it's a</p> <p>10 reality of where we are today.</p> <p>11 MS. BARTH: Excuse me, Mr. Chairman, did we</p> <p>12 get a copy of this report? As much as I like him</p> <p>13 reviewing it, I would like to have read it ahead of time</p> <p>14 before -- it's sort of very difficult to absorb it.</p> <p>15 BRYAN LANE: My apologies. Commissioner, my</p> <p>16 intent this afternoon was just to give you an overview.</p> <p>17 The report's about 75 pages, and we're in final draft</p> <p>18 now. I'd be happy to give you that final draft.</p> <p>19 MS. ANDERSON: Or just the document you're</p> <p>20 reading from, the high points.</p> <p>21 MS. BARTH: That'd be great, too.</p> <p>22 BRYAN LANE: Okay, absolutely. I'll e-mail</p> <p>23 that this afternoon for you.</p> <p>24 MR. POLUNSKY: Chief Lane, I understand that</p> <p>25 you have just received this appointment.</p>	<p style="text-align: right;">24</p> <p>1 state. So we will have a recommended future state. So</p> <p>2 they will take the information providing the current</p> <p>3 state and make the appropriate adjustments that we need</p> <p>4 to as an agency and make that recommendation to us.</p> <p>5 From that document into February, they will</p> <p>6 deliver an IT road map which is specifically how we</p> <p>7 arrive from our current state to our future state. The</p> <p>8 project is on target for the week of the 13th of</p> <p>9 October, which is in our original contract and project</p> <p>10 time line, and I don't foresee any hold-ups at this time</p> <p>11 of making that date. With that, that concludes my</p> <p>12 update.</p> <p>13 MR. POLUNSKY: Thank you, sir. Are there</p> <p>14 any questions?</p> <p>15 MR. CLOWE: No questions.</p> <p>16 BRYAN LANE: Thank you.</p> <p>17 MR. POLUNSKY: Thank you. Good luck in your</p> <p>18 position. Thank you for everything you've done on this.</p> <p>19 Commissioner Anderson has put a tremendous amount of</p> <p>20 time into working on this project, quite obviously, and</p> <p>21 we appreciate her time and expertise that I think has</p> <p>22 been very helpful in getting this to where we are now.</p> <p>23 BRYAN LANE: Well, thank you to the</p> <p>24 Commissioner for the opportunity to actually have the</p> <p>25 assessment because I think it's validating where we need</p>
<p style="text-align: right;">23</p> <p>1 BRAN LANE: Yes, sir.</p> <p>2 MR. POLUNSKY: You just actually literally</p> <p>3 maybe in this position officially for the last few days.</p> <p>4 But the Commission, in the last couple of meetings, has</p> <p>5 made it very clear, and I'm really speaking to everyone</p> <p>6 here. Just to kind of reiterate the position of that is</p> <p>7 that all information that is discussed at these meetings</p> <p>8 should be provided in advance to the members of the</p> <p>9 Commission so that -- and I realize this is not the</p> <p>10 study and this is some bullet points and so on. So I'm</p> <p>11 not in any way trying to pick on you. You're under some</p> <p>12 unique circumstances here.</p> <p>13 But it does give me the opportunity to</p> <p>14 reemphasize the fact that all information that is coming</p> <p>15 before the Commission should be provided the Commission</p> <p>16 members prior to the meeting so we have that information</p> <p>17 in advance to review or follow during these</p> <p>18 presentations.</p> <p>19 BRYAN LANE: Absolutely. I'll make that</p> <p>20 correction.</p> <p>21 MR. POLUNSKY: Okay. Sorry for</p> <p>22 interrupting.</p> <p>23 BRYAN LANE: No problem. And our next steps</p> <p>24 will be a high level document once we validate and move</p> <p>25 from final draft to final deliverable for the current</p>	<p style="text-align: right;">25</p> <p>1 to be.</p> <p>2 MR. POLUNSKY: Okay. Thank you for your</p> <p>3 report. Procurement of executive search services for</p> <p>4 appointment of director. Ms. Logan.</p> <p>5 PAULA LOGAN: I'd previously sent a draft to</p> <p>6 the Commission and we've gotten some feedback that we're</p> <p>7 going to work on for purposes of that draft, and then</p> <p>8 we're waiting on the Commission for further direction on</p> <p>9 how to proceed.</p> <p>10 MR. POLUNSKY: Ms. Anderson.</p> <p>11 MS. ANDERSON: Mr. Chairman, I move that the</p> <p>12 Commission proceed with the preparation issuance of this</p> <p>13 procurement for executive search services and that</p> <p>14 Ms. Logan work with Commissioner Clowe, if he would so</p> <p>15 agree to take the lead on this process short listing.</p> <p>16 MR. CLOWE: Second.</p> <p>17 MR. POLUNSKY: Okay. It has been moved by</p> <p>18 Ms. Anderson and seconded by Mr. Clowe as per the</p> <p>19 motion. Is there discussion on the motion? You</p> <p>20 understand the direction, it's been discussed? Any --</p> <p>21 you have a comment, Mr. Clowe?</p> <p>22 MR. CLOWE: No. Thank you.</p> <p>23 MR. POLUNSKY: All in favor, please say,</p> <p>24 "Aye."</p> <p>25 COMMISSIONERS CLOWE AND ANDERSON: Aye.</p>

<p style="text-align: right;">26</p> <p>1 MR. POLUNSKY: Any against? Motion passes. 2 Thank you. Energy savings performance contract. Chief 3 Fulmer. 4 VALERIE FULMER: Good afternoon. I'm going 5 the take this opportunity -- 6 MR. POLUNSKY: By the way, congratulations 7 on -- 8 VALERIE FULMER: Thank you. I appreciate 9 it. I also want to take this opportunity to introduce 10 the Commission to Sandra Fulenwider. She is the interim 11 Assistant Chief for the Staff Support Service. She will 12 be the contact on the energy savings performance 13 contract. And the -- the report's going to be very 14 short today. She and I are trying to learn about all 15 the background involved with the energy savings 16 performance contract. 17 There are two bits of information that we 18 wanted to share with the Commission. One is that it 19 appears that a third party engineer may be available 20 through state contract. So we may not have to do an RFQ 21 for the third party engineer that would have to approve 22 of any of the TAC America recommendations. So we've got 23 that opportunity available. We're talking to TFC to 24 make sure that that's something that we can do and that 25 we don't have to go through them to contract with this</p>	<p style="text-align: right;">28</p> <p>1 possible action to review and approve a Commission 2 policy concerning the approval of contacts and limits of 3 authority for the Department. Chief Ybarra. 4 OSCAR YBARRA: Yes, sir. Oscar Ybarra, 5 Chief of Finance. The last Commission meeting, my 6 office was given instructions by the Commission to 7 provide a report to help the Commission see what type of 8 contracts the agency was dealing with, I believe it was 9 for fiscal year 2008. 10 We provided that with our information to the 11 Commission. And this document's called: The Contracts 12 Review in Fiscal Year 2008, for the Commission's review. 13 We also did one step further and provided the Commission 14 with a report that we provide to the legislative budget 15 board. And we also provided the variables that are 16 considered in providing this report. 17 I have Kevin Jones here to answer any 18 specific questions you may have on these reports. But 19 submit for your consideration and making a determination 20 on what contracts the Commission would like to see. 21 MR. POLUNSKY: Ms. Anderson, is this 22 something you would like to open a discussion on? 23 MS. ANDERSON: I'll sort of try to -- I 24 think -- and I appreciate the documents that you 25 provided us for review. And I think where we were a</p>
<p style="text-align: right;">27</p> <p>1 engineer. 2 The other update is that it's our 3 understanding that the state auditor report has come out 4 on these energy savings performance contracts. So we 5 are going to look through that. And I think there's a 6 link on the state auditor's website. So we'll look 7 through that. Our understanding is that it -- they have 8 not disbanded the program, that they have continued to 9 program. But we will provide a copy of that link to 10 Commission to look at the report. 11 And otherwise, unless there's specific 12 questions, we will be happy to research them, but we are 13 still learning about the whole issue. 14 MS. BARTH: My suggestion would be for you 15 to get with Mr. Fox, where you spend a lot more time, 16 talk through the findings and the contract and see 17 whether that's something we want to keep going on. 18 VALERIE FULMER: Great. 19 MR. POLUNSKY: Are there any other 20 questions? 21 MR. CLOWE: No questions. 22 VALERIE FULMER: Thank you. 23 MR. POLUNSKY: Good luck. 24 SANDRA FULENWIDER: Thank you. 25 MR. POLUNSKY: Item nine, discussion and</p>	<p style="text-align: right;">29</p> <p>1 month ago is trying to figure out -- we didn't want to 2 see, you know, contracts for lawn services and 3 individual offices and so forth. 4 And, you know, I went through this -- the 5 list of routine operations, procurement that was in 6 here. And I have a point of view about what I would 7 like to continue to see, and it's only my point of view. 8 You know, I could give this -- hand this to you. 9 But, for example, while I'm not interested 10 in seeing the pass through, the BSOC you know, pass 11 through down through down to the individual counties and 12 so forth, I am interested in seeing the grants that we, 13 you know, apply for, you know, to have some visibility 14 into that. 15 I'm interested in temporary personnel. And 16 then I'm interested in the final five items on the list, 17 software maintenance, IT software, DIR procurements and 18 the GDEM procurements. And maybe not all of the GDEM 19 procurements. I'd have to sort of understand a little 20 more about how those get broken out. But there are some 21 GDEM procurements that are -- they're not purchase of 22 commodities, then I think the Commission, you know, 23 might have some interest in seeing. 24 So that's sort of what I came up with after 25 reviewing this list of contracts reviewed in fiscal year</p>

<p style="text-align: right;">30</p> <p>1 '08. Because a lot -- it's hard to know where to draw 2 the line. And I think the other thing is the way we 3 worded the direction to you initially, each way we word 4 things creates some of its own problems. 5 Because we said not only a contract of this 6 size, you know, or above this size, but if a change 7 order throws it over that size, right. And there are 8 some, and I know we can't make an exception out of 9 everything, but there are some things like TDEX where it 10 may be -- I mean, we have a committed amount for the 11 year. And I can't remember, six-and-a-half or 12 something, but it's not all done in one contract chunk. 13 And so we bought the first 24 adapters. The 14 next quarter we're going to buy the next 24. Well, if 15 the Commission had visibility into the the original 16 six-and-a-half and knew what that was made up of and 17 bought into that, then I wouldn't think we'd need to see 18 those amendments. It's hard to figure out how to codify 19 this into, you know, a policy. 20 MR. POLUNSKY: Mr. Clowe. 21 MR. CLOWE: I agree with Commissioner 22 Anderson. It's very difficult to do this and draw the 23 line. Let me ask the Chief, you have on the next tab, 24 pending contracts for approval. May I have permission, 25 Mr. Chairman, to ask a question about that?</p>	<p style="text-align: right;">32</p> <p>1 signature on it because I will not have reviewed it and 2 I will not have examined it in depth. And frankly, I'm 3 uneasy about that from a legality standpoint, and 4 frankly, the responsibility standpoint. 5 What I would like on those is perhaps for 6 you to brief the Commissioners and put those before us. 7 And then I'd like to be in a position of saying based on 8 what you've told me and what you've shown me, I don't 9 have any objection to that. And then, that keeps the 10 responsibility on you or whoever the contracting the 11 individual is. I've been made aware. But I don't take 12 that responsibility from you. And I want that 13 responsibility to be on the person who has it. 14 But the oversight then of a Commissioner is 15 satisfied. That's my philosophic response, and I hope 16 that Commission Anderson -- 17 MS. ANDERSON: Yeah, I'm -- I'm good with 18 that. So it's not -- we're not ratifying or approving, 19 we're just basically saying, no objections. What we 20 have the discretion to do is ask more questions, defer 21 approval until our questions are answered, et cetera. 22 MR. POLUNSKY: Right. 23 MR. CLOWE: And you can say, I'm not 24 satisfied with what you've told me. And I think there 25 will be some issues that'll come up like that. There</p>
<p style="text-align: right;">31</p> <p>1 MR. POLUNSKY: Certainly. 2 MR. CLOWE: How did you arrive at those 3 contracts being on this list? 4 OSCAR YBARRA: To my understanding, 5 Commissioner, is based on the rules that were 6 established in the meeting regarding the 50 percent, the 7 million dollars, we used these as our policy to put this 8 together. 9 MR. CLOWE: So I don't think that was a 10 rule, I think that was a discussion, if I remember 11 correctly. I don't think the Commission voted on that, 12 did we? 13 OSCAR YBARRA: They did on the fourth, 14 didn't they? 15 MR. CLOWE: Did we vote on it? Oh, I was 16 absent. I thought I had a little stroke there. Okay. 17 So that's the reason those were there. 18 OSCAR YBARRA: Yes, sir. 19 MR. CLOWE: I'd like to try to help in what 20 Commission Anderson said. My view is, I would like to 21 be in a position to be made aware of contracts on a 22 selected basis. And I guess you picked out some good 23 ones here in this next tab. 24 I am uneasy about voting on those and 25 saying, you know, I approve of this and I put my</p>	<p style="text-align: right;">33</p> <p>1 may be some issues before us at this time where we've 2 said, go back and -- and I think maybe this energy 3 savings contract is a fairly good example of that. 4 And I think it benefits the staff to have 5 Commissioner input and inquiry based on our experience 6 and knowledge. But we are not full-time Commissioners. 7 We are not equipped with staff. And I want to keep that 8 burden of responsibility on the contracting agent. If 9 that's helpful, that would be a suggestion I might make. 10 OSCAR YBARRA: Sure. What we're doing right 11 now, Commissioners, is we are asking the divisions to 12 answer any questions regarding their specific contract 13 that's on this list. So what we'll do is go back and 14 next Commission meeting, if there's a list of contracts 15 that are on here, each division will come up and 16 identify the aspects of the contract and present them to 17 the Commission. 18 We've been providing a summary, I believe, 19 what the Commission asked for on each one of these 20 contracts. But we will instruct the divisions that 21 they'll need to make a presentation. 22 MR. CLOWE: And you've got that summary in 23 the book. 24 OSCAR YBARRA: Yes, sir. 25 MR. CLOWE: And that's good. We don't want</p>

<p style="text-align: right;">34</p> <p>1 to micromanage you, but we darn sure want to meddle. 2 MS. ANDERSON: Be able to ask questions. 3 MR. CLOWE: We do reserve the right to 4 meddle. 5 OSCAR YBARRA: I'll ask you this then. If 6 we have a list of contracts, should we prepare -- should 7 the divisions be prepared to present on every contract 8 or on the ones that you select that day? I mean, do you 9 want a report on every one of those or the ones that you 10 select? You make us aware, I'd like to discuss the CPM 11 archives today, or whatever, or should they all be 12 presenting? I'm asking you. 13 MR. CLOWE: Well, my response would be that 14 the Commission voted on August the 4th on some 15 guidelines. Follow those guidelines. And then any 16 Commissioner can ask you to be more forthcoming in any 17 area of interest they have. 18 OSCAR YBARRA: Okay. So you will call us up 19 then. 20 MS. ANDERSON: Right. Anybody ought to be 21 prepared. But of the six, seven, I only have questions 22 on two. 23 OSCAR YBARRA: So if you didn't have any 24 questions, I would come up and ask you for your -- 25 because there's a signature page on the bottom where, I</p>	<p style="text-align: right;">36</p> <p>1 MR. POLUNSKY: Yeah, he just referenced 2 that. But with respect to the previous motion that was 3 passed -- 4 DUNCAN FOX: We may need to -- we would -- 5 let me look at the language right quick. The language 6 is approved, says any contract or commitment, the 7 obligations by DPS that exceed a million over the life 8 of the contract or commitment must be approved by the 9 Commissioners before executing the contract. 10 MR. POLUNSKY: Okay. So we're going to 11 essentially -- we're going to need to modify that. 12 DUNCAN FOX: Right. 13 MR. POLUNSKY: We're not going to be able to 14 do that today. 15 DUNCAN FOX: Right. 16 MR. POLUNSKY: Correct? 17 DUNCAN FOX: We can -- we do have it posted 18 as a discussion and an action item on the policy. So we 19 could discuss that and enact on it. We do -- if we 20 wanted to make that change, I think we would -- my 21 recommendation would be to set it up for the next 22 meeting. But we could work on it now. 23 MS. ANDERSON: We need a word other than 24 "approve." "Review"? 25 MR. CLOWE: Sure. That's adequate.</p>
<p style="text-align: right;">35</p> <p>1 believe, the -- for the Chairman to sign. And that's 2 just an acknowledgment -- 3 MR. POLUNSKY: Henceforth, starting today, 4 that'll not be necessary. 5 OSCAR YBARRA: Okay. So it's just 6 presentation information. 7 MR. POLUNSKY: Yes, sir. 8 MS. ANDERSON: But the contracts are not to 9 be executed until the Commission has an opportunity to 10 see this list and ask any questions that they have. 11 MR. POLUNSKY: So the Commission would have 12 a delay of power, veto power, essentially, something 13 like that. We're not looking for specific approval, if 14 I understand the discussion correctly. 15 OSCAR YBARRA: And there'll be, also, 16 language in the contract identifying that if the 17 Commission has not had an opportunity to review, then 18 that contract may be null and void. 19 MR. POLUNSKY: That's good. Do we need to 20 do anything, Mr. Fox? 21 DUNCAN FOX: Right now we may have to modify 22 the language we're going to have the contracts going 23 forward. Because I think the way we're stating our 24 contracts right now is this contract is not effective 25 until approved by the Commission.</p>	<p style="text-align: right;">37</p> <p>1 DUNCAN FOX: You do not want to have an 2 action of necessarily ratification or approval. So what 3 we're really looking for is an opportunity for -- 4 MR. CLOWE: For review. 5 MS. ANDERSON: Review. 6 MR. POLUNSKY: Yeah, I think review cuts it. 7 MS. BARTH: Why don't you just say, after 8 submitting to the Commission we'll review. 9 DUNCAN FOX: We could do that, I think. 10 There's no formal -- if the formal approval -- 11 MR. CLOWE: No. It's not present. 12 MS. BARTH: It's an information item. 13 MR. CLOWE: And when it's on the agenda, and 14 it's there, it's been reviewed, then it's okay unless a 15 Commissioner raises an objection. 16 DUNCAN FOX: I think that's going to work. 17 One clarification as to change orders. Perhaps we 18 can -- if we could explore that a little bit, Oscar. 19 The change order, right now the way the language of the 20 approved statement is, is that you would review any 21 change order of total change orders to a single contract 22 that exceeds 50 percent or 500,000, whichever is less. 23 And the way we've been -- 24 MS. ANDERSON: 5,000? 25 DUNCAN FOX: 500,000.</p>

