

MINUTES
PUBLIC SAFETY COMMISSION
March 26, 2009
Austin, Texas

The Public Safety Commission met in Austin, Texas on March 26, 2009. Attending the meeting were Chairman Allan Polunsky, Commissioners Carin Barth, Tom Clowe, Ada Brown and John Steen. DPS staff members and guests were also present.

Call to order

The meeting was called to order by Chairman Polunsky at 10:40 a.m. All members were present. Proper notice had been posted.

Public comment

There was no public comment.

New Business

Commissioners Steen, Brown and Clowe commented on the agenda item reference minutes versus transcription of Public Safety Commission meetings. **A motion was made by Commissioner Barth and seconded by Commissioner Steen that, on a trial basis, abridged minutes of Public Safety Commission meetings be posted as soon as possible with the certified transcription posted at a later date. Minutes are subject to Commission approval at the following meeting.** There was some discussion on possibly having hyperlinks set to certain items in the transcription. Motion passed unanimously.

Oscar Ybarra briefed the Commission on unused salary dollars. There was some discussion on the 25% appropriations transferability, emergency appropriations process, better budgeting techniques, vacancies and contingency funding. The Commissioners expressed concern for use of unused salary monies for shortfalls. Chairman Polunsky directed that DPS go forward as in the past and the Commission will review the matter at future meetings. The Commission feels DPS should do a better job on the front end of the budget process including contingencies.

Chairman Polunsky commented about the legislature's concerns reference use of funds that had been earmarked for border operations and the stationing of the EC145 helicopter and patrol vehicles. He stated it is the Commission's intent that DPS spend money for specific uses as legislatively appropriated and wants to keep the DPS integrity high to ensure the confidence of the legislature is not impaired by misconceptions or actions.

Oscar Ybarra briefed the Commission on a pending contract for a Livescan Palm Print Upgrade. He gave an overview of the contract approval process as previously approved by the Commission.

Colonel Lamar Beckworth gave an overview of the seized fund process, including how the money is awarded, amount of money currently available, and ongoing purchases previously approved by the Commission. There was some discussion on use of seized funds for purchases. **A motion was made by Commissioner Steen and seconded by Commissioner Clowe approving use of seized funds for the purchase of 4 portable back-up generators, 4 generators for the Texas Coast area, office connectivity upgrade, and 9,100 duo dote injectors for weapons of mass destruction kits. Motion carried unanimously.**

Judy Brown gave a report on the history of the Driver License Reengineering project, including an overview of unforeseen hurdles that necessitated additional funding and time for implementation. She advised the cutover is scheduled for this week and the pilot project has begun. **Chairman Polunsky appointed a committee chaired by Commissioner Barth with Commissioner Clowe as a member to provide involvement and global interface with DL on behalf of the Commission regarding DLR expenditures for this project as needed.** There was some discussion on the amount of money the committee may have to approve. Commissioner Barth suggested she and Commissioner Clowe could approve necessary contracts for a combined total of one-half million dollars on an intermediary basis. Judy Brown stated she is confident the project will be successful and on time with the funds from the Request to Exceed and budget appropriated for the next biennium. There was some discussion on Bearingpoint's involvement in this project and whether contractors could be paid directly. It was stated this will also be discussed in Executive Session. **Stuart Platt, General Counsel, asked for a motion from the Commission delegating authority to the Committee. He set forth a recommended motion that the Committee of Commissioner Barth as Chairman and Commissioner Clowe as member be vested by the Public Safety Commission with the delegated authority to oversee the critical state of the implementation of the DL reengineering process from this point until the pilot project is complete including authority to approve procurements not to exceed \$500,000 to expedite the implementation of the program. Commissioner Brown so moved with a second by Commissioner Steen. Motion passed unanimously.**

Ongoing Business

Commissioner Clowe gave an update on the status of the project management contract expressing concerns reference the proposed cost of the services. Drew Beckley of Deloitte Consulting Services commented on the pending contract and the proposed statement of work. There was some discussion on possible options, whether DPS had the ability and funds to handle this proposed reduced scope of work in house, the original proposed statement of work and contents of the proposed contract. Commissioner Steen suggested the Commission hold a workshop to discuss details on development of the project management plan utilizing Deloitte and current DPS staff. **Chairman Polunsky named Commissioners Clowe and Steen to serve on a subcommittee to work toward facilitating the suggested workshop in the near future.** Commissioner Clowe thanked everyone who had been involved in this selection process.

Colonel Clark stated Commissioners Barth, Brown, Clowe and Steen had been confirmed by the Senate on March 23, 2009.

Executive Session

The Commission went into Executive Session to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advise on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; and ongoing criminal investigations. Executive Session began at 1:40 p.m. and ended at 3:45 p.m.

Ongoing business and reports

Farrell Walker gave the Audit and Inspection report. He also briefed the Commission on the status of the internal audit services contract stating Deloitte was the highest ranking resposdee

and we are currently in negotiations with them. **There was a motion by Commissioner Barth and seconded by Commissioner Brown delegating DPS the authority to approve this contract subject to review by the Office of General Counsel after negotiations are complete.**

Commissioners Barth and Steen stated the Commission expects that recommendations made during audits be taken under advisement and corrective action taken in a timely manner if necessary.

Colonel Clark reported on the employment of an assistant for the Commission stating that Linda Doherty has passed her background and will begin on April 20, 2009. Chairman Polunsky expressed displeasure in the late start day and requested Colonel Clark to contact her reference an earlier employment date.

Michael Kelley gave an update on the proposed DPS Sunset Bill and other legislation affecting the Department.

Oscar Ybarra briefed the Commission on the side-by-side comparison of the DPS budget request and recommendations of the Senate Finance and House Appropriations Committees. Michael Kelley gave an overview of the appropriations bill process.

Commissioners Barth and Clowe had to leave the meeting at this time. Chairman Polunsky stated a quorum was still present.

Valerie Fulmer gave an update on the physical readiness standards review and formation of a recruitment policy committee to be chaired by Commissioner Brown.

Judy Brown gave an update on the transformation of the Driver License Division to a civilian model.

Colonel Clark gave an overview of the Department's proposed organizational chart. There was some discussion on the direct reporting of Internal Affairs to the Commission. Commissioners Brown and Steen expressed appreciation to staff for the progress being done on the chart. Chairman Polunsky stated this reorganization is a high priority of the Commission and that he wanted to make it very clear it is the Commission's intent to go forward in a timely manner with organizational changes implementing general recommendations made by Deloitte.

Valerie Fulmer gave the Administration Division report advising that there is a continuing concern over the large number of CHL applications. Tom Ruocco gave the Criminal Law Enforcement Division report including an update on CODIS hits. Judy Brown stated she had nothing to add to the written report previously furnished to the Commission. The Texas Highway Patrol Division report was given by David Baker. He updated the Commission on a recent shooting incident and monthly Crash activities including remedies taken to reduce errors on the Crash reports. He updated the Commission on a recent feasibility study done by THP on providing cages in patrol vehicles. There was some discussion on this study. Chief Baker stated the Equipment Committee and THP supervisors do not recommend purchasing cages for patrol vehicles at this time. Commissioner Steen expressed appreciation to the Equipment Committee members who had accomplished the study. At Chairman Polunsky's request, Chief Baker give the historical background of how the DPS patches evolved. Bryan Lane gave the Information Management Service report, updating the Commission on the disaster recovery

services contract. The Ranger Division report was given by Tony Leal. Jack Colley, Emergency Management Division, reported on the recent Homeland Security Conference, disaster declarations, FEMA appeals for Hurricane Ike debris removal, and legislation relating to emergency management. Chairman Polunsky stated he had viewed the mobile command center and it was amazing. He also stated the Homeland Security Conference was very successful and Emergency Management did a great job on it.

Consent items

1. Discussion and possible action to provide Commission advice and consent to the appointment of the assistant director and division chiefs. Stuart Platt gave an overview of this item stating that the Director had made the following appointments effective February 20, 2009:
Lamar Beckworth to Assistant Director; David Baker to Chief, Texas Highway Patrol; Luis Gonzalez to Assistant Chief; Texas Highway Patrol; Valerie Fulmer to Chief, Administration Division; Sandra Fulenwider to Assistant Chief, Administration Division; Bill Nabors to Chief Pilot, Aircraft; and John Brannon to Assistant Chief Pilot, Aircraft.
2. Discussion and possible action on the Director's action of discharging probationary employees Jeremiah Carr, Jeremy Garate, Aaron Godfrey and Melissa Vasquez.
3. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers James R. Allen, Jr., Clifford Babbitt, James W. Brubaker, Donald Clendennen, Joseph Millhouse, Sammy Prieto, Robin H. Wright
4. Discussion and possible action on proposed repeal of Rules 3.7-3.9, 37 TAC Secs. 3.7-3.9, regarding crash investigations. Chief Baker gave an overview of the proposed repeal.

Commissioner Steen asked if Colonel Clark was concerned with any of the consent items. Colonel Clark stated he was not. **Upon motion by Commissioner Steen and seconded by Commissioner Brown, these consent items as a group were unanimously approved.**

Items for future agendas

Commissioner Brown requested an agenda item on discussion on compensatory time redeemed and the overtime process.

Future meeting date

The next meeting will be April 16, 2009.

Commissioner Steen thanked staff for putting up the display screens stating he hopes for more power point presentations in the future for division reports.

There being no further business, the meeting was adjourned at 5:34 p.m.

Read and approved this 16th day of April, 2009.


Chairman

**TEXAS DEPARTMENT OF PUBLIC SAFETY
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT**

Date: 2/20/2009

Division/Service/Section making request: THP

Project Manager David Baker
Name

512/424-2110
Contact Number

Description of Item(s) requested (attach request memo): 4 400Kw Portable Back-up Emergency Generator

Describe Overall Impact of Request: To provide emergency back-up power during outages from natural disasters such as hurricanes and flooding.

Equipment Location:

Mark one - Field Headquarters BOTH x

Estimated Cost of this Request: 4@ \$148,000 \$592,000.00

RECOMMENDATION OF COMMITTEE

APPROVED x

NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

ITD No. _____ Capital Project No. _____

Does this project have Capital Items? ☐ Yes ☐ No
(attach price list for Capital Items)

Reason if NOT Approved:

Thomas D. Ruess
Committee Chair

2/26/09
Date

Sam Beckworth Lt. Col.
Director

3/2/09
Date

[Signature]
Public Safety Commission

3/26/09
Date

BM

TEXAS DEPARTMENT OF PUBLIC SAFETY

Request for Forfeited Funds

Date: 11-10-08

Division/Service/Section making request:

Texas Highway Patrol

Description of Item requested (list only one type item per request):

400Kw Portable Back-up Emergency Generator

Justification/Need for requested items (include additional pages, if necessary):

The Department has experienced a number of power outages over the years in different locations from natural disasters. The outages have been from both hurricanes and flooding. Severe weather is always a threat. The citizens of the State of Texas depend on the Department of Public Safety to bring stability back in the impact zones as soon as possible.

The world we live in today leaves us faced with the possibility of an act of terrorism in the State of Texas. If the loss of power occurred from a Terrorist Act the Department would be in a much better position to respond if portable generators are available.

Quantity requested (if applicable):

4

Unit cost:

\$148,000

Estimated total cost:

\$ 592,000

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**TEXAS DEPARTMENT OF PUBLIC SAFETY
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT**

Date: 2/20/2009

Division/Service/Section making request: ADMINI

Project Manager Valerie Fulmer
Name

512/424-2100
Contact Number

Description of Item(s) requested (attach request memo): 4 Generators for Houston, Corpus Christi,
McAllen and Beaumont

Describe Overall Impact of Request: Generators for these areas that are often impacted by emergencies when
hurricanes make landfall along the Texas Coast

Equipment Location:

Mark one - Field ☒ Headquarters ☐ BOTH ☐

Estimated Cost of this Request: \$1,152,000.00

RECOMMENDATION OF COMMITTEE

APPROVED ☒

NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

ITD No. _____ Capital Project No. _____
Does this project have Capital Items? ☐ Yes ☐ No
(attach price list for Capital Items)

Reason if NOT Approved:

Thomas B. Ruess
Committee Chair

2/26/09
Date

Lamar Berkworth Lt. Col.
Director

3/2/09
Date

Don D. Brown
Public Safety Commission

3/26/09
Date

TEXAS DEPARTMENT OF PUBLIC SAFETY

REQUEST FOR FORFEITED FUNDS

Date: 12-11-08

Division/Service/Section requesting funds:

Administration/Staff Support Service/Building Program Bureau

Description of Item requested (list only one type item per request):

Generators for Houston, Corpus Christi, McAllen, and Beaumont offices

Justification/Need for requested item (include additional documentation, if necessary):

The Houston, Corpus Christi, McAllen, and Beaumont offices are critical operations centers for emergencies along the coastal area. These offices, however, are often impacted by the emergencies for which they must respond. When a hurricane makes landfall along the Texas Coast, these offices are generally without electricity, sometimes for extended periods, which severely hampers the response and recovery efforts. Emergency electrical power is needed to better direct response and recovery actions and to provide a safer, more hygienic environment for the personnel working the emergencies. Permanent (fixed) generators are requested for these offices to meet the electrical power needs. Emergency power at these offices is a high priority for the Public Safety Commission.

Quantity requested: 4

Unit cost:Varies

Estimated TOTAL cost: \$1,152,000.00

Cost Breakdown:

Beaumont	\$222,000
Corpus Christi	\$240,000
McAllen	\$230,000
Houston	\$460,000
Total	\$1,152,000

**TEXAS DEPARTMENT OF PUBLIC SAFETY
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT**

Date: 2/20/2009

Division/Service/Section making request: IMS/THP/ADMIN

Project Manager Bryan Lane
Name

512/424-7760
Contact Number

Description of Item(s) requested (attach request memo): Sergeant Area Office Connectivity Upgrade

Describe Overall Impact of Request: Replaces obsolete hardware and accessed remotely

Equipment Location:

Mark one - Field Headquarters BOTH x

Estimated Cost of this Request: \$836,842.00

RECOMMENDATION OF COMMITTEE

APPROVED x

Fund No. _____

Budget No. _____

NOT APPROVED

Control No. _____

ITD No. _____

Capital Project No. _____

Does this project have Capital Items? ☐ Yes ☐ No

(attach price list for Capital Items)

Reason if NOT Approved:

Thomas P. Lewis
Committee Chair

2/24/09
Date

Lamar Beckwith H. Col.
Director

3/2/09
Date

Walter D. [Signature]
Public Safety Commission

3/26/09
Date

TEXAS DEPARTMENT OF PUBLIC SAFETY

REQUEST FOR FORFEITED FUNDS

Date: 12/1/08

Division/Service/Section making request:

THIS IS A JOINT PROJECT INVOLVING IMS, BPB, AND THP.

Description of Item requested (list only one type item per request):

\$ 1,836,842.00 required for Completion of the Remote Sites and Sgt Areas

Justification/Need for requested items (include additional page, if necessary):

DIR Controlled Penetration Tests and OAI Audits have documented the need for these hardware upgrades. In addition, failure rates have contributed to the critical need to replace failing hardware on a planned and accelerated basis.

1. Required router replacements of obsolete hardware
2. Required replacements of security vulnerable wireless routers
3. New hardware can be remotely administered.

Quantity requested (if applicable):

n/a - See attached Spreadsheets

Unit cost:

n/a - See attached Spreadsheets

Estimated total cost:

\$1,836,842.00

Amount Available from Technology Refresh Budget

\$1,000,000.00

Requested from Forfeited Funds:

\$ 836,842.00

**TEXAS DEPARTMENT OF PUBLIC SAFETY
FORFEITED FUNDS EXPENDITURE REVIEW COMMITTEE
COMMITTEE ACTION REPORT**

Date: 2/20/2009

Division/Service/Section making request: THP

Project Manager David Baker
Name

512/424-2110
Contact Number

Description of Item(s) requested (attach request memo): DUO Dote Injector

Describe Overall Impact of Request: Replaces Mark I Kits for Weapons of Mass Destruction Bags. Injectors are the antidote for Sarin, VX or Soman Nerve Agents. Replace for all commissioned officers within the Dept.

Equipment Location:

Mark one - Field Headquarters BOTH x

Estimated Cost of this Request: \$419,328.00

RECOMMENDATION OF COMMITTEE

APPROVED x

NOT APPROVED

Fund No. _____
Budget No. _____
Control No. _____

ITD No. _____ Capital Project No. _____
Does this project have Capital Items? ☐ Yes ☐ No
(attach price list for Capital Items)

Reason if NOT Approved:

Thomas S. Russo
Committee Chair

2/24/09
Date

Lamar Berkworth Lt. Col.
Director

3/2/09
Date

[Signature]
Public Safety Commission

3/26/09
Date

DM

TEXAS DEPARTMENT OF PUBLIC SAFETY

Request for Forfeited Funds

Date: 11-10-08

Division/Service/Section making request:

Texas Highway Patrol

Description of Item requested (list only one type item per request):

Duo Dote Injector (currently on State Contract)

Justification/Need for requested items (include additional pages, if necessary):

The current WMD Bags have (3) Mark I Kits in them. The expired Mark I Kits will be replaced with Duo Dote Injectors. The Duo Dote Injectors are the antidote for Sarin, VX, or Soman nerve agents. The **9,100** requested will account for all commissioned officers within the Department who have expired Mark I kits. Duo Dotes have a three year manufactures expiration.

Quantity requested (if applicable): 9,100

Unit cost: \$46.08

Estimated total cost: \$ 419,328

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IN THE MATTER OF § BEFORE THE

THE DISCHARGE OF § PUBLIC SAFETY COMMISSION

PROBATIONARY EMPLOYEES § IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employees were unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to the discharge of these employees:

Employee Name	Employee Title/Division	Date of Discharge
Jeremiah Carr	Trooper Trainee, Administration Division	02/09/09
Jeremy Garate	Trooper Trainee, Administration Division	03/03/09
Aaron Godfrey	Trooper Trainee, Administration Division	03/09/09
Melissa Vasquez	Trooper Trainee, Administration Division	03/03/09

Approved:

Allan B. Polunsky, Chairman
Public Safety Commission
Date: March 26, 2009

OPEN MEETING

PUBLIC SAFETY COMMISSION

MARCH 26, 2009

On the 26th day of March, 2009, the following
meeting was held in Austin, Travis County, Texas.

<p style="text-align: right;">2</p> <p>1 APPEARANCES</p> <p>2 COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:</p> <p>3 Allan B. Polunsky, Chair</p> <p>4 C. Tom Clowe, Jr.</p> <p>5 Carin Marcy Barth</p> <p>6 Ada Brown</p> <p>7 John Steen</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</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 comment. Is there anybody here who would like to</p> <p>2 address the Public Safety Commission at this time? If</p> <p>3 they do, they will have five minutes to speak. Nobody</p> <p>4 wishes to address the Commission. All right.</p> <p>5 The next item will be under new business.</p> <p>6 The first item will be the discussion and possible</p> <p>7 action regarding transcription of Public Safety</p> <p>8 Commission meetings. Commissioner Steen, I believe that</p> <p>9 this is an issue that you have raised in the past.</p> <p>10 Would you like to begin the discussion on that?</p> <p>11 COMMISSIONER STEEN: Yes, Mr. Chairman. I</p> <p>12 would like to suggest again that we -- that we change</p> <p>13 from having a transcript done of our meeting to</p> <p>14 traditional minutes. And I've talked to the -- some of</p> <p>15 the commissioners about it. I brought it up once</p> <p>16 before. I didn't get much support. But I think that if</p> <p>17 there's some reluctance, what I would like to do is</p> <p>18 perhaps get together with our general counsel and work</p> <p>19 out a format and let us do it for a couple meetings,</p> <p>20 that is, produce some minutes, and I think you'll see</p> <p>21 the value of it.</p> <p>22 CHAIRMAN POLUNSKY: Okay.</p> <p>23 COMMISSIONER BROWN: To add to the</p> <p>24 discussion, since it seems like it takes significant</p> <p>25 time for the transcripts to be uploaded and publicly</p>
<p style="text-align: right;">3</p> <p>1 CHAIRMAN POLUNSKY: Commissioner Barth.</p> <p>2 COMMISSIONER BARTH: Present.</p> <p>3 CHAIRMAN POLUNSKY: Commissioner Brown.</p> <p>4 COMMISSIONER BROWN: Present.</p> <p>5 CHAIRMAN POLUNSKY: Commissioner Clowe.</p> <p>6 COMMISSIONER CLOWE: I can see by the new</p> <p>7 flat screens that you're on the call to order,</p> <p>8 Mr. Chairman, and I would like to be recorded as</p> <p>9 present.</p> <p>10 (Laughter)</p> <p>11 CHAIRMAN POLUNSKY: Let the record show</p> <p>12 that he is physically present.</p> <p>13 (Laughter)</p> <p>14 COMMISSIONER CLOWE: In the call to order.</p> <p>15 CHAIRMAN POLUNSKY: In any manner. But</p> <p>16 Commissioner Steen.</p> <p>17 COMMISSIONER STEEN: Present.</p> <p>18 CHAIRMAN POLUNSKY: And I am present.</p> <p>19 There is a quorum present.</p> <p>20 The Texas Public Safety Commission is</p> <p>21 called to order in accordance with Chapter 551 of the</p> <p>22 Texas Government Code and the Open Meetings Act. A</p> <p>23 quorum of the Commission is present, and the meeting is</p> <p>24 now declared open. It is 10:40 a.m.</p> <p>25 The first item on the agenda is public</p>	<p style="text-align: right;">5</p> <p>1 available, I tend to after considering it agree that</p> <p>2 perhaps having some more digestible minutes that are</p> <p>3 available more quickly would better serve the public.</p> <p>4 So I think we ought to give that a try.</p> <p>5 COMMISSIONER STEEN: Thank you.</p> <p>6 COMMISSIONER BARTH: I would like to make</p> <p>7 a motion.</p> <p>8 CHAIRMAN POLUNSKY: Well, one moment,</p> <p>9 please. Any further discussion on this or --</p> <p>10 COMMISSIONER CLOWE: Yeah. I would like</p> <p>11 to make a comment. I think to clarify perhaps what</p> <p>12 Commissioner Steen said initially, I think you and I</p> <p>13 have had a discussion. I don't think you've talked to</p> <p>14 the commissioners, have you? I hope you haven't.</p> <p>15 COMMISSIONER STEEN: I haven't done it in</p> <p>16 a way that would be a problem, but I -- but I did show</p> <p>17 each -- give each commissioner a copy of the minutes</p> <p>18 that we used at the --</p> <p>19 COMMISSIONER CLOWE: Right. And I have a</p> <p>20 copy of those. But you didn't do it in a way that it</p> <p>21 would have been a violation of the Open Meetings Act?</p> <p>22 COMMISSIONER STEEN: No, sir.</p> <p>23 COMMISSIONER CLOWE: And that's important</p> <p>24 to clarify your comment on that. And what I said to</p> <p>25 Commissioner Steen when he and I met this morning just</p>

<p style="text-align: right;">6</p> <p>1 before this meeting was convened is that I have reviewed 2 these minutes and they didn't satisfy the concerns that 3 I had, and I hope we would continue with a certified 4 transcript because so many times I receive calls from 5 employees and former employees who tell me that they 6 have read the minutes -- the transcript -- pardon me -- 7 and they refer to specific comments and questions which 8 are asked and answers which are given. So I told 9 Commissioner Steen that I was not in favor of this, and 10 I am not opposed to his suggestion that he work with the 11 general counsel to come up with some compromise, but I 12 still carry the concern that we be precise in what is 13 reported in these meetings relative to questions asked, 14 answers given, comments made. 15 CHAIRMAN POLUNSKY: Thank you, sir. Do 16 you have any comment, or do you wish to make a motion, 17 did you say? 18 COMMISSIONER BARTH: I would like to make 19 a motion that we make available an abridged copy as soon 20 as possible of the minutes with a certified copy 21 available as quickly afterwards so that there would be 22 basically a compromise here. There would be a copy, and 23 if someone had a question, they could then -- I hate to 24 use this word -- click through and see the full 25 transcripts behind it.</p>	<p style="text-align: right;">8</p> <p>1 you could -- if you decided, Hey, I don't remember it 2 this way, or, I want more information, you could go 3 right to the full transcript. It's a little -- a little 4 bit of technology that's definitely out of my space, but 5 I've seen it done before with -- and, in fact, if you 6 look at some of the documents now with respect to SEC 7 filings, you have that sort of situation where there are 8 tags and you (inaudible). Does that make sense? 9 COMMISSIONER BROWN: Just to chime in, I 10 think the thinking of the Commission is that the 11 transcript is available for accuracy and precision, but 12 because it takes so long to get that, that in the 13 interim, the public will be able to read the succinct 14 minutes. Is that the thinking? 15 CHAIRMAN POLUNSKY: I believe that's what 16 the thinking is, although I'm not quite sure why it 17 takes so long to get these transcripts. 18 COMMISSIONER CLOWE: Could we have an 19 answer to that question? 20 STUART PLATT: We are current on the 21 minutes, and we have a contractual arrangement and 22 we're -- they should be expedited from here on out. I 23 will address the issue of the abridged minutes and so 24 forth. The last 12 and a half years I have used a 25 digital recording in my courtroom and what we would be</p>
<p style="text-align: right;">7</p> <p>1 COMMISSIONER CLOWE: And Commissioner 2 Steen commented to me this morning I think correctly 3 what he would like would be minutes, which would 4 necessarily be voted on and approved by the 5 commissioners. The transcript is a different animal, 6 and it is certified by the reporter. So if I were to 7 understand your motion, you're suggesting we have both? 8 COMMISSIONER BARTH: That's right. And 9 then we could, to the best of our knowledge, approve the 10 abridged minutes based on what was in there so that if 11 down the road it was perhaps misinterpreted, we have 12 that full transcript behind it. 13 COMMISSIONER STEEN: Second. 14 CHAIRMAN POLUNSKY: Okay. There is a 15 motion that has been made by Commissioner Barth and 16 seconded by Commissioner Steen that in the future at 17 Public Safety Commission meetings that both an abridged 18 copy of minutes setting out what took place at the 19 previous meeting be produced and made available and then 20 that abridged copy be followed by a full transcript. Is 21 that a permanent policy that you want to go forward on, 22 or do you want to try this for -- 23 COMMISSIONER BARTH: I think we should try 24 it. I think we should try it and see how it works. I 25 mean, I envision somewhere in those minutes tags where</p>	<p style="text-align: right;">9</p> <p>1 capable of doing in working with IT is putting a digital 2 copy of the transcription -- when I say "transcription," 3 an actual recording of the meeting and people -- and 4 then we can have an abridged outline with hyperlinks to 5 particular locations. 6 COMMISSIONER BARTH: Hyperlinks. 7 That's -- there you have it. Thank you. 8 STUART PLATT: And the other benefit of 9 that might be that you can actually tag action items 10 where the Commission says, We want this action to be 11 carried out, and that might be a benefit to have on the 12 Web site so you can tag it, and the person could then 13 link to that action item. Mr. Fox and I have looked at 14 that as an option. We haven't really talked extensively 15 with Commissioner Steen, but as a part of this 16 experiment and Commissioner Barth's move for it, I think 17 we could perhaps work that direction. 18 COMMISSIONER STEEN: Mr. Chairman, just a 19 little bit of semantics. You know, we've been using a 20 transcript, but that transcript -- those aren't minutes. 21 Minutes by definition are a summary of what went on at 22 the meeting. So -- and then just to the point that 23 Commissioner Clowe made, if we do this, then on future 24 agendas, we're going to have to have an item -- it's 25 usually at the beginning of the agenda -- where we would</p>