<p style="text-align: right;">38</p> <p>1 MS. ANDERSON: Oh.</p> <p>2 DUNCAN FOX: So that if there's any change</p> <p>3 order that's more than 50 percent, we would put this in</p> <p>4 our informational package to you.</p> <p>5 MS. ANDERSON: Well, like this one has a</p> <p>6 \$2,300 item for air filter service for the headquarters</p> <p>7 office in Corpus. And is that on here for \$2,300</p> <p>8 because that was at least 50 percent of the -- we need</p> <p>9 some different threshold.</p> <p>10 MR. CLOWE: Put a minimum on there. Or a</p> <p>11 minimum of "X" number of dollars.</p> <p>12 MS. ANDERSON: 50?</p> <p>13 MR. POLUNSKY: 50's good.</p> <p>14 MR. CLOWE: Whatever you're comfortable</p> <p>15 with.</p> <p>16 MR. POLUNSKY: 50,000? That's too low.</p> <p>17 MS. ANDERSON: Well, if you don't have this,</p> <p>18 you wouldn't see anything on here. Which, in this case,</p> <p>19 the items this month would be okay. I mean, I think</p> <p>20 we're going to have to kind of -- sir.</p> <p>21 OSCAR YBARRA: Commissioner, we're trying to</p> <p>22 get, also, a feel for what you all are interested in</p> <p>23 seeing.</p> <p>24 MS. ANDERSON: Right.</p> <p>25 OSCAR YBARRA: You know, the IT obviously,</p>	<p style="text-align: right;">40</p> <p>1 that by motion.</p> <p>2 MS. ANDERSON: I move we set a floor of</p> <p>3 \$100,000 for the change orders.</p> <p>4 MS. BARTH: Second.</p> <p>5 MR. POLUNSKY: It's been moved by</p> <p>6 Ms. Anderson and seconded by Ms. Barth that there be</p> <p>7 100,000 on the change items. Discussion? All in favor,</p> <p>8 please say, "Aye."</p> <p>9 COMMISSIONERS CLOWE AND BARTH: Aye.</p> <p>10 MR. POLUNSKY: Any against? No. Motion</p> <p>11 passes. What else do we need to do, Mr. Fox?</p> <p>12 DUNCAN FOX: That's -- to the contracts that</p> <p>13 we have that are pending right now, I believe -- some of</p> <p>14 them are going to have that language requiring that</p> <p>15 they're not effective until approved by the Commission.</p> <p>16 MR. POLUNSKY: Okay. We can do that.</p> <p>17 DUNCAN FOX: That's all you need to do.</p> <p>18 MR. POLUNSKY: All right. So starting next</p> <p>19 month, that language, this will not be required. Am I</p> <p>20 correct?</p> <p>21 DUNCAN FOX: That's correct. We will insert</p> <p>22 the provision that it will be submitted to the</p> <p>23 Commission for review, or available for review by the</p> <p>24 Commission.</p> <p>25 MR. POLUNSKY: Okay. Let's move on to these</p>
<p style="text-align: right;">39</p> <p>1 we're putting in there. If you see on there, I put the</p> <p>2 weapons on there because I felt that's something y'all</p> <p>3 wanted to see. The DNA kits. So we're trying to build</p> <p>4 a map. And I think if we go --</p> <p>5 MR. CLOWE: Why don't you put 100,000 a</p> <p>6 minimum for --</p> <p>7 MS. ANDERSON: For change.</p> <p>8 MR. CLOWE: Why don't you just try that, see</p> <p>9 how it works.</p> <p>10 MS. ANDERSON: And y'all have the authority,</p> <p>11 if you think there's something that's, 99,999 that the</p> <p>12 Commission ought to see, you can put it on there.</p> <p>13 OSCAR YBARRA: That's correct. That's what</p> <p>14 we're doing.</p> <p>15 MR. POLUNSKY: Yeah, and I would err on the</p> <p>16 side and take some precaution on that.</p> <p>17 OSCAR YBARRA: We're trying to do our best.</p> <p>18 MR. POLUNSKY: It appears you already are.</p> <p>19 OSCAR YBARRA: We try, yes.</p> <p>20 MS. ANDERSON: I have questions about two of</p> <p>21 the contracts of this seven.</p> <p>22 MR. POLUNSKY: All right. Before we get</p> <p>23 there, because we're actually not even there yet.</p> <p>24 DUNCAN FOX: So if we could set a limit or</p> <p>25 some (Inaudible) for the change orders and then adopt</p>	<p style="text-align: right;">41</p> <p>1 items then. Discussion and possible action, including</p> <p>2 approval, of pending contracts, commitments and change</p> <p>3 orders. Chief. The ones we have here.</p> <p>4 OSCAR YBARRA: Okay. It's presented today,</p> <p>5 the items in the report of pending contracts and change</p> <p>6 orders requiring Commission's review. There is a CBM</p> <p>7 Archives contract, Sigarms contract, the Qiagen</p> <p>8 contract. The THP data base, Incorporated contract.</p> <p>9 The Identix, Incorporated contract. The Adjutant</p> <p>10 General grant, and the State Board of Security and</p> <p>11 Department of Public Safety presented to the Commission.</p> <p>12 And if you have any questions regarding these items,</p> <p>13 divisions are prepared to answer if you have any.</p> <p>14 MR. POLUNSKY: Are there any questions?</p> <p>15 Ms. Anderson.</p> <p>16 MS. ANDERSON: Thank you, Mr. Chairman. I</p> <p>17 have a question on the driver's license contract, the</p> <p>18 imaging system contract. Thanks, Chief Brown. My</p> <p>19 question is, this is, you know, a contract apparently</p> <p>20 for the current DL system. And so to the extent that we</p> <p>21 then implement DLR and so forth, is there a different</p> <p>22 vendor in the new reengineered world and is this</p> <p>23 contract on sort of a time and materials basis so that</p> <p>24 we only burn what we actually use, or is it a fixed</p> <p>25 monthly fee?</p>

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1 JUDY BROWN: This contract is through CBM
2 Archives who is also the vendor that is contracted to do
3 the reengineering imaging piece of the reengineering
4 project.

5 MS. ANDERSON: Okay.

6 JUDY BROWN: So the vendor is one in the
7 same. This is an ongoing project which includes an
8 ongoing maintenance fixed fee as well as additional
9 service hours that are included in that fee should we
10 need them to make enhancements, changes throughout the
11 year.

12 MS. ANDERSON: And what kind of enhancements
13 and changes would we propose to an imaging system that's
14 being retired?

15 JUDY BROWN: This is -- the system that
16 they're maintaining actually will become part of the
17 overall reengineering piece. Currently at headquarters,
18 the driver improvement control, all of our micro --
19 previously microfilm programs, any of the hard copy
20 documents that we bring in from the field or we create
21 at headquarters, is put into an imaging system through
22 CBM Archives support. It's a system they built for us.

23 The piece that's with the reengineering
24 project is to reduce, by huge volumes, the number of
25 images that we have to film and image here at

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1 contracts. And once we get reengineering fully
2 implemented, they will go into one contract.

3 MS. ANDERSON: Okay. And so is this a
4 celling value or is this 320 -- I mean, is it
5 effectively all fixed fee, or is some of this really
6 additional services that we will not spend?

7 JUDY BROWN: It's a fixed value.

8 MS. ANDERSON: Okay. Thank you. And I have
9 a question on the court ID filing project.

10 DAVID GAVIN: David Gavin, Assistant Chief
11 of Administration.

12 MS. ANDERSON: Thanks, Chief. I just have
13 one question. Of this proposed projected initial cost,
14 how much -- and you can do it in percentages, that would
15 be better, but how much is grant funded versus state
16 money funded?

17 DAVID GAVIN: It's all grant funded.

18 MS. ANDERSON: That's not what this summary
19 says.

20 DAVID GAVIN: I'll have to get back to you
21 on that. It's majority of grant funds. And the actual
22 amount of money that we're going to spend initially is
23 only 250,000, about a quarter of a million. It's an
24 open purchase contract. So that if we expand to pilot
25 to additional sites, we'll be able to buy additional

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1 headquarters as those will become soft copy documents
2 out in the field.

3 MS. ANDERSON: Right.

4 JUDY BROWN: And so it's -- it will not
5 reduce this, it will actually supplement what the
6 reengineering projects will supplement this contract
7 continuing at headquarters.

8 MS. ANDERSON: Well, what additional
9 services, though, in the next year -- I mean, I
10 understand fixed fee maintenance. But the additional
11 services, what would be the nature of additional
12 services you would be buying for the existing system?

13 JUDY BROWN: I'm not sure, off the top of my
14 head, that I can come up with anything that we would be
15 upgrading. In the past, we've used those service hours
16 if a new document's been created, a now conviction
17 report's been created, to incorporate those into the
18 system. This is primarily a maintenance contract for
19 the current system that we have.

20 MS. ANDERSON: Well, do we have a protocol
21 in place so that if, you know, we have -- that we know
22 we're not paying them to do it in the current state and
23 in the proposed -- and in the new world where we're
24 actually imaging them out in the DL offices?

25 JUDY BROWN: Yes, we do. They're separate

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1 devices.

2 MS. ANDERSON: And would the grant money
3 be -- that's the primary source of funding, is that an
4 evergreen grant source?

5 DAVID GAVIN: No. That's a --

6 MS. ANDERSON: One time?

7 DAVID GAVIN: One time.

8 MS. ANDERSON: Then I just want to --
9 obviously, this is a great concept and so forth. We
10 need to be very careful -- this is one of the points
11 that Gardner has made to us, is that we don't do a good
12 job here of thinking about total cost of ownership over
13 the life of the system. And the initial project costs
14 are nothing like what this capability would cost us over
15 its life.

16 And so we just need to be very prudent, and
17 where we set expectations with local communities about
18 the sustainability of the this, okay? Follow me?

19 DAVID GAVIN: Yes.

20 MS. ANDERSON: Okay. Thank you.

21 MR. POLUNSKY: Thank you, sir.

22 Ms. Anderson.

23 MS. ANDERSON: That's all my questions.

24 Thank you, Mr. Chairman.

25 MR. POLUNSKY: Take action on these

<p style="text-align: right;">46</p> <p>1 contracts?</p> <p>2 MS. ANDERSON: Oh, we do need to take action</p> <p>3 this time?</p> <p>4 MR. POLUNSKY: From what I hear, we do.</p> <p>5 DUNCAN FOX: I believe that we may have to</p> <p>6 make some changes to the contracts if we did not,</p> <p>7 because they will (Inaudible) they are going to have</p> <p>8 that language, not effective until approved.</p> <p>9 MR. POLUNSKY: It'd probably be easier just</p> <p>10 to go ahead and approve it this time around and change</p> <p>11 it --</p> <p>12 MS. ANDERSON: I move approval of these</p> <p>13 seven contracts that are on this sheet.</p> <p>14 MR. CLOWE: Second.</p> <p>15 MR. POLUNSKY: Moved by Ms. Anderson and</p> <p>16 seconded by Mr. Clowe that the seven items on -- seven</p> <p>17 contracts set out in the agenda be approved.</p> <p>18 Discussion? All in favor, please say, "Aye."</p> <p>19 COMMISSIONERS CLOWE, ANDERSON, BARTH: Aye.</p> <p>20 MR. POLUNSKY: Any against? No. Motion</p> <p>21 passes. Item 11, report, discussion and possible action</p> <p>22 regarding progress on the Texas Fusion Center in</p> <p>23 achieving the baseline readiness and infrastructure</p> <p>24 guidelines established by the Department of Homeland</p> <p>25 Security. Chief Brubaker.</p>	<p style="text-align: right;">48</p> <p>1 MR. CLOWE: Thank you.</p> <p>2 MR. POLUNSKY: It's my understanding that</p> <p>3 you're talking at least six other agencies that would</p> <p>4 also join?</p> <p>5 JAMES BRUBAKER: Yes, sir. We're in</p> <p>6 discussion with -- for instance ICE has a desk here, SAC</p> <p>7 has not been able to put anybody here. ATF has</p> <p>8 indicated they'd like to put one here, but currently</p> <p>9 they don't have a new TE. TABC is in the process of</p> <p>10 putting a person here. FBI's committed a person, but</p> <p>11 it's unknown when that'll happen. We're looking at some</p> <p>12 additional people from the Texas National Guard as well.</p> <p>13 MR. POLUNSKY: All right. I've heard</p> <p>14 somewhat conflicting information out there. But just so</p> <p>15 I'm sure about where we're going, what direction we were</p> <p>16 headed, the Fusion Center is going to be located in this</p> <p>17 building, correct?</p> <p>18 JAMES BRUBAKER: That's my understanding,</p> <p>19 yes, sir. As a matter of fact, the secure area that</p> <p>20 we're building back here is nearing completion. And it</p> <p>21 should be complete turnkey by December so that we can</p> <p>22 take on secret documents that we can't currently do</p> <p>23 because we didn't have the correct facility.</p> <p>24 MR. POLUNSKY: And your construction project</p> <p>25 and your plans and so on, in your opinion or estimation,</p>
<p style="text-align: right;">47</p> <p>1 JAMES BRUBAKER: James Brubaker, Criminal</p> <p>2 Law Enforcement Division.</p> <p>3 PATRICK O'BOURKE: Patrick O'Bourke,</p> <p>4 Commander of BIA.</p> <p>5 JAMES BRUBAKER: Chairman, Commissioners,</p> <p>6 update on where we're at. Thought we had a finished</p> <p>7 plan to present to the Colonel. Actually, we had a bit</p> <p>8 of a setback. Hope to finish that this week where we</p> <p>9 can present our plan to address the skill set issues</p> <p>10 that we believe we have, the personnel gap that we</p> <p>11 believe we have, and the training lease to allow us to</p> <p>12 stand up the Fusion Center to meet the guidelines that</p> <p>13 are currently in draft form.</p> <p>14 I can tell you we have six different</p> <p>15 agencies that are housed here now in addition to the</p> <p>16 Department of Public Safety personnel. And we're going</p> <p>17 to talk with six other additional agencies at this time.</p> <p>18 MR. CLOWE: Would you name those, please.</p> <p>19 JAMES BRUBAKER: DEA has an analyst on</p> <p>20 board. (Inaudible) has an analyst on board. TDCJ has</p> <p>21 an analyst here. Texas Parks and Wildlife has a special</p> <p>22 operation group person here. DHS has an analyst here</p> <p>23 who's currently in the process of moving his family</p> <p>24 here. They have not yet signed the reports officer.</p> <p>25 And Austin PD has a person signed here.</p>	<p style="text-align: right;">49</p> <p>1 provides sufficient area and resources to accommodate</p> <p>2 the agencies that are either on board or soon will be on</p> <p>3 board or maybe hopefully will follow thereafter?</p> <p>4 JAMES BRUBAKER: Yes, sir, I believe so.</p> <p>5 MR. POLUNSKY: Put it another way, this</p> <p>6 thing's going to be large enough, at least at the</p> <p>7 beginning?</p> <p>8 JAMES BRUBAKER: Yes, sir, that's correct.</p> <p>9 MS. ANDERSON: And Austin PD understands</p> <p>10 that that is --</p> <p>11 JAMES BRUBAKER: We have tried to meet with</p> <p>12 Austin PD. He's been unable to set up a meeting because</p> <p>13 they were prepping to take people out of town because of</p> <p>14 the hurricane. But we certainly want to leverage that</p> <p>15 relationship.</p> <p>16 MR. POLUNSKY: Okay. Well, I -- anyone jump</p> <p>17 in whenever they want to. But it's my opinion that</p> <p>18 there's no ifs, ands, or buts, this Fusion Center will</p> <p>19 be in this building and will be known as the Texas</p> <p>20 Fusion Center, and will be -- it will be a venue for</p> <p>21 multiple law enforcement agencies to come together and</p> <p>22 build a information center that --</p> <p>23 JAMES BRUBAKER: That's my understanding.</p> <p>24 MR. POLUNSKY: -- hopefully is second to</p> <p>25 none.</p>

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1 JAMES BRUBAKER: Yes, sir, that's my
2 understanding as well.

3 MS. ANDERSON: And so whatever appropriate
4 signage, et cetera, to make clear that it is the Texas
5 Fusion Center and it is a joint effort of numerous
6 agencies, that can be accommodated?

7 JAMES BRUBAKER: Yes, ma'am, I believe so.

8 PATRICK O'BOURKE: We've currently replaced
9 the signs that are on the intelligence center to where
10 it says Texas Fusion Center. We're prepared and ready
11 to place all participating agencies in there. We have
12 no issue with that. Certainly, MOU's and governance and
13 structure are draft right now. They're being worked
14 out. And as soon as all those agencies are actually on
15 board, I think we can move forward very rapidly with
16 signatures and MOU's to provide the multiagency
17 environment for governments.

18 MS. ANDERSON: I just urge you all -- I know
19 they've been busy, but you just got to lock that down
20 with Austin PD, explain what your (Inaudible-Dorothy, I
21 couldn't hear over Mr. Clowe's coughing) is in that
22 regard.

23 PATRICK O'BOURKE: Their assistant chief got
24 deployed to Houston.

25 MR. POLUNSKY: Okay. And I think that you

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1 inspection program as well. I worked with Commissioner
2 Barth in putting that together. I believe it's a good
3 document and would ask Mr. Chairman, that you execute
4 that for us today if you would.

5 MR. POLUNSKY: Do you have any questions,
6 Ms. Anderson?

7 MS. ANDERSON: Of the charter, no.

8 MS. BARTH: I would make a motion to approve
9 the charter as proposed.

10 MS. ANDERSON: Second.

11 MR. POLUNSKY: There's a motion to approve
12 the charter and it's been made by Commissioner Barth and
13 seconded by Commissioner Anderson. Any discussion on
14 the motion? There is no discussion. All in favor,
15 please say, "Aye."

16 COMMISSIONER ANDERSON: Aye.

17 MR. POLUNSKY: Any against? No. Motion
18 passes.

19 (Motion passed. Commissioner Clowe was
20 currently not present)

21 FARRELL WALKER: Thank you. I have one
22 final thing that's on the agenda that I'd like some
23 guidance on, and that's in connection with our
24 contemplation of a 24-month inspection cycle for our
25 field inspections. We've identified four dependencies,

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1 have the consents of the Commission. And appears to me
2 that you're already headed in that direction anyway.
3 Just want to make sure there's no misunderstanding or
4 something comes back later that is inconsistent with,
5 you know, what our thoughts or policies might be with
6 respect to this. This is an important issue to the
7 Public Safety Commission. So we want to make sure it's
8 done properly and all encompassing, and little or no
9 snags as we go forward.

10 JAMES BRUBAKER: Yes, sir.

11 MR. POLUNSKY: Thank you, very much. Item
12 12, Commission member reports. Any Commissioners have
13 any reports they'd like to make at this time? Audit and
14 inspection.

15 FARRELL WALKER: Farrell Walker, Director of
16 Audit Inspection. Mr. Chairman, Commissioners, my
17 report includes two internal audit reports and nine
18 field inspection reports that include recommendations
19 for improvement in the areas that were examined. We
20 have commitments from management to take action on those
21 recommendations, if they haven't already.

22 The other thing that I'd like to ask your
23 approval of today is the connection with the audit
24 charter. Last month, you were given a draft of a new
25 charter that includes not only internal audit but our

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1 infrastructure dependencies that we've reviewed with
2 Commissioner Barth. And I believe we're still maybe
3 discussing some aspects of those.

4 But one that's needs to be acted on as soon
5 as possible, is the idea of having a uniformed line
6 inspection for each field service. If we are going to
7 compress the time that we spend on our field
8 inspections, it's my belief that it's critical that we
9 have consistent line inspections designed for each field
10 service and done as uniformly as possible throughout
11 the state so that we can quickly review the results of
12 those line inspections, gain some confidence in them,
13 and move on to the issues at a higher level that staff
14 inspections should focus on.

15 MS. ANDERSON: Would you contemplate having
16 those line inspections be done by people in the chain of
17 command of that geography or someone from outside the
18 chain of command?

19 FARRELL WALKER: I don't know that it would
20 matter to me if we did it the right way. For instance,
21 when I say, the right way, I mean we have checklists of
22 minimum requirements for those line inspections, and
23 those line inspections are documented with those
24 checklists along with maybe some other supporting
25 documents that we could go in the field and examine.

<p style="text-align: right;">54</p> <p>1 Ideally, it would be great to have a 2 lieutenant from another area examine some other 3 lieutenant's operation to have a fresh look at things. 4 But it's not -- I don't believe it would be necessarily 5 requisite if we have the uniform policy. 6 MS. BARTH: I would strongly urge we have 7 someone from another area doing the line inspections. 8 MS. ANDERSON: That's what my instinct tells 9 me, too. 10 MS. BARTH: Just to hit fresh ice. 11 FARRELL WALKER: It would be ideal. 12 MS. ANDERSON: And you're coming to us for 13 action on this with, you know, with more urgency than 14 the rest of this proposal which you proposed to 15 deferring until after the legislative session, which I 16 understand. But why are you coming to us for action on 17 this particular item? 18 FARRELL WALKER: It's my belief that the 19 Department would benefit by having the different field 20 services work with OAI inspectors in developing that 21 line inspection program over the next several months. 22 Let's get it implemented after it's designed properly 23 and move ahead. I'm simply seeking your support with 24 that suggestion. 25 MS. ANDERSON: I don't have any objection to</p>	<p style="text-align: right;">56</p> <p>1 be depends on the outcomes of the Gardner study and the 2 decisions made by IMS as a result of that study. 3 So there's some things in here about 4 perspective hires and so forth that are good as of the 5 day that they were -- that they're written. And 6 clearly, you know, we need to have data security 7 officers, et cetera. But how those things end up being 8 done, may very -- you're going to see some changes in 9 this over time. 10 MS. BARTH: And if you were to look sort of 11 at how we have scheduled out audits going forward, we're 12 somewhat waiting for the Gardner study before we -- 13 MS. ANDERSON: Figure out where to go -- 14 MS. BARTH: Yeah. 15 MS. ANDERSON: -- first. 16 MS. BARTH: So that we're not -- there's not 17 a duplicity of findings, so to speak. 18 FARRELL WALKER: While I'm here, is there 19 any aspect of that report from last month regarding the 20 24-month cycle that you'd like to discuss at this time, 21 or should we defer discussion of that -- 22 MS. BARTH: I think we should defer it. 23 FARRELL WALKER: Thank you. 24 MR. POLUNSKY: Thank you, sir. By the way, 25 I have to apologize. I skipped over Commission member</p>
<p style="text-align: right;">55</p> <p>1 it, with the understanding that the composition of some 2 of the various services, you know, may be subject to 3 some, you know, degree of change, depending on what the 4 organizational assessment tells us. 5 FARRELL WALKER: Exactly. 6 MS. BARTH: I'd like to make a motion that 7 we move to unify -- uniform line inspection for the law 8 enforcement field services subject to any changes as a 9 result of the Deloitte study. 10 MS. ANDERSON: Second. 11 MR. POLUNSKY: Motion has been made by 12 Commissioner Barth and seconded by Commissioner 13 Anderson. Discussion? All those in favor, please say, 14 "Aye." 15 COMMISSIONERS CLOWE, ANDERSON: Aye. 16 MR. POLUNSKY: Any against? No. Motion 17 passes. 18 FARRELL WALKER: Thank you. 19 MR. POLUNSKY: Thank you, sir. 20 MS. ANDERSON: I have just comments -- two 21 comments on the two audits this month on the land one 22 access controls and the security input policies. I 23 don't take issue with any of the findings and I don't 24 take issue with anything that IMS said. But I just note 25 that what the ultimate resolutions of these items will</p>	<p style="text-align: right;">57</p> <p>1 discussion. Is there anything you would like to discuss 2 as opposed to report? No? Division reports. Chief 3 Fulmer. 4 VALERIE FULMER: Good afternoon again. I do 5 have my report. There were two things that I did want 6 to highlight. As you can see, concealed handgun 7 licensing is about back on track and we are so pleased 8 about that. We could not be happier. I wanted to take 9 this opportunity to thank people from several different 10 divisions. 11 This wasn't just a concealed handgun 12 backlog, this affected highway patrol that had to do 13 field investigations. This affected crime records who 14 had to process all these massive fingerprint cards that 15 we had. It also affected IMS who had to put together 16 this backlog project for us, put together computers and 17 load things. And everybody stepped in. This was 18 clearly an agency priority and everybody stepped in to 19 help with it and we can't thank them enough. So I 20 wanted to say that publicly. 21 The other thing that I wanted to point out 22 was, as you know, the A-2008 recruit class is just about 23 to graduate on Friday, and we had the B-2008 class 24 coming in. They actually report on Sunday. So we'll be 25 shoving some of them out the door and bringing in a new</p>

<p>58</p> <p>1 group very quickly.</p> <p>2 MR. CLOWE: How many in the new class?</p> <p>3 VALERIE FULMER: Well, we still have quite a</p> <p>4 few outstanding acceptances, but it looks like we're</p> <p>5 probably going to start in the 125, 135 range. The</p> <p>6 pending acceptances, we've accepted them or we've sent</p> <p>7 them an invitation because they meet our requirements,</p> <p>8 we have not gotten the acceptance back from them.</p> <p>9 MS. ANDERSON: Well, 125's a long way north</p> <p>10 of this 80 that was in this report as this date that</p> <p>11 this book was put together. That's very encouraging.</p> <p>12 VALERIE FULMER: Right, right. Are there</p> <p>13 any other questions from any other parts of the report?</p> <p>14 MR. POLUNSKY: Any questions?</p> <p>15 MS. BARTH: No.</p> <p>16 VALERIE FULMER: Thank you.</p> <p>17 MR. POLUNSKY: Thank you. CLE, Chief</p> <p>18 Brubaker.</p> <p>19 JAMES BRUBAKER: Mr. Chairman,</p> <p>20 Commissioners, you have my report. I don't have</p> <p>21 anything to add to it, but I'll answer any questions if</p> <p>22 you have any.</p> <p>23 MR. POLUNSKY: Are there questions for Chief</p> <p>24 Brubaker?</p> <p>25 MS. ANDERSON: I have a question. On page</p>	<p>60</p> <p>1 Commissioners you've got my report before you. Just to</p> <p>2 add to the report, I would tell you that the Driver's</p> <p>3 License Division fared very well through Hurricane Ike.</p> <p>4 We've got 29 of our 36 Houston offices back up, open and</p> <p>5 operational. Of the seven that are not operational, six</p> <p>6 of those do not have power. And then one of those has</p> <p>7 some equipment issues that we're working to resolve as</p> <p>8 of today.</p> <p>9 Our Commission staff have been assigned</p> <p>10 through the the region to assist from Highway Patrol,</p> <p>11 the emergency response and any assignments that we have</p> <p>12 there. And we're working diligently to get those</p> <p>13 remaining few offices up. Unless you have any other</p> <p>14 question, that concludes my report.</p> <p>15 MR. POLUNSKY: Ms. Anderson?</p> <p>16 MS. ANDERSON: No, sir.</p> <p>17 JUDY BROWN: We've got Jimmy Wise and Linda</p> <p>18 here for our DLR project report, if you'd like that at</p> <p>19 this time as well.</p> <p>20 MS. ANDERSON: Actually, if you want that</p> <p>21 now, then they can leave afterwards.</p> <p>22 MR. POLUNSKY: Okay.</p> <p>23 JIMMY WISE: Since the report was given to</p> <p>24 y'all, there's been a couple of changes that have been</p> <p>25 made, that basically what we're trying to do is verify</p>
<p>59</p> <p>1 two of the report which is discussing the activities of</p> <p>2 the criminal intelligence service, there's a reference</p> <p>3 to you know, multiagency investigations, particularly</p> <p>4 along the Texas Mexico border. And I'm just interested</p> <p>5 in what the criminal intelligence is doing in other</p> <p>6 parts of the state that are not along the border.</p> <p>7 JAMES BRUBAKER: Some of the cases that</p> <p>8 they've been working involve -- we all know the gangs</p> <p>9 that work all over the state. They have several</p> <p>10 investigations going that deal with gangs in different</p> <p>11 parts of the state. They have another investigation</p> <p>12 where they're working with ICE that involves illegal</p> <p>13 smuggling of aliens. They've had some cases involving</p> <p>14 animal fighting, and also some eight liner</p> <p>15 investigations.</p> <p>16 MS. ANDERSON: Animal, you mean, like, dog</p> <p>17 fights?</p> <p>18 JAMES BRUBAKER: Yes, ma'am.</p> <p>19 MS. ANDERSON: Thank you.</p> <p>20 MR. POLUNSKY: Any other questions?</p> <p>21 MR. CLOWE: None.</p> <p>22 MR. POLUNSKY: Thank you, Chief Brubaker.</p> <p>23 MR. POLUNSKY: Driver's license, Chief</p> <p>24 Brown.</p> <p>25 JUDY BROWN: Chairman Polunsky,</p>	<p>61</p> <p>1 the satellite capability. There's three major</p> <p>2 components of the application. Two of the components</p> <p>3 work fine with six concurrent active users on satellite.</p> <p>4 We still have a van available to run more</p> <p>5 than six. The third, though, it functions, but</p> <p>6 performance is not acceptable. We have a phone</p> <p>7 conference tomorrow with the vendors of both satellite</p> <p>8 and CBM to address this issue and see if we can</p> <p>9 determine what the cause is.</p> <p>10 MS. ANDERSON: So we're still trying to</p> <p>11 figure out if it's satellite, if it's the application.</p> <p>12 JIMMY WISE: Well, the -- the performance</p> <p>13 traces show that it's either the satellite or it's the</p> <p>14 application. And when I say, the application, it's not</p> <p>15 the NDLS applications, it's the component of CBM, a</p> <p>16 product that's used from Microsoft called bits.</p> <p>17 MS. ANDERSON: Did you say there were three</p> <p>18 priorities?</p> <p>19 JIMMY WISE: Well, there's three components</p> <p>20 that are working fine.</p> <p>21 MS. ANDERSON: Okay.</p> <p>22 JIMMY WISE: CBM isn't the issue. The</p> <p>23 (Inaudible) that works fine, as well as the Bearing</p> <p>24 Points application.</p> <p>25 MR. CLOWE: And did you identify yourself,</p>

<p>62</p> <p>1 please. 2 JIMMY WISE: Jimmy Wise, IMS. Thank you. 3 LINDA and I'm Linda Boline with the Driver's 4 License. 5 MS. ANDERSON: And so what else is working 6 on the driver's license reengineering project? 7 JIMMY WISE: Well, one of the things that 8 we're hoping to have by the end of the month, if not by 9 the end of this week, is a plan where we identify all 10 risks, any outstanding issues that we have as well as 11 the risk mitigation and sound open acceptance criteria 12 of the products from both the users and the vendors. 13 And along with that, we'll incorporate a change 14 management process that we'll continue to follow 15 throughout the implementation. 16 MS. ANDERSON: And will that change 17 management process include direction back to Bearing 18 Point about what and what, you know, they are not 19 allowed to do in terms of making code changes that cause 20 us reloads, retests, et cetera, between now and when we 21 want to bring the pilot up? 22 JIMMY WISE: Yes, ma'am. Basically, the 23 idea will be no changes will be allowed without sign 24 off. So we're going to attempt to put some structure in 25 place with all the vendors.</p>	<p>64</p> <p>1 the size that we need to have. They'd be ready 2 available. 3 MS. BARTH: I would like to look at it as a 4 permanent solution, okay, as opposed to running out and 5 trying to find a generator in an emergency situation. 6 That should not be -- figuring out how to power or own 7 buildings in an emergency situation should already be 8 handled. So I'd like to look at a permanent solution, 9 especially in Houston and Beaumont. 10 MR. POLUNSKY: Sir, could you identify 11 yourself for the record, please. 12 ANDY MOKRY: Andy Mokry, Building Program 13 Manager. 14 MR. POLUNSKY: Okay. Thank you. Let me 15 expand upon that. I think it would be prudent for the 16 Department to look at some type of emergency generator, 17 secondary power source, backup, however you might want 18 to describe it, for all of our facilities not just 19 Houston and Beaumont although, certainly, they're at the 20 top of the list right now. 21 But I think it would be a good idea that we 22 have, at least, a plan that we can look at to see, you 23 know, what can or should be done in order to ensure that 24 we don't get into a situation where our offices are down 25 whether it be because of a hurricane, tornado, power</p>
<p>63</p> <p>1 MS. ANDERSON: Lock it down. And you think 2 you'll have that plan a week from now? 3 JIMMY WISE: Oh, yes, ma'am. 4 MS. ANDERSON: Okay. 5 JIMMY WISE: Anything else? 6 MR. POLUNSKY: Questions? 7 MS. ANDERSON: Thank you both. 8 MR. POLUNSKY: Ms. Barth? 9 MS. BARTH: I'd like to go back to 10 administration, if you don't mind. I apologize. 11 MR. POLUNSKY: That's fine. Chief Fulmer. 12 MS. BARTH: I would like to see how we get a 13 generator when the air-conditioning in Houston when 14 there's a power failure. 15 VALERIE FULMER: Sorry? 16 MS. BARTH: Houston, and now Beaumont as 17 well. But I'd like to see how we'd get that in place as 18 soon as possible. Generators to fully run 19 air-conditioning so our people, in an emergency 20 situation can -- 21 VALERIE FULMER: Andy, do we have something 22 in place? 23 ANDY MOKRY: We try to be proactive. 24 However, they are so scarce. So we have to find them 25 wherever they may be. And typically, they may not be</p>	<p>65</p> <p>1 outage -- 2 MS. ANDERSON: Or manmade -- 3 MR. POLUNSKY: -- whatever. 4 MS. ANDERSON: Or manmade event. 5 MR. POLUNSKY: Yeah. Or whatever. 6 MS. ANDERSON: You know, you might consult 7 with GDEM and see if there are funding sources related 8 either to critical infrastructure for emergencies or 9 critical infrastructure, you know, in terms of dealing 10 with a Homeland Security incident that might help fund 11 some of those, in some locations anyway. 12 MR. POLUNSKY: Yeah, I think that's a good 13 idea, Beth. But, you know, you're talking about your 14 Public Safety facilities for the State of Texas. So 15 they ought to be positioned for power backup in the 16 event that their primary source goes down. I mean, I 17 don't understand why we wouldn't have that in place 18 already. So I think it's something really -- maybe you 19 have an answer to that. 20 SANDRA FULENWIDER: Yes, sir. All of our 21 communication sites have a backup generator. They do 22 not power the entire building, though, just the radio 23 systems. 24 MR. POLUNSKY: Well that's good. I would 25 really be surprised if we didn't have that in place.</p>