<p style="text-align: right;">10</p> <p>1 consider the minutes and approve them as correct or 2 whatever.</p> <p>3 CHAIRMAN POLUNSKY: Which we certainly 4 should be doing so that there's no question about that. 5 So are you okay with this, then? I mean, obviously you 6 seconded the motion, but --</p> <p>7 COMMISSIONER STEEN: Yes.</p> <p>8 CHAIRMAN POLUNSKY: -- Is this a solution 9 that you're comfortable with going forward, at least on 10 a trial basis, so that we see how it works. And I guess 11 we can revisit this if it's not to everyone's 12 satisfaction in the next couple of months or so.</p> <p>13 COMMISSIONER STEEN: Agreed.</p> <p>14 CHAIRMAN POLUNSKY: Okay. All right. 15 There is a motion and a second, and there has been a 16 discussion. Is there any further discussion? There is 17 none. All those in favor, please say "aye." Any 18 against, "no." Motion passes.</p> <p>19 The next item is the discussion and 20 possible action regarding unused salary dollars in the 21 last five years. Chief Ybarra.</p> <p>22 OSCAR YBARRA: Good morning, Mr. Chairman. 23 CHAIRMAN POLUNSKY: How are you? 24 OSCAR YBARRA: Just give me a minute. 25 COMMISSIONER CLOWE: Learning how to use</p>	<p style="text-align: right;">12</p> <p>1 Identify how some of these dollars were utilized. You 2 also were made aware that some of these dollars were not 3 sufficient in those fiscal years, and we had to find 4 additional dollars to cover those shortfalls. We 5 provided you with a summary report for each fiscal year 6 and a detailed report behind each fiscal year. That's 7 how this report is laid out. Would you like me to 8 answer any questions that you have?</p> <p>9 CHAIRMAN POLUNSKY: Are there questions? 10 COMMISSIONER BARTH: Let me ask a 11 question. The 25 percent transfer, tell me what that 12 is.</p> <p>13 OSCAR YBARRA: There's a rider in our bill 14 pattern, specifically in our bill pattern that allows 15 the agency to transfer up to 25 percent out of a 16 particular strategy. Other agencies may not have that 17 specific rider. Article 9 pretty much allows them to 18 only transfer up to 12 and a half percent, but the 19 agency has a 25 percent rider in our bill pattern.</p> <p>20 COMMISSIONER BARTH: So we're allowed to 21 transfer up to 25 percent of the total? 22 OSCAR YBARRA: The way it works, 23 Commissioner Barth, is if you had a strategy that is a 24 rather large strategy, you're allowed to transfer up to 25 25 percent out of that strategy. If you're transferring</p>
<p style="text-align: right;">11</p> <p>1 new technology. 2 (Laughter)</p> <p>3 CHAIRMAN POLUNSKY: Make sure you get 4 these -- these are the JS monitors here, the John Steen 5 monitors.</p> <p>6 (Laughter)</p> <p>7 OSCAR YBARRA: Mr. Chairman, 8 Commissioners, at the last Commission meeting the 9 Commission requested the agency to identify how much 10 funding was generated by agency employee (Inaudible) for 11 the last five years. A similar question was asked of us 12 from the Senate Finance Committee, and we had provided 13 this information to that committee and sat down and 14 explained this information to them. Accounting & Budget 15 Control has presented you with this information in your 16 committee meeting notebooks. The report reflects the 17 activity for fiscal year 2004 through 2008. Just as a 18 note, for this particular budget year, 2009, salaries 19 represent about 60 percent of the agency's funding. 20 That's just an FYI. The way this report is laid out for 21 the Commission is we identify the total salary dollars 22 available and then identify the total expenditures 23 related to salaries to identify the remaining balance. 24 We also provided unfunded expenditures that the agency 25 incurred during these fiscal years. We tried to</p>	<p style="text-align: right;">13</p> <p>1 dollars into a strategy that is not as much funding, it 2 would only allow you to transfer up to 25 percent of 3 that particular strategy.</p> <p>4 COMMISSIONER BARTH: Okay. I just want to 5 make sure on the -- on a 325 million dollar salary, we 6 could transfer 70 million, is that right, give or take?</p> <p>7 OSCAR YBARRA: Possibly. But depending on 8 the rules, it would limit the agency if the particular 9 strategy you're transferring into only allows up to 25 10 percent coming in.</p> <p>11 COMMISSIONER BARTH: Okay. Let's take 12 specifically the -- where we are transferring unfunded 13 salaries to cover, you know, the -- the right to exceed. 14 Okay. I assume that there was no problem with 15 transferring that amount of money?</p> <p>16 OSCAR YBARRA: It's a 90 million dollar 17 strategy.</p> <p>18 COMMISSIONER BARTH: It's a 90 million 19 dollar strategy. So you're saying we could transfer 25 20 percent of these fungible dollars over there; is that 21 right?</p> <p>22 OSCAR YBARRA: That's correct.</p> <p>23 COMMISSIONER BARTH: So we could have 24 transferred over the years off of 325 million quite a 25 bit of money.</p>

<p style="text-align: right;">14</p> <p>1 OSCAR YBARRA: The transfers are heavily 2 regulated by the LBB and the Comptroller's office. 3 COMMISSIONER BARTH: Okay. My -- so just 4 in the back of my head, I'm sort of thinking, okay, we 5 have somewhere between -- it seems to me 350 and 450 6 unfunded -- excuse me -- unfilled positions a year. 7 That's what I've noticed. Is that about right? 8 OSCAR YBARRA: Well, over the past two 9 years we have seen quite a bit of vacancies, and in 2006 10 and 2007 we did not have that many vacancies within the 11 agency from a Commission ranks perspective. At one 12 time, I believe, in 2000 -- late 2006, the agency only 13 had 14 vacancies in the Commission ranks once that 14 recruit school graduated. 15 COMMISSIONER BARTH: But in the last two 16 years we've basically had somewhere between let's call 17 it 400 -- 18 OSCAR YBARRA: Yes, ma'am. And if you 19 recall, during the beginning of the 2008 biennium, the 20 legislature appropriated dollars for several exceptional 21 items that called that particular -- those particular 22 vacancies, and we had about 188 additional personnel 23 that were added to the agency, and about 120 border 24 positions that were added to the agency to name the 25 majority of what was added to the agency.</p>	<p style="text-align: right;">16</p> <p>1 on this side. I would not want our budget to 2 continue -- or our actions to continue to show shortages 3 and think, you know, well, we always have this amount of 4 money to plug the holes. 5 OSCAR YBARRA: Right. And I will tell 6 you, Commissioner Barth, that in just looking at what is 7 going on within the economy and positions being filled 8 within the agency, I'm concerned that when we do fill 9 those positions and what we're seeing in the (Inaudible) 10 exceptional items that are being approved for this 11 agency, I'm concerned that some of those -- when we fill 12 those positions, some of those utility dollar overages, 13 the -- some of the shortfalls in director staff, I'm 14 going to be concerned of how we're going to cover all 15 those expenditures when we do fill those positions. 16 But, again, our initiative and strategy is to fill those 17 positions, but there will be a concern when we do. 18 COMMISSIONER BARTH: Then we're not 19 budgeting right, or we're not -- 20 OSCAR YBARRA: We're budgeting based on 21 what we're given, and the legislature appropriates for 22 specific items, you know, and they allow that 25 percent 23 transferability to make your budget. I mean, we ask -- 24 we ask for what we need. You know we ask for 27 million 25 dollars for operating shortfalls, and in the Senate and</p>
<p style="text-align: right;">15</p> <p>1 COMMISSIONER BARTH: But nevertheless, you 2 know, it seems to me there's somewhere between -- and 3 I'm using the number 70,000 for unfilled positions kind 4 of in my mind. 70,000 times 400, there's 28 million 5 dollars out there in play. 6 OSCAR YBARRA: At some time possibly, yes, 7 but some of those positions are filled right away. 8 COMMISSIONER BARTH: Okay. In the last 9 two years it seems like there's 20, 20, and 30 million 10 out there. 11 OSCAR YBARRA: Correct. 12 COMMISSIONER BARTH: Okay. And that's 13 what I'm trying to understand. 14 OSCAR YBARRA: I believe in the next 15 biennium because of the state of the economy and what 16 I'm seeing in other government agencies, those 17 positions -- even the noncommissioned -- will be filled. 18 COMMISSIONER BARTH: I don't want to see 19 us look towards these unfilled positions as a place to, 20 I call it, plug holes in other parts of the budget. 21 OSCAR YBARRA: Yes, ma'am. I'm with you 22 there. 23 COMMISSIONER BARTH: I mean, I really -- 24 it concerns me when (Inaudible) shortage, and I'm 25 looking at basically between 20 and 30 million dollars</p>	<p style="text-align: right;">17</p> <p>1 the House the only activity to date is about a million 2 dollars dedicated for deferred maintenance. Other than 3 that, zero has been considered for our operating 4 shortfalls. 5 COMMISSIONER BARTH: Okay. That's all I 6 have. 7 CHAIRMAN POLUNSKY: Well, let me -- let me 8 amplify somewhat on Commissioner Barth's comments. I do 9 not agree with that philosophy with respect to how we 10 address shortfalls. 11 OSCAR YBARRA: Yes, sir. 12 CHAIRMAN POLUNSKY: It doesn't meet the 13 transparency test. I don't think it's good public 14 policy. I'm sure all things being equal, we would love 15 to fill all of the empty positions, and I'm very hopeful 16 that in the future that we will because that would be a 17 very high priority for the department, but nevertheless, 18 I just -- I just have a problem with that type of 19 accounting process. 20 OSCAR YBARRA: Yes, sir. 21 CHAIRMAN POLUNSKY: If for some reason we 22 incur shortfalls or find ourselves in a situation or 23 situations where we need additional dollars, then there 24 are procedures that are in place for us to go back and 25 hopefully plug those holes in that manner. I just --</p>

<p style="text-align: right;">18</p> <p>1 I'm not going to be too strong in my language here, but 2 I just don't feel that that is a proper way for a state 3 department to be funding various needs when -- when, you 4 know, we ask for certain items and money for those items 5 are diverted to other items. I mean, that's just 6 something that is inappropriate in my mind and can 7 certainly get us into trouble with the people in the 8 state legislature and the leadership when we do 9 something like that. So that's just my position. Any 10 discussion beyond that?</p> <p>11 COMMISSIONER BROWN: I agree with you. 12 OSCAR YBARRA: I just have to ask you if 13 that's the direction the Commission wants to go, then 14 I -- I believe I would -- we have to look at our budget 15 process. The way it's set up today, you know, we do 16 have positions in the agency that we add because of 17 additions that the legislature has made. An example 18 would be for border security and the 187 FTEs. You 19 know, that's a lot more activity coming through the 20 support functions, whether it be in Chief Fulmer's area 21 or mine. We've had to add positions into those areas to 22 support those activities and -- and it would be a 23 challenge for us to find dollars at this point if -- if 24 we take this strategy in the future. And I'm assuming 25 what I'm hearing is if we stay straightforward with what</p>	<p style="text-align: right;">20</p> <p>1 OSCAR YBARRA: Right. 2 COMMISSIONER BARTH: I mean, in the spirit 3 of full transparency, I would rather go back for 4 emergency appropriations than -- 5 OSCAR YBARRA: Sure. 6 COMMISSIONER BARTH: -- get in this habit 7 of we don't really want to go fill these positions 8 because we have these dollars over here that we know 9 we're going to need to use for deferred maintenance. I 10 just -- 11 OSCAR YBARRA: I will tell you just in 12 this budget process -- and you recall, Commissioner 13 Barth -- when we sat down with you in early September, 14 we identified \$15 million of shortfalls, which the five 15 million is for DL reengineering and about a million 16 dollars or two million dollars in director staff and the 17 dollars for utilities and so on and so forth. But right 18 now just off the top of my head, I can think of about 19 \$15 million that we would probably -- nine million 20 dollars of which were for gasoline, which we ended up 21 covering and wasn't part of that 15 million. 22 COMMISSIONER BARTH: It was covered with 23 salary dollars? 24 OSCAR YBARRA: Yes, ma'am. 25 COMMISSIONER BARTH: The spirit is to fill</p>
<p style="text-align: right;">19</p> <p>1 the budgeting is providing, then we'll be asking for 2 emergency appropriations in the future for these 3 expenditures from the legislature. 4 CHAIRMAN POLUNSKY: That's how I think it 5 ought to be done, but I'm just one of five people here. 6 OSCAR YBARRA: I'll just -- If you recall, 7 Mr. Chairman, when we were testifying in front of the 8 Senate Finance, Senator Ogden was asking questions about 9 shortfalls, and one of the things that I mentioned to 10 him is that -- and he asked for this information -- was 11 that we -- we were using salary dollars to cover some of 12 these shortfalls, and if I'm not mistaken, he said, 13 Good. Cover yourselves. Try to cover yourself as much 14 as you can. That's what I recall. I'll go back and 15 check, but I believe that's what he said, and then he 16 asked for this information. 17 COMMISSIONER BARTH: I don't want to put 18 words in Senator Ogden -- but I would be surprised if in 19 the spirit of him giving -- appropriating the money, he 20 would want to see us in the habit of plugging our holes 21 with unfilled position dollars. 22 OSCAR YBARRA: And I know he's frustrated 23 with that. No doubt. No doubt. 24 COMMISSIONER BARTH: I mean, that just 25 sort of surprises me.</p>	<p style="text-align: right;">21</p> <p>1 those positions and pay those salaries. That's -- you 2 know, I have a real problem asking the legislature for 3 more positions -- 4 OSCAR YBARRA: I do. 5 COMMISSIONER BARTH: -- okay, and then 6 sitting there and going, okay, well, really (inaudible) 7 fill those positions because I need those dollars over 8 here. 9 CHAIRMAN POLUNSKY: It's almost a 10 disincentive not to fill those positions, which is not 11 what this is all about. 12 OSCAR YBARRA: There's no argument there, 13 sir. 14 CHAIRMAN POLUNSKY: So, I mean, that 15 troubles me for that reason, that there is a reason not 16 to fill certain positions here because people are 17 looking at those dollars to be reallocated in some other 18 area. But beyond that, it's the integrity issue. I'm 19 not suggesting that there's a lack of integrity here, 20 but nevertheless, I think that, you know, we should be 21 completely truthful and we should do this in a very 22 businesslike manner. You know, we should ask for what 23 we need, and it should be set out as such, and that 24 there should not be -- and I'm not trying to be flippant 25 here, but some type of hocus-pocus going on where, you</p>

<p style="text-align: right;">22</p> <p>1 know, this gets moved from here to there and so on. I 2 don't think that that is how this process was fully 3 designed to operate. 4 OSCAR YBARRA: We -- we have set up 5 budgets. You know, I just have to defer to the 6 Commission on how they want us to operate in fiscal year 7 '09. 8 COMMISSIONER BARTH: I want to operate as 9 the money was appropriated as opposed to the idea of 10 continuing to transfer it around. I mean, this money 11 seems very fungible and -- 12 OSCAR YBARRA: Okay. In '09 y'all adopted 13 15 million dollars to up front budgeting. So it's kind 14 of -- we're kind of in the middle of the year already 15 and we're -- we spent some of those dollars. 16 COMMISSIONER BARTH: We -- I'm not 17 following you. 18 OSCAR YBARRA: Okay. At the beginning of 19 fiscal year '09 -- 20 COMMISSIONER BARTH: Right. 21 OSCAR YBARRA: -- during our budget 22 process, we were sent back to create -- to recover 23 unfunded shortfalls within the agency up front, and that 24 required transfers within the agency either from highway 25 patrol, criminal law enforcement, into director staff,</p>	<p style="text-align: right;">24</p> <p>1 COMMISSIONER STEEN: Mr. Ybarra, I have a 2 question. You mentioned that an alternative is to use 3 the -- did you say emergency appropriation process? 4 OSCAR YBARRA: Yes, sir. 5 COMMISSIONER STEEN: Could you expound on 6 that? How does that work? 7 OSCAR YBARRA: Let's use the disasters for 8 an example. A lot of state agencies had to spend a lot 9 of their operating dollars and their salary dollars and 10 whatever dollars they had to meet the need, and some of 11 those agencies by utilizing all of their second year 12 dollars are not going to have the dollars to operate for 13 the rest of the year. So they would make a request 14 through the LBB and submit their request as an emergency 15 appropriation, and I believe that also may be going 16 through the Governor's office, if I'm not mistaken, and 17 requesting emergency appropriation, and then it would be 18 granted those funds to cover their shortfalls. 19 COMMISSIONER STEEN: Thank you. 20 CHAIRMAN POLUNSKY: So do you need 21 direction, then? 22 OSCAR YBARRA: I will state that the rider 23 allows us through the legislation allows us to make 24 these transfers. If the Commission so desires to change 25 this for fiscal year '09, my staff and I will work to</p>
<p style="text-align: right;">23</p> <p>1 into Private Security Bureau to cover shortfalls there. 2 COMMISSIONER BARTH: These shortfalls not 3 being staff shortfalls? 4 OSCAR YBARRA: Some of them would be staff 5 shortfalls. The Private Security Bureau is spending 6 additional operating dollars to stay staffed up to 7 prevent backlogs by utilizing temporaries. We have an 8 exceptional item in our LAR which requests additional 9 FTEs to fund that either from an -- from an FTE 10 perspective and dollars were sent to Private Security 11 Bureau and dollars were sent for driver's license 12 reengineering. 13 COMMISSIONER BARTH: Well, see, to me, 14 it's one thing if you're funding salaries with salary 15 money. Okay. Maybe it's a different division or 16 department. It's another thing to use this money with 17 the idea that you'll have this money out here, don't 18 fill these positions because I've got capital programs 19 and deferred maintenance, DL, whatever it be. That's 20 what -- these are salary dollars, and so, to me, if we 21 have a mismatch in personnel, that's one thing, but, you 22 know, we're not asking the right amount of money for 23 utilities or fuel or deferred maintenance and we're 24 thinking we'll cover it with whatever stays unfilled, 25 that's another thing. That's just my position.</p>	<p style="text-align: right;">25</p> <p>1 see what we can do, but I'm -- I'm almost certain that 2 we would be requesting dollars from the legislature as 3 an emergency appropriation to cover some of these 4 shortfalls. 5 CHAIRMAN POLUNSKY: And then what would 6 happen to the dollars that would have otherwise been 7 utilized? 8 OSCAR YBARRA: They would lapse. 9 CHAIRMAN POLUNSKY: So theoretically if 10 you go in for an emergency appropriation, it can show 11 that these dollars are lapsing because they are not 12 going to be used since those vacancies have not been 13 filled. I mean -- 14 OSCAR YBARRA: I believe the LBB would ask 15 us, sir, why we're not using our transferability, and we 16 would explain why. 17 CHAIRMAN POLUNSKY: So this is prevalent 18 among all state departments and agencies? 19 OSCAR YBARRA: That's why I believe that 20 rider was put in place because things do come up and 21 agencies -- they know agencies are operating to the best 22 of their ability what's been appropriated, but they give 23 them that flexibility within their budgets. 24 COMMISSIONER BARTH: What would happen if 25 you have 14 vacancies at the end? You filled all these</p>

<p style="text-align: right;">26</p> <p>1 vacancies. Now, if you go back to a couple years where 2 you said there were very few vacancies, we would be 3 asking for it anyway. Is that right? 4 OSCAR YBARRA: What would happen is the -- 5 we try to -- what we've done in the past is we would 6 identify projections to the director and where we're at 7 as an agency like we did last month and the director, 8 based on those projections, would advise each division 9 to come (inaudible) and try and make their -- work with 10 their budgets and not exceed budgets, and at the same 11 time, if there was funding that was made available, 12 would identify that we're going to need that to pay our 13 utility bill. 14 COMMISSIONER BARTH: So not fill 15 positions? 16 OSCAR YBARRA: It's not about not filling 17 positions. That's never been the case. From a -- 18 the -- our dollar -- 19 COMMISSIONER BARTH: Slow filling 20 positions? 21 OSCAR YBARRA: Well, there's no way around 22 it. The recruit school takes six months to graduate 23 those people. It takes six months to graduate right now 24 today. So if you're moving people from Texas Highway 25 Patrol into CLE to fill a position, you know, when you</p>	<p style="text-align: right;">28</p> <p>1 COMMISSIONER BARTH: You know, I guess 2 where I -- I don't want to look to this pot as always 3 the plug, and I think that's the problem. Okay. 4 OSCAR YBARRA: And when we get full, 5 Commissioner, it kind of forces the money to be spent 6 where it should be spent. I mean, look at -- look at 7 Page 5. 8 COMMISSIONER BARTH: Well, what I want to 9 do is not be forced. I want to get in the habit. 10 OSCAR YBARRA: It's there, you know, but 11 you know you would have vacancies. Look at Page 5 as an 12 example. Look at how much was spent on salaries that 13 fiscal year. 14 COMMISSIONER BARTH: And you had to have 15 had a shortfall in the budget, right, that year? 16 OSCAR YBARRA: We had a shortfall and, of 17 course, we didn't have some of the expenditures we have 18 today, gasoline being one of them. Back then I think 19 the price of gas was about a dollar -- well, that's when 20 it was about \$1.38, but that's when we finally received 21 some money to cover our gasoline shortfall going from 90 22 cents a gallon to \$1.38. We received about five million 23 dollars -- 24 UNIDENTIFIED SPEAKER: For the biennium. 25 OSCAR YBARRA: -- for the biennium. Two</p>
<p style="text-align: right;">27</p> <p>1 work with a recruit school, that position is going to be 2 open until that recruit school graduates. So it's the 3 process. We're not holding any vacancies. 4 CHAIRMAN POLUNSKY: So what to do here. 5 COMMISSIONER BARTH: I guess -- I mean, I 6 think we ought to make sure we're comfortable with this, 7 which I'm not that comfortable with this idea of asking 8 for more positions along the way. And I hear what 9 you're saying. It sounds to me like we really need less 10 positions based on the flow of the people. If you're 11 telling me the recruit school is six months, right off 12 the bat, you would already need 115 less positions. 13 OSCAR YBARRA: In the beginning of 2008 we 14 had three recruit schools to try to fill all these 15 positions, and we had the additional personnel, the 16 current vacancies, had the border security, and you 17 started seeing those positions fill up, but then that 18 particular year, '08, was the third year of a cycle 19 where people had an advantage to retire at that point in 20 the Commission ranks, and we had quite a few people 21 retire, and that's why you saw the 100 -- maybe 150 22 vacancies at the beginning of '09. I mean, I know from 23 April -- from April to August, Commissioner Barth, there 24 were probably 116 Commission positions that were vacated 25 due to retirement. In '06 --</p>	<p style="text-align: right;">29</p> <p>1 and a half million a year. 2 COMMISSIONER BARTH: I don't have a 3 solution. It bothers me to have this sort of pot out 4 here that is the plug and not get a better budgeting 5 situation. 6 COMMISSIONER BROWN: Chairman, is that 7 something that we could maybe -- would that be 8 appropriate to discuss with counsel in the executive 9 session? 10 CHAIRMAN POLUNSKY: I don't think it would 11 be. 12 STUART PLATT: I don't think it's 13 appropriate because it's not -- unless you have a legal 14 question regarding legal ramifications of this, we could 15 touch on that, but I think otherwise it's a policy 16 decision that has to be -- 17 COMMISSIONER BROWN: I do have a legal 18 question, but -- 19 STUART PLATT: And we can certainly take 20 that part up in executive session. 21 COMMISSIONER BROWN: Okay. 22 COMMISSIONER STEEN: Mr. Chairman, could 23 we have Colonel Clark weigh in on this? 24 COLONEL CLARK: Well, I was just going to 25 make one comment regarding these personnel. In addition</p>