<p style="text-align: right;">66</p> <p>1 But I think that what Commissioner Barth is referring 2 to, and what I and Commissioner Anderson are also taking 3 about, is making sure that we have a situation -- 4 situations in place where any of our buildings 5 throughout the State of Texas, for whatever reason, go 6 down, for power reasons, there's an option "B" that can 7 kick in and allow that building to go up and start 8 operating again in a very timely manner so may not be 9 down for hours, or even days in some cases.</p> <p>10 SANDRA FULENWIDER: The issue that we run 11 into, of course, is funding. To install backup power 12 generators is extremely expensive. We were looking at 13 doing a, I think, a 75 KWH generator at some of the 14 sites, and minimum cost would be \$100,000.</p> <p>15 MS. BARTH: I think we should find the money 16 and go forward.</p> <p>17 VALERIE FULMER: And we're certainly going 18 to look into the GDEM grant funding.</p> <p>19 MS. ANDERSON: Ms. Fulmer, while you're up 20 there, if the lawyer doesn't stop me, while we're on 21 this topic, can I just ask, I guess as part of the 22 administration's report, what, if any, damage to DPS 23 offices were sustained in Ike.</p> <p>24 SANDRA FULENWIDER: There was damage to the 25 interior of some of the buildings, exterior. There was</p>	<p style="text-align: right;">68</p> <p>1 building, I understand that we'd like to have a 2 permanent in place for --</p> <p>3 MR. POLUNSKY: I think you need to formulate 4 some plans. And let's -- you know, let's see what you 5 come up with and possible funding sources, things of 6 that nature, and then we can go forward from there. But 7 I would like to put, in addition that what Ms. Barth has 8 requested, just a more general request out there that we 9 take a look at all our offices and determine whether 10 they're vulnerable, or we have a possibility of multiple 11 offices being down and unable to function, particularly 12 on the Public Safety side where we really need to have 13 them available.</p> <p>14 MS. ANDERSON: Just bring us some options.</p> <p>15 VALERIE FULMER: Absolutely, we will do 16 that.</p> <p>17 MR. POLUNSKY: Thank you. Emergency 18 management.</p> <p>19 RUSS LECKLIDER: Russ Lecklider from the 20 Emergency Management Division. You have our report, 21 Mr. Chairman, Commissioners, and I don't really have 22 anything to add to that report, unless you have 23 questions about it. But I do have some -- sort of facts 24 and figures from Hurricane Ike that I thought you might 25 be interested in, and Chief Colley asked me to pass</p>
<p style="text-align: right;">67</p> <p>1 some flooding at the Galveston office, mud in the 2 office, things like that. There may be mold issues, 3 specifically at that office.</p> <p>4 MR. POLUNSKY: How many are down right now, 5 Galveston and what else?</p> <p>6 SANDRA FULENWIDER: Specific list, I'm 7 sorry, I don't have it in front of me. I think there 8 are still six or seven offices that are not up. Oh, 9 sorry, there's more than that, there are 13 offices. 10 They are mainly driver's license only facilities.</p> <p>11 MS. BARTH: I just -- I'd like to see us 12 move rather rapidly on at least Beaumont and Houston. 13 The thought of, as I understand, someone having to call 14 around to find a generator, you know, when everybody 15 else is calling around to find a generator doesn't make 16 a lot of sense to me.</p> <p>17 SANDRA FULENWIDER: Right. Having several 18 portable generators that we could deploy to these 19 sites --</p> <p>20 MS. BARTH: I think you figure it out --</p> <p>21 SANDRA FULENWIDER: -- be acceptable?</p> <p>22 MS. BARTH: I think you figure it out 23 knowing that I believe those buildings need to be very 24 functional.</p> <p>25 SANDRA FULENWIDER: Right. For those</p>	<p style="text-align: right;">69</p> <p>1 these along.</p> <p>2 As far as evacuation and sheltering, which 3 was one of the major tasks, we estimate 2.2 million 4 evacuees from Corpus to Orange were evacuated, most self 5 evacuated. We used 950 buses to evacuate individuals 6 with special needs and those who lacked transportation. 7 Also, about 535 ambulances and para-transit vehicles for 8 special needs individuals, and three medical evacuation 9 helicopters.</p> <p>10 There were -- as far as sheltering goes, 11 major shelter hubs in Tyler, San Antonio, Austin, Dallas 12 Fort Worth and College Station, and a lot of shelters in 13 other places. More than 285 recognized shelters were 14 operated, and there were a lot of expedient, or 15 sometimes called road shelters, that were opened without 16 state support by local people.</p> <p>17 We had more than 45,000 people in general 18 population shelters, and more than 2,800 in special 19 needs shelters. The Public Safety and evacuation 20 support, there were more than 1,000 DPS troopers and 21 rangers supporting the evacuation in response, DPS 22 helicopters, and also the mobile command center.</p> <p>23 As far as search and rescue, we had Texas 24 task forces one and two deployed to the impact area as 25 close as they could get before the storm, and so they</p>

<p style="text-align: right;">70</p> <p>1 were ready to go to work right away. There were more 2 than a dozen water rescue teams deployed from the state 3 and local government agencies. We had 150 game wardens 4 out there with 100 boats and extensive state and federal 5 helicopter support. More than 600 people were rescued 6 before the storm came ashore and about 2,900 rescued 7 after landfall.</p> <p>8 As far as managing the disaster, of course 9 the SOC was activated with the state agencies there, and 10 the federal agencies volunteer groups and industry 11 representatives. About half the disaster districts in 12 the state were also activated to manage things on a 13 regional basis.</p> <p>14 We had three type one incident management 15 teams, which are -- the largest is a type one, from here 16 in the state, one from Florida, and an interagency 17 agency forestry team. We had a type two incident 18 management team from Georgia, and also a small team from 19 Virginia. And we had six type three regional teams from 20 around the state, local responders that participated and 21 deployed.</p> <p>22 We have a dozen mobile command posts from 23 state agencies, cities and counties have been deployed. 24 Rough estimate, is that there were about 25,000 local 25 state and federal responders involved to date, and about</p>	<p style="text-align: right;">72</p> <p>1 that work?</p> <p>2 RUSS LECKLIDER: The Homeland Security grant 3 program that DHS operates, every state that participates 4 in that program, which is essentially all the states and 5 the territories, have to have a state administrative 6 agency. Rather than giving money to Department of 7 Public Safety and the Health Department, we basically 8 have to have one agency. We've been allocated 9 responsibility by the governor to receive all that money 10 and parcel it out.</p> <p>11 Most of these grants, the state Homeland 12 Security program is the largest and urban area program. 13 They all have requirements. For example, the state 14 Homeland Security program, which is the largest grant 15 program, 80 percent of the funding goes to local 16 governments; about 5 percent stays with the state 17 managing the grant, and then about 15 percent are used 18 for state Homeland Security projects.</p> <p>19 And then some of the other components of the 20 Homeland Security program are the citizen core program, 21 which is a very small amount of money, but it gets you 22 an awful lot of organized volunteers. The metropolitan 23 medical response system, which are -- go to major 24 hospitals in major cities. And the urban area 25 securities initiative, which goes to five urban areas in</p>
<p style="text-align: right;">71</p> <p>1 15,000 volunteer group representatives.</p> <p>2 I do want to talk a bit about the relief 3 supplies in the critical facilities. There were more 4 than 60 points of distribution operated by state, 5 federal, local government volunteers. As of Saturday, 6 trucks had delivered 48 million bottles of water, 1,200 7 truckloads of ice, and 9.7 MREs.</p> <p>8 Last thing is about electricity. About 2.8 9 people -- 2.8 million people were without power, and 10 about 45 percent of those still are. They've been 11 working on that since the beginning. And some areas are 12 going to get it back this week. In places like 13 Galveston and Orange County, it's going to take several 14 weeks. That's really all I have.</p> <p>15 MS. ANDERSON: I have one question, 16 Mr. Chairman. On the -- the bullet in the report about 17 the announcement of funding under the fiscal 2008 HSGP 18 awards --</p> <p>19 RUSS LECKLIDER: I have that data with me 20 and I'll be glad to give it to you.</p> <p>21 MS. ANDERSON: Well, yeah, I was just 22 pleased to see that we got -- Texas receive 142 million, 23 which is 20 million more than last year. Can you just 24 explain how that 142 million gets spread. Does it all 25 come to us and then we have sub-recipients, or how's</p>	<p style="text-align: right;">73</p> <p>1 this state for regional Homeland Security activities 2 like buying bomb squads, regional fusion centers, and 3 that sort of thing.</p> <p>4 And there are, of course, other grant 5 programs that are specifically gear marked for specific 6 facilities or types of infrastructure. For example, we 7 have a transit security program, we have a port security 8 program, and we have some buffer zone protection 9 programs which is for critical industries. But in 10 general, the recipients for those, there is no 11 discretion at the state level. There's a few that we 12 can approve but we don't really get to vote. Most of 13 that money is we apply and it's got to go to those 14 individual agencies.</p> <p>15 MS. ANDERSON: Okay. But, for example, the 16 urban area security initiative, if Austin got 17 (Inaudible) money, and then the Texas Fusion Center is 18 here and they're not, for example, going to build their 19 own Central Texas Fusion Center, then they may -- I 20 mean, if it's permissible under the grant guidelines and 21 so forth, be able to use some of that money, since we're 22 providing Fusion Center space here, to do something that 23 would not only benefit them but benefit the entire 24 Fusion Center.</p> <p>25 RUSS LECKLIDER: Yes, that's possible. But</p>

<p style="text-align: right;">74</p> <p>1 here's the deal on that, which is when you go forward 2 with a request for funds, you go forward with an 3 investment. And a good example is fusion centers might 4 have supporting the facility in Collin County and one 5 here. 6 When you're asking for money, you're saying 7 Austin and DPS got together and decided to establish a 8 common facility, and you wouldn't do that till you get 9 the money. But you'd have to have a pretty good 10 description of how that investment's going to work. 11 MS. ANDERSON: It has to be real. 12 RUSS LECKLIDER: Yes. But we have -- there 13 is a lot of emphasis on fusion centers. And now there's 14 some pretty good state recommended standards that we 15 employ from the Department of Homeland Security. 16 MR. POLUNSKY: Thank you, sir. Again, 17 wonderful work. Texas Highway Patrol Division. Chief 18 baker. Welcome to your new position. 19 DAVID BAKER: Thank you. Good afternoon, 20 Mr. Chairman and Commissioners. My name is David Baker, 21 I'm the interim Chief of the Texas Highway Patrol 22 Division. You have my report. Just one thing that I 23 would like to touch on is for the third straight month, 24 there's been a reduction in statewide crashes, which 25 also a reduction in fatalities. And that's always great</p>	<p style="text-align: right;">76</p> <p>1 MR. CLOWE: No questions. 2 MS. ANDERSON: No questions. I appreciate 3 the report being put in the a visual format, makes that 4 crash reduction very vivid. 5 MR. POLUNSKY: Thank you, sir. Texas 6 Rangers. Chief De Los Santos. Notice that has Chief 7 Coffman has thrown you in the grease immediately. 8 GARY DE LOS SANTOS: Good afternoon. Gary 9 De Los Santos, Assistant Chief, Ranger Division. 10 Mr. Chairman, Commissioners, Colonels, I have nothing 11 further to add to our division report regarding our 12 criminal investigative activities. I would, however, 13 like to update you on the -- on our Ranger personnel, or 14 the numbers. 15 September 1st, yours truly promoted to 16 Assistant Chief who also had two lieutenants promote to 17 captains, three sergeants promote to lieutenant, and one 18 CIS sergeant promote to ranger. In October, we're going 19 to have one lieutenant promoted to to inspection. We're 20 going to have one sergeant promote to lieutenant, and we 21 have six other service sergeants and a trooper promoting 22 to sergeant rangers. 23 We're testing again, we have so many 24 vacancies. We're testing again in October and hopefully 25 put six more on that list. Come December 1st, we'll</p>
<p style="text-align: right;">75</p> <p>1 news. 2 I would like to talk about Ike for just a 3 moment. It's not mentioned in our September report. 4 But first I would like to express my appreciation to the 5 other divisions for their support and help with the 6 Highway Patrol Division. 7 Before Ike made landfall, there have been 8 over 1,200 commissioned officers involved in getting 9 people out of the way of Ike and providing search and 10 rescue, and then providing relief efforts for those 11 effected by Ike. And Highway Patrol Division certainly 12 appreciates the assistance of the other divisions, both 13 their commissioned folks and all the noncommissioned 14 folks that have been involved as well. 15 We've had administrative staff at DDC's 16 providing support. And we absolutely could not do it 17 without their assistance. Presently, there are 522 18 highway patrol personnel on the ground in Galveston, 19 Houston and southeast Texas. And we'll have another 20 wave of 100 additional troopers headed to Galveston to 21 assist them with their efforts when they allow the 22 residents to come back to the island. 23 And with that, I'll close. Be glad to 24 answer any questions. 25 MR. POLUNSKY: Questions for Chief Baker?</p>	<p style="text-align: right;">77</p> <p>1 promote six more sergeants. At that time, we'll be at 2 full strength of 130. Other than that, that's all I 3 have. 4 MR. POLUNSKY: Well, I assume that all these 5 vacancies still are not causing a situation where it 6 dilutes the quality of the Texas Rangers. 7 GERY DE LOS SANTOS: No, sir. 8 MR. POLUNSKY: Just wanted to hear that. 9 Questions? Thank you, Chief. Information management 10 services, Chief Lane. 11 BRYAN LANE: Bryan Lane, acting Chief, IMS. 12 Chairman, Commissioners, I have nothing else to add to 13 my report. But I'd like to highlight one number that 14 may have jumped out at you in our report. The number of 15 viruses encountered, on page five, jumped from 457 in 16 July to 200,209 in August. 17 What we have found is a tool that we have 18 had deployed, which is Web Spy, which is a tool that 19 catches spyware that comes from websites that are 20 visited that attempt to gather information about your 21 personal machine. It's a significant reason for the 22 increase in this number. 23 Under direction from Commissioner Anderson 24 this month, we're looking at additional tools, and one 25 is Web Sense, which is a proactive tool versus the</p>

<p style="text-align: right;">78</p> <p>1 current tool we have in place, which is a very reactive 2 tool. 3 I'll give you and provide an update on that. 4 I think Commissioner, we'll have a final review of that 5 this week with the (Inaudible) community to look at that 6 as one of the many options. But that's all I have, 7 unless you have any questions. 8 MR. POLUNSKY: Questions? 9 MS. BARTH: No questions. 10 MR. POLUNSKY: Thank you, sir. We're going 11 to take a five-minute recess at this time. 12 (BREAK) 13 MR. POLUNSKY: The regular session of the 14 Texas Public Safety Commission is reconvened in 15 accordance with Chapter 551 of the Texas Government 16 Code, the Open Meetings Act. It is 2:40 p.m. Next item 17 is the discussion and possible action on the promotional 18 study. Chief Baker. 19 DAVID BAKER: Mr. Chairman, Commissioners, 20 my name is David Baker, I'm the interim Chief of the 21 Texas Highway Patrol Division. In mid-June I was tasked 22 in putting a work group together to do a study of other 23 state's promotional systems. I hope you have a copy of 24 that. 25 We attempted to personally contact a body,</p>	<p style="text-align: right;">80</p> <p>1 use an assessment -- well, few states used the 2 assessment centers for each rank promotion. Most states 3 use the assessment center piece for a few of the ranks. 4 Of the states that use the assessment center 5 process, they established eligibility lists that were in 6 affect for a period of longer than one year. I found 7 those two items of interest to me, and I hope you as 8 well. 9 Ohio probably has the best promotional 10 process, and I went in depth to describe their process. 11 They have a milestone process, which, I won't bore you 12 with the details, but that prepares an individual to be 13 a first line supervisor. With that, I'll close and try 14 to answer any questions that you may have. 15 MR. POLUNSKY: Are there questions? 16 MS. ANDERSON: I have some questions either 17 for the Colonel or for the Chief. The charge -- the 18 original charge on this, clearly -- and I have looked at 19 the entire report, and it's exhaustive work, and I 20 appreciate very much the effort to reach out to those 21 agencies and then to publish the findings. Very 22 professionally done, and I appreciate it. 23 The charge had, you know, some other things 24 like soliciting ideas from people, you know, in DPS, 25 both who accepted promotions and who didn't in the last</p>
<p style="text-align: right;">79</p> <p>1 an individual, with each state police agency in order to 2 develop a relationship so that they would be more 3 favorable in completing our survey. We were able to 4 contact a member from each of the 50 states. However, 5 we did not get a 100 percent return rate on our surveys. 6 We had a 72 percent return rate. 36 states forwarded 7 surveys back to us. 8 You have my report. I'll be brief. The 9 majority of the states use some type of promotional 10 system that incorporates a written test along with an 11 oral interview board. The states tweak those two 12 processes in different ways to make the promotional 13 process their own. 14 A couple of states, for instance, Delaware, 15 they use out-of-state police officers to do their oral 16 interview boards. The state of Indiana contracts with a 17 consultant firm to do their promotional process from the 18 very beginning to the very end. They proxy the written 19 test. They oversee the interview boards. They tabulate 20 the results and forward those results to their 21 superintendent. 22 There were 16 states that use some 23 combination of a written test, an interview process and 24 an assessment center. Those states that used an 25 assessment center in their promotional process did not</p>	<p style="text-align: right;">81</p> <p>1 couple of years to survey, you know, ideas broadly in 2 the Department for changes to the promotional policy 3 whether that's some form on DPS net or something to 4 collect information. 5 Consider each Sunset recommendation and how 6 it might be included, you know, in whole or with 7 modification. Coordinate with the Deloitte effort also 8 because they're also taking a look at this. And 9 remember the discussion at the time, you know, I asked 10 this go forward because I felt like the internal -- the 11 people here who are interested in advancement and then 12 the leadership that's interested in promoting, you know, 13 the best, should also have a voice in this process. 14 Where do we stand on these other elements? 15 DAVID BAKER: Yes. I can answer that 16 question, Commissioner. This work group was solely to 17 summarize or evaluate what other states are doing. And 18 this dove tails with the other work group that you're 19 speaking of. 20 MS. ANDERSON: Okay. And do we have a 21 report from them today? 22 MR. POLUNSKY: They're next. 23 MS. ANDERSON: Oh, okay. 24 MS. BARTH: Okay. Thank you. 25 DAVID BAKER: Thank you.</p>

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1 MR. POLUNSKY: Thank you, Chief. Report by
2 the DPS working group on DPS promotional process. Major
3 Matthews.