<p style="text-align: right;">30</p> <p>1 to what Oscar said about this large retirement that we 2 had at the end of August of '08, on an average we lose 3 six to eight commissioned officers per month. Every 4 month we lose that many. So over the year you're 5 talking about 60 officers right there in salary that 6 goes away at some point during the year as opposed to 7 normal retirements. So it's an ongoing process of 8 trying to fill these commissioned ranks. It's difficult 9 when we have a recruit school that lasts so long and it 10 takes, like Oscar said, six months to put those -- and 11 we'll just use a hundred as an average -- get those 12 people out there. Well, we've lost 60 just through 13 normal attrition. So it's a battle to stay filled. 14 OSCAR YBARRA: And during that time frame 15 in '08, you saw almost double not only because of the 16 attrition, but because of the retirements. And that's 17 how we started '09. But in other years you will see 18 that wasn't the case. 19 COMMISSIONER BARTH: I think it's 20 something we should keep an eye on. 21 CHAIRMAN POLUNSKY: I guess what I'm 22 hearing is that you should go forward as you have and 23 this is something that we'll probably review, I guess, 24 at each meeting going forward and just see how it's 25 working out.</p>	<p style="text-align: right;">32</p> <p>1 OSCAR YBARRA: Chairman Ogden. 2 CHAIRMAN POLUNSKY: Yes, sir. 3 COMMISSIONER CLOWE: I would like to give 4 you my opinion about this if I may. My sense is in a 5 state agency of this size where there is the constant 6 recruitment and separation from the agency by both 7 commissioned and noncommissioned employees, there will 8 be a fluctuation from biennium to biennium depending on 9 the FTEs authorized, the economic conditions, retirement 10 programs that come into play, et cetera. This agency in 11 the time that I've been on this board appears to me to 12 have used unfilled FTEs as a source for money that was 13 needed where it could be legally and properly used. My 14 sense is from my experience in state government, that is 15 not an unusual practice among agencies. Now, if this 16 Commission decides this is an ethical issue and directs 17 you never to do that, then to put a fine point on it at 18 a point in time where money needs to be spent and you 19 don't have it, you will not be able to spend it even 20 though it might be available in some other category. 21 OSCAR YBARRA: That's correct. 22 COMMISSIONER CLOWE: Case in point, you 23 will not do building maintenance and you will park 24 vehicles when you run out of gasoline. 25 OSCAR YBARRA: Yes, sir.</p>
<p style="text-align: right;">31</p> <p>1 OSCAR YBARRA: I would be glad after 2 session to sit down with the LBB and Mr. Pitts and 3 Mr. Ogden's staff and discuss anything with them and see 4 what -- and like I said, we discussed this with the 5 lieutenant governor and Chairman Ogden's staff, and I'll 6 be glad if we can get insight from them. And maybe I 7 could share that with y'all and see what they say and 8 then kind of report back if you would like. 9 CHAIRMAN POLUNSKY: Well, we may set up 10 meetings and go over there. 11 OSCAR YBARRA: Sir? 12 CHAIRMAN POLUNSKY: Excuse me. We -- 13 possibly one or two of the commissioners can meet with 14 Chairman Ogden and Chairman Pitts -- 15 OSCAR YBARRA: Sure. 16 CHAIRMAN POLUNSKY: -- staff members, 17 whatever. 18 OSCAR YBARRA: And there's no doubt that's 19 been one of his concerns about the vacancies. There's 20 no doubt about that. I've heard that in many a meeting. 21 You're absolutely right about that. 22 COMMISSIONER CLOWE: About what? 23 OSCAR YBARRA: That he does notice that we 24 have vacancies. He does. 25 COMMISSIONER STEEN: "He" being?</p>	<p style="text-align: right;">33</p> <p>1 COMMISSIONER CLOWE: We have a very 2 graphic example of this in the driver's license issue 3 that Chief Brown is going to brief us on shortly where 4 money is being spent that has not been authorized or 5 it's about to be spent. This is an emergency request. 6 Those are not granted easily based on my experience by 7 the LBB and the leadership officers. The Racing 8 Commission has just asked for an emergency 9 appropriation, which I believe they have received, 10 because they were not going to meet a payroll in April 11 of this year if it weren't granted. The DPS, to my 12 knowledge, has never gotten in that situation. But if 13 this board determines this is an ethical issue and gives 14 you orders to not transfer money, it puts you in a 15 position where you've either got to go to the LBB for an 16 emergency appropriation or not spend that money. Am I 17 correct in that, in your opinion? 18 OSCAR YBARRA: That's correct, sir. 19 COMMISSIONER CLOWE: And we're going to 20 hear from Chief Brown shortly on that very issue in 21 regard to the driver's license project. 22 OSCAR YBARRA: In all due respect, sir, I 23 believe that's why that rider is in our bill pattern, 24 the 25 percent transferability, to manage our budget. 25 COMMISSIONER CLOWE: This is the most</p>

<p style="text-align: right;">34</p> <p>1 candid discussion I've ever heard in a public meeting of 2 this issue, and I think it's very beneficial. It is a 3 very difficult problem to deal with. 4 OSCAR YBARRA: Yes, sir, it is. 5 CHAIRMAN POLUNSKY: Anything else? Any 6 additional discussion? Chief, I think, as I said a 7 moment ago, my feeling is that we'll just go forward as 8 we've operated in the past, but need to review this on 9 an ongoing basis just to keep, you know, a handle on 10 it -- 11 OSCAR YBARRA: Yes, sir. 12 CHAIRMAN POLUNSKY: -- and see if it's 13 being executed properly, but beyond that decide whether 14 it's something we might want to still address in some 15 manner going forward. 16 OSCAR YBARRA: Yes, sir. 17 CHAIRMAN POLUNSKY: But as of today, I 18 guess we're just going to continue on. Is that how you 19 feel? And obviously you feel the same way, Tom? 20 COMMISSIONER CLOWE: Yes, sir. 21 OSCAR YBARRA: Is there anything else the 22 Commission would like us to do with the House 23 Appropriations and Senate Finance on this issue? We'll 24 be glad to do that. 25 COMMISSIONER CLOWE: Yes. There is one</p>	<p style="text-align: right;">36</p> <p>1 we need to do this. But let's sharpen up, and let's get 2 a more preciseness about what we're doing. And as I 3 said earlier twice, we're going to hear from Chief Brown 4 about one heck of a problem we've got in regard to this 5 issue shortly. 6 OSCAR YBARRA: May I make a remark on 7 that, sir? 8 CHAIRMAN POLUNSKY: Yes, sir. 9 OSCAR YBARRA: Okay. I believe we've 10 already started doing that, sir. A, we started 11 reporting to the Commission. We had a staff meeting 12 with the division chiefs regarding forecasts. The 13 colonels are allowing us to present our budget forecast 14 to all division chiefs in one place, and we are 15 identifying that these are our shortfalls. Commissioner 16 Barth made a grand move to start identifying shortfalls 17 at the beginning of the year and fund them up front. 18 That alone has improved our transferability. It's a lot 19 of homework to do that on the back end, but thank you 20 very much. That is the beginning. We are sharpening 21 our pencils. We are communicating. The colonels are 22 listening. The division chiefs are all listening. 23 We're all working together. We have ideas about how to 24 look at exceptional items in the future as a team all 25 together, all the players at the table to identify</p>
<p style="text-align: right;">35</p> <p>1 thing. And I think that this discussion is beneficial 2 from the standpoint that in the past my sense is there's 3 been sort of a we'll take care of that some way or 4 another attitude about funding requirements. Clearly 5 this board is not satisfied with that position or that 6 attitude, and I think it calls on you, Chief, to improve 7 your budgeting process and sharpen up on how you 8 forecast needs and covering those needs, and this board, 9 I think through the members, stands ready to help you in 10 that, but it's a new day -- 11 OSCAR YBARRA: Yes, sir. 12 COMMISSIONER CLOWE: -- and the sense of 13 this discussion is we don't want this -- the worst word 14 I can think of to describe it is slush fund rolling 15 around over here that's generated from unfounded FTEs 16 that we can just reach in the cookie jar and get the 17 money and take care of it. I'm sitting here wondering 18 where these funds for these screens came from. They 19 certainly weren't in any appropriation. 20 COMMISSIONER STEEN: I paid for them. 21 (Laughter) 22 COMMISSIONER CLOWE: They weren't cheap -- 23 COMMISSIONER BROWN: They were from CE -- 24 COMMISSIONER CLOWE: -- but somehow things 25 get done when commissioners or when colonels say, Well,</p>	<p style="text-align: right;">37</p> <p>1 exactly what we need. Those are the moves that we're 2 making today, and we are sharpening our pencils, and 3 this Commission is being informed like it's never been 4 informed about the financial status of this agency. So 5 those are the steps we've taken, sir. 6 COMMISSIONER BARTH: And, Commissioner 7 Clowe, I agree, where I was headed truly on this 8 discussion is budgeting. I think you understand from 9 him and myself that the -- you know, that -- to use this 10 word "slush fund," we prefer not to have. We prefer to 11 do a better job on the budgeting on the front end of the 12 budgeting, you know, putting in contingencies and going 13 to the various legislators and saying we've got to have 14 them. I mean, I hear what they say, no contingencies. 15 There isn't a capital project out there on the private 16 sector that, you know, correctly budgeted doesn't have a 17 contingency, and we need to keep that in mind as we go 18 forward. 19 OSCAR YBARRA: And you see those rules, 20 Commissioner. You see the capital limitations 21 (Inaudible) 25 percent. You see the 25 percent 22 transferability. The legislature has provided those 23 tools to state agencies to manage their budget. 24 CHAIRMAN POLUNSKY: I would certainly 25 agree that there's a new day, and I am pleased to see</p>

<p style="text-align: right;">38</p> <p>1 how things have come together much more constructively 2 in the recent months. So I think you're certainly in 3 that respect going in the right direction. Anything 4 else? 5 OSCAR YBARRA: No, sir. I think I've got 6 the next one too, though. 7 (Laughter) 8 CHAIRMAN POLUNSKY: Well, since we're on 9 budget, I just want to ask Colonel Clark for a -- or to 10 participate in a brief discussion on an issue that came 11 up here in the last few days. At a House Appropriations 12 Committee meeting on the 19th, there was a question 13 raised by Representative Brown, and also concern by 14 Chairman Pitts, with respect to the expenditure of funds 15 that had been earmarked for border operations, in 16 particular a helicopter, which is -- tell me what type 17 of helicopter that is. It's not the A-Star. 18 COLONEL CLARK: It's the EC 145. It's a 19 twin engine. 20 CHAIRMAN POLUNSKY: Okay. Long story 21 short, it appears that the EC 145 was purchased through 22 funds that had been allocated for border operations and 23 is here in Austin where there is a feeling that it 24 should be stationed in Laredo. Can you comment on that? 25 COLONEL CLARK: Yes, sir. And just for</p>	<p style="text-align: right;">40</p> <p>1 just the ability to fly. It is to operate all of the 2 equipment that is on that particular helicopter. 3 Hoists, thermal imaging. It's equipped like I'm told no 4 other helicopter in the United States. No one has an 5 airframe like this. And so it is something to be very 6 proud of. Representative Brown brought to our attention 7 that he wanted to know why this helicopter was not in 8 Laredo where it was intended to be. We tried to explain 9 to him -- and I'm not sure we were clear in our -- well, 10 I know that Colonel Beckworth was clear, but they 11 misunderstood, I think. We have to get our senior 12 pilots, our chief, our assistant chief, our trainer up 13 to speed and certified on this helicopter before we can 14 even think about deploying it to Laredo. We have 15 inexperienced pilots in Laredo. They are not ready to 16 fly this piece of equipment. But we will comply with 17 their wishes and their intent and so therefore we have 18 prepared a letter to Representative Pitts which lays out 19 our plan to deploy that helicopter to Laredo. But 20 before we do that, I want Representative Pitts and all 21 members of the Appropriations Committee to know that 22 safety is our first and foremost concern. We're not 23 going to deploy that aircraft to the border until we can 24 certify that our pilots have been adequately trained. 25 There's a special school that they have to go to up in</p>
<p style="text-align: right;">39</p> <p>1 the benefit of everyone in the room, of course our 2 Border -- Border Star Initiative is a very exciting 3 topic to everyone down at the legislature, Senate, and 4 the House. Everyone is interested in that operation, 5 the tactical side as well as the funding, and it's been 6 heavily audited. And one of the side notes to Border 7 Star was the previous funding for four new helicopters 8 that would be deployed along the border, and one of 9 those helicopters was to be placed -- the funding was to 10 purchase a helicopter, and it was to go to Laredo. That 11 particular helicopter was unlike all of the other 12 helicopters that we had purchased previously. This is 13 the -- a large -- you've all seen medevac type 14 helicopters. It's a very large helicopter capable of 15 flying upwards of 11 people, I believe, if it's fully 16 loaded. And, Bill, you can nod if I'm correct on that, 17 okay? Thank you. So-so. But anyway, that's the EC 18 145. It is a beautiful machine, very sophisticated, 19 twin engine -- not twin rotor, but twin engine, very 20 expensive, around eight million dollars. That 21 helicopter was delivered to -- of course, first to 22 Austin. So our chief pilot, Bill Nabors, the assistant 23 chief, John Brannon, our trainer, our captain, Tim 24 Ochsner, so they could get certified on this helicopter. 25 It is a very sophisticated piece of machinery. It's not</p>	<p style="text-align: right;">41</p> <p>1 the metroplex area to get certified on this aircraft. 2 But Chief Nabors is working on this. We have a plan in 3 place. We hope to deliver this aircraft by mid April 4 and to begin training those younger, inexperienced 5 pilots on the border. That aircraft can be deployed 6 anywhere quickly, and that's what our plan is. So we 7 hope to do a better job of explaining to the members of 8 the Appropriations Committee that we're not trying to 9 hide the ball. We're not trying to keep that helicopter 10 here in Austin for our pleasure. That's not the concern 11 at all. I will note that our -- that our SWAT team is 12 stationed and based out of Austin, and if we have to 13 deploy the SWAT team in an emergency, that is the 14 aircraft that we would use. And so that is a good 15 reason, aside from the other issues we've discussed, to 16 keep that aircraft in the Austin area. But with that 17 being said, Mr. Chairman, is that an adequate 18 explanation of the helicopter? 19 CHAIRMAN POLUNSKY: Yes, Colonel. If I 20 understand you correctly, notwithstanding your last 21 argument regarding the SWAT team, that the EC 145 that 22 was purchased with funds that are associated with Border 23 Star is going to be deployed in Laredo within a 24 reasonable period of time, probably in the next 30 days 25 or so.</p>

<p style="text-align: right;">42</p> <p>1 COLONEL CLARK: Yes, sir.</p> <p>2 CHAIRMAN POLUNSKY: After our aircraft</p> <p>3 section people are confident that our training is -- has</p> <p>4 been completed successfully and that it's safe to</p> <p>5 operate that -- that airframe down in Laredo.</p> <p>6 COLONEL CLARK: Yes, sir.</p> <p>7 CHAIRMAN POLUNSKY: So there's absolutely</p> <p>8 no intention on the part of the Department of Public</p> <p>9 Safety to divert that helicopter to Austin and replace</p> <p>10 it as it was intended to be in Laredo with another</p> <p>11 helicopter on a permanent basis.</p> <p>12 COLONEL CLARK: That's correct. And I did</p> <p>13 not mention this, but we will -- on a rotation basis,</p> <p>14 Chief Nabors will have his senior experienced pilots TDY</p> <p>15 down to Laredo to participate in the training so we'll</p> <p>16 always have an experienced, mature pilot with our</p> <p>17 younger pilots as they learn.</p> <p>18 CHAIRMAN POLUNSKY: Okay. And then</p> <p>19 briefly there was some discussion on black-and-whites</p> <p>20 that somehow somebody felt money was appropriated for</p> <p>21 new ones, and new ones were not sent down there.</p> <p>22 COLONEL CLARK: Another misinterpretation</p> <p>23 or miscommunication. Colonel Beckworth I thought</p> <p>24 adequately described that, but I'll pitch the ball to</p> <p>25 Lamar and let him answer that.</p>	<p style="text-align: right;">44</p> <p>1 CHAIRMAN POLUNSKY: Good. I think that's</p> <p>2 a very good explanation. So in summary to</p> <p>3 Representative Brown, and Chairman Pitts, and Chairman</p> <p>4 Ogden, and everyone else involved in the Appropriations</p> <p>5 process, and all members of the state legislature,</p> <p>6 certainly I want to make it very clear that it is the</p> <p>7 intent and the direction of the Department of Public</p> <p>8 Safety that whatever funds are appropriated to the</p> <p>9 department for specific uses will be used for those</p> <p>10 specific uses.</p> <p>11 OSCAR YBARRA: Yes, sir.</p> <p>12 CHAIRMAN POLUNSKY: And that will be the</p> <p>13 case certainly here with these items that we've</p> <p>14 discussed this morning, and that will be the case with</p> <p>15 items going forward.</p> <p>16 OSCAR YBARRA: Yes, sir.</p> <p>17 CHAIRMAN POLUNSKY: And, again, we want to</p> <p>18 make sure that the integrity of the department, which is</p> <p>19 extremely high, is maintained at that level and that the</p> <p>20 confidence of the legislature is in no way impaired by</p> <p>21 misconception or actual actions that might take place or</p> <p>22 whatever. We're just going to be fully committed to</p> <p>23 comply with the intent of any type of legislative</p> <p>24 appropriation that benefits the department, no ifs,</p> <p>25 ands, or buts.</p>
<p style="text-align: right;">43</p> <p>1 LIEUTENANT COLONEL BECKWORTH:</p> <p>2 Mr. Chairman, Commissioners, the audit reflected that we</p> <p>3 had purchased and provided older vehicles to the border,</p> <p>4 and that was not accurate. It was a miscommunication</p> <p>5 and a misinterpretation. What basically happened in the</p> <p>6 process is annually we buy approximately 450 to 500</p> <p>7 black-and-white cars to replace our existing fleet once</p> <p>8 they get to some certain mileage. So when you go by our</p> <p>9 fleet shop, you will see probably 200 to 300 cars on</p> <p>10 that particular shop. They are brand-new cars. When</p> <p>11 this request occurred for us to deploy personnel to the</p> <p>12 border, based on the number of FTEs that were provided</p> <p>13 for us, we chose to send the new cars that were on the</p> <p>14 shop operation down to the operation so that we could</p> <p>15 meet their needs. We then took the funding that was</p> <p>16 provided by the border and replaced those cars through</p> <p>17 our normal yearly process. Had we chose not to do that,</p> <p>18 we would have to order cars, wait for approximately</p> <p>19 eight to 12 months before they would have arrived here</p> <p>20 before we could send those cars down to that operation.</p> <p>21 So I think there was a miscommunication and</p> <p>22 understanding that in some concept that we sent old cars</p> <p>23 to the border, and we did not. All the cars that were</p> <p>24 sent down there were brand-new cars right out of our</p> <p>25 shop.</p>	<p style="text-align: right;">45</p> <p>1 OSCAR YBARRA: Absolutely, sir.</p> <p>2 CHAIRMAN POLUNSKY: Okay. Thank you very</p> <p>3 much. And you're correct. You have the next item, and</p> <p>4 that will be the discussion and review of pending</p> <p>5 contracts, commitments, and change orders, including the</p> <p>6 following: Livescan Palm Print Upgrade.</p> <p>7 OSCAR YBARRA: Just as an FYI, sir, this</p> <p>8 particular item was an exceptional item that was</p> <p>9 approved by the legislature for the '08 -'09 biennium.</p> <p>10 So this is a fulfillment of that particular approval of</p> <p>11 the legislature. It's a palm print device which will</p> <p>12 greatly enhance fingerprinting, and the contract is</p> <p>13 provided for your review.</p> <p>14 COMMISSIONER BARTH: Was this contract bid</p> <p>15 out?</p> <p>16 MS. TAYLOR: Yes.</p> <p>17 OSCAR YBARRA: Yes, it is.</p> <p>18 COMMISSIONER BARTH: So there would be</p> <p>19 multiple vendors out there that could provide it?</p> <p>20 MS. TAYLOR: Yes, ma'am.</p> <p>21 COMMISSIONER BARTH: And have we used this</p> <p>22 vendor before?</p> <p>23 MS. TAYLOR: Yes, ma'am.</p> <p>24 COMMISSIONER STEEN: Chief, this is being</p> <p>25 brought to us because it's over a million dollars?</p>

<p style="text-align: right;">46</p> <p>1 OSCAR YBARRA: That is correct. It's 2.4 2 million dollars, sir. 3 COMMISSIONER STEEN: But that's the reason 4 you're bringing -- 5 OSCAR YBARRA: Yes, sir. It's for your 6 review. 7 COMMISSIONER STEEN: And when the contract 8 is signed, remind me who signs it. 9 OSCAR YBARRA: It's a process, sir. The 10 actual contract, once it's ready for execution, will 11 require the tracking of it through several parties 12 within the agency. First it will come to my procurement 13 section from the actual division. That document that's 14 submitted will have the division chief's approval, along 15 with the project director's signature. And then that 16 will go through the process of procurement. And then 17 general counsel will be looking over that contract. 18 Once they have looked at it and they feel that it's 19 okay, it will be submitted to accounting and budget 20 control where I will review it and my staff will review 21 it. And I will at that point execute it, and the two 22 directors will have the opportunity to review it, and if 23 they choose to not approve it, then we would eliminate 24 that contract. 25 COMMISSIONER STEEN: Does someone from the</p>	<p style="text-align: right;">48</p> <p>1 opportunity this Public Safety group has had an 2 opportunity to discuss seized funds, and so I feel 3 compelled to kind of give you an overview of the full 4 process and being at your consideration for any 5 questions. 6 First of all, the Public Safety Commission 7 is the ruling authority for all seized funds. The group 8 controls everything relating to seized funds. The 9 agency, DPS, has a Seized Asset Committee that meets or 10 is called by the chair, who is chief of criminal law 11 enforcement division, and he will call the chief of the 12 rangers, administration, THP, and the County to come 13 together to discuss requests from different agencies 14 based upon needs, equipment, and training needs that 15 they have, and that's the area in which we utilize our 16 seized fund assets. Chapter 24 of our general manual 17 lays out the governing process and the guidelines as 18 relate to the seized forfeited asset process. What I 19 provided to you -- and I don't have an overlay of it -- 20 in your booklet you have a process for forfeited assets 21 from a federal perspective and forfeited assets from a 22 state perspective, and what that entails is if we 23 process a court case on seized assets, money, homes, 24 land, whatever the process might be, it will go through 25 a process with the -- from a state perspective. It will</p>
<p style="text-align: right;">47</p> <p>1 general counsel's office sign the contract approving it 2 as to legal form? 3 OSCAR YBARRA: That's correct, sir. On 4 that tracking sheet they sign as to -- 5 COMMISSIONER STEEN: But not the contract? 6 OSCAR YBARRA: No, sir. 7 COMMISSIONER STEEN: They sign the 8 tracking sheet? 9 OSCAR YBARRA: The tracking sheet. An 10 official agency form. 11 COMMISSIONER STEEN: Mr. Chairman, are you 12 looking for a motion on this? 13 CHAIRMAN POLUNSKY: I don't think we need 14 a motion. I think it's just more a -- 15 OSCAR YBARRA: Just for review. 16 COMMISSIONER STEEN: Thank you. 17 CHAIRMAN POLUNSKY: Any additional 18 questions? Anything else, sir? 19 OSCAR YBARRA: No, sir. I think I'll stay 20 up for the next item just in case. 21 CHAIRMAN POLUNSKY: Okay. The next item 22 is discussion and possible action regarding purchases 23 using seized funds. That will be Colonel Beckworth. 24 LIEUTENANT COLONEL BECKWORTH: 25 Mr. Chairman, Commissioners, this will be the first</p>	<p style="text-align: right;">49</p> <p>1 go through a process with the district attorney 2 processing the case through the courts. With all of the 3 counties within the state, we have a local agreement. 4 That agreement stipulates that any approved process 5 through state forfeiture, the Department of Public 6 Safety could receive up to 70 percent and the local 7 entity would receive 30 percent. That percentage can 8 vary depending upon other agreements made between the 9 two entities. When that money is processed, all of the 10 proceeds go into our general revenue process. The 11 agency does not retain any funding from the state 12 forfeiture process. It all goes in the general revenue. 13 However, on the federal seized process, there is a 14 process by which working with the attorneys from a 15 federal perspective, we could end up processing the 16 cases federally. If we do that, the agency can receive 17 up to 80 percent of those proceeds, or they can receive 18 as low as 5 percent of the proceeds depending upon the 19 nature of it. And I've given you two examples of court 20 cases in that document, one from a state perspective and 21 one from a federal perspective kind of outlining how 22 that process works. And so we are governed by Chapter 23 59 of the Code of Criminal Procedure on our state 24 assets, and we frequently get changes in district 25 attorneys in an area, and we'll go back and try to</p>

<p style="text-align: right;">50</p> <p>1 create another 70/30 agreement, but that 70/30 agreement 2 in that state court is binding, and we try to follow 3 that accordingly. 4 What I also have in the document is a 5 disbursement list of '08 and '09 projects or projected 6 '09 projects, and it will show you some of the items 7 that have been approved by previous commission and have 8 been purchased with seized funds. 9 I also have provided you with a document 10 in the report that shows the amount of money that we 11 currently have on hand in our seized funds. The amount 12 that we currently have available today is 13 \$17,194,564.26. You will also see projected 14 expenditures for 2009, and that will be based upon the 15 items that we will present to you today and should you 16 choose to approve them. So this particular sheet 17 outlines the available money and the projected 18 expenditures that we'll present to you today. 19 What I also have in there is a document 20 that shows what has occurred previously in 2004, 2005, 21 2006, 2007, and 2008. You can see how much money has 22 been awarded and how much money has been received in our 23 seized funds process. Also, what happens is we also 24 have a process by which the Public Safety Commission 25 previously has authorized the agency to replace certain</p>	<p style="text-align: right;">52</p> <p>1 back up and be operational in a short period of time. 2 COMMISSIONER STEEN: Colonel, may I ask 3 you a question? Are you now going down this list of 4 items that's on the sheet that's entitled 5 "Disbursements"? 6 LIEUTENANT COLONEL BECKWORTH: No. I'm 7 going over the items that are identified that we're 8 making a request today. However, I'll stop and 9 entertain questions. 10 COMMISSIONER STEEN: No. But where are 11 they in the handout? 12 LIEUTENANT COLONEL BECKWORTH: They are at 13 the very back. 14 COMMISSIONER BARTH: They are past the 15 spreadsheet of the numbers. 16 LIEUTENANT COLONEL BECKWORTH: They are 17 past the spreadsheet under the breakout items. Look 18 over one additional page and you will see where we 19 identified them. 20 Have you found them? 21 COMMISSIONER STEEN: Yes. I'm wondering, 22 is there a way we could -- if we're going to dwell on 23 anything here, is there a way we can put it up on the 24 screen? 25 LIEUTENANT COLONEL BECKWORTH: Dorothy has</p>
<p style="text-align: right;">51</p> <p>1 items, and we replace those annually based upon a 2 one-fifth percentage of the number of items that we 3 have, and that's how we replace those items. For 4 example, we have the ability by a previous commission -- 5 if you want to do something different, you can, but we 6 have the ability by previous commission to replace the 7 following items: Body armor replacement, both in 8 criminal law enforcement and THP; in-car video camera 9 replacement in THP; handheld radio replacement in THP 10 and criminal law enforcement. We also have the ability 11 to -- recurring costs on certain items. Court costs and 12 liens, vehicle storage and towing, hazardous chemical 13 destruction, and forfeited vehicle makeready. So those 14 are the categories that previous commissions have 15 authorized us to do annually from these particular 16 funds. 17 So I've given you an overview of these 18 particular items. What has happened, two months ago the 19 committee met based on critical things that we believe 20 we need and we are recommending and asking your 21 consideration for the following approval items. We are 22 in a position to where we're asking for four portable 23 400 KW generators, emergency generators to be placed on 24 a platform to be taken to offices where our power goes 25 out based upon (Inaudible) so we can bring those systems</p>	<p style="text-align: right;">53</p> <p>1 a copy, and she can try and put it up on the screen. 2 COMMISSIONER STEEN: Thank you, Colonel. 3 CHAIRMAN POLUNSKY: I think this is the 4 type of information that Mr. Steen correctly was 5 thinking should be available to be displayed on the 6 screens. 7 COMMISSIONER BARTH: It seems to me there 8 would be like a summary of all the items as opposed 9 to each individual one. Is there a one page summary of 10 each one? 11 LIEUTENANT COLONEL BECKWORTH: No. 12 COMMISSIONER STEEN: Are we going to vote 13 on each one? Is that -- 14 LIEUTENANT COLONEL BECKWORTH: No. We can 15 provide that in the future for you. We don't have a one 16 page -- 17 COMMISSIONER BARTH: Summary. I guess the 18 other question I have is: Can you use this money for 19 anything? 20 LIEUTENANT COLONEL BECKWORTH: There 21 are -- no, you cannot. There are certain things the 22 funds can be utilized for, and so there's a guideline 23 that the federal government provides to us that they can 24 be used for. So I will make that available to you as 25 well to show what those particular items can be.</p>

<p style="text-align: right;">54</p> <p>1 OSCAR YBARRA: There is also a rider in 2 our bill pattern that specifically identifies these 3 funds and how they -- what would be preferably it should 4 be spent on, and that is -- and I hope I'm not quoting 5 it incorrectly -- police equipment, preferred police 6 equipment. 7 COMMISSIONER BARTH: Preferred police 8 equipment? 9 OSCAR YBARRA: Yes. 10 COMMISSIONER BARTH: But it doesn't have 11 to be? 12 OSCAR YBARRA: No. But you're also 13 limited by the federal guidelines also, which -- which 14 gives you a little bit more flexibility. 15 COMMISSIONER BARTH: Does it give you -- 16 OSCAR YBARRA: But for the most part, the 17 agency uses it for preferred police equipment. 18 COMMISSIONER BARTH: But does it give you 19 a flexibility like for IT? 20 OSCAR YBARRA: Yes, it does. 21 COMMISSIONER BARTH: Okay. 22 OSCAR YBARRA: I think mostly like from a 23 onetime perspective purchase. 24 COMMISSIONER BARTH: Okay. 25 LIEUTENANT COLONEL BECKWORTH: Dorothy has</p>	<p style="text-align: right;">56</p> <p>1 had available one million dollars in our technology 2 refresh budget that we used and so we're asking you to 3 approve \$836,842 to finish out that project in those 4 highway patrol offices. 5 And finally, we are requesting a piece of 6 equipment, weapons of mass destruction bags. That 7 particular kit has injectors called DuoDote. They are 8 two devices that allow us if we are exposed to a certain 9 chemical, we can use this antidote for Sarin, VX, or 10 Soman Nerve Agents. And this particular equipment in 11 our weapons of mass destruction bag has passed its 12 expired expiration date and therefore it's critical that 13 we replace this equipment. That cost to replace all the 14 equipment, which is 9,100 units we're requesting, would 15 be \$419,328. And those are the items that we're asking 16 you to consider. 17 I would also like to kind of touch on 18 Commissioner Barth's comment about IT use. We have made 19 a request to CJD to be considered for a grant to pay for 20 a TDEX system funding. We were denied that particular 21 CJD grant. It puts us in a vulnerable position going 22 forward that we may not have enough money to fulfill 23 paying for the system as it currently is in place. We 24 are talking about almost four million dollars -- a 25 little over four million dollars that could possibly be</p>
<p style="text-align: right;">55</p> <p>1 placed on the screen the request from the highway patrol 2 service for the four 400 KW portable backup emergency 3 generators to allow us to be able to have the 4 flexibility when a facility goes out across the state to 5 bring that system back up. Those particular units would 6 cost \$148,000. There are four of them. The estimated 7 cost would be \$592,000 from seized funds. There's 8 another request for generators that she's going to place 9 on there. These particular generators would be placed 10 at all of our coastal locations. When we had the storms 11 during Hurricane Ike, our Beaumont system went 12 completely out, our Houston facility went out. We 13 anticipate these same or similar problems and so we're 14 asking and requesting consider be provided for these 15 particular generators to Houston, Corpus Christi, 16 McAllen, and Beaumont. The cost for those particular 17 equipment will be \$1,152,000 for the four full 18 generators to go in those facilities, and we're asking 19 your consideration on those. 20 We're also asking for consideration on a 21 request to replace a component in the highway patrol 22 offices to allow us to replace (inaudible). There are 23 several offices across the state that have frequent 24 failures and cannot link into our system. We need to 25 try to make sure those systems work appropriately. We</p>	<p style="text-align: right;">57</p> <p>1 needed. We are not exactly sure how much will be needed 2 because each month we're forecasting (inaudible) our 3 budget, and our plans are to try to replace that with 4 any unused federal dollars that we do not use, but 5 there's a possibility that we may have to come to the 6 Commission and ask for funding to pay for those 7 particular unmet needs as relate to the TDEX system. So 8 I want to bring that to your attention this morning as 9 well. 10 And that concludes my report, and I ask 11 your consideration on approving these four items. 12 COMMISSIONER STEEN: Colonel, when you 13 began your presentation, you said this is the first time 14 we were doing something. Say that again. 15 LIEUTENANT COLONEL BECKWORTH: We have not 16 had a meeting of our seized funds for quite some time, 17 and this is the first particular meeting we will have 18 had making a request to this body. So I felt compelled 19 to kind of give you an overview of how the process 20 worked in the past and for your consideration on 21 approving these particular items. 22 COMMISSIONER STEEN: That's the first time 23 it's come to this -- 24 COLONEL CLARK: This commission. 25 LIEUTENANT COLONEL BECKWORTH: This body.</p>

<p style="text-align: right;">58</p> <p>1 COMMISSIONER STEEN: This commission as 2 it's constituted? 3 COLONEL CLARK: As constituted, right. 4 COMMISSIONER BROWN: The overview was 5 helpful. Thank you. 6 CHAIRMAN POLUNSKY: Is there a discussion 7 on this? 8 COMMISSIONER STEEN: Mr. Chairman, do you 9 want a motion on all the items together, or do you -- 10 CHAIRMAN POLUNSKY: I mean, we can do that 11 if everybody is in agreement or we can pull them for 12 individual discussion. I mean, it's up to y'all. 13 COMMISSIONER STEEN: Well, just to move 14 along, I'll make the motion on the entire group of 15 expenditures. 16 COMMISSIONER CLOWE: Second. 17 CHAIRMAN POLUNSKY: All right. It's been 18 moved by Commissioner Steen and seconded by Commissioner 19 Clowe that the items that have been presented by Colonel 20 Beckworth be purchased using the seized funds as set out 21 this morning. Is there a discussion on this? There is 22 none. All in favor, please say "aye." Any against, 23 "no." Motion passes. 24 COMMISSIONER BARTH: I have one quick 25 question after the fact, though. Can we look at this</p>	<p style="text-align: right;">60</p> <p>1 So we're taking that into consideration this particular 2 fiscal year. 3 CHAIRMAN POLUNSKY: And how much is that 4 rider for the helicopter in Longview? 5 OSCAR YBARRA: Currently, sir, that 6 helicopter is around 4.2 million dollars, and it allows 7 the agency to hire pilots to fly that helicopter, but no 8 funding from an operational perspective in the Senate. 9 We would have to find dollars to do that within our 10 budget. 11 CHAIRMAN POLUNSKY: But that's not an 12 exceptional item. 13 OSCAR YBARRA: No, sir. That was added to 14 our request by the Senate. 15 CHAIRMAN POLUNSKY: So -- 16 COMMISSIONER BROWN: Do you mind -- I'm 17 sorry. I didn't mean to interrupt you, Jim. 18 CHAIRMAN POLUNSKY: Well, obviously then 19 it doesn't rise to the level of priority of other items. 20 Is that -- would that be an accurate assessment? 21 OSCAR YBARRA: Other items as in agency 22 needs? If that's a rider that's put in our bill 23 pattern, sir, that would be the direction for the agency 24 to go. 25 CHAIRMAN POLUNSKY: You maneuvered around</p>
<p style="text-align: right;">59</p> <p>1 notice -- If I did my numbers right, roughly 14 million 2 in the seized funds. 3 OSCAR YBARRA: Yes, ma'am. 4 COMMISSIONER BARTH: Do we look at that as 5 a place to solve some of our budget shortfalls? 6 OSCAR YBARRA: This year, yes, ma'am. 7 Specifically TDEX. 8 COMMISSIONER BARTH: You know, but just in 9 general, I mean, I'm sitting here saying, okay, there's 10 14 million dollars out there that's not been spent -- 11 I'm not saying rush out and go spend it, but with the 12 same respect -- 13 OSCAR YBARRA: Yes, ma'am. And we do that 14 like specifically for TDEX and -- but there's also 15 things that we can see in the future that are going to 16 happen, you know. This money is traditionally utilized 17 by the agency via a rider approved by the legislature to 18 replace aircraft. Everybody -- the Cessna and a 19 helicopter. You're looking at probably close to five 20 million dollars there. We also -- we're also aware of a 21 rider that exists today in the Senate for the purchase 22 of a helicopter in Longview which specifically 23 identifies the use of seized funds to purchase that 24 helicopter. When you put those two together and you add 25 the recurring costs, it chews up the money pretty fast.</p>	<p style="text-align: right;">61</p> <p>1 that pretty well. 2 (Laughter) 3 COMMISSIONER BROWN: You've been over an 4 important distinction, and I want to see if you could 5 repeat that as to what -- 6 OSCAR YBARRA: Repeat what? 7 COMMISSIONER BROWN: Okay. Go back 8 over -- 9 LIEUTENANT COLONEL BECKWORTH: 10 Commissioner Brown, let me help you. 11 COMMISSIONER BROWN: Okay. 12 LIEUTENANT COLONEL BECKWORTH: Basically 13 what he's saying is that there has been -- if you look 14 at the sheet that you have before you see, you will see 15 a Rider 3 and you will see a Rider 57. The last 57 16 Rider required DPS to take seized fund money and 17 purchase a new helicopter and place it in Amarillo. 18 COMMISSIONER BROWN: Right. Okay. 19 LIEUTENANT COLONEL BECKWORTH: We just did 20 that recently. However, we are also tasked by the 21 process to place the existing aircraft after they reach 22 a certain period of time. We have a Cessna in Houston 23 that's due. We have to replace that. It's coming up. 24 660 some odd thousand dollars is what we anticipate 25 that's going to cost us. We also have another aircraft</p>

<p style="text-align: right;">62</p> <p>1 In Lubbock, I think, that's coming up for replacement. 2 That's a helicopter. That's 4.2 million dollars. So we 3 know those particular projects are coming up for 4 replacement. In addition to that, in this particular 5 session, there is a rider that's kind of like Rider 57 6 for Amarillo telling us to go ahead and identify funding 7 through seized funds to provide a helicopter in 8 Longview, Texas, to the amount of 4.2 million dollars. 9 That that particular rider is not like the one that was 10 done for 57. The one in 57 gave us permission -- gave 11 us funding for two pilots and -- 12 COMMISSIONER BROWN: Got you. 13 LIEUTENANT COLONEL BECKWORTH: -- also 14 operating costs. This one does not. It just gives us 15 permission to get the aircraft, and we would have to 16 find the dollars to operate it from some other source. 17 COMMISSIONER BROWN: Thank you. And you 18 asked that far better than I. We went over a lot of 19 stuff, but that was the distinction I was looking for 20 was what was not funded in this particular -- okay. 21 Thank you. 22 COLONEL CLARK: Mr. Chairman, I might make 23 one comment to Commissioner Brown. There's no guarantee 24 that these funds will continue to come in. I mean, our 25 troopers do a magnificent job of criminal interdiction,</p>	<p style="text-align: right;">64</p> <p>1 implementation, including consideration of current key 2 contract relationships and possible expedited contract 3 processes during the implementation phase. That will be 4 Chief Brown. 5 OSCAR YBARRA: I'm not gone yet, sir. 6 JUDY BROWN: If you will indulge me for 7 just a moment so I can back up and provide some history, 8 which I think it will make it easier as we go forward. 9 As we spoke to the Public Safety 10 Commission on a number of occasions with regards to the 11 driver license reengineering project, two of the most 12 significant obstacles that we met in this project were 13 the communications network and the ability to operate on 14 a mainframe computer. As we reached those obstacles, 15 the technical team, project team were able to maneuver 16 to new technologies. They distributed server 17 environment to allow us to operate outside of the 18 mainframe on a -- several pieces of hardware that would 19 allow us the throughput capacity that we need to operate 20 the system with some efficiency as well with regards to 21 the satellite system not having the ability to move the 22 images through the bandwidth that we had on the new 23 satellite. We have found the opportunity, tested it and 24 the ability to run via a phone line network. Both of 25 those pieces of technology are an increase in what we</p>
<p style="text-align: right;">63</p> <p>1 and we're going to seize currency, but there is no 2 guarantee any year how much money would come in to be 3 awarded. So it fluctuates from year to year. And 4 there's a lot of money pending out there right now. 5 It's in your file that shows you what is currently 6 awaiting distribution. But as we know, it will 7 continue, but it depends on the good work of our 8 troopers, who we have some fantastic interdictors out 9 there, and they do a good job, and that's just one of 10 the things that they do. They seize narcotics, weapons, 11 and currency. But that currency on the federal side 12 allows us to fund these very important equipment items. 13 COMMISSIONER BROWN: And I will say it was 14 really impressive to look at the amazing numbers of -- I 15 mean, that's -- it's amazing that our troopers are 16 seizing that much. We should be really proud of them. 17 CHAIRMAN POLUNSKY: Okay. So that -- we 18 voted on that motion, correct? Anything else? 19 OSCAR YBARRA: You tell me, sir. 20 CHAIRMAN POLUNSKY: Are you having fun? 21 OSCAR YBARRA: Every day, sir. 22 CHAIRMAN POLUNSKY: Thank you. The next 23 item: Discussion and possible action regarding 24 implementation of driver license reengineering, new 25 driver license system, and options regarding</p>	<p style="text-align: right;">65</p> <p>1 originally intended for the cost of this project to run. 2 We have identified through the request to exceed 3 documentation that's been provided to the Public Safety 4 Commission prior to today the need to exceed our capital 5 authority. Those requests take most specifically those 6 two items and allow us the opportunity to do the 7 installation of equipment and the operating costs 8 through the end of this fiscal year. In our exceptional 9 items on the LAR under the IT portion, we have the 10 continuing cost for the communications network to take 11 us through the biennium. We are, I guess I would say, a 12 third through the request to exceed process with 13 approvals. We still have a couple approvals to obtain, 14 with a couple of approvals promised. So we are 15 diligently working to ensure that all questions are 16 answered and Chief Ybarra and myself, and perhaps 17 repeatedly with some, have made ourselves available with 18 others, and continue to work through that process for 19 the request to exceed to be approved. Because of the 20 timing and where we are today, the project schedule 21 required us to begin cutover, which means stopping 22 certain processes in order that we would fulfill all the 23 way through the life cycle of some of our functions, 24 which would allow us to begin our migration of data over 25 the Easter weekend. We began that cutover this week.</p>

<p style="text-align: right;">66</p> <p>1 Knowing that we've got the request to exceed pending and 2 we've got the budgetary appropriations request for the 3 biennium pending as well, it is our recommendation that 4 we continue forward with this process. We have 5 determined through continued effort from our technical 6 team, office of general counsel, the procurement folks 7 out of Chief Ybarra's division, the opportunity to move 8 through the migration and move through the pilot with 9 expenditures that would be within the cap. Now, what 10 that means is if we don't get the request to exceed 11 approved, then we have to regroup at the pilot and 12 determine how we function as a Driver License Division 13 supporting the offices across the state. Additionally, 14 if we got the request to exceed approved and did not get 15 the biennium request approved, we would also have that 16 same dilemma. We believe with the timing -- and it will 17 be to the moment and almost exact, but with the timing 18 that we can continue to move forward and be able to make 19 those decisions along the way keeping the Public Safety 20 Commission apprised of each step as we obtain approvals 21 and as we move through implementation. 22 We also would ask that as we go through 23 implementation that the Public Safety Commission give us 24 the authority and/or the direction to have latitude in 25 the procurement process. We anticipate as any large</p>	<p style="text-align: right;">68</p> <p>1 also provide a more global overview and interface with 2 the Driver License Division on behalf of the Commission. 3 You have an important project going on 4 here. You have an important function and responsibility 5 and duties over there, and I feel that it's extremely 6 important that the Commission be very much involved -- 7 not doing your job, but at least, as I said, interfacing 8 with you and providing a bridge between the Public 9 Safety Commission and Driver License Division. So Carin 10 and Tom are going to become involved in that capacity. 11 Of course, Carin is already working with you on that in 12 the immediate past here. So that's how we'll be doing 13 that in the future. 14 JUDY BROWN: Okay. I appreciate the 15 appointment and welcome the involvement. 16 CHAIRMAN POLUNSKY: Yes. Any comments? 17 COMMISSIONER BARTH: I've got a question 18 on -- in terms of recommending to the chairman to 19 appoint either myself or Commissioner Clowe for this 20 interim approval of contracts dollar -- total dollar 21 value that you anticipate. 22 JUDY BROWN: In talking with Jimmy and 23 Linda -- or for those of you who don't know Jimmy Weise, 24 he's our technical project manager, and Linda Bolline is 25 the business -- business side project manager. But in</p>
<p style="text-align: right;">67</p> <p>1 scale project of this type that as we move to 2 implementation, as we move through that probably 120 3 days from migration to full implementation across the 4 state, that we may encounter hurdles that would require 5 us to obtain services or a contract for equipment that 6 might need to be made on an immediate basis. 7 So we have provided again through the work 8 of general counsel, through the work of the fiscal 9 affairs division, through the technical team, we have 10 provided a recommendation to you kind of a best and 11 worst recommendation, but our recommendation would be 12 that you give us the authority and the latitude to make 13 procurement decisions through the implementation phase 14 of this project at your will, Chairman Polunsky. If you 15 would like to appoint a commissioner that we could work 16 through, one commissioner to seek approval for those, 17 and then at each opportunity to report to the full 18 commission, we would be able to report those purchases 19 as part of our division report. 20 CHAIRMAN POLUNSKY: Thank you, Chief. 21 With respect to the last comment, we are going to have 22 some commissioners become involved in this directly. I 23 am appointing a committee that will be chaired by 24 Commissioner Barth, and also have Commissioner Clowe 25 serve on it that will be involved in this process, and</p>	<p style="text-align: right;">69</p> <p>1 speaking with them, we don't anticipate to exceed 2 \$500,000. 3 COMMISSIONER BARTH: And that would still 4 fall under the amount under the RTE; is that right? 5 JUDY BROWN: That's correct. 6 COMMISSIONER BARTH: So these are vendors 7 we haven't contracted for but anticipate we might and 8 not having to wait the 30 days between meetings to 9 approve it? 10 JUDY BROWN: That is correct. Or vendors 11 that we would have the opportunity to go direct through 12 DIR's process to obtain their services. 13 OSCAR YBARRA: Just to clarify, I mean, 14 those would not be dollars associated with the request 15 to exceed, right? 16 COMMISSIONER BARTH: Yes or no? 17 JUDY BROWN: They are included in the 18 request to exceed. 19 OSCAR YBARRA: But you're using capital 20 authority to do that? 21 JUDY BROWN: As part of the project. 22 COMMISSIONER CLOWE: I'm sorry. I didn't 23 hear your answer. 24 OSCAR YBARRA: They have some capital 25 authority under the current budget process. I think</p>

<p style="text-align: right;">70</p> <p>1 what they are doing is substituting certain things for 2 others to use their capital authority. It's still all 3 under the same project. I understand that that -- that 4 will be okay under the rules. The dollars set aside, in 5 other words, for the shortfall would not be spent. 6 COMMISSIONER BARTH: That's not what I 7 heard. Is that -- 8 JUDY BROWN: There are dollars included in 9 the request to exceed that are justified in the request 10 to exceed that would cover the potential for any of 11 these emergency, I'll call, procurements, that if the -- 12 the interim procurements that may come up during the 13 implementation process. 14 COMMISSIONER BARTH: Are you struggling 15 over here, Oscar? I see you struggling, so -- 16 OSCAR YBARRA: I just want to make sure 17 that -- I know that they have -- you have 10 million 18 dollars of (inaudible). Would you be using those 19 dollars for the 500,000? 20 JUDY BROWN: No, sir. We would be using 21 the dollars in the request to exceed. 22 OSCAR YBARRA: Then I cannot authorize 23 that expense. 24 JUDY BROWN: In the request to exceed we 25 have dollars in the justified -- a memo that we did with</p>	<p style="text-align: right;">72</p> <p>1 OSCAR YBARRA: The key words being 2 "existing cap dollars," yes. 3 COMMISSIONER BARTH: I'm going on what 4 he's saying here, so -- I sure would like to have you -- 5 JUDY BROWN: I apologize for that. 6 CHAIRMAN POLUNSKY: In the future y'all 7 need to get together before these meetings and get 8 this -- 9 OSCAR YBARRA: I think we were, but when I 10 heard it, it sounded a little different, but we're on 11 the same page. Sorry. 12 CHAIRMAN POLUNSKY: All right. 13 STUART PLATT: Mr. Chairman, can I make an 14 inquiry? 15 CHAIRMAN POLUNSKY: Yes, sir. 16 STUART PLATT: With -- Commissioner Barth 17 has been extremely helpful in this matter. We talked 18 yesterday. She asked the question about anticipated 19 expenditures. There are some constraints the Commission 20 has regarding particular IT expenditures. Are you 21 authorizing for this -- the appointment of this 22 committee those committee members to use their 23 discretion if we hit those cap amounts for expenditures 24 in this process on a short-term basis on these 25 procurements?</p>
<p style="text-align: right;">71</p> <p>1 the request to exceed that these funds would be out of 2 those same dollars for those same subject matters. 3 OSCAR YBARRA: They would be associated 4 with those items. Bottom line is that the 7.9 million 5 dollars is restricted from a perspective that we could 6 not buy capital items beyond that amount -- in that 7 amount. So if you're using existing deal reengineering 8 authorized dollars to pay for that, then it's just a 9 flip-flop. If you're going to pay for this -- something 10 later with this money, if that's the case, okay. But if 11 you're using the 7.9 million, we're not allowed -- we're 12 not allowed to move forward. 13 JUDY BROWN: Because of -- because of -- 14 and I'll back up. I'll back up. With regards to not 15 having the request to exceed approved at this point, we 16 can move forward with the existing cap to do the pilot 17 and implementation. We have negotiated -- Jimmy and 18 Linda have negotiated successfully with the 19 communications vendor the opportunity to extract the 20 pilot offices out of the overall contract so that we 21 could move forward with that -- execution of that 22 contract and installation of those communication lines. 23 So within existing cap dollars, we could move forward. 24 OSCAR YBARRA: I would be fine with that. 25 COMMISSIONER BARTH: Are you sure?</p>	<p style="text-align: right;">73</p> <p>1 CHAIRMAN POLUNSKY: Are we -- 2 COMMISSIONER BARTH: No, that's not 3 what -- 4 OSCAR YBARRA: He's talking about from the 5 contract perspective. 6 STUART PLATT: The contract perspective. 7 COMMISSIONER BARTH: Okay. 8 STUART PLATT: Because right now we've got 9 some constraints -- 10 COMMISSIONER BARTH: Right. Right. And 11 what I would suggest to the chairman now with the 12 approval of the other commissioners is to delegate to 13 Commissioner Clowe and myself during this -- I call it 14 during the stub periods on the ability to approve these 15 contracts up to a combined total of half a million over 16 what I'm hearing is the next 120 days? 17 JUDY BROWN: Yes, ma'am. 18 COMMISSIONER BARTH: Commissioner Clowe. 19 COMMISSIONER CLOWE: Well, let me 20 understand exactly where we are. We started off with a 21 project that was supposed to cost 38,238,145, and now 22 we're looking at an expense projected to be 56,049,574, 23 and we're short in that 56,049,574 by seven point 24 something million, which we have a request pending -- an 25 emergency request pending that we hope to get.</p>