4 CAREY MATTHEWS: Carey Matthews, Major,
5 Highway Patrol Service. Here to provide you with a
6 progress report on our work group progress to this date.
7 Our work group was formed early August. That consists
8 of 20 commissioned members. It's from all areas of the
9 Department. Highway Patrol, CV, Rangers, Narcotics,
10 Criminal Intelligence, Motor Vehicle Theft, as well as
11 the Driver's License Division.

12 There are two processes, the Commission
13 process as well as the non-commission process. The
14 non-commission process has members from Human
Resources,
15 Driver License, IMS, MVI, Communications, and the lab.
16 We additionally have two advisors to our work group, and
17 obviously one from general counsel and one as our
18 promotional captain.

19 Our first work group meeting was on August
20 the 12th. At that particular time, we broke out into
21 sub work groups. The first work group was the post
22 promotional group that you spoke of, Commissioner
23 Anderson. We have surveyed 100 recent participants in
24 our promotional process, and that includes both those
25 who have been successful in our process as well as those

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1 who have not been successful, and those were by personal
2 contact either over the phone or by going by to visit
3 them to conduct those surveys.

4 Additionally, another work group that we
5 formed was the Sunset Recommendations and Incentive
6 Group. That group is looking at all the recommendations
7 from the Sunset group as well as looking and developing
8 other incentives that have been brought out through our
9 next group, which is the broad survey group.

10 On our broad survey, we wanted to give all
11 participants an opportunity to participate in the
12 process. We did that through a web-based survey that I
13 have sent to you, and we've gotten some great feedback
14 on that, and it has some great analytic tools that makes
15 putting this whole process together on a much quicker
16 basis much easier for you.

17 As of to date, we have 1,298 commissioned
18 members who have completed the survey. Noncommissioned
19 members, 1,444 completed the noncommissioned survey.
20 The next group that we have, we are looking at the
21 interview group, which looks at our interview process
22 and all of the procedures that are around that. And
23 then as well as our testing work group, which looked at
24 approximately 50 percent of all tests from recent
25 promotional tests that have been given.

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1 So we have completed all these processes.
2 This is basically the big information gathering phase of
3 our work group. We had a meeting scheduled for last
4 week to begin analyzing all the information, begin
5 putting together our recommendations. However,
6 obviously due to Hurricane Ike, we cancelled that
7 meeting and we were attempting to reschedule and get
8 back to our work.

9 MS. ANDERSON: Any help you need from us?
10 Sounds like you got good participation on the survey.
11 The people that are on your committees have the support
12 of their leadership to spend time on this.

13 TERRY MATTHEWS: Yes, ma'am. We've been
14 working well together. We've got some great individuals
15 on these, and we've gotten some great recommendations
16 from our broad base across the Department all the way
17 from trooper all the way up through the chain of
18 command. I believe that we're heading in the right
19 direction, we just need to continue to work.

20 MS. ANDERSON: Thank you for your
21 leadership.

22 MR. CLOWE: And you are talking with the
23 Deloitte people?

24 TERRY MATTHEWS: Yes, I have been in direct
25 contact with the Deloitte consulting group and are

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1 working directly --

2 MR. CLOWE: And you're sharing your
3 information and they're sharing with you, I hope?

4 TERRY MATTHEWS: That is correct, sir.

5 MR. CLOWE: Good. Thank you.

6 MR. POLUNSKY: Major, I would also like to
7 thank you for the work that you're putting into this.
8 Obviously, I'm stating the obvious. But this is a very
9 important task that has been delegated to you and your
10 working group. And I think it's extremely critical that
11 it be done right, and the results turn out to be very
12 positive and so on.

13 When I go out and talk to people in the
14 field, and I'm sure the other Commissioners do as well,
15 I'll ask the people out there, you know, their thoughts
16 on how their Department could be better and so on. And
17 to tell you the truth, I've been surprised to some
18 degree in the sense that everyone, though I hear about
19 pay should be more, and I agree, pay should be more, I
20 hear more often the fact that people are not happy with
21 the promotional process.

22 Now, there may be different reasons why
23 they're unhappy with it. But nevertheless, there seems
24 to be a pervasive feeling that the promotional process
25 in the Department isn't what it should be. So we need

<p style="text-align: right;">86</p> <p>1 to get it where it needs to be so that our people within 2 the Department have a level of confidence that they have 3 a, you know, a real legitimate chance to promote through 4 and up in the Department objectively, and that 5 everything is done properly and that we have the very 6 best process possible.</p> <p>7 So I'm saying what you've already heard, but 8 I would like to once again repeat it that it is 9 important. I think I speak for the Commission that this 10 is a very, very high priority for the Commission. And I 11 think it certainly is a higher priority for the 12 Department as well. So anyway, I just wanted to mention 13 that.</p> <p>14 Thank you, again, for the work that you and 15 your people are doing. And hope that the results, when 16 they're all said and done, come out to be, you know, 17 very instructive.</p> <p>18 MS. ANDERSON: I just have one more thing. 19 As you go through the recommendations preparation 20 process, you know, there are lots of potential 21 alternatives. And no doubt, as the Chairman has said, a 22 very critical central part of our human capital 23 management, our people are our resources. So there'll 24 be a lot of energy around the direction of where this 25 policy ought to go.</p>	<p style="text-align: right;">88</p> <p>1 charted on September 4th. We had an initial meeting on 2 September the 9th, and looked basically at the 3 organization of the Vehicle Inspection program from 4 the -- as the Sunset Committee said. The regional 5 commanders having the line operation function and the 6 THP staff having the headquarters operational function.</p> <p>7 What we came up with was a structure to 8 recommend to the Commission to create a civilian -- what 9 we call deputy administrator, an administrator of the 10 program who'll be responsible for both the headquarters 11 function and the line function of the Vehicle Inspection 12 program through regional Vehicle Inspection supervisor.</p> <p>13 Secondly, to looking in the Vehicle 14 Inspection Bureau in Austin and evaluation section who 15 would analyze the data that we have to establish the 16 system and vehicle emissions analyzer data, to be able 17 to identify those operators out there there are outside 18 of the norm. The norms being how many inspections -- 19 how many safety inspections be performed in an hour, how 20 come stations doing significantly more than that.</p> <p>21 You know, things that would indicate fraud 22 or indicate some sort of deception that then they could 23 generate an investigative request to go back to the 24 field and then be able to monitor those investigations 25 going out and assuring that those issues are looked</p>
<p style="text-align: right;">87</p> <p>1 And so I want to encourage you to use your 2 best judgment. And in some cases, that may mean 3 bringing the Commission alternatives with pros and cons. 4 And, you know, where there are -- where there's a 5 divergence of opinion about the right way to go or 6 something, I want to encourage you, and as we step 7 through this process, to, as appropriate, bring options 8 to the Commission with the related implications and not 9 feel the need to be caught in the middle of competing 10 points of view, but put those out for the Commission to 11 participate in the kind of exploration of those kinds of 12 issues.</p> <p>13 MR. POLUNSKY: Thank you, major. Item 18, 14 discussion and possible action to establish a project 15 plan and timetable to implement performance and outcome 16 goals for the Vehicle Inspection program, membership, 17 work plan and schedule of Vehicle Inspection working 18 group.</p> <p>19 ROBERT BURROUGHS: Good afternoon, 20 Mr. Chairman, I'm Bob Burroughs, Assistant Chief of 21 Driver's License. I've been tasked with working with 22 the Vehicle Inspection program individuals to address 23 the issues raised in the Sunset report regarding Vehicle 24 Inspection program.</p> <p>25 We had an initial program (Inaudible) was</p>	<p style="text-align: right;">89</p> <p>1 into.</p> <p>2 Secondly, that we come up with a training 3 program that would be responsible for statewide training 4 of vehicle inspectors to modify -- to take care of the 5 management of the inspection manual, to look at the 6 training of vehicle inspectors statewide, and possibly 7 to take the Vehicle Inspection -- inspector training and 8 be done by a small select group of folks.</p> <p>9 The benefit of that is it would free up the 10 station inspectors, our employees, in spending a 11 significant time, usually two or three days a month 12 doing training within classrooms for the vehicle 13 inspectors. There's a pretty high turnover rate in 14 those vehicle inspectors each month because it's an 15 entry level job and it's very low pay. So there's a 16 significant amount of training that goes into that.</p> <p>17 We then made recommendations to try to free 18 up the vehicle inspector, the station inspector's time 19 of the Department people's time so they could spend more 20 time auditing and less time doing administrative duties.</p> <p>21 Being in administrative duties, they have to, as we 22 already said, is training. They have to do vehicle 23 station license investigations for -- background 24 investigations for new a operator going into business.</p> <p>25 We recommend that that be done through</p>

<p style="text-align: right;">90</p> <p>1 Austin. Folks could apply to Austin, necessary 2 background, financial checks for a business to be able 3 to operate under the state's authority in this program 4 would then be better here through the Vehicle Inspection 5 bureau. And then the final determination sent back to 6 the field, and the field open the station once they've 7 met the basic requirements to be in the program. 8 To try and do away with the field operation 9 sales, over-the-counter sales and certificates. What 10 the statewide implementation of the catalyst system, 11 there was a procedure set into place where the all 12 inspection certificates could be bought online. They 13 ordered through a -- either the (Inaudible) unit or 14 through a website paid for at the same time, and then 15 certificate of sales would then be delivered via courier 16 in a two-day time frame. 17 Those are recommendations we have at this 18 time. The group will meet again next -- this Wednesday 19 of this week, day after tomorrow. Start considering the 20 evaluation measures, what the work measures should be, 21 what the work standards should be, looking at the 22 manpower allotments and manpower distribution across the 23 state. That concludes the report. If there's any 24 questions. 25 MR. POLUNSKY: Are there any questions for</p>	<p style="text-align: right;">92</p> <p>1 the field supervisors are equivalent to captains in the 2 civilian structure. 3 So that's why we called it that. The title 4 is really, at this point, something we'd have to work 5 out with HR and make sure that that's an appropriate 6 title. But we were basing it on a civilian model versus 7 a commission model with life rank and like authority. 8 MR. CLOWE: Okay. Where I'm driving to and 9 what I'd like to get at and introduce into your work is 10 the idea of what difference is a civilian deputy 11 administrator going to bring as opposed to a 12 commissioned person running that show. 13 And, you know, we're talking about moving to 14 a civilian model. And I want to get into the real 15 meaning of what change that's going to be. And I hope 16 you can, in your work, get an answer to that for me. 17 How is it going to make it better. 18 And I understand freeing up people and 19 refocussing effort, that sounds good. But the direction 20 of this effort and the leadership role in a civilian 21 model is something I want to hear about and what real 22 change is going to take place there. 23 ROBERT BURROUGHS: If I can take a step 24 back. As we said, currently you have the program, the 25 HP headquarters program being administered through the</p>
<p style="text-align: right;">91</p> <p>1 Chief Burroughs? Thank you, sir. 2 MR. CLOWE: I was waiting for Commissioner 3 Anderson. 4 MR. POLUNSKY: So you have a question? 5 MR. CLOWE: I do. I read through your 6 report, and I'm interested in creating the 7 noncommissioned Vehicle Inspection program deputy 8 administrator. 9 ROBERT BURROUGHS: Yes, sir. 10 MR. CLOWE: Do you have a job description 11 for that position? 12 ROBERT BURROUGHS: No, sir, there's not one 13 at this time. There would have to be one developed. 14 That person would be the program administrator who would 15 be responsible to answer to the assistant Chief of the 16 Highway Patrol Division, in the current agency 17 structure, obviously. 18 MR. CLOWE: Well, my question would go to 19 how would that compare to the captain's job description 20 who's in that position now? 21 ROBERT BURROUGHS: What we based it on, the 22 Driver's License Division has a deputy administrator 23 division. In the civilian rank versus the commission 24 rank, the deputy administrator is equivalent to a 25 regional commander or major who is responsible, because</p>	<p style="text-align: right;">93</p> <p>1 captain which runs the bureau which basically is 2 responsible for the records, is responsible for the 3 coordination of TCEQ, the Texas Commission on 4 Environmental Quality, for the emissions program, is 5 responsible for the certificate inventory and for the 6 records of the inspection program. 7 That's kind of a records bureau at this 8 time. And then all of the line supervision is through 9 the regional commander. So this junction is that the 10 regional commander is responsible for the enforcement 11 within his region, the enforcement level and the 12 enforcement uniformity across the state is -- there's no 13 real mechanism for evaluating or ensuring that we're 14 getting appropriate enforcement and consistent 15 enforcement for the same types of violations or 16 infractions statewide. 17 And so that's where we gain with an 18 administrator who's commissioned or noncommissioned. In 19 this case, we're asking for a noncommissioned 20 administrator. That person would be the responsible 21 person. So you don't have the regional supervisors 22 being supervised in this chain of command. That's 23 separate from actually where the unity of command comes 24 together in the current structures at the assistant 25 chief level of the Highway Patrol Division.</p>

<p style="text-align: right;">94</p> <p>1 MR. CLOWE: That's a good answer, and I</p> <p>2 understand that. So you're saying then that the</p> <p>3 regional commanders are not uniformed in their</p> <p>4 enforcement.</p> <p>5 ROBERT BURROUGHS: I wouldn't say that. I</p> <p>6 would say that the uniformity enforcement is -- that the</p> <p>7 regional commanders don't -- they don't have a --</p> <p>8 there's not a forum where the regional commanders are</p> <p>9 involved in the Vehicle Inspection program on a daily</p> <p>10 basis. They work through their regional supervisor.</p> <p>11 MR. CLOWE: Now, are those regional</p> <p>12 supervisors going to report to the civilian deputy</p> <p>13 administrator if that change is made?</p> <p>14 ROBERT BURROUGHS: Yes, sir.</p> <p>15 MR. CLOWE: So they'll all report to one</p> <p>16 individual instead of to each of the regional</p> <p>17 commanders. And your perception is that that'll create</p> <p>18 uniformity.</p> <p>19 ROBERT BURROUGHS: The uniformity would be</p> <p>20 established at the evaluation section within the bureau</p> <p>21 that we're talking about. Because basically what comes</p> <p>22 to Austin in enforcement action is your suspensions and</p> <p>23 revocations of either inspector or station licenses,</p> <p>24 where we actually take someone out of business.</p> <p>25 I think that's where our greatest exposure</p>	<p style="text-align: right;">96</p> <p>1 is that \$7 cast in concrete? Is that in the statute?</p> <p>2 ROBERT BURROUGHS: Yes, ma'am, that's a</p> <p>3 legislative fee.</p> <p>4 MR. POLUNSKY: Anything else? Thank you.</p> <p>5 Item 19, discussion and possible action to develop an</p> <p>6 approach for transforming the administration of the</p> <p>7 Driver's License Division to a civilian model. Chief</p> <p>8 Brown.</p> <p>9 JUDY BROWN: Good afternoon. What you have</p> <p>10 in a way of a report today is a very high level summary</p> <p>11 that in my hopes that you could use as you address the</p> <p>12 Sunset Committee hearing this week. It lays out the</p> <p>13 objectives that we are working toward with regards to</p> <p>14 the restructure. Not just the issue of a civilian</p> <p>15 management model, but to more effectively meet consumer</p> <p>16 needs, provide those customer service initiatives as a</p> <p>17 package as we restructure to make the Division</p> <p>18 everything that it has the capability to be.</p> <p>19 Within the strategy to meet those</p> <p>20 objectives, we've laid out a number of issues that</p> <p>21 are -- that were dependent upon for that success. These</p> <p>22 issues are -- some of those are virtually self</p> <p>23 explanatory. I'll touch on some of those.</p> <p>24 We have begun to look at a staffing</p> <p>25 assessment. If we move to a civilian model, what will</p>
<p style="text-align: right;">95</p> <p>1 to accusations of unfairness or accusations in one area</p> <p>2 being more harsh than the other. That's where we can</p> <p>3 then have a third party to say we consistently do this</p> <p>4 in west Texas, we consistently do this in east Texas</p> <p>5 let's make sure we're treating everyone the same.</p> <p>6 MR. CLOWE: Are you working with Deloitte on</p> <p>7 this? Are they involved or are you involved with their</p> <p>8 work?</p> <p>9 ROBERT BURROUGHS: No, sir.</p> <p>10 MR. CLOWE: Has there been any communication</p> <p>11 between you?</p> <p>12 ROBERT BURROUGHS: No, sir, we haven't had</p> <p>13 any communication with Deloitte.</p> <p>14 MR. CLOWE: Could you do that? Could you</p> <p>15 touch base with them and see if they've been looking at</p> <p>16 this and see what their position is at this point in</p> <p>17 time, and give them the benefit of your work, and maybe</p> <p>18 they do the same to you?</p> <p>19 ROBERT BURROUGHS: Certainly.</p> <p>20 MR. CLOWE: Thank you very much.</p> <p>21 MR. POLUNSKY: Other questions? Thank you,</p> <p>22 sir.</p> <p>23 MS. ANDERSON: I have one other question.</p> <p>24 Is the \$7 fee, is that in statute or is that -- the \$7</p> <p>25 fee that the vehicle inspection facility owner receives,</p>	<p style="text-align: right;">97</p> <p>1 that mean from a level of supervision. How many</p> <p>2 supervisors would that be, what would it create with</p> <p>3 regards to the supervision of the commission workforce.</p> <p>4 Again, looking at opportunity for recommendations and</p> <p>5 options.</p> <p>6 If these commissioned officers stayed under</p> <p>7 Driver's License and only reported up through a chain of</p> <p>8 command, if those commissioned officers worked under the</p> <p>9 THP umbrella and worked up through a chain of command</p> <p>10 there. Looking at that assessment, if -- from a number</p> <p>11 of levels as regards to the Commission ranks as well as</p> <p>12 the civilian ranks.</p> <p>13 Knowing that if we move to a civilian</p> <p>14 management model, we believe that we would need more</p> <p>15 civilian managers than we have commissioned officers out</p> <p>16 there now. And the reason for that is often times we</p> <p>17 have a commissioned supervisor who may be over two or</p> <p>18 more driver's license offices.</p> <p>19 And when we look at trying to make this an</p> <p>20 efficient business model, each one of those offices,</p> <p>21 when you look at the volumes of customers they deal</p> <p>22 with, the issues they deal with on a daily basis, if we</p> <p>23 want to effectively manage that, we should have a</p> <p>24 manager within that office. Whether we want to call</p> <p>25 them supervisor, manager, but a person responsible for</p>