<p style="text-align: right;">74</p> <p>1 JUDY BROWN: That's correct.</p> <p>2 COMMISSIONER CLOWE: And in the interim it</p> <p>3 is your plan to begin implementation. You've already</p> <p>4 got some testing going on now, but you have tests</p> <p>5 planned in two steps that can be funded through an</p> <p>6 agreement you made with the vendor under present</p> <p>7 authorized funds.</p> <p>8 JUDY BROWN: That's correct.</p> <p>9 COMMISSIONER CLOWE: So you're not</p> <p>10 spending any money up to this point that is not properly</p> <p>11 funded and available.</p> <p>12 JUDY BROWN: That is correct.</p> <p>13 COMMISSIONER CLOWE: If you don't get the</p> <p>14 emergency funding approved, then you're in the soup.</p> <p>15 MR. WEISE: We have a contingency in that</p> <p>16 contract that basically says we're not going to buy</p> <p>17 anything else.</p> <p>18 COMMISSIONER CLOWE: And then the whole</p> <p>19 program stops?</p> <p>20 MR. WEISE: Yes.</p> <p>21 COMMISSIONER CLOWE: And what you're</p> <p>22 asking this commission for is that two commissioners be</p> <p>23 named and those two commissioners act in lieu of the</p> <p>24 full commission on an intermediary basis to approve up</p> <p>25 to half a million dollars of contracts if necessary that</p>	<p style="text-align: right;">76</p> <p>1 partnership you're talking about?</p> <p>2 JUDY BROWN: That is the partnership that</p> <p>3 I speak of. The piece of that partnership that failed</p> <p>4 is the department's piece and -- and there's not one</p> <p>5 there's significant -- there's not one specific issue to</p> <p>6 point a finger at. There's not one specific issue to</p> <p>7 blame. But we determined back then that we would use</p> <p>8 mainframe technology. That wasn't the best decision for</p> <p>9 the technology that's available. And we stepped right</p> <p>10 up to that hurdle and couldn't get over it without</p> <p>11 changing from mainframe technology to this distributed</p> <p>12 server environment. The other technology that had been</p> <p>13 historically used in the agency for many, many years to</p> <p>14 support law enforcement was the satellite communication</p> <p>15 network, and again, the decision was made then that we</p> <p>16 were going to do everything we could to utilize the</p> <p>17 satellite network to support the system. And very</p> <p>18 quickly as we resolved the issue with the mainframe</p> <p>19 throughput, then we bumped against the hurdle that the</p> <p>20 technology of satellite will not move images back and</p> <p>21 forth to driver's license offices in an efficient</p> <p>22 capacity. The technology is changing through that time</p> <p>23 period, the inability to maintain a continued level of</p> <p>24 support from the IT environment, which y'all are very</p> <p>25 familiar with, have been the significant hurdles that</p>
<p style="text-align: right;">75</p> <p>1 are within the funding that's already approved and</p> <p>2 available?</p> <p>3 JUDY BROWN: That is correct.</p> <p>4 COMMISSIONER CLOWE: How did we get into</p> <p>5 this situation? You know, I think this started a long</p> <p>6 time before this board came into being, but it is an</p> <p>7 embarrassment to me to see the kind of overrun we have</p> <p>8 on this and that we're now in with our hat in our hand</p> <p>9 before the LBB with this gun at our backs to get this</p> <p>10 thing done. How did we get in this mess?</p> <p>11 JUDY BROWN: I will tell you very</p> <p>12 honestly, Commissioner Clowe, that the project scope</p> <p>13 when we began some six years ago to lay this project</p> <p>14 out, to scope it out, we determined, the agency, the</p> <p>15 division chiefs, the leadership at that point in time in</p> <p>16 this agency, which is significantly different with the</p> <p>17 exception of myself, determined that we would partner in</p> <p>18 implementation of this project.</p> <p>19 COMMISSIONER CLOWE: With who?</p> <p>20 JUDY BROWN: The Department of Public</p> <p>21 Safety would take on a certain role with regards to IT</p> <p>22 support, and we would contract out the software</p> <p>23 development and the mechanism to implement the project</p> <p>24 in the field.</p> <p>25 COMMISSIONER CLOWE: That's the</p>	<p style="text-align: right;">77</p> <p>1 have cost us not only delay in the project, but the</p> <p>2 increase in the cost.</p> <p>3 COMMISSIONER CLOWE: Well, I for one am</p> <p>4 disappointed not only the overrun in cost, but the</p> <p>5 increased delays and, you know, to say that it's the</p> <p>6 failure on the department's part is easily articulated,</p> <p>7 but my sense is this program has not been well managed,</p> <p>8 and I think that the IT portion is a weak part of this</p> <p>9 whole plan. And I think it points up the need for</p> <p>10 strength in the IMS and better coordination with IMS on</p> <p>11 all the projects that depend so heavily on it such as</p> <p>12 this one. And I hate to see this department backed into</p> <p>13 a corner like it is with so many ifs and alternative</p> <p>14 plans where we ought to be doing things in a well</p> <p>15 planned, orderly, with firm deliverables forthcoming.</p> <p>16 It's an embarrassment, as I say, to get ourselves in a</p> <p>17 position where we're trying to come up with this new</p> <p>18 driver license, and we just don't know.</p> <p>19 JUDY BROWN: Commissioner Clowe, I will</p> <p>20 take complete blame for where we're at today. I will</p> <p>21 tell you that several months ago that some members in</p> <p>22 the agency will tell you that I stole Jimmy Weise.</p> <p>23 Others will tell you that I dragged him kicking and</p> <p>24 screaming, but we brought him over to driver license</p> <p>25 full-time. He brought a team with him that we -- we</p>

<p style="text-align: right;">78</p> <p>1 coordinated with Chief Lane, and we brought those IT 2 experts into our environment, into our house, and we 3 have housed them that way. And from that point forward 4 we have seen continued success, continued coordination 5 and would not be where we were today without that. But 6 it lays out exactly the issue that you laid out as being 7 an inefficiency that we have corrected in this project, 8 and I will tell you that we need to correct it in every 9 project moving forward that we ensure we have the right 10 dedicated team from the very beginning.</p> <p>11 COMMISSIONER CLOWE: And you see, that 12 makes my point in that when you had to go steal somebody 13 and drag them into your division to get this job done, 14 that's not the way I think we ought to do things here 15 with IT. IT ought to be a strong, productive entity 16 that when driver license or CLE or the Texas Rangers or 17 the highway patrol have a project, they deal with them 18 and provide what is needed. That displays a weakness on 19 our part, in my opinion, organizationally, that we've 20 got to deal with.</p> <p>21 JUDY BROWN: And I agree. I think if we 22 are successful in the exceptional item list that we 23 have, you will see an IT division that's able to 24 maintain their technical expertise, and that they are 25 able to maintain that, stay with that, and move forward</p>	<p style="text-align: right;">80</p> <p>1 successfully?</p> <p>2 JUDY BROWN: With the request to exceed, 3 yes, sir, I absolutely am, and the continued budget over 4 the next biennium. This -- we have -- the last two 5 weeks we have been in training. We have the system 6 fully operational. We have trained our -- we're 7 training our trainers. We have had solid, very 8 confident opportunity to work through the system, to 9 bring our field people in, to bring our headquarters in. 10 We are getting rave reviews on the project. We are 11 seeing very few issues come up along the way, which you 12 would expect on a project of this scope. And, again, I 13 think as we implement and as we move forward, we have 14 the opportunity to put a state-of-the-art driver's 15 license system out there.</p> <p>16 CHAIRMAN POLUNSKY: So you are 17 confident --</p> <p>18 JUDY BROWN: Yes, sir.</p> <p>19 CHAIRMAN POLUNSKY: -- that we will not 20 have issues that will result in this project being 21 delayed further or being in any way dysfunctional?</p> <p>22 JUDY BROWN: Yes, sir.</p> <p>23 COMMISSIONER BARTH: And when do we deem 24 it complete with respect to the bearing point contract 25 in terms of robust?</p>
<p style="text-align: right;">79</p> <p>1 with that. While we have the turnover that we have in 2 our IT division, it's difficult to maintain a solid team 3 on a five year project.</p> <p>4 COMMISSIONER BARTH: Can I ask a question 5 with respect to the overall project in terms of what 6 other states have successfully implemented a project 7 this size?</p> <p>8 JUDY BROWN: Two.</p> <p>9 COMMISSIONER BARTH: And they are?</p> <p>10 JUDY BROWN: Utah has -- and there is not 11 a state that's implemented a project of this size.</p> <p>12 COMMISSIONER BARTH: Okay.</p> <p>13 JUDY BROWN: Texas is one of the top three 14 largest states out there. California has not. New York 15 has not. Florida has not. Utah has delivered a project 16 like that. There are a number of states who have begun, 17 stopped, started over again, and I can't tell you 18 exactly the status of those states, but Utah and I 19 believe --</p> <p>20 JIMMY WEISE: Pennsylvania.</p> <p>21 JUDY BROWN: Pennsylvania stopped.</p> <p>22 LINDA BOLINE: Iowa.</p> <p>23 JUDY BROWN: Iowa.</p> <p>24 CHAIRMAN POLUNSKY: Chief Brown, are you 25 confident that this project will be implemented</p>	<p style="text-align: right;">81</p> <p>1 LINDA BOLINE: We have 60 days after we 2 begin pilot, and then we have final acceptance. After 3 final acceptance, there is -- I believe the actual 4 project closeout is in September, if not a month before 5 that. But it's just right after we get our pilot and do 6 all the project management stuff after the final 7 acceptance.</p> <p>8 JUDY BROWN: The pilot period is -- it's a 9 bit of a misnomer, Commissioner Barth. Pilot is really 10 the transition to the new system. The first 30 days 11 would be in the headquarters environment. The next 30 12 days will be in seven driver license offices, and from 13 that point forward, we begin to roll a number of offices 14 a week over a 12 week period.</p> <p>15 COMMISSIONER BARTH: But once the 60 days 16 from the time, let's call it, Easter, this then deemed 17 complete given we don't run into any issues?</p> <p>18 JUDY BROWN: We accept the (Inaudible).</p> <p>19 COMMISSIONER BARTH: Okay.</p> <p>20 JIMMY WEISE: Now, one of the things that 21 you need to be aware of is if the RTE continues to get 22 delayed and if we do stand up on Easter -- we go 23 (Inaudible) get headquarter pilot. We begin that 60 24 days then. So each increase in the RTE cuts the window 25 that we -- when we actually start (Inaudible) in the</p>

<p style="text-align: right;">82</p> <p>1 field. So, I mean, if we don't hit the field on the 2 31st day and we hit them on the 60th day, then we're 3 basically without bearing point when we do those six or 4 seven field performances. And to clarify. One thing 5 that was able to -- we will have bumps during 6 implementation. That's why we're requesting the ability 7 to make procurements if they are needed. Well, we're 8 not expecting anything that's going to force us to turn 9 around and go back. We will continue to move forward. 10 CHAIRMAN POLUNSKY: Well, I think that 11 bumps are to be expected in a project of this size and 12 scope. I'm just concerned that we don't get into a 13 situation where the project in some manner collapses or 14 is derailed in such a way that we have a catastrophic 15 situation on our hands. 16 JUDY BROWN: I do not expect that to 17 happen. 18 JIMMY WEISE: And one of the things that's 19 got to be built in is future life cycle maintenance of 20 the application. I mean, once it's stood up, it's going 21 to have to be fed each day. It's not an application 22 that you can just stand up and walk away and say we 23 never have to invest any money again. If that's the 24 approach, then, you know, two years from now you'll be 25 doing another (Inaudible).</p>	<p style="text-align: right;">84</p> <p>1 award -- the awarded vendor. 2 COMMISSIONER BARTH: Bearing point, let's 3 call it, is the parent, for lack of a better way of 4 saying it. So we pay them the money and then they are 5 to disburse it to the vendors. 6 OSCAR YBARRA: There's language in the 7 contract that identifies that. 8 LINDA BOLINE: And they disclose that -- 9 what they pay each month. 10 COMMISSIONER BARTH: And how does that 11 flow with respect to the bankruptcy courts? 12 STUART PLATT: That's why we consulted 13 with bankruptcy counsel before, and we may have the 14 answer for that by the time we go into executive 15 session. 16 CHAIRMAN POLUNSKY: Well, that's certainly 17 a very fundamental issue here that we're all very 18 concerned about. So it would be very helpful, 19 Mr. Platt, to have whatever information possible. 20 STUART PLATT: We had a conference this 21 morning with bankruptcy counsel and we'll talk in 22 executive session about that. 23 CHAIRMAN POLUNSKY: Where are we with the 24 request? 25 JUDY BROWN: We are working it through the</p>
<p style="text-align: right;">83</p> <p>1 STUART PLATT: Mr. Chairman, can I make an 2 inquiry regarding that maintenance issue? At what point 3 would our maintenance contract with bearing point -- is 4 there an overlap between a pilot program and the 5 maintenance contract to (Inaudible)? 6 LINDA BOLINE: The SLA begins the day 7 after the pilot. 8 JIMMY WEISE: So after the 60 day pilot 9 (Inaudible). 10 COMMISSIONER BARTH: Can I ask Oscar kind 11 of a technical question in terms of the flow of funds? 12 Do the flow of funds go to bearing point and then they 13 pay their subcontractors? How does that work? 14 OSCAR YBARRA: I'm assuming that's 15 correct. Yes. They would pay their subcontractor. We 16 would pay them directly, and they would pay their 17 subcontractors. 18 COMMISSIONER BARTH: Do we have the 19 ability to pay the vendors directly? 20 LINDA BOLINE: The subcontractor? 21 OSCAR YBARRA: The subcontract vendor? 22 COMMISSIONER BARTH: Yes. 23 LINDA BOLINE: Not -- 24 OSCAR YBARRA: Not through contract. The 25 contract is set up through that particular vendor -- the</p>	<p style="text-align: right;">85</p> <p>1 legislative process at this point. 2 CHAIRMAN POLUNSKY: And where are we? 3 Where is it? 4 JUDY BROWN: We have two signatures 5 pending approval at the Governor's office, and we have 6 approval from Senator Ogden. 7 CHAIRMAN POLUNSKY: So we need signature 8 from Chairman Pitts? 9 JUDY BROWN: Chairman Pitts -- 10 CHAIRMAN POLUNSKY: The speaker? 11 JUDY BROWN: -- lieutenant governor and 12 the speaker. 13 CHAIRMAN POLUNSKY: And what -- again, 14 where are we? 15 JUDY BROWN: We are answering questions. 16 We answered some questions yesterday for Representative 17 Pitts. We have a commitment from the lieutenant 18 governor's office. We're contacting them as frequently 19 as we possibly can. 20 CHAIRMAN POLUNSKY: You have a commitment 21 from the lieutenant governor's office for what? 22 JUDY BROWN: That when we receive both 23 Ogden and Pitts's approval, that that approval will be 24 granted. 25 CHAIRMAN POLUNSKY: All right. So what</p>

<p style="text-align: right;">86</p> <p>1 I'm -- what I'm hearing here is it's very critical to 2 get the approval of Chairman Pitts. 3 JUDY BROWN: I spoke with his staff 4 yesterday on two occasions. 5 CHAIRMAN POLUNSKY: So what do we need to 6 do in order to get that? 7 JUDY BROWN: It -- I am making myself 8 available at every opportunity to answer any questions, 9 to provide any level of detail that they need. It may 10 be, Chairman Polunsky, that if you reached out to 11 Chairman Pitts, we may have a more successful audience 12 at his level. 13 CHAIRMAN POLUNSKY: Chief Kelley, could 14 you facilitate a meeting if necessary? 15 MICHAEL KELLEY: I'm Michael Kelley, Chief 16 of Government Relations. Are you asking me if I have 17 set up or would you like a setup? 18 CHAIRMAN POLUNSKY: Well, I don't think 19 you have set up from what I can hear, but I would agree 20 with Chief Brown that if this is not going to be 21 addressed expeditiously, that it possibly could be 22 helpful or advantageous for me to meet with either the 23 chairman or members of his staff to see if we can move 24 this forward because from what I'm hearing today and 25 what I've heard previously, it's critical that we get</p>	<p style="text-align: right;">88</p> <p>1 as an action item? 2 COMMISSIONER BARTH: It should be. 3 STUART PLATT: It is in terms of DL 4 reengineering. It's fairly generic, and so I think -- 5 and I anticipate this, I'll believe it (inaudible) open 6 meetings. 7 COMMISSIONER CLOWE: Point it out to us, 8 would you please. 9 STUART PLATT: It's under Roman numeral 10 III, Subpart E. 11 COMMISSIONER CLOWE: You think that covers 12 it? 13 STUART PLATT: I believe it does because 14 it includes language about possible expedited 15 contracting process. 16 CHAIRMAN POLUNSKY: Mr. Platt, would 17 you -- would you formulate a motion -- 18 STUART PLATT: Sure. 19 CHAIRMAN POLUNSKY: -- for consideration? 20 Would you like to put one forth at this point? 21 STUART PLATT: I can put one forth. I 22 would request that a member of the Commission move for 23 the subportion of the committee -- of the Commission, 24 being committee members, Commissioner Barth and 25 Commissioner Clowe with Commissioner Barth serving as</p>
<p style="text-align: right;">87</p> <p>1 his approval -- 2 MICHAEL KELLEY: Yes, sir. 3 CHAIRMAN POLUNSKY: -- and with this 4 approval then the others probably will follow suit 5 quickly -- 6 MICHAEL KELLEY: Yes, sir. 7 CHAIRMAN POLUNSKY: -- and we'll be on 8 track. 9 MICHAEL KELLEY: I'll contact Kathy 10 Panaszek on the committee and see if we can do something 11 either this evening since we're going up to the capitol 12 anyway, if that will be okay with you. 13 CHAIRMAN POLUNSKY: That will be fine. 14 MICHAEL KELLEY: Okay. 15 JUDY BROWN: That concludes my report 16 unless you have further questions. 17 CHAIRMAN POLUNSKY: Are there other 18 questions? 19 COMMISSIONER BARTH: Do we need a motion? 20 STUART PLATT: My concern was -- yes. I 21 have some concern with the scope of the authority being 22 given to the committee. So I wonder if you need a 23 motion or some sort of formal action to delegate that 24 authority to the committee? 25 COMMISSIONER CLOWE: Is it on the agenda</p>	<p style="text-align: right;">89</p> <p>1 chair, be vested with the delegated authority to oversee 2 the critical stage of the implementation of the DL 3 reengineering process during this next -- basically from 4 this point until the pilot project is completed and vest 5 them -- that the Commission vest them with authority to 6 approve for procurements up to but not exceeding 7 \$500,000 to expedite the implementation of the program. 8 Is that consistent with what was discussed on it? 9 COMMISSIONER BROWN: I'll move. So moved. 10 CHAIRMAN POLUNSKY: Is that okay with you, 11 Tom? 12 COMMISSIONER CLOWE: Yes, sir. 13 CHAIRMAN POLUNSKY: Okay. There's a 14 motion from Commissioner Brown. Is there a second to 15 Commissioner Brown's motion, which is tracking the 16 proposed motion that Mr. Platt has articulated? 17 COMMISSIONER STEEN: Second. 18 CHAIRMAN POLUNSKY: It's been seconded by 19 Commissioner Steen. Is there a discussion on this 20 motion? No discussion. All in favor, please say "aye." 21 Any against, "no." Motion passes. You now have 22 assistance. 23 COMMISSIONER BARTH: (Inaudible) click on 24 the icon. 25 (Laughter)</p>

<p style="text-align: right;">90</p> <p>1 CHAIRMAN POLUNSKY: Thank you. We're 2 scheduled next to go to executive session, but for time 3 reasons, I'm going to move onto ongoing business at 4 least partially if that is okay with the rest of the 5 commission. 6 COMMISSIONER BROWN: Sure. 7 CHAIRMAN POLUNSKY: And I would move on to 8 reports, discussion, deliberation, and possible actions 9 regarding the following, and the first would be the 10 procurement of a project management contract to 11 implement organizational changes and planning regarding 12 the development and administration of the project 13 management plan, and we will address that through a 14 report from Commissioner Clowe. 15 COMMISSIONER CLOWE: Commissioners, as 16 instructed by the chair, Commissioner Brown and I met 17 following the meeting of a selection committee to 18 responses for a request for proposals for a project 19 management office that resulted in four entities that 20 were deemed qualified and recommended for interview. 21 Approximately two weeks ago Commissioner Brown and I 22 interviewed those four entities and went through a 23 rating process with our purchasing department, and as a 24 result of those actions, including the cost factor, the 25 Deloitte firm was named the number one resposdee. A</p>	<p style="text-align: right;">92</p> <p>1 We have come up against a major obstacle 2 that was identified in the meeting that Paula Logan and 3 Colonel Clark had with Mr. Drew Beckley of Deloitte and 4 that is the projected costs. And in entertaining moving 5 forward with a contract -- and no contract has been 6 signed at this point. We are in the negotiation stage. 7 There is no obligation on either party's part. -- It 8 was identified that the resources of Deloitte that would 9 be brought to bear over perhaps a two year period would 10 range in costs from possibly three and a half million 11 the first year to an additional two and a half million 12 the second year, a total of six million dollars for two 13 years. Now, Commissioner Brown was unable to meet at 14 the next meeting with the Deloitte individuals, so in 15 light of that I asked the chairman to attend that 16 meeting, and he did so. And at this point there's been 17 a very careful division of communications. Commissioner 18 Brown has not communicated with the chairman and there's 19 been -- we've been very careful to observe the open 20 meetings protocol, and we are here now in the public 21 meeting, which is the proper venue to discuss this 22 issue. 23 My sense, Commissioners, is that there's 24 no question that Deloitte has the expertise. They have 25 the depth. They have the experience. They would be a</p>
<p style="text-align: right;">91</p> <p>1 meeting was subsequently scheduled between our director 2 of human resources and the colonels, as well as other 3 people -- I was not present and so I do not know who 4 else attended -- and the work was begun on a statement 5 of work and the identification of costs in this matter. 6 Now, to my knowledge, this agency has 7 never worked in the past with a project management 8 office, and it was to a great extent a learning 9 experience for me and perhaps for Commissioner Brown, 10 but we did learn that it is not uncommon for large 11 entities or entities that have complex expansions or 12 reorganizations or redevelopment activities to employ a 13 firm as a project management office to assist the 14 management in the implementation of that expansion or 15 reorganization or turnaround. And although I don't 16 think Colonel Beckworth was there, Colonel Clark 17 attended a number of these meetings and was brought into 18 this process. The Deloitte people demonstrated, in my 19 opinion, and I think in Commissioner Brown's opinion as 20 well, a high level of expertise and generated a level of 21 confidence from us in their ability to assist us in the 22 reorganization of this agency and the hiring of people 23 necessary to run the organization under the director's 24 guidance, and their help to this point has been very 25 beneficial.</p>	<p style="text-align: right;">93</p> <p>1 fine company to work with as a PMO. The cost is the 2 issue that I think the commissioners might want to delve 3 into and focus on in this discussion today. We ended 4 the meeting, the chairman and others on the staff, 5 asking Mr. Beckley to be creative in his thinking and 6 see what Deloitte might do to reduce the expense of 7 employing his firm and how that might work out. We have 8 not heard from him, and he's here today, and I assume 9 prepared to speak to that. Mr. Chairman, that would be 10 where I think we are in this process today. 11 CHAIRMAN POLUNSKY: Thank you very much, 12 Commissioner Clowe, for all the work you've done on this 13 project to date. Mr. Beckley, I think that certainly 14 accurately describes the status of where we are, you 15 know, that there is some concern, at least on my part, 16 and I believe certainly Commissioner Clowe's part as 17 well as to the price that is associated with the 18 services that you're proposing. And you were asked, as 19 Commissioner Clowe spoke to a second ago, to possibly 20 revisit your strategy as to what services, you know, 21 could or would be provided to the department in this 22 endeavor. So I would like to hear what your thoughts 23 are and if your proposal has changed since it was 24 originally presented. 25 DREW BECKLEY: I'm Drew Beckley, a</p>

<p style="text-align: right;">94</p> <p>1 principal with Deloitte Consulting. We've had several 2 discussions following the meeting last week and 3 preparing actually a draft statement of work, which 4 would be a modification from the proposal we had 5 submitted to the Commission. 6 Basically it would anticipate a budget of 7 a million and a half dollars over the next two years. 8 Part of that was as we had raised the possibility, the 9 assumption of the number of those responsibilities by 10 the department itself in the conduct and changing the 11 mode from the proposal in which we would participate. 12 So we have proposed a smaller team, that it would be 13 part-time in an organized fashion rather than full-time 14 with some adjustments to the individual's 15 responsibilities and working much more in an oversight 16 and review mode with more of the detailed work to 17 actually be done by department personnel. I would 18 emphasize also that the contract as structured in the 19 RFP is a time and materials contract so that we 20 basically serve at the pleasure of the Commission and 21 the department under that in terms of the level of 22 effort. So it is -- it's not fixed at any number, but 23 in fact this as structured would have a cap on it of a 24 million and a half over the two year period. 25 It also included as part of that the doing</p>	<p style="text-align: right;">96</p> <p>1 a final draft -- I'm Paula Logan. I'm the human 2 resources director. But we wanted to at least get it to 3 the phase where we were in general agreement about all 4 the main clauses so that you could reference in this 5 meeting if you wanted to discuss it in detail. 6 COMMISSIONER CLOWE: Mr. Platt, let me ask 7 a question before you go forward, Paula. Are we within 8 the parameters of the original RFP in this discussion 9 and are we authorized to discuss this matter in this 10 way? 11 STUART PLATT: I believe we are. Aline, 12 you've worked the scope of this contract. I -- probably 13 the best (Inaudible) North Lamar contract matters out 14 here who has worked intensely on this, and we talked 15 about it yesterday. She believes -- 16 COMMISSIONER CLOWE: We're not changing 17 the parameters so that we made the original RFP null and 18 void? 19 STUART PLATT: No, I don't think so. In 20 fact, one of the things that happened is I think they 21 identified the pro bono portion, which, as you and I sat 22 last week and met, has been identified, if I'm not 23 mistaken. So we deal with that up front before we move 24 into the pay phase, which I think is consistent with the 25 cafeteria plan approach that we had in the RFP.</p>
<p style="text-align: right;">95</p> <p>1 of the first task as we had proposed and doing that pro 2 bono, which would involve the putting together of the 3 recommendations, division, the priorities in the initial 4 plan. It was clear to us that in both making the 5 proposal that also we went through discussions just as 6 we have to better understand collectively how a PMO 7 might operate that it's very important to get to a sense 8 of the priority for those things to be undertaken over 9 the next two years and even in the shorter period over 10 the next three to six months. So that work initially 11 would be to establish that, which would basically be the 12 plan for the next six months or through the end of this 13 fiscal year. 14 CHAIRMAN POLUNSKY: So if I understand 15 what you're saying, you do have a plan to reduce the 16 scope of your services and remarkably reduce the costs 17 associated with it? 18 DREW BECKLEY: That's correct. 19 COMMISSIONER CLOWE: May I add a couple of 20 things? 21 DREW BECKLEY: If I can also say -- and 22 that's actually been reduced to a graph of the statement 23 of work that we have exchanged with the department and 24 going through a couple of modifications. 25 PAULA LOGAN: This is probably (Inaudible)</p>	<p style="text-align: right;">97</p> <p>1 PAULA LOGAN: I was just going to point 2 out that although Deloitte is limiting their scope, as 3 he said, that means that DPS would take over more 4 portions to do in-house. And so we would probably have 5 to in turn identify staff, possibly hire staff that 6 could work full-time to do that. Now, we could probably 7 do that less expensively than Deloitte can, but it would 8 still be an additional expense to the contract to have 9 internal people. Either that or we would have to draw a 10 lot of people from their permanent jobs into these 11 temporary jobs and leave those permanent jobs vacant 12 during the duration of the project. 13 COMMISSIONER CLOWE: Commissioners, I 14 would like to -- may I? 15 CHAIRMAN POLUNSKY: Yes, sir. 16 COMMISSIONER CLOWE: I would like to add 17 some background to this so that you'll have the benefit 18 of some of the time that we spent on this. This is a 19 big project to implement and you have a divergence of 20 priorities that must come together to be accomplished in 21 an efficient way. There was a meeting between the 22 Deloitte people and the staff and the identification of 23 some priorities took place and it was clear as it was 24 recounted to me that staff was focusing on what I would 25 consider more tactical objectives, which is natural.</p>

<p style="text-align: right;">98</p> <p>1 There are certain problems facing this agency that the 2 leadership says, Well, we've got to perform. Case in 3 point, the driver's license issue. That's a very 4 tactical problem that has to be dealt with. My personal 5 feeling is that the Commission has more of a strategic 6 view that we would like to see an organization come out 7 of this that is, in fact, one that accomplishes the 8 tactical goals, but as an overall policy and guiding 9 focus that puts us where we want to be as far as the end 10 organization, the emphasis on intelligence, counter 11 terrorism, all of the things that the original Deloitte 12 study pointed out were lacking, and that points up the 13 problem here of coordination where you've got a board 14 that meets once a month and a leadership that's here 15 every day, and then perhaps a PMO that's trying to grind 16 these two forces together and make progress, and it can 17 be done I think through close coordination and 18 communication. It may, Mr. Chairman, call for another 19 subcommittee and an oversight or a steering committee, 20 but this is a tough job. And I know, Mr. Chairman, 21 you're eager for us to move ahead on it because you've 22 expressed that to me, but to begin without a good plan 23 is probably a mistake, and this is an important part of 24 identifying how we're going forward. And I thought when 25 Deloitte came out on top personally we were ready to</p>	<p style="text-align: right;">100</p> <p>1 It was disbanded at the end of the -- what was actually 2 called day one, which was the completion of that work. 3 COMMISSIONER STEEN: Mr. Beckley, was 4 Deloitte involved in that? 5 DREW BECKLEY: Yes, sir, we were. 6 CHAIRMAN POLUNSKY: And what did that 7 cost? 8 DREW BECKLEY: To the point, it was 9 approximately five million dollars, I believe, across 10 two years, and there was also -- and the piece I'm not 11 clear on is there were some additional tactical projects 12 beyond that that were undertaken such as specific work 13 done within the Medicaid portion of the agency. 14 CHAIRMAN POLUNSKY: And those services 15 were paid for through state funds or federal funds or -- 16 DREW BECKLEY: First, I can't answer that 17 with specific knowledge. I can make a good guess, and 18 that would be that it was a combination of funds because 19 of the nature of the agencies covered in the federal 20 programs, that there would have been federal matching 21 money available. I don't know exactly how it was 22 accounted for because of the specific program funding, 23 and then also the overhead allocations of funding within 24 HHSC. 25 COMMISSIONER BARTH: Commissioner Clowe,</p>
<p style="text-align: right;">99</p> <p>1 move forward, and then the chairman and I saw that six 2 million dollars and we said no, that's not going to fly. 3 And so we had another meeting and the money is important 4 and it's got to be settled, but how we progress this 5 change and make it meaningful, productive, lasting, and 6 in the end beneficial is extremely important. And the 7 PMO ranges all the way from an outside firm doing all of 8 it to doing it internally all on our own, or just not 9 having a PMO and saying, Well, we're just going to do it 10 with the colonels. And here we are in the public and we 11 now have to say our thoughts in the public. So this 12 calls for a very candid discussion I think to get us to 13 where we need to be. 14 DREW BECKLEY: Commissioner Clowe, if I 15 could add one thing. You mentioned PMO and trying to 16 understand what that is, and I know we had some 17 discussion the last time I was before you. For those 18 members who weren't involved in the discussion, this is 19 the same concept that was used five years ago for the 20 reorganization of Health and Human Services Commission 21 under House Bill 2292. I mean, so it's not necessarily 22 a new concept even within Texas, although not used as 23 often, and that was the concept that was in place for 24 two years in the development of the plan and the 25 implementation of it for Commissioner Hawkins. And then</p>	<p style="text-align: right;">101</p> <p>1 do we have the ability to handle as much in-house as 2 this reduced scope of work and dollars? 3 COMMISSIONER CLOWE: That's a very good 4 question, and the chairman and I discussed that at 5 length, and I think our feeling is we have a number of 6 very talented people in this agency who could be called 7 into this team, and yet we probably don't have everybody 8 we need and Paula has correctly pointed to me -- pointed 9 out to me that we do not have any funding designated at 10 this point in time to hire people for this. We've got 11 to take people who are in jobs or vacant FTEs and press 12 them into service if we decide to form a team 13 internally. A very good question. 14 COMMISSIONER BARTH: And I guess the 15 million and a half dollars in terms of a cap, would that 16 mean we would then have to put out another bid? 17 COMMISSIONER CLOWE: No. The way I 18 understand it is, it's within the RFP that we posted, 19 and a statement of work would be on a time and materials 20 basis. Mr. Beckley mentioned that. And if the chairman 21 appointed a steering committee, it would be sort of like 22 the committee he appointed just recently where you are 23 the chair and I'm on it where you would have meetings 24 that would agree on certain jobs to be done. And you 25 would know what that expenditure was going to involve,</p>

<p style="text-align: right;">102</p> <p>1 and when it reached a certain point, there would be a 2 stop and you would be authorized in his response to our 3 concern up to a million and a half over two years or 4 750,000 a year or some division by two of that total 5 amount. 6 COMMISSIONER BARTH: I don't think you 7 answered him. 8 COMMISSIONER CLOWE: I didn't answer it? 9 COMMISSIONER BARTH: No. I mean, the -- 10 PAULA LOGAN: We can amend the -- we can 11 amend. 12 COMMISSIONER BARTH: That's the question I 13 have. 14 PAULA LOGAN: As long as we stay in scope, 15 which -- 16 COMMISSIONER BARTH: So that if we seem -- 17 for whatever the reason we can't pull the appropriate 18 people off within our department and/or we can't attract 19 people to work as employees of DPS on this project, 20 somewhere along the way we rapidly get to that million 21 and a half dollars because we just don't have the people 22 within the agency to pick up the workload. We were 23 supposed to be doing from our end based on this 24 statement of work. We could then amend the contract 25 without having to go out and go through this whole</p>	<p style="text-align: right;">104</p> <p>1 think one of the things that was identified was maybe 2 help stand up the (inaudible) or something like that and 3 so -- and then, you know, they could tell us what they 4 think it's going to cost to do that substatement of work 5 and we can either get approval to move forward on those 6 on an individual basis. 7 So there's -- when we bid the RFP, we made 8 it this broad (indicating), and now we're kind of making 9 it this broad (indicating), but we can amend the 10 contract to go back out and take it to here 11 (indicating), or we can make it smaller or we could just 12 leave it here with an agreement that staff will only do 13 certain things without coming back to you and asking for 14 permission. 15 COMMISSIONER BARTH: Okay. Let me ask a 16 question to Commissioner Clowe. With the -- I guess 17 we -- the original scope of the contract or the 18 statement of -- the original scope of the RFQ, I -- it 19 was all encompassing, as I understand. 20 COMMISSIONER CLOWE: Very broad. 21 COMMISSIONER BARTH: Okay. Very broad. 22 But you felt like what was in there had to be done; is 23 that correct? 24 COMMISSIONER CLOWE: Yes. 25 COMMISSIONER BARTH: Okay. So, you know,</p>
<p style="text-align: right;">103</p> <p>1 process again? 2 PAULA LOGAN: Right. And in fact you 3 don't have to put the million and a half cap in there in 4 the first place if you don't want to. There could 5 simply be the Commission's understanding with the staff 6 that we won't obligate funds above that without coming 7 back to you and getting more authority. I think what we 8 tried to do when we put this statement of work -- this 9 draft statement of work together was to try to answer 10 the question of what's this whole thing going to cost, 11 and come up with a scheme so we could answer that 12 question, but we could -- it is a monthly time and 13 materials and so -- and we also identified some -- in 14 this proposal some routine costs that would happen 15 monthly, but there's still some control over that. If 16 we're spending too much on a monthly basis, we can 17 always go to Deloitte and say, It's costing too much on 18 a monthly basis. How can we change that? We can stop 19 the contract at any time because it is a time and 20 materials basis contract. So we can stop ordering 21 services under the contract. And we have the ability to 22 go out and create substatements of work where we 23 identify specific projects and say, This is really 24 important to us, and we realize it might cost a lot of 25 money, but we need you to come help us do something. I</p>	<p style="text-align: right;">105</p> <p>1 given we're now going to have some firm do some portion 2 of it and we think we can absorb the rest of that work 3 within the agency, we still have to have some dollars 4 available. Maybe we think we can do it for less than 5 Deloitte thinks we can do it, but we still have to have 6 some dollars available and attract people. The old 7 saying is that, you know, if you take one person and 8 move them over there, we're doing something over there. 9 Okay. All right. So I just want to understand making 10 sure that we can attract people to do the skills that we 11 need and implement the plan we need implemented. And in 12 a quick pace to meet the time line, I'm not advocating 13 spending any more money, but I just want to make sure 14 that the rest of the commissioners are aware that we 15 could run into, you know, I hate to use the word 16 dragging this project out by not having the right staff 17 within our department. 18 CHAIRMAN POLUNSKY: We're not going to 19 drag the project out. One way or the other, this thing 20 is going to get done. This has got the highest priority 21 in my mind. 22 COMMISSIONER BARTH: But what I'm hearing 23 here -- 24 CHAIRMAN POLUNSKY: I mean, I -- 25 COMMISSIONER BARTH: What I'm hearing is</p>

<p style="text-align: right;">106</p> <p>1 two-thirds of the work just based on -- maybe a little 2 bit less than two-thirds of the work we're going to pick 3 up going forward with this statement of work, meaning 4 the department. Yes? 5 COMMISSIONER CLOWE: I think you're making 6 an excellent point, and that is taking a very realistic 7 view of what we're discussing. 8 COMMISSIONER BARTH: Okay. 9 DREW BECKLEY: Commissioner Clowe, if I 10 could add something. In the original concept it was 11 really a PMO structure that was about 50/50. So we're 12 starting from that point and shifting much heavily into 13 the department in this regard. 14 COMMISSIONER CLOWE: But in my mind in the 15 RFP the thinking was Deloitte would play the leadership 16 role in their 50 percent. 17 DREW BECKLEY: Right. 18 COMMISSIONER CLOWE: And the DPS would 19 furnish their 50 percent as a supportive and an involved 20 participant, but Deloitte would lead the way. I think 21 now we're talking about Deloitte saying go that way, but 22 then we have to pick up and go. And if you're having 23 some concerns about that, I think those are valid. The 24 fact is that I think you need a guide in something like 25 this unless you're going to have a commission that meets</p>	<p style="text-align: right;">108</p> <p>1 convinced can be done before we move in that direction. 2 CHAIRMAN POLUNSKY: Ms. Logan, what's your 3 opinion? Do we have the personnel here that can provide 4 the services we're discussing? 5 PAULA LOGAN: I'm going to agree with 6 Commissioner Clowe. I think we have a lot of people 7 that can step up and do it. There might be some areas 8 of expertise that we need to hire some, you know. Some 9 of the kinds of things that Deloitte identified in their 10 study was communication operator, you know, somebody to 11 help with the communications plan maybe, maybe some 12 change management strategy, you know. I think he 13 identified strategy innovation office and needing to 14 have somebody that can really look at business process 15 reengineering stuff. There might be a few talents like 16 that that we might need to hire in, but I think, you 17 know, for the most part, we have a lot of talent. But a 18 lot of these decisions that need to be made are going to 19 be decisions that would normally in our agency be made 20 by division chiefs and above. They are major policy 21 level decisions. And so, you know, back to what you're 22 saying is that when you start partnering up those people 23 that already have a 60 hour a week job, then so -- and 24 how much time can each person put in on the different 25 parts of the project and -- but we have, you know, some</p>
<p style="text-align: right;">107</p> <p>1 with the leadership constantly, frequently, or a 2 steering committee that's here almost as much as the 3 chairman has been, which is practically every day, 4 and -- because, you know, you're shaping the future of 5 this agency. It's tremendously important. 6 COMMISSIONER BARTH: I don't disagree. I 7 think you look at this and -- do we have people -- have 8 we identified people within the agency that are going to 9 pick up this load other than just approve this? 10 COMMISSIONER CLOWE: The chairman and I 11 talked about that and we have identified some people by 12 name that we think have tremendous potential to step up 13 and be involved in this along, of course, with the 14 current leadership. The colonels are doing an excellent 15 job of moving ahead as best they can. But if we enter 16 into this next phase, the pace is going to pick up and 17 we're going to start making some real substantive 18 changes. 19 COMMISSIONER BARTH: There's only 24 hours 20 in a day. I just want to make sure that the people 21 we've identified, you know, we have people behind them 22 to pick up whatever load they need to pick up. 23 COMMISSIONER CLOWE: I think you're very 24 wise to have that concern and ask that question, and I 25 think that's something that this board ought to be</p>	<p style="text-align: right;">109</p> <p>1 depth in the agency as far as assistant managers and 2 managers that you could -- and captains and lieutenants 3 and people that you could draw in and build a program 4 with, but there probably are going to be some areas that 5 we're going to need to maybe get some assistance in as 6 well. 7 COMMISSIONER STEEN: Mr. Beckley, when you 8 had proposed the six million dollars -- of course you're 9 looking at what Deloitte people would be involved and 10 their hourly rates. You're just estimating the time 11 and -- is that how you came up with the six million? 12 DREW BECKLEY: That's correct. It was not 13 a requirement of procurement to come up with a number. 14 It was to provide a rate schedule because of the time 15 and materials nature of the contract. As part of that, 16 it did also require that we put together an approach of 17 how we would recommend going forward. So it was in the 18 combination of those and answering the question of well, 19 then what would that require as the budget for a 20 statement of work the first two years under this 21 contract that we came to that number and the decision to 22 explore how to make that number smaller. 23 COMMISSIONER STEEN: Could you paint a 24 picture -- if we decided to spend the six million, just 25 tell us what -- how -- what the office would be, how</p>

<p style="text-align: right;">110</p> <p>1 many people there, and then as you shift over to this 2 idea that now we're backing off to 1.5 million, how is 3 that different? 4 DREW BECKLEY: Let me offer two thoughts. 5 One, in the preface to that, the reason we thought it 6 would be valuable to do the front end piece of work to 7 really get to the plan would be to help put some of the 8 specifics that feel ambiguous and not laid out now in 9 terms of what would be the resource requirements, what 10 are the suggested priorities, how long might those go 11 before the projects were chartered, but to start to 12 bundle those together and say does this fit the 13 leadership's vision and the Commission's vision of what 14 needs to happen over the next two years. So some of the 15 specifics would come out of that effort that we're 16 suggesting will facilitate in the front. 17 To the specific question of what would it 18 look like, there were in the RFP 35 different specialty 19 areas identified. In other words, skills could be 20 provided potentially under the RFP and about 26 or so 21 different kinds of tasks to be performed under the RFP 22 if those were in effect included either under a base PMO 23 work or under the substatements of work. So they were a 24 very broad base. In responding to that, we put together 25 as laid out in the RFP -- and I think it was pretty wise</p>	<p style="text-align: right;">112</p> <p>1 available, they would do the initial planning exercise 2 with the leadership and with the Commission, which would 3 develop what would happen over the next two years and 4 potentially beyond that with the longer term projects. 5 Secondly, coming out of that planning 6 exercise that they would actually become deployed in 7 working with the individual areas such as information 8 technology or financial management or human resources or 9 in business process projects such as the optimization 10 within the driver license implementation so that that 11 core team would in effect have the knowledge of the 12 vision and the priorities set that would be working with 13 the leadership of the department. And then would move 14 into the implementation role as each of those areas took 15 on those projects. So the idea was to try to keep a 16 core team and have that knowledge resident rather than 17 have those people shuffled in and out over the two 18 years. The -- that was the original plan. The 19 modified -- 20 COMMISSIONER STEEN: That's the six 21 million dollar plan? 22 DREW BECKLEY: Yes, sir. And the modified 23 plan was to use four of those people and to use them 24 part-time and to switch the role from the leadership in 25 doing the planning and being involved necessarily in the</p>
<p style="text-align: right;">111</p> <p>1 -- the key players to put a project manager in place, to 2 put a client service executive in place to really work 3 as the interface on the board or the Commission and the 4 project manager to be working with the leadership within 5 the department and the individual chiefs. And then 6 underneath that -- and these were all proposed of what 7 we would call manager level. So very experienced 8 people. One in finance. One in technology. There was 9 a requirement for an internal audit position and so we 10 responded and we thought that would be part-time. 11 Internal audit and risk management. Also, to have one 12 for human resources, another for change in management 13 and communication. And I think that's the list. Oh, 14 financial management if I didn't mention that. 15 COMMISSIONER STEEN: So how many people? 16 DREW BECKLEY: So that was seven people, 17 two of whom were part-time. 18 COMMISSIONER STEEN: Five of them would be 19 Deloitte people that would be coming over here every day 20 and devoting full-time? 21 DREW BECKLEY: That's correct. I'm sorry. 22 The position I didn't mention was a business process 23 position, which was really to reach across in the 24 integration processes like finance and recruiting and so 25 on. So the intent was not only that they would be</p>	<p style="text-align: right;">113</p> <p>1 implementation of the projects to more the specification 2 and the oversight and the review in terms of this is -- 3 this is what we walked through on the project, this 4 is -- for instance, if there were a project around the 5 implementation of the figurative operations portion of 6 the organizational model, what might -- what would be 7 the elements of bringing the project back, and then the 8 department personnel would be fully putting together 9 that project and we would be functioning more in an 10 oversight and review mode on a periodic basis rather 11 than being involved each day. Is that helpful? 12 COMMISSIONER STEEN: I think so. I'm just 13 sort of trying to get the big picture. So what you 14 originally proposed you would had -- you would have 15 had -- I'm just trying to picture this. There would be 16 some space dedicated to it over here and you would have 17 people from Deloitte coming over every day and working 18 here full-time? 19 DREW BECKLEY: That's correct. 20 COMMISSIONER STEEN: And there would have 21 been how many full-time people? 22 DREW BECKLEY: I think it was five 23 full-time and two part-time. Five or six. I'm sorry. 24 I don't remember. 25 COMMISSIONER STEEN: All right. And then</p>

<p style="text-align: right;">114</p> <p>1 on this revised -- the one that you are here on today, 2 now it's four people, but they are not full-time? 3 DREW BECKLEY: That's correct. And so we 4 would be scheduling meetings to -- around really the 5 plan once developed to say here is an update meeting. 6 This is an oversight. And we would be working, in 7 effect, having them part-time, but it would be the same 8 group of people but we would be managing their 9 involvement to make that fit within the budget. 10 COMMISSIONER STEEN: And I think, 11 Ms. Logan, what you were saying earlier that if we were 12 looking at six million and now we're coming down to 13 5 -- 1.5 million, there's still costs associated with 14 it, and I guess we need -- wouldn't we want to get a 15 handle on that, Commissioner Clowe, in terms of -- 16 COMMISSIONER CLOWE: Yes. 17 COMMISSIONER STEEN: What's the real cost? 18 If we're going from six million to something more than 19 1.5, but what are we going to have to -- 20 COMMISSIONER CLOWE: We haven't done that, 21 and that's an excellent point, Commissioner Steen. 22 Whatever resources we bring to bear are tangible 23 expenses, and a value has to be put on those. But we 24 have not quantified that because our path has not been 25 clear up to this point, and that's why we're here today</p>	<p style="text-align: right;">116</p> <p>1 would identify our priorities and our goals, and that's 2 where you bring the strategic and the tactical 3 objectives together. You prioritize, and that would 4 give substance to the plan to move forward. That's 5 probably the first step. And once you do that, if you 6 do that, you could begin to identify the roles that 7 people were going to play and what the expense would be 8 for those services. 9 COMMISSIONER BARTH: I think we have to 10 have some idea of a budget here. I hate to see this 11 thing just be a runaway situation. I mean, in terms of 12 assigning costs to our own people as well, you know, as 13 the contract. 14 COMMISSIONER CLOWE: You know, it's 15 reminiscent of the DL restructuring. 16 COMMISSIONER BARTH: I'll let you say 17 that. I was thinking it. 18 COMMISSIONER CLOWE: How in the world did 19 we get in the mess we are in there? And we certainly 20 don't want to get in that kind of mess here. 21 COMMISSIONER STEEN: Well, then aren't we 22 missing part of it today? In other words, he's -- 23 Mr. Beckley has backed off from the six million to the 24 1.5. Ms. Logan said, Well, of course that's -- you 25 know, we're shifting more of the burden over to DPS, but</p>
<p style="text-align: right;">115</p> <p>1 hopefully to get some direction from the entire board. 2 PAULA LOGAN: I would add one thing to 3 what Drew was saying and that is that in addition to 4 those four people that he just talked about, they also 5 delineated -- and they are delineated in the statement 6 of work I gave you -- a series of experts that they have 7 either on staff or can bring in that could also come in 8 when we identified a project that needed somebody to 9 lead it that had a particular area of expertise that 10 could be brought in, and those would be recurring costs 11 also under the six million. And we might have to be a 12 little bit more strategic about that under 1.5 million 13 because we have a smaller pot of money, and so we might 14 need to bring them in. And instead of maybe leading a 15 small project like that and getting it together, again, 16 they would go more in the oversight and planning mode 17 and so that -- those experts would still be available, 18 but instead of coming on board and working for three 19 months full-time to get a small project implemented or 20 something like that, they would come on board part-time 21 for that eight month period. 22 COMMISSIONER CLOWE: Probably the first 23 step, Commissioner Steen -- and Mr. Beckley suggested 24 that -- would be for Deloitte and the leadership and the 25 commissioners to come together for a workshop, and we</p>	<p style="text-align: right;">117</p> <p>1 we haven't -- we haven't tried to quantify that. It 2 seems like we would want to do that, wouldn't we, before 3 we made a decision? 4 COMMISSIONER CLOWE: Well, I think what 5 we're looking for today is some direction from the 6 board. Because one of the options I mentioned briefly 7 was we just do this whole thing in-house. That's an 8 option. And if the board's will is that we take that 9 approach, then we'll budget that. But I think it's 10 wasteful not to have direction from the board and have a 11 direction pointed out before we begin to try to budget, 12 but I certainly think you made a good point. We want to 13 be very careful before we get into this thing that we 14 have some stops and some checks and balances so that we 15 don't say, Oops, we're sorry in two years. We spent a 16 lot more than we thought we were going to. 17 COMMISSIONER BARTH: Would it be possible 18 today to move to accept Deloitte as project -- outside 19 project management with the intention of coming together 20 with some committee to pull together the resources of 21 both the department and Deloitte and figure out what 22 that budget is? 23 COMMISSIONER CLOWE: Well, I'll tell you 24 what I think is the answer to that. Mr. Beckley was 25 very kind to make an offer to have this workshop, this</p>