<p style="text-align: right;">98</p> <p>1 the functioning of that office.</p> <p>2 So we're looking at staffing. We've looked</p> <p>3 at --</p> <p>4 MS. BARTH: Let me ask you a question. If</p> <p>5 you were just staying with commissioned, wouldn't you</p> <p>6 look at the model as saying I need one in each office</p> <p>7 now away? I guess I don't -- I don't see how it</p> <p>8 leaves -- if we're saying we're going to transform this</p> <p>9 area, whether it be commissioned or noncommissioned,</p> <p>10 would you not have the same number of people? I'm not</p> <p>11 following why a commissioned officer can supervise, say,</p> <p>12 two, when a noncommissioned can only supervise one.</p> <p>13 JUDY BROWN: I will tell you that today</p> <p>14 commissioned officer in many locations serves two. A</p> <p>15 perfect example of that --</p> <p>16 MS. BARTH: And I understand that. So why</p> <p>17 couldn't a noncommissioned do that?</p> <p>18 JUDY BROWN: The commissioned officers, the</p> <p>19 vehicle has mileage paid, has a much better opportunity</p> <p>20 to be between those offices, and has commissioned</p> <p>21 officer resources at those offices as well that may take</p> <p>22 the lead. If we're moving to a civilian management --</p> <p>23 MS. BARTH: I'm just not sure why we</p> <p>24 wouldn't provide them with a vehicle, the mileage, the</p> <p>25 same structure.</p>	<p style="text-align: right;">100</p> <p>1 need provide. I think if we had more supervision today,</p> <p>2 we would have less of the problems that we have.</p> <p>3 MS. BARTH: Okay.</p> <p>4 JUDY BROWN: We are working with HR to look</p> <p>5 at staffing models in other states. We've done an</p> <p>6 assessment looking at a structure very similar to what</p> <p>7 we use in headquarters now. HR is working with me, as</p> <p>8 well as I'm working through the American Association of</p> <p>9 Motor Vehicle Administrators to look at what other types</p> <p>10 of models are out there and how those models may be more</p> <p>11 efficient than just mimicking what we have today.</p> <p>12 We are looking at the opportunity to do</p> <p>13 pilots. We've got a situation today on this campus at</p> <p>14 our office on North Lamar where the sergeant is</p> <p>15 deployed, and we do not have a line level supervisor</p> <p>16 there. And so we're looking at doing a pilot, bringing</p> <p>17 a manager, an office manager.</p> <p>18 It's a mid-level manager that works on this</p> <p>19 complex now, and pull her over into that environment and</p> <p>20 let her begin to manage that situation as a civilian to</p> <p>21 determine over the next 90 to to 120 days what kind of</p> <p>22 encounters we deal with, what kind of successes we have,</p> <p>23 what can we learn during this time period as we're</p> <p>24 moving through the restructured proposal.</p> <p>25 We also have a situation in Garland where we</p>
<p style="text-align: right;">99</p> <p>1 JUDY BROWN: We can absolutely create that</p> <p>2 as an option. I think it increases the cost of moving</p> <p>3 to a civilian model if we're looking at adding the</p> <p>4 vehicles and the resources from that perspective versus</p> <p>5 hiring the person, putting them in the office, and</p> <p>6 paying them to supervise that office.</p> <p>7 I think, too, if we're moving to try to be</p> <p>8 more efficient and to operate more like a business, that</p> <p>9 we have the much better opportunity to be successful.</p> <p>10 If we have an individual in those larger offices, and</p> <p>11 I'm not saying every office, but in those larger offices</p> <p>12 that we have a person that's responsible for the</p> <p>13 management of that office and focussed on that office</p> <p>14 rather than trying to share their time between multiple</p> <p>15 offices.</p> <p>16 MS. BARTH: Okay. I'm still reconciling</p> <p>17 what you're saying to whether it's commissioned or</p> <p>18 noncommissioned to improve the efficiency and</p> <p>19 effectiveness of the offices, seems like whether it be</p> <p>20 noncommissioned or commissioned, you're saying we need</p> <p>21 supervisors in the office; is that right?</p> <p>22 JUDY BROWN: You're absolutely correct. If</p> <p>23 I had the option to put additional commissioned</p> <p>24 supervisors out there today, I would. Again, to make</p> <p>25 that more effective, to provide the services that we</p>	<p style="text-align: right;">101</p> <p>1 do not have lieutenants in that office right now. We do</p> <p>2 not have an eligibility list. So we're working with HR</p> <p>3 to look at creating a job description for a mid or an</p> <p>4 upper level manager that, again, may be able to work</p> <p>5 through that pilot with us and give us some feedback as</p> <p>6 to the potential successes.</p> <p>7 MS. BARTH: And could you give me some</p> <p>8 timing on the pilot, is it 60 days, is it 90 days, is it</p> <p>9 120 days?</p> <p>10 JUDY BROWN: My recommendation is that we</p> <p>11 run it between 90 and 120 days. I think if we run it</p> <p>12 any less than 90, we don't have the opportunity to</p> <p>13 really make that transition in the mindset and see the</p> <p>14 success that it could be or see the problems that it may</p> <p>15 encounter.</p> <p>16 MS. BARTH: And when would you think we</p> <p>17 could start the pilot?</p> <p>18 JUDY BROWN: My goal was to begin the pilot</p> <p>19 after this meeting. If I have your concurrency to move</p> <p>20 forward with the pilot, I'm more than ready to begin</p> <p>21 that in one area. In the area where we're looking for a</p> <p>22 mid-level manager, HR is looking at and working through</p> <p>23 a job description, in which that would be probably more</p> <p>24 like a November time frame.</p> <p>25 We'd have to complete the job description</p>

<p style="text-align: right;">102</p> <p>1 and post and do a competitive interview process for that 2 position. You've got -- included, also, are the 3 recommendations, the things that we've included in the 4 LAR that we believe, again, are those things that make 5 it optimum for the success in the customer service 6 realm.</p> <p>7 We also have laid out a number of customer 8 service initiatives that we believe would help make us 9 more efficient, make us more consumer centric operation 10 and serve the public. As we get to this point, there's 11 a number of data, a number of supporting documents that 12 we've created. And I believe, at this point, it was 13 pertinent for me to pause and wait until we have the 14 Sunset Committee hearing and then wait for Deloitte 15 study so that we can begin to look down a parallel path 16 and work toward a complete transition proposal.</p> <p>17 If you have any questions, I'd be glad to 18 answer those.</p> <p>19 MR. POLUNSKY: Are there any questions for 20 Chief Brown?</p> <p>21 MR. CLOWE: No questions.</p> <p>22 MR. POLUNSKY: Ms. Anderson?</p> <p>23 MS. ANDERSON: Among all the things that 24 you're thinking through, are you working on a short list 25 of low hanging fruit that are things that we could do</p>	<p style="text-align: right;">104</p> <p>1 potentially doing an amendment to contract with Deloitte 2 once I'm able to take their recommendations and 3 incorporate a full restructure proposal to have them 4 either work with or review the proposal that I'm 5 creating.</p> <p>6 MS. ANDERSON: They have some DL expertise 7 on the team, if that could be done under the auspices of 8 the existing contract.</p> <p>9 MR. CLOWE: I think that's a viable option 10 to consider. I have the continuing concern about it at 11 the very bottom of this, the person at the county, our 12 employee being underpaid, and question about their 13 training, and the hours that our operation is open to 14 accommodate the customer. And these test programs where 15 you're examining alternative management structures and 16 we've got a supervisor there, may produce results. I 17 hope so.</p> <p>18 But I want to say, as I've said from the 19 very beginning, I think the problem is we're not paying 20 our people enough. We're not training them thoroughly 21 enough, and we've got too much turnover in that area to 22 do the job. And then the other part of that is I don't 23 think our hours are structured to spread that out in 24 every place, and that's a pretty broad statement. I 25 don't have any fact to back that up. But I have a</p>
<p style="text-align: right;">103</p> <p>1 now, short of a full transition of this model, short of 2 a legislative appropriation, where that would be 3 required, things that we could do now to improve 4 customer service?</p> <p>5 JUDY BROWN: I am. There's a number of 6 things on a customer service initiatives that we are 7 beginning to work through now. There's some of those 8 that are minimal funding that as we get through this 9 year we may be able to look at doing some of those that 10 require less funding.</p> <p>11 And then there's, like, three stages. We've 12 got a short-term no cost, a short-term minimal cost, and 13 then we looked at some of those that are more long-term 14 and those that will require some legislative support.</p> <p>15 MS. ANDERSON: Thanks.</p> <p>16 MR. POLUNSKY: Anything else?</p> <p>17 MR. CLOWE: I'd like to say I think you're 18 tackling a very difficult job. And I hope you're 19 talking with Deloitte in your efforts and hearing from 20 them. Are you?</p> <p>21 JUDY BROWN: I have not yet. I was waiting 22 for their study to come out so I would have an 23 opportunity to really entertain what their 24 recommendations are, what their evaluation was. 25 Commissioner Anderson suggested that we look at</p>	<p style="text-align: right;">105</p> <p>1 concern about that.</p> <p>2 And, of course, in the cam center where 3 we're answering, what, a third of our calls. That's 4 clearly a matter of capacity. I have been hearing 5 concerns from the commissioned officers about this area 6 of reorganization and what's going to happen to them. I 7 certainly don't know. I can't speak for the 8 Commissioners, wouldn't try to.</p> <p>9 But this is not a reduction in force. This 10 is a possible situation where we may be able to get more 11 efficiency into our system by having commissioned 12 officers where they can be productive. It may involve 13 some retraining, to be very honest. It may involve some 14 reassignment of locations.</p> <p>15 And I don't want to mislead anybody into 16 thinking that, well, nothing's going to change. Because 17 I think something is going to change. But as I always 18 say, when we deal with change, you know, work through 19 it. We're going to make changes that we hope are going 20 to be positive, and create a better response to the 21 public. And that's our job. Our job is not to keep 22 things like it is.</p> <p>23 The other part of -- I always want to 24 mention to you when we get into this is we have to 25 maintain a high standard producing results that follow</p>

<p style="text-align: right;">106</p> <p>1 the statute. And we cannot just try to push these 2 driver's licenses out to make everybody happy and get 3 them out of line or get them out of the office. 4 And I think that the uniform presence in 5 those offices settles people down, it creates 6 discipline. We have a high arrest record there that's 7 very productive as far as taking people into custody 8 that should be in custody. You have a very difficult 9 job, and I want to mention those obstacles as you go 10 into this process because this is a real challenge, in 11 my mind. 12 JUDY BROWN: If I may respond, I fully agree 13 with the challenge. I fully agree that it's imperative 14 to our success that we reduce the turnover rate. And I 15 think the agency agrees as well as we've included the 16 salary compensation package as part of our -- one of our 17 primary items on our exceptional items. 18 With regards to the call center, there's a 19 couple of things that we've looked at, Commissioner 20 Clowe, within the exceptional items. And we've looked 21 at trying to get funding for an interactive voice 22 response system so that you could dial in, put in your 23 DL number and it can give you your status, or it can 24 give you back what you need to file for compliance and 25 where you can do that, which is going to pick up a</p>	<p style="text-align: right;">108</p> <p>1 the options and all the possibilities as well. 2 MR. CLOWE: Well I'm glad to hear that. And 3 I just want to make one further comment about the 4 mindset. I think there's a great attempt on almost 5 everybody in this agency to do the best job they can 6 with what they have, and that's appreciated. But we're 7 at a point where we've got to fix some of these 8 problems. And it's going to require, in some cases, a 9 change, and that's going to call in other cases for more 10 money and more heart, whether will it's facilities or 11 equipment or whatever it might be. 12 And you were in the room, I think, when the 13 Commissioner from Houston -- Commissioner Barth said we 14 ought to have generators in Houston and Beaumont. And 15 the response she got was, well, that could cost 16 \$100,000. Well, then you heard the Chairman say to back 17 Commissioner Barth up, we got to have offices that keep 18 going when the power goes down. 19 And I'm sitting here thinking, well that's 20 been kind of the thoughts that we've had. We can't 21 spend \$100,000. Yes, we can spend \$100,000 if it keeps 22 that office in Houston going in the middle of the 23 hurricane when people have got to work there and perform 24 for the public safety. 25 We need to say to the legislature, we've got</p>
<p style="text-align: right;">107</p> <p>1 majority of our phone calls. 2 We've also got a subcommittee, if you will, 3 that's looking at what the opportunities are to take the 4 call center and move it off site, put it in Taylor, 5 Thrall, somewhere where we might -- the salary 6 compensation, if we get it with the legislative package, 7 would go a long way to creating an opportunity to retain 8 our personnel. 9 And as well, we're also looking at is there 10 an opportunity to put those in regional areas throughout 11 the state. Little bit more difficulty there to ensure 12 the training is appropriate. But we're looking at all 13 the options with regards to the call center and 14 ensuring, at a complete package, that we're looking at 15 customer service and looking at the opportunity to our 16 job. 17 As well, the fraud unit, we've requested 18 within the LAR an opportunity to expand that fraud unit. 19 It may be that as we look at the commissioned personnel, 20 that we look at taking some of these commissioned 21 personnel that may be reduced from the driver's license 22 supervisory function and move them into the fraud unit 23 to help with investigations and ensure them the 24 integrity of our product. 25 So we're looking at -- trying to look at all</p>	<p style="text-align: right;">109</p> <p>1 to have this money to do the job. And that applies to 2 you, I think, in this driver's license area. We've got 3 to do better, there's no question about that. But to do 4 that, we may need to change not only our method of 5 operation, but ask for money, too. And if we can never 6 make our case, now's the time. 7 JUDY BROWN: I fully agree. 8 MR. CLOWE: And the Chairman made some 9 promises to the Sunset Commission that were pretty 10 strong. And to go through with that and perform, we 11 need their help in the legislature. And we need to be 12 creative and say, here's how we're going to solve this 13 problem. Here's what it takes to do the job. 14 So I'd like to see that mindset broken a 15 little bit. We're just going to make due with what 16 we've got and that'll be the end of it. We've got to 17 take a fresh new approach. 18 JUDY BROWN: I think when we get our 19 proposal together it will meet your expectations. 20 MR. CLOWE: Thank you. 21 MR. POLUNSKY: Thank you. Item 20, update 22 and deliberation regarding Sunset Commission review. Be 23 an oral discussion. Ms. Anderson, like to kick this 24 off? 25 MS. ANDERSON: I think that, you know, the</p>