<p style="text-align: right;">118</p> <p>1 planning meeting pro bono on behalf of Deloitte. And I 2 readily accepted that before he could withdraw it. And 3 If he still wants to do that, then I think a meeting 4 where all the commission is involved -- and I see that 5 as a working meeting -- the leadership, the colonels, 6 and whomever they designate, where we identify what our 7 priorities are is a step before we put numbers on a 8 piece of paper. You know, what is it you want me to do 9 and then you tell me what you want me to do and I'll 10 project the cost for it. Otherwise, I think we're just 11 pulling numbers out of the air. 12 CHAIRMAN POLUNSKY: I would agree with 13 that wholeheartedly. 14 PAULA LOGAN: And I did ask general 15 counsel yesterday if we delay -- how long could we delay 16 implementing the contract and it still be something that 17 we could do. In other words, was there a drop dead date 18 that we had to make a decision and sign the contract. 19 And they said basically the answer was no. The 20 proposal, I believe, showed it good for 120 days. After 21 that we would have to beg the consideration of Deloitte 22 to still hold it the same pricing structure and enter 23 into the contract with us. But as long as Deloitte is 24 still willing to negotiate with us, there's no 25 particular time limit on -- so if you wanted -- you</p>	<p style="text-align: right;">120</p> <p>1 and the leadership are overseeing the project that we 2 would be moving forward or we wouldn't be moving 3 forward. So the attempt was to try to get that point 4 without actually costing the commission or the 5 department anything and get more clarity on the table. 6 COMMISSIONER CLOWE: But you're saying you 7 want the contract signed before you do that pro bono 8 work. Did I hear you right? 9 DREW BECKLEY: If I had a choice of trying 10 to close that today or coming back and having another 11 discussion, I would rather close it today. 12 COMMISSIONER CLOWE: Well, we're talking 13 truth here. So just lay it out. Okay. Colonel, did 14 you have a comment? 15 COLONEL CLARK: Mr. Chairman, 16 Commissioners, let me just speak on behalf of the 17 employees. I know Deloitte wants to work to support our 18 efforts. I mean, that's the whole purpose of getting 19 this PMO. But I just want to be on the record as I 20 think you'll find that we have some remarkable people 21 who are ready to move forward to assist in this project, 22 and I think you'll be surprised at the level of 23 expertise that we have when they are challenged. This 24 is the way we'll save money, by using our people, and I 25 am confident that we can produce a great product as we</p>
<p style="text-align: right;">119</p> <p>1 could do what Commissioner Barth suggested and go ahead 2 and indicate you want to award the contract and move 3 forward and figure out the numbers as we go, or you 4 could have the initial planning session, see if you can 5 get a handle on it, and then award the contract or not 6 depending on maybe what the discussion is surrounding 7 the initial planning phase. And so, I mean, we actually 8 have some fluidity there in the contract process. 9 DREW BECKLEY: I suggest a clarification 10 to that. 11 PAULA LOGAN: Okay. 12 DREW BECKLEY: What we actually -- that's 13 exactly right. What we talked about is a statement of 14 work would basically be to put in place the contract as 15 time and materials, that the first step would be the 16 development of the agreement around what the division 17 is, what the priorities are, what the projects are, what 18 the potential level of resources is so that then the 19 rest of that can be done. We would do that portion pro 20 bono. So we wouldn't start any paid work under the PMO 21 per se unless there was some sort of special project 22 that the commission wanted us to take on in addition 23 early on. But basically we could start, get to that 24 point, and then based on the plan, that it either is 25 something that's comfortable from however the commission</p>	<p style="text-align: right;">121</p> <p>1 go forward in this organizational change, and I just 2 want to be on record as stating that we have some great 3 people and they are ready to go. They are ready to 4 serve. And I'll leave it at that. 5 COMMISSIONER CLOWE: Well said. And I 6 think it's very true. Very true. 7 CHAIRMAN POLUNSKY: I would agree with 8 that as well with all do respect to Mr. Beckley and 9 Deloitte who certainly did a wonderful job with respect 10 to the -- 11 COMMISSIONER STEEN: Mr. Chairman, of 12 course this isn't of the highest importance. It's just 13 as a suggestion. Maybe in two weeks we could have the 14 session you're talking about, Commissioner Clowe, where 15 we come together and then at our next regular meeting, I 16 think that we will be at the point where I think we 17 would be in better shape to address this in terms of 18 having an idea of what it's really going to cost us. 19 COMMISSIONER CLOWE: And, you know, this 20 discussion has been very productive. I think you-all 21 are now up to speed on where we are. And thank you for 22 that suggestion. 23 COMMISSIONER STEEN: Would the Commission 24 be willing to do that, to have in essence a meeting 25 halfway between, you know, this and our next regular</p>

<p style="text-align: right;">122</p> <p>1 meeting?</p> <p>2 CHAIRMAN POLUNSKY: Right. That's what I</p> <p>3 was about to say. I think Deloitte is a fine company.</p> <p>4 We very well may go forward with them, but at this</p> <p>5 point, I am not prepared personally to make the</p> <p>6 commitment to enter into a contract with Deloitte. I do</p> <p>7 think that it would be constructive for us to do as</p> <p>8 Commissioner Steen and Commissioner Clowe essentially</p> <p>9 have suggested here, and that is to have some type of</p> <p>10 workshop meeting where we go through this, see if we can</p> <p>11 construct a collaborative effort between Deloitte if we</p> <p>12 go forward with Deloitte and our own staff, allocate</p> <p>13 that out, see what it's going to cost, see if it's</p> <p>14 workable, so on, and then come back and take some type</p> <p>15 of action at the April meeting. So that's where I would</p> <p>16 like to go with this. It very well may be that we go</p> <p>17 forward with Deloitte in the form that they've discussed</p> <p>18 today or some variation thereof, or it's certainly</p> <p>19 possible that it could all go in-house and let the</p> <p>20 department handle it. But in any event, I do think it</p> <p>21 would be good for us to have some type of workshop</p> <p>22 meeting in a couple of weeks and address all of this</p> <p>23 because it is so important.</p> <p>24 COMMISSIONER BROWN: Let me chime in for</p> <p>25 just a second. There's a term of art that was thrown</p>	<p style="text-align: right;">124</p> <p>1 DREW BECKLEY: Actually, the -- I was</p> <p>2 about to say yes to the workshop. The best way to</p> <p>3 prepare for that would actually be working with the DPS</p> <p>4 leadership and what we have in the background so we come</p> <p>5 properly prepared to the workshop. That might involve</p> <p>6 working with a couple of the commissioners as well to</p> <p>7 get the kind of guidance. Honestly, I believe two weeks</p> <p>8 is probably too quick to be able to take the breadth of</p> <p>9 the recommendations that were in the report we issued in</p> <p>10 the fall and be able to start organizing -- Colonel</p> <p>11 Clark has been designated at least within the intent of</p> <p>12 the RFP to be that interface. Putting that together</p> <p>13 will probably take several weeks. So I would think that</p> <p>14 the -- we would be pressed to try to get it in before</p> <p>15 the next meeting. I would rather do it right so that at</p> <p>16 the point we came together, we had a good set of things</p> <p>17 to present to the entire Commission for reaction, which</p> <p>18 would mean organizing that set of recommendations,</p> <p>19 starting to look at what can be done within the</p> <p>20 department and starting to put names against those,</p> <p>21 laying out contingent kinds of priorities while this is</p> <p>22 done in the first year, this is the implication of the</p> <p>23 second -- we would end up -- if we did it in two weeks,</p> <p>24 we would be too much in the development of that in the</p> <p>25 meeting. So I suggest that we really take three or</p>
<p style="text-align: right;">123</p> <p>1 out and probably everybody knows what it means, but just</p> <p>2 in case, pro bono is just Latin for public good. It</p> <p>3 means free.</p> <p>4 COMMISSIONER CLOWE: For free.</p> <p>5 COMMISSIONER BROWN: Free. Fancy talk for</p> <p>6 free.</p> <p>7 COMMISSIONER CLOWE: Lawyer talk for free.</p> <p>8 CHAIRMAN POLUNSKY: So what are you</p> <p>9 suggesting? That Deloitte do this pro bono?</p> <p>10 COMMISSIONER BROWN: Pro bono. Free.</p> <p>11 CHAIRMAN POLUNSKY: I didn't see a yes.</p> <p>12 COMMISSIONER BROWN: For the record,</p> <p>13 there's silence on the part of Mr. Beckley.</p> <p>14 DREW BECKLEY: I'm sorry. I thought it</p> <p>15 was a rhetorical question. The answer is yes.</p> <p>16 COMMISSIONER STEEN: Mr. Beckley, so you</p> <p>17 would be willing to -- your firm would be willing to</p> <p>18 participate in this session workshop or whatever we're</p> <p>19 going to call it?</p> <p>20 DREW BECKLEY: Yes.</p> <p>21 COMMISSIONER BARTH: And who would you</p> <p>22 envision in the workshop?</p> <p>23 DREW BECKLEY: Pardon?</p> <p>24 COMMISSIONER BARTH: Who would you</p> <p>25 envision in the workshop?</p>	<p style="text-align: right;">125</p> <p>1 four -- I prefer having about four weeks just given how</p> <p>2 schedules would tend to work to try and put that</p> <p>3 together.</p> <p>4 COMMISSIONER CLOWE: And I would like to</p> <p>5 add that at least on my experience the leadership role</p> <p>6 falls to you or your designee to lead the work session</p> <p>7 and help the participants identify through the work that</p> <p>8 you do prior to convening that what the priorities are.</p> <p>9 Someone has to take the leadership role and I see --</p> <p>10 DREW BECKLEY: That's correct.</p> <p>11 COMMISSIONER CLOWE: -- Deloitte in that</p> <p>12 role.</p> <p>13 COMMISSIONER BARTH: Let me ask you this</p> <p>14 question. Being very specific, how much time would you</p> <p>15 envision our top people spending with you over the next</p> <p>16 three or four weeks?</p> <p>17 DREW BECKLEY: Some of this would be</p> <p>18 delegated within that in terms of gathering and sending</p> <p>19 things out for review and approval. I'm anticipating</p> <p>20 probably 10, 12 hours at a minimum, maybe as much as 20.</p> <p>21 COMMISSIONER BARTH: I mean, I just want</p> <p>22 to recognize that we're in the critical phase of DL, and</p> <p>23 I am like looking at this going I think that's a big</p> <p>24 part of this --</p> <p>25 DREW BECKLEY: The two weeks is tight</p>

<p style="text-align: right;">126</p> <p>1 because I would rather come prepared to that so we -- I 2 would rather be spreading that over three or four weeks. 3 COMMISSIONER BARTH: And now we've got the 4 legislative session, you know, and when they call, we go 5 up. I don't want to prolong this project. I think we 6 have to recognize that -- 7 COMMISSIONER CLOWE: Other priorities. 8 COMMISSIONER STEEN: The question I have 9 is if we have the workshop, then how much time do we 10 need between the workshop and being in a position -- 11 CHAIRMAN POLUNSKY: Well, I don't think 12 you would need much time at all. Can you do it in three 13 weeks? 14 DREW BECKLEY: I would like to be able to 15 sit down with Colonel Clark in answering that because 16 it's partly what resources can I put together, but also 17 how that fits with their schedules as well. We'll 18 certainly do everything we can to do that. We can 19 probably get an answer to that in the next day or so. 20 COLONEL CLARK: Our next -- just for your 21 information, our next public safety meeting is on the 22 16th of April. That's a pretty short time. 23 DREW BECKLEY: I'm not -- 24 COLONEL CLARK: It's the third Thursday. 25 PAULA LOGAN: This one was delayed a week,</p>	<p style="text-align: right;">128</p> <p>1 CHAIRMAN POLUNSKY: Do you want to 2 continue on with this, Tom? 3 COMMISSIONER CLOWE: Your pleasure, 4 Mr. Chairman. 5 COMMISSIONER BROWN: May I make a motion 6 for lunch? I'm starving. 7 CHAIRMAN POLUNSKY: Very well. And I'm 8 freezing and so I want to get out of here. 9 (Laughter) 10 CHAIRMAN POLUNSKY: But -- 11 COMMISSIONER BARTH: It's a hostage 12 situation by the chairman. 13 CHAIRMAN POLUNSKY: Now, let me ask you a 14 question. John, do you have a strong interest in this? 15 COMMISSIONER STEEN: Do I? 16 CHAIRMAN POLUNSKY: Yes, you. 17 COMMISSIONER STEEN: Yes. 18 CHAIRMAN POLUNSKY: Would you like to 19 serve on that committee? 20 COMMISSIONER STEEN: I will. 21 CHAIRMAN POLUNSKY: Is that okay with you, 22 Ada? I know you've done some work on this, but -- 23 COMMISSIONER BROWN: Absolutely. You bet. 24 CHAIRMAN POLUNSKY: -- I would like to 25 spread this out a little.</p>
<p style="text-align: right;">127</p> <p>1 so -- 2 CHAIRMAN POLUNSKY: Okay. So what do 3 y'all want to do here? 4 COMMISSIONER CLOWE: My suggestion would 5 be that we ask Mr. Beckley to get together with Colonel 6 Clark. They look at what resources are available and 7 come back to the chairman and Mr. Beckley advise him of 8 his recommendation for a meeting date, and then the 9 chairman through -- Dorothy can poll the members of the 10 board and try to find a date. I don't think we can set 11 a date at this time. 12 CHAIRMAN POLUNSKY: Is that okay with 13 everyone else? 14 COMMISSIONER BARTH: Would you consider 15 putting a subcommittee together here? I hate even 16 saying that. So we can delegate and try and -- just in 17 case we start with the calendar game and all of a 18 sudden, you know, we're five weeks out or four weeks 19 out. It's just a thought. 20 PAULA LOGAN: Well, I think it might be 21 important also to have that subcommittee be available to 22 Deloitte and the Colonel during this getting everything 23 together just so that they can provide guidance and 24 leadership on some of the things that they might need to 25 be putting together as well.</p>	<p style="text-align: right;">129</p> <p>1 COMMISSIONER BROWN: You bet. I give you 2 the torch. 3 CHAIRMAN POLUNSKY: Okay. So then it will 4 be Mr. Clowe and Mr. Steen that would serve on the 5 subcommittee that would work towards facilitating all of 6 this and then coordinate a workshop meeting thereafter 7 or sometime in the near future. 8 COMMISSIONER CLOWE: And, Mr. Chairman, I 9 want to thank again Mr. Beckley for his involvement, his 10 offers. Deloitte has really I think tried to help us 11 and be responsive. We appreciate that. We know you're 12 in business to make money. We're in business to do this 13 right, but to save money. I would like to acknowledge 14 Paula's good work, Aline's, Ray Miller. And who else, 15 Paula, has been a stalwart in this? Stuart? 16 PAULA LOGAN: Yes. 17 COMMISSIONER CLOWE: I mean, this is an 18 example of what Colonel Clark mentioned. These people 19 have done wonderful work in being responsive on short 20 deadlines, a minimum of direction and instruction, and 21 really done super work, and we thank all of you for what 22 you do for this board. 23 CHAIRMAN POLUNSKY: Thank you. All right. 24 COLONEL CLARK: May I make one comment? 25 CHAIRMAN POLUNSKY: Yes, Colonel Clark.</p>

<p style="text-align: right;">130</p> <p>1 COLONEL CLARK: Mr. Chairman, I hold in my 2 hand the Senate Journal from Monday, March 23rd, and I 3 would like to just advise our audience if they don't 4 know that our four commissioners were confirmed on that 5 day and I would like to congratulate them and officially 6 welcome them to the Public Safety Commission. 7 (Applause) 8 COLONEL CLARK: And we'll have a souvenir 9 booklet for each one of you. 10 COMMISSIONER CLOWE: Now, Colonel, we 11 cannot be dismissed. We can be fired. 12 (Laughter) 13 CHAIRMAN POLUNSKY: The Commission now 14 adjourns to executive session, which is closed to the 15 public in accordance with the Texas Government Code, 16 Sections 551.071 and 551.074. Those people in the 17 audience may remain in the room. There will be lunch 18 served for everyone except Commissioner Brown -- 19 (Laughter) 20 CHAIRMAN POLUNSKY: -- who was overly 21 presumptuous in -- 22 (Executive session from 1:44 to 3:50) 23 CHAIRMAN POLUNSKY: All right. Let's go. 24 The regular session of the Texas Public Safety 25 Commission is convened in accordance with Chapter 551 of</p>	<p style="text-align: right;">132</p> <p>1 reports, that would be audit and inspection. 2 Mr. Walker. 3 FARRELL WALKER: Mr. Chairman, 4 Commissioners, my report includes seven internal audits 5 and one inspection report and a list of the projects 6 that we're currently working on. While our reports 7 include a number of recommendations, none of them are 8 particularly remarkable. For your information, I 9 might tell you that to date our inspectors have worked 10 on 1,133 bill analyses and 493 fiscal notes. We still 11 have 60 days to go, and during the 80th legislature for 12 the entire legislative session, they did 475 fiscal 13 notes. So the folks downtown are being very creative 14 this year, but we're keeping up with them. Other than 15 that, I have nothing to report. 16 CHAIRMAN POLUNSKY: All right. Also, you 17 have an internal audit services contract? 18 FARRELL WALKER: Yes, sir. After written 19 responses to our RFQ were evaluated, three firms were 20 selected for oral presentations. We're currently in 21 negotiations with the highest ranking of those three. I 22 expect that we'll conclude those negotiations as early 23 as Monday of next week. So in the interest of time, I 24 would request that the Commission delegate authority to 25 enter into the contract next week so that we can get</p>
<p style="text-align: right;">131</p> <p>1 the Texas Government Code and the Open Meetings Act. 2 During this meeting the Commission will be conducted 3 from the agenda posted in the Texas Register. A quorum 4 of the board is still present and the meeting is 5 reconvened. It is 3:50. Because a couple of the 6 commissioners are going to need to leave early today, 7 we're going to jump around a little on this agenda so 8 that we can address a couple of the more pressing issues 9 and then the balance will be carried over to the April 10 meeting and therefore I believe that one of the -- 11 COMMISSIONER STEEN: Mr. Chairman, can 12 I -- 13 CHAIRMAN POLUNSKY: Yes, sir. 14 COMMISSIONER STEEN: I know it's 15 Commissioner Clowe and Commissioner Barth. When do 16 y'all have to leave? 17 COMMISSIONER CLOWE: 4:15. 18 COMMISSIONER STEEN: 4:15. So -- and 19 then, Mr. Chairman, are we going to adjourn the meeting 20 at that time or will the three of us continue? 21 CHAIRMAN POLUNSKY: We can continue. 22 COMMISSIONER STEEN: So we can cover some 23 of the consent items and other things? 24 CHAIRMAN POLUNSKY: Yes. All right. Let 25 me -- I want to drop down to at least one of the</p>	<p style="text-align: right;">133</p> <p>1 started on the projects that are part of that RFQ. 2 COMMISSIONER STEEN: Mr. Walker, what does 3 that RFQ cover? 4 FARRELL WALKER: We have three grant audit 5 projects that are outlined in that RFQ. In addition, 6 we've allowed ourselves enough flexibility to request 7 any additional assistance that we may need over the next 8 several years. 9 COMMISSIONER STEEN: And can you say who 10 are the three that -- who were the three finalists? 11 STUART PLATT: I think since we're still 12 in the process at this point in time, we probably don't 13 want to identify those three out loud. It's my 14 understanding there's been one that was identified 15 (Inaudible). We can't identify that entity by name. We 16 shouldn't identify them. In case something fell through 17 with that, we shouldn't identify the rank order of those 18 individuals. 19 COMMISSIONER STEEN: So what you can 20 identify the -- 21 STUART PLATT: I don't think you should 22 identify the individual names. 23 COMMISSIONER STEEN: At all? 24 STUART PLATT: I don't think so. 25 COMMISSIONER STEEN: So we're --</p>

<p style="text-align: right;">134</p> <p>1 STUART PLATT: The party that they have 2 already entered into negotiations with, you are free to 3 name that. Commissioner Barth and I talked about that 4 yesterday. If you do want to identify that, you can. 5 FARRELL WALKER: We're negotiating with 6 Deloitte. 7 COMMISSIONER BARTH: So do you need a 8 motion to delegate the authority to come to a conclusion 9 on the contract to Mr. Walker in the audit? Then I'll 10 make that motion. 11 COMMISSIONER BROWN: Second. 12 CHAIRMAN POLUNSKY: All right. There's a 13 motion made by Commissioner Barth and seconded by 14 Commissioner Brown. Any discussion on the motion? 15 COMMISSIONER STEEN: And what's the motion 16 again? 17 CHAIRMAN POLUNSKY: To -- 18 STUART PLATT: To approve -- as I 19 understand it, to approve Deloitte on that, but it would 20 be subject to legal completing its review. We will get 21 a final copy this afternoon is my understanding of the 22 contract that's proposed by Deloitte, and until we've 23 reviewed it, it would not be effective to be signed. 24 COMMISSIONER STEEN: Okay. 25 CHAIRMAN POLUNSKY: Discussion? There's</p>	<p style="text-align: right;">136</p> <p>1 FARRELL WALKER: I appreciate the support. 2 You know, with competing priorities, it's helpful for us 3 all to understand what the expectations are, and I will 4 do my part to -- 5 COMMISSIONER STEEN: We want to stand 6 behind you, and if you need our assistance with that, 7 we're ready to get involved if we need to. 8 FARRELL WALKER: Thank you, sir. I 9 appreciate it. 10 CHAIRMAN POLUNSKY: That's it? 11 COMMISSIONER BARTH: That's it. 12 CHAIRMAN POLUNSKY: Thank you, Mr. Walker. 13 Is Mr. Kelley here? No. 14 The next item is the update report, 15 discussion, and possible action regarding employment of 16 an assistant to the Commission. Colonel Clark. 17 COLONEL CLARK: Mr. Chairman, I have met 18 with the individual who has been selected for that 19 position. Her name is Linda Dougherty. She has passed 20 her background investigation, and I believe in my 21 discussions with her, she will be available and ready 22 for employment April the 20th. She is currently 23 employed with a company that is being downsized and 24 moved to Boston and she is heavily involved in getting 25 that transformation done, but she will be at our</p>
<p style="text-align: right;">135</p> <p>1 no discussion. All in favor, please say "aye." Any 2 against, "no." The motion passes. Do you have anything 3 you want to add? 4 COMMISSIONER BARTH: Yes. I just want to 5 make a comment with respect to audit to the departments 6 that it is I believe this commission's expectation that 7 where there are recommendations as a result of audits 8 that they would be taken under advisement and responded 9 and corrective action would be taken in a timely 10 fashion. And I have asked Mr. Walker to make sure that 11 we have time lines so we can see when the responses were 12 forwarded and when the corrective action was taken 13 because I believe there are a number of issues out there 14 in a number of departments where the audit 15 recommendations have been put over to the side, and I 16 don't find that acceptable at all. I think audit is a 17 tool. We need to use it as a tool, and it doesn't need 18 to be something that we get to when we have time. 19 COMMISSIONER STEEN: Mr. Walker, I want to 20 echo that, that I feel very strongly about that. And I 21 hope that when recommendations are made that there's a 22 real intense follow-up, a timetable set up so that we 23 know that these things are being acted upon and not 24 just -- things aren't just drifting. Do you want to 25 comment on that?</p>	<p style="text-align: right;">137</p> <p>1 disposal on the 20th of April. 2 CHAIRMAN POLUNSKY: Ada, did that come up 3 in your discussion with her that this was going to take 4 that long for her to be available? 5 COMMISSIONER BROWN: It was not my 6 impression that it was going to be a long time, but I'll 7 have to go back and look at the date that she was hired. 8 It feels like it was a long time ago. 9 CHAIRMAN POLUNSKY: We're talking 10 basically two months from the time that we made that 11 decision. 12 COMMISSIONER BROWN: I did not understand 13 that it would -- 14 COLONEL CLARK: I think initially she 15 would have been available on April 1st and due to the 16 company issues and that move, it has been delayed is 17 what I was -- is what she told me. 18 COMMISSIONER BROWN: That's not something 19 I was aware of at the time. I knew that there would be 20 some period of time, but I don't recall it being 21 multiple months. 22 CHAIRMAN POLUNSKY: I don't think I like 23 that. 24 COLONEL CLARK: I'll be glad to call her 25 and see if I can hasten her arrival.</p>