<p style="text-align: right;">110</p> <p>1 reason some of these -- particularly these more recent 2 items, I asked be on the agenda this time was to have 3 the opportunity for the Commission to hear an update on 4 these various initiatives that are moving forward so 5 that -- you know, we're joined today by Sunset staff and 6 we always appreciate them taking the time to be here -- 7 so that the Commission as a whole, and the Chairman in 8 particular, is equipped with the latest information on 9 how we're moving forward on these things so that if 10 asked in the Sunset hearing this week, you'd have the 11 latest and greatest.</p> <p>12 And I think it demonstrates this Commission 13 and this Department's intention to follow through on the 14 response, the formal response to Sunset. And, in fact, 15 not only agree with numerous of their recommendations, 16 but begin, you know, to move -- you know, move forward 17 on that internally so that the legislature sees that 18 we're serious of taking care of business at DPS.</p> <p>19 MR. POLUNSKY: Well, I would certainly 20 concur with that. As stated at the Sunset Commission 21 hearing previously and on other occasions, the Public 22 Safety Commission is certainly committed to comply or 23 adopt the majority, if not all, the recommendations that 24 the Sunset Commission staff put forth and that the 25 Sunset Commission itself discussed at its initial</p>	<p style="text-align: right;">112</p> <p>1 next few days.</p> <p>2 Okay. Discussion on that? Discussion and 3 possible action regarding the employment of an assistant 4 for the Commission including development of job 5 description and directions regarding posting of the 6 position. And that would be Ms. Logan, I guess, should 7 be up here for that.</p> <p>8 PAULA LOGAN: Paula Logan, HR Director. I 9 can -- I've done some research in anticipation for this, 10 and then I think I have a better idea of what y'all are 11 looking for now. So I'm prepared to go forth and come 12 up with a draft job description for y'all to look at and 13 move forward with the posting. I don't know if you want 14 to --</p> <p>15 MS. BARTH: Can I make a motion to go ahead 16 and pursue an RF -- whatever, a posting for an assistant 17 to Commission with Ms. Logan and put together a job 18 description for the commissioners?</p> <p>19 MR. POLUNSKY: What type of mechanics do you 20 want to put into place here? You want to be taking a 21 look at the job description prior to the posting? You 22 want this posting done prior to our next meeting? What 23 are your thoughts, Carin?</p> <p>24 MS. BARTH: I would like to have the posting 25 done to our meeting and have no trouble with her</p>
<p style="text-align: right;">111</p> <p>1 hearing that discuss the Department of Public Safety. 2 And I cannot emphasize that strongly enough 3 that we are at concurrence with the direction that the 4 Sunset Commission, I feel, wants to see the Department 5 travel towards. And I think we made some positive 6 movement in that direction already. And we are 7 certainly committed to do whatever is necessary to get, 8 not only to where the staff and Sunset Commission has 9 suggested we go to, but take it way beyond that.</p> <p>10 And I think that when the Deloitte study 11 comes out and after certain changes, reforms, 12 reorganization, so on, takes place here, that there will 13 be a much different Department that is modernized and is 14 more efficient, and will be reflecting the number of the 15 ideas and hopes and suggestions that the Sunset 16 Commission and its staff has been putting forth over the 17 last couple of months.</p> <p>18 There is a Commission meeting on Wednesday 19 that may or may not be the final meeting with respect to 20 the Department of Public Safety. But we are prepared to 21 go in there and discuss what we've done, where we're 22 going, where we'd like to take it. And hope that we can 23 reach a consensus as to, you know, where this Department 24 should be in the 21st Century. I am confident that we 25 will. And I guess we'll see where this takes us in the</p>	<p style="text-align: right;">113</p> <p>1 e-mailing each of us a final draft for us to add 2 comments if we have any.</p> <p>3 MS. ANDERSON: I second the motion.</p> <p>4 MR. POLUNSKY: Okay. It has been moved by 5 Ms. Barth and seconded by Ms. Anderson that staff be 6 directed to generate a job description for a position 7 that will generally be known as assistant to the 8 Commission, although, that may be subject to change with 9 respect to the title, and that your final job 10 description be drafted and communicated to the four 11 Commissioners for response and upon favorable consensus 12 or favorable response from the four Commissioners, then 13 you are authorized to go ahead and post that position 14 for application. You have a question?</p> <p>15 PAULA LOGAN: Well, once we -- that 16 happens -- or is there going to be -- on some of the 17 other projects there was a lead person, and I was going 18 to be in contact with for --</p> <p>19 MR. POLUNSKY: That will be me on this one.</p> <p>20 PAULA LOGAN: Okay.</p> <p>21 MR. POLUNSKY: Discussion? All in favor?</p> <p>22 COMMISSIONERS ANDERSON AND CLOWE: Aye.</p> <p>23 MR. POLUNSKY: Against? Motion passes.</p> <p>24 Thank you. Item 22, discussion and possible action on 25 publication of proposed rules. Chief Brown.</p>

<p style="text-align: right;">114</p> <p>1 JUDY BROWN: Proposed rules 18.1 and 18.4 2 are really revisions, if you will, adding the ability 3 for driver's ed schools to retain copies of their 4 testing in electronic forms rather than in paper forms, 5 aligning the retention period with TEA and clean up as 6 the form went from a four-part form to a three-part 7 form. Don't expect any controversy at all. 8 MS. BARTH: Move to approve. 9 COMMISSIONERS CLOWE AND ANDERSON RESPOND AT 10 SAME TIME: Second. 11 MR. POLUNSKY: Okay. There's a motion by 12 Ms. Barth and seconded by who? 13 MS. BARTH: Tom. 14 MS. ANDERSON: Mr. Clowe. 15 MR. POLUNSKY: That rules 18.1, 18.4 -- 37 16 TAC Sections 18.1, 18.4 regarding driver education be 17 published. Discussion? All in favor, please say, 18 "Aye." 19 COMMISSIONERS ANDERSON AND CLOWE: Aye. 20 MR. POLUNSKY: Any against? No. Motion 21 passes. Item 23, discussion and possible action on 22 adoption of proposed rules. Mr. Fox. 23 DUNCAN FOX: Yes, this is an additional 24 safety responsibility regulation also involving driver's 25 license. The rules were published in the register and</p>	<p style="text-align: right;">116</p> <p>1 Commissioner Barth and seconded by Commissioner Anderson 2 that all of those who have been set out on the agenda 3 for appointments of either position of Special Ranger or 4 Special Texas Ranger, I guess that would be a 5 Commission, be approved. Discussion? All those in 6 favor, "Aye." 7 COMMISSIONER CLOWE: Aye. 8 MR. POLUNSKY: Any against? No. Motion 9 passes. Are there future agenda items that anybody 10 would like to put forth at this time? 11 MS. ANDERSON: Mr. Chairman, I'd just like 12 to see recurring agenda items on the major initiatives 13 that are under way, like the promotion policy group, the 14 Vehicle Inspection group, the Driver's License civilian 15 model transformation. 16 MR. CLOWE: Sunset Commission. 17 MS. ANDERSON: Sunset Commission. 18 MR. POLUNSKY: Colonel, would you make note 19 of that, please. 20 MR. CLOWE: And the assistant for the 21 Commission should be carried forward as well. Promotion 22 policy. All those major items. And the RFQ's that are 23 out on the organizational study, audit risk assessment 24 services, the IT strategy, the executive search. All of 25 those should be carried forward. Those are under item</p>
<p style="text-align: right;">115</p> <p>1 there was no comments that were received. And then 2 rules may be adopted by the Commission if the Commission 3 wishes to proceed. 4 MS. ANDERSON: Move adoption. 5 MS. BARTH: Second. 6 MR. POLUNSKY: All right. The rules set out 7 in agenda item number 23, there's a motion for approval 8 that was made by Ms. Anderson, seconded by Ms. Barth. 9 Any discussion? There is no discussion, all in favor, 10 please say, "Aye." 11 MR. CLOWE: Aye. 12 MR. POLUNSKY? Any against? No. Motion 13 passes. Next item is discussion and possible action on 14 appointments of Special Rangers and Special Texas 15 Rangers pursuant to Government Code Chapter 411, 16 Sections 411.023 and 411.024. 17 LAMAR BECKWORTH: Mr. Chairman, 18 Commissioners, you have before you a list of applicants 19 recommended for approval for appointment of Special 20 Rangers, Special Texas Rangers. All of these particular 21 individuals, in our view, be recommended for those 22 appointments. 23 MS. BARTH: So moved. 24 MS. ANDERSON: Second. 25 MR. POLUNSKY: It has been moved by</p>	<p style="text-align: right;">117</p> <p>1 eight. 2 MR. POLUNSKY: Okay. 3 MR. CLOWE: And are you going to set the 4 next meeting, Mr. Chairman? 5 MR. POLUNSKY: Well, what we're trying to 6 do, Mr. Clowe, is have the third Thursday of each month. 7 MR. CLOWE: That'd be the 16th of October? 8 MR. POLUNSKY: That is correct. Does 9 anybody have a problem with that? Okay. So there's no 10 objection to the 16th. Then it'll be on October the 11 16th. 12 MS. ANDERSON: If we could revisit whether 13 the agenda item was on the Sunset Commission report. At 14 the June meeting, well, a lot of the members asked a lot 15 of questions. But representative Kolkhorst asked a 16 number of pretty pointed questions. And at one point, 17 based on my hearing anyway, asked for the Commission to 18 respond to her about a number of items. 19 And then I asked Michael Kelly and he 20 actually checked the transcript and actually spoke with 21 a representative about, sort of, what her priority items 22 were. And so then I drafted a draft of a response to 23 her because I felt like she asked for a Commission's 24 input. And, you know, but time got away from me. 25 So, you know, I still think it would be</p>

<p style="text-align: right;">118</p> <p>1 advisable for a letter to go out on behalf of the Public 2 Safety Commission over Chairman Polunsky's letter -- his 3 signature. You know, based on what's in the draft as 4 amended by anything that the members would like to have 5 removed or added. 6 Like, one of her questions was about 7 equipment that DPS needs to better to accomplish its 8 mission. And after the discussion today, in addition to 9 the five bullets that were in the draft, I would add 10 generators in key offices. 11 MS. BARTH: I would like to at least read 12 this tonight and then respond back to the Chairman, if 13 that would be okay. 14 MR. POLUNSKY: That's fine. You have to 15 remember, though, Carin, that the meeting is on 16 Wednesday. I can walk in, if we decide to provide her a 17 letter, and hand it to her. But I'm just trying to get 18 you -- 19 MS. BARTH: Okay. That's fine. I mean, you 20 know, I just -- 21 MR. POLUNSKY: And I understand where you're 22 coming from because it's the same issue that you've 23 raised previously. 24 MR. CLOWE: And I've read the draft and I 25 want to thank Commissioner Anderson for her efforts. My</p>	<p style="text-align: right;">120</p> <p>1 okay. It's things around these studies that you want to 2 make sure we're very circumspect on. 3 MR. CLOWE: Well, you know, the promotional 4 process, the conversion to a civilian model of Vehicle 5 Inspection, driver license, -- got to go back and look 6 at them now. And in your draft, you mentioned the 7 academy, I had a concern about that. 8 MS. ANDERSON: Oh, I took that out. I mean, 9 I marked through that. And I'm going to give -- 10 MR. CLOWE: Not on the draft I had. 11 MS. ANDERSON: Well, no, no, after -- 12 MR. CLOWE: Okay. 13 MS. ANDERSON: -- I saw what you did. 14 MR. CLOWE: Okay, okay. 15 MS. BARTH: I think we ought to give 16 comment -- let everyone sort of -- 17 MR. CLOWE: Well, that's fine. And I'm 18 trying to give you a sense of my constructive reaction 19 to the good work that you've done. But, you know, when 20 you write a letter, the Chairman signs it, boy, it's 21 there. And I don't want to put in -- he's in hot enough 22 water as it is. 23 MR. POLUNSKY: Did I do that to myself? 24 MR. CLOWE: You did it to yourself. But you 25 brought us with you, so we're all there. I just -- I</p>
<p style="text-align: right;">119</p> <p>1 sense of it is -- I have a couple comments about items 2 that I'm concerned about. In the overall, so much of 3 this is in process. And I think we should be careful 4 not to make promises that we don't deliver on in 5 writing. 6 And I would hope that we would say we are 7 working on these studies, and there are at least five of 8 them that I can count that are in the works right now. 9 But I would not want to promise we're going to do 10 something and have that promise there and then not 11 perform. So I think we should just say exactly where we 12 are and that we are working diligently to do the things 13 they want done. 14 But we're not there yet. And that's a 15 constructive comment, that's wanting to be responsive 16 but not overpromise. 17 MS. ANDERSON: Well, for example -- and I 18 completely agree with you, that you don't -- we don't 19 want to overpromise. And they're in process so we don't 20 even know the outcomes yet. Things that -- things 21 like -- things that are in the exceptional item request, 22 like non-commissioned salary adjustments for crime 23 analysts, or something, that we've already gone out on a 24 limb on those and said we want those, because we 25 endorsed those in the LAR. Those kinds of things are</p>	<p style="text-align: right;">121</p> <p>1 think we ought to -- and the Chairman will do that, I 2 guess, Wednesday. He'll tell them how hard we're all 3 working. 4 MR. POLUNSKY: And I think they understand 5 that. But -- 6 MS. ANDERSON: And I'm happy to have the 7 letter come from me. I feel a moral commitment to her 8 to provide her with some answers. And so, you know -- 9 MR. CLOWE: Well, that's between you and the 10 Chairman. 11 MR. CLOWE: I think we're really making 12 progress and we've been very responsive to their report 13 and their comments in the meeting. And we're making 14 good progress. We're going to get there. 15 MR. POLUNSKY: I cannot agree with you 16 enough. I mean, we've got Sunset Commission staff here 17 and they can tell me that I'm all wet. But I'd be 18 surprised if there's another State agency that has been 19 as responsive and cooperative as this Commission and 20 this Department has been since going through this 21 process. I think we've kind of done somersaults to get 22 on the same page here. 23 MR. CLOWE: You hear these reports that each 24 one of these respondees has made. They're all doing 25 everything they can to get to the right place. But</p>

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1 we've got to make sure we do it right. We don't want to
2 make a mistake.

3 MR. POLUNSKY: I agree.

4 MR. CLOWE: So those items that we mentioned
5 would be the ones on the agenda for next month.

6 MR. POLUNSKY: Okay. Anything else?

7 MR. CLOWE: Colonel, have anything?

8 MR. CLARK: I was just reminded of a comment
9 that Chief Fulmer has on her desk, and Lamar and I have
10 both adopted it. It's "Promise only what you can
11 deliver." And so that's good advice, and we'll remember
12 that as we get to Sunset. Thank you for that, Chief.

13 MS. BARTH: Move to adjourn.

14 MR. POLUNSKY: The meeting is adjourned.

15 (PUBLIC SAFETY COMMISSION MEETING ADJOURNED)

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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 _____, 2008.

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IN THE MATTER OF

THE APPEAL OF DISCHARGE OF

PETER L. MASON

§
§
§
§
§

BEFORE THE

PUBLIC SAFETY COMMISSION

IN AUSTIN, TRAVIS COUNTY, TX


ORDER

BE IT REMEMBERED that the Public Safety Commission convened to hear the appeal of discharge of Peter L. Mason, on the 25th day of August, 2008. Mr. Mason received adequate notice of the hearing on this matter and did appear in person and through counsel. Pursuant to §411.007, Government Code, the Commission proceeded to hear evidence in the above-captioned matter.

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

On motion of Comm. Anderson, seconded by comm. C/owo, the discharge was affirmed.

ENTERED AND SIGNED on the 22 day of September, 2008.



Allan B. Polunsky, Chair
Public Safety Commission

REPORT OF PENDING CONTRACTS AND CHANGE ORDERS REQUIRING COMMISSION APPROVAL/RATIFICATION AT SEPTEMBER 2008 PSC MEETING

Date Completed	Tracking Number	DESCRIPTION	Amount	Contract Period	Project Director	Performing Agency/Vendor
pending	C5-9012	Hardware & Software Maintenance and Service Hours	\$320,893.78	10/01/08-08/31/09	Sherrie Zgabay	CBM Archives
pending	405-7-19705	Blanket order for semi-auto pistol .357 Sig Sauer	\$461,200.00	11/07/08-11/06/09	Jed Dube	Sigarms, Inc
pending	405-8-28010	Blanket order for DNA kits	\$261,355.40	11/16/08-11/15/09	Gary Molina	Qiagen
pending	IT8-0020	Texas Highway Patrol Information System	\$800,000.00	10/01/08-08/31/09	Todd Early	Strategic Database Inc
pending	IT9-0022	Court ID Pilot Project to be present by Chief IAC for State Border Security Program FY08-09	\$1,161,591.00	09/01/08-12/31/08	Desiree Taylor	Identix Incorporated (potential vendor)
08/28/08	P40500796A		\$1,720,656.00	02/01/08-08/31/09	Loren Behrens	Adjutant General's Department
09/03/08	G40500679	IAC for State Border Security Program FY08	\$1,536,666.00	02/01/08-08/31/09	Loren Behrens	Dept of Public Safety

On motion of Comm. Anderson, seconded by Comm. Clowe, the proposed Pending Contracts and Change Orders are approved.

ENTERED AND SIGNED on the 22 day of September, 2008


Allan B. Polunsky, Chair
Public Safety Commission

PUBLIC SAFETY COMMISSION
SUBMISSION OF CONTRACT

TRACKING NUMBER: C5-9012

SUBMITTING DIVISION COMPLETE THE FOLLOWING INFORMATION

DATE OF SUBMISSION: 9/2/2008

CONTRACT TITLE: CBM Annual Maintenance

DIVISION: Driver License

PROJECT DIRECTOR NAME: Sherrie Zgabay

NAMES OF CONTRACTING PARTIES: CBM Archives

DIVISION STATEMENT OF CONTRACT PURPOSE:

The Division's document imaging system is utilized for workflow management and for archival of all documents supporting driver license issuance and enforcement functions. CBM Archives provides maintenance and support for the hardware and software programs required for the document imaging system.

OGC LEGAL COMMENTS: Attorney-Client Communication: NOT PUBLIC INFORMATION

The proposed contract renewal is legally acceptable. To the extent the current contract does not contain all of the essential legal clauses as required by the Contract Management Guide, I will rely on Accounting to include the missing clauses to avoid a potential audit point.

PUBLIC SAFETY COMMISSION
SUBMISSION OF CONTRACT

TRACKING NUMBER: 405-7-19705

SUBMITTING DIVISION COMPLETE THE FOLLOWING INFORMATION

DATE OF SUBMISSION: 9/11/08

CONTRACT TITLE: DPS Service Pistols

DIVISION: THP, DL, CLE

PROJECT DIRECTOR NAME: Jed Dube

NAMES OF CONTRACTING PARTIES: Sigarms Inc.

DIVISION STATEMENT OF CONTRACT PURPOSE:

Fund/Cost center: 9006/various

Budget - various, account - 573340

This is the contract for our service pistols for all divisions, beginning on 11/07/08.

OGC LEGAL COMMENTS: Attorney-Client Communication: NOT PUBLIC INFORMATION

The Texas Building and Procurement Commission procured the contract for these deliverables on behalf of DPS.

The proposed renewal of this blanket order contract is legally acceptable.

PUBLIC SAFETY COMMISSION

SUBMISSION OF CONTRACT

TRACKING NUMBER: 405-8-28010

SUBMITTING DIVISION COMPLETE THE FOLLOWING INFORMATION

DATE OF SUBMISSION: 09/11/08

CONTRACT TITLE: Qiagen DNA Extraction Kit Purchase

DIVISION: CLE/Crime Laboratory

PROJECT DIRECTOR NAME: Dennis Loockerman

NAMES OF CONTRACTING PARTIES: DPS Crime Lab – Qiagen, Inc.

DIVISION STATEMENT OF CONTRACT PURPOSE: Renewal purchase order for consumable reagents for the extraction of DNA from convicted offender samples.

OGC LEGAL COMMENTS: Attorney-Client Communication: NOT PUBLIC INFORMATION

The Comptroller of Public Accounts procured the contract for these deliverables on behalf of DPS.

The proposed contract renewal is legally acceptable.

PUBLIC SAFETY COMMISSION

SUBMISSION OF CONTRACT

TRACKING NUMBER: 405-IT8-0020

SUBMITTING DIVISION COMPLETE THE FOLLOWING INFORMATION

DATE OF SUBMISSION: 08/29/08

CONTRACT TITLE: Contract for Texas Highway Patrol Information Systems

DIVISION: Texas Highway Patrol

PROJECT DIRECTOR NAME: Todd M. Early

NAMES OF CONTRACTING PARTIES: Strategic Database Inc.

DIVISION STATEMENT OF CONTRACT PURPOSE: Software development, maintenance and network support contract renewal for non-IMS Supported THP applications.

OGC LEGAL COMMENTS: Attorney-Client Communication: NOT PUBLIC INFORMATION

The contract contains all of the essential legal clauses required by the Contract Management Guide.

The proposed contract renewal is legally acceptable.

PUBLIC SAFETY COMMISSION

SUBMISSION OF CONTRACT

TRACKING NUMBER: 405-IT9-0022

SUBMITTING DIVISION COMPLETE THE FOLLOWING INFORMATION

DATE OF SUBMISSION: September 12, 2008

CONTRACT TITLE: Court ID Pilot Project

DIVISION: Administration/Crime Records Service

PROJECT DIRECTOR NAME: Desiree Taylor

NAMES OF CONTRACTING PARTIES: To be determined

DIVISION STATEMENT OF CONTRACT PURPOSE:

This is a project funded by grant and state money that will allow us to place livescan devices in five pilot counties to test the concept of a court electronically reporting the criminal case dispositions as they do now, but including a set of fingerprints with that electronic report. The benefit is that the disposition will go directly into the computerized criminal history file on the basis of those fingerprints, and will not be subject to whether or not the sheriff has previously sent in the arrest fingerprints.

To implement this pilot project, the Crime Records Service (CRS) has posted a Request for Offer (RFO) for a deliverables-based, turnkey solution for Identification Flats Livescan Device(s) (IFLs). These devices will allow quick capture of the defendant's ten "flat" fingerprint impressions for submission with the disposition. The quantity of IFLs will be based upon cost per IFL and availability of funds. Project deliverables will include hardware, software, and their associated installation, shipping, local user training plus hardware maintenance, and software/user support. TXDPS intends to award the Court ID Pilot Project (CIP) to a single primary contractor. The primary contractor will be responsible for all requirements of this project.

Project Costs - CONFIDENTIAL

We anticipate that the initial project cost of the program will be approximately \$1,161,591.

OGC LEGAL COMMENTS: Attorney-Client Communication: NOT PUBLIC INFORMATION

*DPS is in the negotiation phase of this procurement.

DPS attached a proposed contract to the RFO, which contract contains all of the essential contract clauses as required by the Contract Management Guide, as well as additional protective clauses, such as the rolling estoppel clause and the "time is of the essence" clause.

The top-scoring vendor lodged exceptions to our proposed contract and proposed additional legal clauses. DPS will negotiate with the vendor. DPS intends to have a final contract by 9/22/08.

*** Chief David Gavin will present this contract to the Public Safety Commission.**

PUBLIC SAFETY COMMISSION

SUBMISSION OF CONTRACT

TRACKING NUMBER: P40500796A

SUBMITTING DIVISION COMPLETE THE FOLLOWING INFORMATION

DATE OF SUBMISSION: 09/12/08

CONTRACT TITLE: IAC for State Border Security Program FY 08-09 (SBSP – 08/09)

PROJECT DIRECTOR NAME: Chief Jack Colley

NAMES OF CONTRACTING PARTIES: Governor's Division of Emergency Management and Texas Adjutant General's Department (Texas Military Forces)

DIVISION STATEMENT OF CONTRACT PURPOSE: To deploy Texas Military Forces personnel to support the Joint Operations and Information Centers (JOICs) in order to enhance border security and reduce crime along the Texas-Mexico border by supplementing the border security efforts of Federal agencies. Pursuant to Article IX, 19.69(b), of the 2008-09 General Appropriations Act, GDEM has been appropriated funding for certain borders security expenses, including funding the costs of overtime, per diem, and related travel expenses for National Guard agencies participating in border security operations. This contract amendment authorizes additional funding to cover border security operations.

OGC LEGAL COMMENTS: Attorney-Client Communication: NOT PUBLIC INFORMATION

The contract amendment is legally acceptable.

PUBLIC SAFETY COMMISSION

SUBMISSION OF CONTRACT

TRACKING NUMBER: G40500679

SUBMITTING DIVISION COMPLETE THE FOLLOWING INFORMATION

DATE OF SUBMISSION: 09/12/08

CONTRACT TITLE: IAC for State Border Security Program FY 08-09 (SBSP – 08/09)

PROJECT DIRECTOR NAME: Chief Jack Colley

NAMES OF CONTRACTING PARTIES: Governor's Division of Emergency Management and Texas Department of Public Safety, Aircraft Section

DIVISION STATEMENT OF CONTRACT PURPOSE: To deploy Texas Department of Public Safety Aircraft Section personnel and aircraft to support border operations to enhance border security and reduce crime along the Texas-Mexico border by supplementing the border security efforts of Federal agencies. Pursuant to Article IX, 19.69(b), of the 2008-09 General Appropriations Act, GDEM has been appropriated funding for certain border security expenses, including funding the costs of overtime, per diem, and related travel expenses for state law enforcement agencies participating in border security operations. This contract amendment authorizes additional funding to cover border security operations.

OGC LEGAL COMMENTS: Attorney-Client Communication: NOT PUBLIC INFORMATION

The contract amendment is legally acceptable.

Texas Department of Public Safety

Office of Audit and Inspection Charter

This charter defines the purpose of the internal audit and inspection functions within the Office of Audit and Inspection (OAI) as well as OAI's authority, responsibilities, and reporting requirements.

Purpose

Pursuant to the Texas Internal Audit Act and Subchapter I, Section 411.241 of the Government Code, an internal audit and an inspection function has been established by the Public Safety Commission to provide independent, objective assurance and consulting services designed to aid management and to improve Texas Department of Public Safety (Department) operations.

Authority

The Office of Audit and Inspection shall report directly to the Public Safety Commission and is authorized to report to the Director of the Department for administrative purposes.

As applicable, the internal audit and the inspection programs shall conform to the Institute of Internal Auditors' Standards for the Professional Practice of Internal Auditing, and Code of Ethics; the Government Auditing Standards, promulgated by the U.S. General Accounting Office; the Texas Internal Audit Act; and Subchapter I, Section 411.241, Government Code.

Internal audit and inspection personnel shall be granted unlimited access to all Department operations, records, property, and employees pertinent to the performance of their duties outlined in this charter. Auditors and inspectors are expected to take appropriate measures to maintain the confidentiality of information gained in the course of their work and to safeguard any records entrusted to their care.

Internal audit and inspection personnel are not authorized to exercise direct authority over any of the activities it examines. Furthermore, the performance of internal audits and inspections does not relieve management of its responsibilities to effectively and efficiently assess and control operating risks.

Responsibilities

Internal auditors and inspectors are responsible for using systematic, disciplined approaches to objectively evaluate and recommend improvements to the effectiveness of risk management, controls, and governance processes within Department programs and business processes. Auditors and inspectors shall be objective in the performance of their work and shall execute their duties free from management control or undue influence in the following areas:

- the selection and application of audit or inspection techniques, procedures, and programs;

- Conducting appraisals of the effectiveness and efficiency of the Department's use of resources and making recommendations for improvement.
- Reviewing operations and programs to ascertain whether results are consistent with established goals and objectives.
- Conducting quality assurance reviews in accordance with professional standards and periodically taking part in a comprehensive external peer review.

Reporting

The Office of Audit and Inspection shall report directly to the Public Safety Commission and is authorized to report to the Director of the Department for administrative purposes. These reporting relationships are designed to ensure objectivity, to ensure comprehensive internal audit and inspection coverage, and to ensure adequate consideration of internal audit and inspection recommendations for improvement.

To ensure satisfactory disposition of significant audit findings and recommendations for improvement, written reports of audit and inspection results shall be concurrently submitted to the Public Safety Commission, with copies to the Department's Director and appropriate members of Department management. After Public Safety Commission review, audit reports shall be sent to the Governor, the Legislative Budget Board, the Sunset Advisory Commission, and the State Auditor pursuant to the Texas Internal Audit Act. In addition, the Director of the Office of Audit and Inspection shall establish a follow-up process to monitor management's progress in effectively implementing audit and inspection recommendations or to verify that Department management has accepted the risk of not taking action. It is expected that management action on audit and inspection recommendations will be reported on a timely basis to the Public Safety Commission, as well as the other above-mentioned parties, as appropriate.

Approved, the 22nd day of September 2008.



Allan B. Polunsky
Chairman, Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On September 22, 2008, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Safety Responsibility Regulations
Title 37 T.A.C. Part I, Chapter 25
Section Numbers 25.1 – 25.8, 25.20, 25.21

The Texas Department of Public Safety adopts amendments to Sections 25.1 – 25.8, 25.20 and 25.21, concerning Safety Responsibility Regulations, without changes to the proposed text as published in the August 1, 2008, issue of the *Texas Register* (33 TexReg 6069).

Adoption of amendments to Sections 25.1 – 25.4, 25.6, 25.7, and 25.21 change “accident” to “crash” and are necessary in order to bring the rules into compliance with the national standards.

Adoption of amendments to Section 25.2(c)(3)(D) and (c)(4)(D) pertain to the Department’s recognition of the subrogation rights of insurance companies and are necessary in order to allow insurance companies or their authorized representatives to sign on behalf of their insured. An additional amendment to the section is also necessary in order to remove language from the rule to make it consistent with recent bankruptcy court rulings.

Adoption of amendments to Section 25.1(b) are necessary in order to change the word “will” to “may” in regards to the Department’s duty to request supporting estimates and/or medical expenses. Adoption of this amendment is necessary in order for the Department to eliminate the processing of cases that do not meet the criteria required for a suspension action and allow them to request estimates and/or medical expenses as needed.

Adoption of amendments to Section 25.6 are necessary in order to add new subsection (g) which enables the Department to invalidate an SR-22 insurance certificate if a driver is convicted of a No Liability Insurance citation after filing an SR-22 insurance certificate with the Department. The addition of new subsection (h) is necessary in order to assist the Department in implementing the use of the new Financial Responsibility Verification Program by enabling the Department to invalidate an SR-22 when it receives information through the new program indicating that the insurance coverage can no longer be confirmed or found on record.

Adoption of amendments to Section 25.7(b)(2) are necessary in order to change the time period in which an audit would be completed from 6 months to 1 year. This change makes the rule consistent with standard business practices. Amendment to (c)(1) is necessary in order to increase the amount used by the Department to determine the ability of self-insurance applicants to satisfy claims. Amendment to (d)(3) is necessary in order to increase the amount self-insured entities agree to pay if a judgment is rendered against them and will make the rule consistent with the recent increase in minimum coverage amounts under Texas Transportation Code, Section 601.072.

Adoption of additional amendments to Sections 25.2 – 25.5 are necessary in order to add the phrase “prior to renewal or issuance of a license” to all references to the requirement of a “reinstatement fee.” These changes are necessary in order to clarify that the Department is not extending the suspension period until the reinstatement fee is paid.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department’s work; and Chapter 601 of the Texas Transportation Code.

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

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

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



Allan B. Polunsky, Chair
Public Safety Commission

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS

8/25/2008

	LAST NAME	FIRST NAME	MI	DIV	SERVICE/STATON	RET DATE	MISC INFO
Special Ranger applicants							
1	Ahrens	Loren	W	THP	CVE/Corpus	6/30/2008	
2	Arnold	Morris	A	THP	HP/Midland	8/31/2008	
3	Ballarta	Erwin	M	ADMN	Trng/Hdq	8/31/2008	
4	Brune, Jr.	Henry	H	CLE	MVT/San Antonio	8/31/2008	
5	Capuchina	Gilberto	R	CLE	CIS/McAllen	8/31/2008	
6	Cerney	Joseph	R	THP	CVE/Devine	9/30/2008	Rehired until 8/31/08
7	Cosby	Larry	W	CLE	CIS/Lufkin	8/31/2008	
8	Dawson	Michael	J	THP	CVE/Big Spring	8/31/2008	
9	DeLosSantos	Eugene		THP	Recruiter/Corpus	8/31/2008	
10	Dial	Monty	L	THP	CVE/Garland	8/31/2008	
11	Ellis, III	Frank	H	THP	HP/Friona	8/31/2008	
12	English	Bennie	H	THP	HP/Ozona	8/31/2008	
13	Fernandez	Richard	R	CLE	Narc/Del Rio	8/31/2008	
14	Glenn	Joseph	M	DLD	DL/Austin	11/30/2004	Rehired until 8/31/08
15	Guerrero	Reymundo		CLE	CIS/Harlingen	8/31/2008	
16	Haley	James	G	THP	CVE/Canyon	8/31/2008	
17	Hermes	Roger	D	CLE	Narc/San Antonio	8/31/2008	
18	Holguin, Jr.	Rolando	A	CLE	Narc/El Paso	8/31/2008	
19	Hooten	Richard	L	THP	HP/Denton	7/31/2008	
20	Jones	David	L	CLE	CIS/San Angelo	8/31/2008	
21	Kocurek	Larry	E	CLE	MVT/Austin	8/31/2008	
22	LaHood	Michel		THP	HP/Austin	8/31/2008	
23	Land	Dennis	D	THP	CVE/Fredericksburg	9/30/2008	Rehired CVE until 7/25/08
24	Martin	Larry	A	DS	Aircraft/McAllen	8/31/2008	
25	Mawyer	Kent	W	CLE	CLE/HDQ	8/31/2008	
26	Pena	Minerva	M	DLD	DLD/Harlingen	8/31/2008	

Andrew deceased

27	Perdue, Jr.	John	R	THP	CVE/Tyler	8/31/2008	
28	Priddy	Hilan	M	ADMN	Trng/Hdq	4/30/2004	
29	Rodriguez	Cristoval		CLE	Narc/EI Paso	8/31/2008	
30	Rush	Ronnie	W	THP	L&W/Stephenville	2/28/2001	Tarleton until 8/31/07
31	Russ	David	B	DLD	DL/Tyler	3/30/2002	rehired until 4/30/08
32	Segundo	Joseph	L	CLE	CIS/McAllen	8/31/2008	
33	Smith	Cecil	D	CLE	MVT/Tyler	8/31/1995	Smith Co Const until 7/31/08
34	Triplett	Granville	D	CLE	Narc./Lubbock	8/31/2008	
35	Vaughan	Alvin	J	THP	HP/Hondo	8/31/2008	
36	Whiteaker	Johnney	W	THP	HP/Uvalde	8/31/2008	
37	Williams	Patrick	J	DLD	DL/Garland	8/31/2008	
38	Woods	Charles	P	CLE	MVT/Del Rio	8/31/2008	
39	Zamorano	Robert		CLE	CIS/Weslaco	8/31/2008	
	Special Texas Ranger applicants						
40	Aldridge	Marrie	R	RNGR	Rangers/Floresville	8/31/2008	
41	Davis, Jr.	Thomas	A	DS	HDQ	8/31/2008	
42	Lough	Rogert	W	RNGR	Rangers/Paris	8/31/2008	
43	Miller	James	L	RNGR	Rangers/Austin	8/31/2008	
44	Ratliff	Thomas	E	RNGR	Rangers/San Marcos	8/31/2008	
	"Company" Special Texas Ranger applicants						
45	Willis, Jr.	Marvin	C		Texas & Southwestern Cattle Raisers		