<p style="text-align: right;">138</p> <p>1 CHAIRMAN POLUNSKY: Particularly since 2 we're right in the middle of the legislative session. 3 We're -- I mean, we need assistance really 365 days a 4 year, but particularly during this period of time is 5 critical, and I think that you may need to decide, you 6 know, where -- what's most important to her. 7 COLONEL CLARK: I'll express those 8 concerns. 9 CHAIRMAN POLUNSKY: Thank you. 10 COMMISSIONER CLOWE: Mr. Kelley is here 11 now. 12 CHAIRMAN POLUNSKY: All right. I'm going 13 to drop down to discussion and possible action regarding 14 the ongoing Sunset Review recommendations and other 15 legislation affecting the department and the Public 16 Safety Commission. Chief Kelley. 17 MICHAEL KELLEY: Good afternoon, 18 Mr. Chairman and Commissioners. I'm Michael Kelley, 19 chief of government relations. What I would like to 20 present to you is an update on -- let you know who has 21 been here and who said they could not be here today at 22 the commission meeting. I'll give you an update on the 23 confirmation of the four commissioners, review the DPS 24 requested bills, go over the DPS bill tracking, and then 25 go over the Sunset bill that is coming up.</p>	<p style="text-align: right;">140</p> <p>1 to achieve the results that we think you want to have. 2 Next, on the confirmation Colonel Clark 3 mentioned earlier, you received a seven to nothing 4 support vote in the Senate nominations committee on the 5 9th of March. That was the week after you actually went 6 there to testify. And then on the 23rd of March, that 7 Monday was a 31 to nothing confirmation. So you are 8 confirmed. One thing I want to mention that I've heard 9 great feedback from, you're one of the only commissions 10 that actually went down and met and interacted. While 11 others are still getting approved, I think what we found 12 was you doing that is really helping us on the budget 13 and on other policy issues. It means a lot. I know you 14 meet with Senator Carona. He just so happens to be 15 carrying a lot of our legislation that we have asked 16 for. We met with Senator Shapleigh and were able to 17 work through on this Chicago plan. And so now 18 Representative Chavez on the House side wanted a 19 briefing. So Tony Leal went and told her all that we 20 were doing. So what we found by you going down was it 21 was not only beneficial for your getting approved, it's 22 also been very beneficial to this whole agency. So 23 thank you for taking the time to do that. 24 Next, on the DPS requested bills, there's 25 a total of 40 bills that lawmakers have asked for, and I</p>
<p style="text-align: right;">139</p> <p>1 First of all, Kyle Mitchell is here from 2 the Governor's office, and earlier Mike Meyer was here 3 from the Senate Finance Committee. Mike had to go back 4 because they had some meetings, but we were glad he took 5 time to do that. Texas Burglar & Fire Alarm Association 6 was here earlier. Mike (Inaudible) and Rodney Hooker 7 have worked very hard with us on the private security 8 interest. We've got Sergeant Gary Chandler and John 9 Pike of DPS here today and then Don Dixon with the Texas 10 State Troopers Association. And Amy Trost was not able 11 to be here because of other Sunset duties, but she 12 wanted to make sure you know that she is readily 13 available and she has been working for me to make sure 14 you guys have the latest information. I just want to 15 say about these persons, especially these interest 16 groups, that they have been working with us down at the 17 legislature. Not only did they help us get working on 18 our budget, they endorsed the commissioners when they 19 were up for appointment. They've been side by side 20 helping us with Sunset. So we have some really good 21 partners out here, and I just want to thank these groups 22 for attending these meetings and for helping us out 23 because not only are they helping us publicly, but they 24 are working behind the scenes, meeting with lawmakers 25 and giving us feedback so we can work with them to try</p>	<p style="text-align: right;">141</p> <p>1 keep sending you those on Fridays so you have the latest 2 update. But there's 40 bills that we have requested, 3 and that's 26 policy issues. So you've got some House 4 and Senate bills that are the same. On the 1st of 5 April, next week, we're going to have the Transportation 6 and Homeland Security Committee have the DPS day, is 7 what they are calling it, where they are going to have 8 many of these same bills, are all going to be brought up 9 at one time by Chairman Carona, and he's just going to 10 have -- have all of us -- have all our bills that he's 11 got laid out and any bills pending in his committee 12 dealing with DPS to try to do them all in one day. 13 Last -- this current week was emergency management day, 14 if you will. So he decided to have all the emergency 15 management bills. So that being said, since we've been 16 given that heads-up as of last night, we know we're 17 going to have our witnesses down there, but certainly if 18 any of the commissioners want to come and attend that 19 day, we know there will be a lot of bills on the 1st of 20 April before the Transportation and Homeland Security 21 Committee. 22 One thing that Senator Carona has let us 23 know, his intent is to do like he's done with a lot of 24 other pieces of legislation he's worked with, is to 25 create some omnibus bills. So while we have 26 issues</p>

<p style="text-align: right;">142</p> <p>1 floating around in different bills, he fully intends to 2 pull some of those into one big omnibus bill. Like I 3 know he has emergency management. He's trying to pull 4 them into one big bill. Drivers License he wants to 5 pull into one big piece of legislation, and then some of 6 the other legislation dealing with the DPS he would like 7 to roll into the Sunset bill. So just understand a lot 8 of these bills on that chart may end up being a part of 9 a different piece of legislation, but his intent is 10 fully to support us and get these bills passed by the 11 end of session.</p> <p>12 The next thing I would like to talk about 13 is DPS bill tracking. Once again, every Friday morning 14 the Office of Audit and Inspection, the Office of 15 General Counsel and the Government Relations Office is 16 meeting to go over with the division chief 17 representatives what we're doing as far as how we've 18 been doing that week, where we need to improve, where 19 we're not having coverage, where we ought to improve 20 coverage. So we're learning as we go during this 21 session to make sure that we have representatives at all 22 the committee meetings where DPS legislation is coming 23 up or DPS related legislation. That is working very 24 well. The divisions are communicating back and forth 25 with each other. You may have a highway patrol that's</p>	<p style="text-align: right;">144</p> <p>1 largest impact or which ones we really need to be 2 working hard on or if we think there might be a problem 3 the way it's drafted and the way it might impact us, 4 that helps us to be able to work to go down to work with 5 the bill author or sponsor to let them know our 6 concerns. So 14 percent of all those bills that have 7 been filed have some kind of impact upon the Department 8 of Public Safety. Out of this we've got a breakdown of 9 all of the divisions tracking. You've got 10 Administration tracking 401 bills; Highway Patrol, 268; 11 Criminal Law Enforcement, 234; Driver License, 195; 12 Accounting, 144; Emergency Management Division, 91; 13 Information Management Service, 72; Texas Rangers, 57; 14 Public Information Office, 16; Aircraft has 9; and 15 Internal Affairs has six. So there again you see by 16 having those Friday meetings we're all talking, we're 17 helping each other keep an eye on all these various 18 bills that are coming forth.</p> <p>19 As far as next is the DPS Sunset bill, and 20 we have two pieces of legislation that are considered 21 the Sunset bill for DPS. That's House Bill 2730 by 22 Representative Lois Kolkhorst, a Republican out of 23 Brenham, and Senate Bill 1017 by Senator Juan Chuy 24 Hinojosa, a Democrat out of McAllen. The intent is for 25 the House bill to be the main vehicle. In other words,</p>
<p style="text-align: right;">143</p> <p>1 sitting in uniform gets a DL question. They know what 2 to answer, what to say and how to get back to the Driver 3 License Division. You may have Chief Burroughs sitting 4 in there stuck like he did last week and he gets 5 questions related to law enforcement. He can then turn 6 back to Major Joy and say, Major Joy is here with 7 Highway Patrol. We'll let him handle that one. That is 8 working very well, and it's something we've found in 9 this session. The communications between divisions is 10 working very well and us working together to track all 11 these bills together I think is putting a very favorable 12 light upon the agency whenever we're down at the 13 capitol.</p> <p>14 As far as the total number of bills, the 15 total number of House bills filed so far is 4,723, which 16 is 14 percent higher than last session. The total 17 number of Senate bills is 2,459, which is a 20 percent 18 increase. So now you've got a total of 7,182 bills that 19 have been filed in both the House and Senate. That's a 20 16 percent total increase. Of that you've got a total 21 of 1,039 bills that DPS believes has some kind of impact 22 upon our agency. Those are categorized as either high, 23 medium, or low, and that's what you see in the bill 24 tracking chart that I sent you on Friday. That helps us 25 to alert which bills we think are going to have the</p>	<p style="text-align: right;">145</p> <p>1 the bill that will go through both bodies and go 2 forward. I spoke with Athena Ponce, who works for 3 Senator Hinojosa yesterday and Senator Hinojosa's 4 preference is not to hold a separate hearing on the 5 Senate bill, but to wait for the House bill to pass and 6 just have one hearing when it comes over. So on Monday, 7 House Bill 2730 by Representative Lois Kolkhorst will go 8 before the House Public Safety Committee where it will 9 be heard and then it's allowed to be amended, changed. 10 And so we will need to be down there as leadership ready 11 to watch and see what happens and answer any questions 12 related to the bill. On this -- and that's going to be 13 in Room E-2.014. One thing you need to understand on 14 the Sunset bill, we did meet on the 18th of March, last 15 Wednesday -- and Chairman Polunsky and Commissioner 16 Clowe, thank you for being at that meeting where we've 17 met with Representative Kolkhorst as the author of the 18 bill to go over with her the different issues and 19 concerns we might have about the bill itself and also 20 some concerns about the fiscal implications about if the 21 bill is to be enacted, monies we might need. So each 22 one of the divisions analyzed what that bill does and we 23 provided some fiscal impacts to them just to let them 24 and the Sunset staff know these are some things that we 25 need to consider. And in particular I want to bring up</p>

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1 on Page 79 of the bill under Article V, it says, The
 2 Department of Public Safety will have under a review of
 3 the Sunset in 2010. The Sunset Commission is going to
 4 look at DPS to see for recommendations in the 2008 audit
 5 of the department's information technology system. Then
 6 Sunset is to look at our civilian business model for
 7 operation of the Driver License Division that focuses on
 8 improving customer service and that improvement is for
 9 the Driver License Division they must look at using best
 10 practices and call center technology in monitoring
 11 customer service calls, expanding operating hours of
 12 driver's license offices, and decreasing the time the
 13 department takes to send a replacement driver's license.
 14 The continuation is that the Sunset Advisory Commission
 15 shall submit a report about how we're doing in those
 16 areas no later than February 15th of 2011 and then that
 17 will give the legislature a chance to look and see how
 18 are we doing with implementing some of these provisions
 19 that were brought up in Sunset. The concern that our
 20 agency has had is that in order to do this properly, we
 21 need money. Obviously one of our exceptional items is
 22 converting to a civilian model in the Driver License
 23 Division and then customer service initiatives that go
 24 along with that. Were we not to be appropriated dollars
 25 to do that, then our concern was that the Sunset is

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1 I'm the Chief of Finance. This activity is new activity
 2 based on activity in both the House and the Senate.
 3 This information is provided to the Commission based on
 4 hearings that have been provided by these committees,
 5 testimony in these committees, and written information
 6 that is provided by the LBB. With all that information,
 7 we consolidated to this report. The agency has not
 8 officially received notification of these items. Again,
 9 it's testimony and bits and pieces of information. So
 10 we've done the best we can to get the proper updates.
 11 This particular spreadsheet is laid out to identify the
 12 rankings of these exceptional items that we have, and
 13 the Commission has adopted over this last summer the
 14 original amounts. If there's columns in here with the
 15 letter C, that means commissioned positions, N/C
 16 non-commissioned positions. As far as some of the
 17 language that's on this document, I would like to define
 18 a few of these things. You'll see some -- the term
 19 "adopted." That means it's been approved by the
 20 committee for their particular version of the
 21 appropriations bill. If the item is pending, that means
 22 that the committee has pretty much pended this item and
 23 waiting to take action, and whether this item is going
 24 to be added to the bill, it maybe rejected, or sent to
 25 Article XI. Article XI is pretty much what they call

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1 going to come out and say we did not do a good job on
 2 here even though the bill passes and the bill says that
 3 Sunset bill says that we're supposed to look at doing
 4 these things. So we just wanted to make sure that
 5 Representative Kolkhorst and Senator Hinojosa understood
 6 that more than just the Sunset bill, we're going to need
 7 their assistance in getting those dollars in the
 8 Appropriations Act to help fund and pay for that.

9 I do have some information on the budget,
 10 but I would like to wait until Chief Ybarra comes up to
 11 talk about the side by side on the Senate and House. If
 12 you wouldn't mind, I would like to wait and we can
 13 discuss that at one time. But subject to that, I would
 14 be glad to answer any questions.

15 CHAIRMAN POLUNSKY: Are there questions?
 16 Can you bring him up?

17 MICHAEL KELLEY: Sure.

18 OSCAR YBARRA: Chairman and Commissioners,
 19 we provided you with a side by side in your commission
 20 notebooks, but there have been meetings since that
 21 particular time and we want to provide you with the most
 22 updated information that we have. That's provided on
 23 the screen. Chief Haas has also extra copies. If
 24 anybody needs any, raise your hand and we'll be glad to
 25 provide you one. Again, as -- my name is Oscar Ybarra.

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1 the wish list. I think in the House they are calling it
 2 the hope chest.

3 COMMISSIONER BARTH: Can I ask a question?
 4 For example, under DL, both the House and the Senate,
 5 that's what they have adopted and now they are going to
 6 get together and decide which of the numbers they like?

7 OSCAR YBARRA: I think Michael is going to
 8 cover that a little bit at the end of this, but we would
 9 like to cover that as far as how that's done in each
 10 house. There will be a conference. So you want to
 11 cover that?

12 MICHAEL KELLEY: Sure. Just so you
 13 understand, let me just do an overview of this process
 14 just to put it all in perspective. Last session -- or
 15 the last session there was a House Bill 1 and that was
 16 carried by Chairman Chisum in the House and that became
 17 the General Appropriations Act. Well, by tradition, the
 18 next year it becomes Senate Bill 1. So the Senate Bill
 19 1 version will be the Senate's version that you see over
 20 here on the right hand column. That will be Senate Bill
 21 1, the Senate's version. So the Senate Finance
 22 Committee will finish on Monday, and this is what we
 23 believe the final numbers will be its version of the
 24 General Appropriations Act. It will then pass the full
 25 body of the Senate, and by tradition, the Senate and the

<p style="text-align: right;">150</p> <p>1 House do not amend Appropriations Act on the floor of 2 the House or the Senate. So whatever comes out of 3 committee is pretty much what you expect. That Senate 4 Bill 1 will then go to the House, it reverts through the 5 House Appropriations Committee, and then it will be 6 completely substituted by all the numbers you see in the 7 middle column, which is the House version of that bill. 8 Then it will pass the House. Again, traditionally, they 9 do not amend the bill on the floor of the House, but now 10 you've got two versions of the bill, and that's when a 11 conference committee will be appointed to iron out these 12 differences. The conference committee will consist of 13 10 members, five House members, five Senate members, and 14 by tradition, the leader of each delegation is going to 15 be for the Senate, the finance committee chair, that's 16 Senator Steve Ogden, a republican out of Bryan, and then 17 you'll have Representative Jim Pitts, a Republican of 18 Waxahachie. He's the chairman of Appropriations leading 19 the House delegation. Also by tradition on that 20 conference committee the other four members are going to 21 be members of House Appropriations and Senate finance 22 respectively. So it's going to be individuals who have 23 already seen our budget and worked with it. Those 10 24 members have to come to some kind of agreement where 25 they will iron out between the two figures here which</p>	<p style="text-align: right;">152</p> <p>1 COMMISSIONER STEEN: Mr. Kelley, what does 2 "GR" mean? 3 MICHAEL KELLEY: That's general revenue. 4 COMMISSIONER STEEN: And then when you 5 have "Fed," that's federal? 6 MICHAEL KELLEY: F-T-E? 7 COMMISSIONER STEEN: F-e-d. 8 OSCAR YBARRA: That's federal dollars. 9 MICHAEL KELLEY: Federal dollars. And the 10 way that works, just so you understand, too, the new 11 dollars that you're looking at on here, none of those 12 coming from Highway Fund 6. The legislature and the 13 Governor's office, Lieutenant Governor have all visited 14 and decided their interest is not adding new funds -- is 15 to try to eventually wean DPS off of Fund 6, but not to 16 take us off (Inaudible). In other words, the current 17 funding net for which we receive Fund 6, they will allow 18 that to stay for this session, but that they are going 19 to look for new dollars from general revenue, general 20 revenue dedicated and federal dollars that are not 21 highway funds to pay for that. So you'll see a lot of 22 this -- the reason the numbers are is because it's based 23 on what's available in general revenue rather than 24 federal dollars. In the end all of this has to match up 25 under the biennium revenue estimate that the Comptroller</p>
<p style="text-align: right;">151</p> <p>1 number they are going to give us. So it could be the 2 House version, it could be the Senate version, or it 3 could be something in between if they were to try and 4 negotiate down the price. So that's why once we get to 5 the conference committee, it's going to be very 6 important that we work really hard with the conferees to 7 make sure they understand our needs and don't back out 8 any of the dollars once we get there. 9 COMMISSIONER BARTH: Hang on one second 10 before you go further. So just as DL as an example -- 11 MICHAEL KELLEY: Yes. 12 COMMISSIONER BARTH: -- we ask for 62, it 13 looks like the greatest number is 45, and we could 14 potentially be compromising on that number. Is that 15 right? I just want to make sure I'm reading that right. 16 OSCAR YBARRA: That is correct. 17 COMMISSIONER BARTH: Okay. 18 MICHAEL KELLEY: And the way the 19 Appropriations Act is written, the conferees have room 20 to play with the number. So you could say House 21 version, Senate version, or they can try and work 22 somewhere in between, but once you see the numbers on 23 here, you -- it's kind of a given you're not going to 24 probably get more. So that's the highest they are 25 offering at this point.</p>	<p style="text-align: right;">153</p> <p>1 has said is available because we do not allow deficit 2 spending. So Article 3, Section 49(a) of the 3 Constitution says that this bill cannot even go to the 4 Governor's desk until the Comptroller says there's 5 enough money available. So that's why the legislature 6 has to be sure, and that's why we're going to be limited 7 because they have to make sure all the numbers we get 8 plus what all the other agencies get add up to less than 9 that 77.1 billion dollars for the biennium that 10 Comptroller Combs has said is available. And then later 11 it would go to the governor's office, and then the 12 Governor will have the option to either sign the whole 13 bill, to veto the whole bill, or what he typically does 14 will be a line-item veto, and on the line-item veto he's 15 not allowed to strike out any words, but he is allowed 16 to strike out any numbers. So that means any numbers 17 that's in our budget he could line through and zero out 18 the funding for those items unlike what the president 19 who does not have line-item veto authority, the governor 20 does, and so therefore it can go through a line out. 21 And that's why it's important to continue working with 22 Kyle and the Governor's office to let them know why we 23 need this funding and where it's going because they, 24 too, are concerned about expenditures and want to make 25 sure that we're only getting the dollars that we truly</p>

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1 need.

2 COMMISSIONER STEEN: Mr. Kelley, on the
3 chart, just look at that first item where it says, "1A,
4 additional personnel" --

5 MICHAEL KELLEY: Yes, sir.

6 COMMISSIONER STEEN: -- and so that shows
7 on the -- we'll start with the Senate, and it says
8 "Adopted," and then it says "General Revenue," but it
9 says on the House side "Article XI." So what does that
10 mean?

11 OSCAR YBARRA: That is -- Article XI is
12 basically -- It is an item waiting --

13 COMMISSIONER STEEN: They are not saying
14 no. They are just saying if there's enough money,
15 somehow we'll consider it.

16 OSCAR YBARRA: There is actually one more
17 article that is being utilized in the Senate, Article
18 XII. Article XII is -- are items that the Senate
19 Finance Committee has approved but will be funded out of
20 the stimulus dollars, and we do have one example in
21 here.

22 (At this time Commissioner Clowe and
23 Commissioner Barth leave the meeting.)

24 COMMISSIONER STEEN: Mr. Chairman, by the
25 way, you might want to reflect for the record what just

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1 COMMISSIONER STEEN: Not to -- I don't
2 think we want to go over it item by item, but any big
3 picture comments on this from either of you?

4 OSCAR YBARRA: Well, from a financial
5 perspective, we do see some agreement in both houses.
6 For example, we're glad to see some activity in the
7 restructure of driver's license in both the Senate and
8 the House. I don't like seeing hardly any activity on
9 Item Number 3, the operating shortfall. Our Item Number
10 1, the House has pretty much put that entire item in the
11 wish list, but we will be listening tomorrow to the
12 House Appropriations Committee, who will be going over
13 Article IX. So hopefully we'll be hearing something
14 positive there.

15 MICHAEL KELLEY: If I can add on that.
16 When I spoke earlier to Kathy Panaszek when you asked me
17 to call her, she let me know that Chairman Pitts is
18 looking at trying to fund salaries, that that's not --
19 In the past sessions if something was in Article XI, it
20 was very difficult to get it funded. He truly does want
21 to look at providing funds for peace officer pay raises
22 and also for non-commissioned, but he's been waiting to
23 try and work through and see what dollars are available
24 for that. They are doing it a little differently than
25 the Senate. The Senate went ahead and had an Article IX

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1 happened.

2 CHAIRMAN POLUNSKY: I'm sorry. What?

3 COMMISSIONER STEEN: We just --

4 CHAIRMAN POLUNSKY: We've just had two
5 commissioners leave the meeting. They had to -- they
6 had previous commitments and had to leave at 4:15. So
7 Commissioner Clowe and Commissioner Barth have left the
8 meeting.

9 COMMISSIONER STEEN: And the three of us
10 will continue. There's a quorum.

11 CHAIRMAN POLUNSKY: A quorum still exists.

12 OSCAR YBARRA: Mr. Chairman, there's a lot
13 of information on this particular document. If you
14 would like, I will try to summarize it or I can field
15 questions as you desire, sir.

16 CHAIRMAN POLUNSKY: Well, I've seen the
17 document, but the other two probably have not.

18 COMMISSIONER STEEN: You mentioned there
19 was one art -- what did you say? It was Article XII?

20 OSCAR YBARRA: Yes, sir.

21 COMMISSIONER STEEN: Where is that?

22 OSCAR YBARRA: If you look at Number 6 at
23 the very bottom of the first, border security, that
24 particular item has about 11 and a half million dollars
25 that is in Article XII.

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1 meeting the other day. We attended and listened and all
2 the division chiefs and the colonels. That was all
3 public. Apparently what Chairman Pitts is trying to do
4 is work through the rest of the budget and then go back
5 to Article IX with dollars that are available. So just
6 because it says Article XI now, we do expect that there
7 will be some dollars offered by the House.

8 CHAIRMAN POLUNSKY: That's reassuring.

9 MICHAEL KELLEY: Yes, sir. One thing I
10 will say, too -- we visited about this -- Oscar and I
11 talked. If you look at it and you watched the other
12 agencies' budget hearings, even though this looks like
13 we're not getting much, percentagewise and total
14 dollarwise, we're getting a lot more compared -- If you
15 look at -- we're about 10 -- we're getting about 10
16 percent less monies available according to the biennium
17 revenue estimate. DPS is not doing badly when it comes
18 to being able to get dollars compared to when you look
19 at other agencies when they got their wish list and
20 there's nothing on it. Again, Mr. Chairman, you've come
21 to town, some of the other commissioners have come to
22 town and visited. It's meant a lot having the presence
23 of the Public Safety Commission with the colonels and
24 the chiefs attending these hearings in order to ensure
25 they know how important these dollars are for us.

<p style="text-align: right;">158</p> <p>1 OSCAR YBARRA: And if y'all have any 2 questions on this document, by all means, you can call 3 either one of us to try to clarify any of this 4 information. 5 COMMISSIONER STEEN: Y'all are changing 6 this sometimes daily? 7 MICHAEL KELLEY: Sometimes hourly. 8 OSCAR YBARRA: Hourly. 9 COMMISSIONER STEEN: On the gasoline 10 rider, we -- we're operating now with a gasoline rider; 11 is that correct? 12 OSCAR YBARRA: That is correct. It's a 13 rider that with allow -- at the beginning of the 14 biennium, it would allow you to transfer funds from the 15 out year back into the first year, but in the second 16 year of the biennium, it does not have any funding 17 mechanism other than that the agency would request some 18 kind of special appropriation if we were in dire and -- 19 COMMISSIONER STEEN: But with gasoline 20 prices when they spiked, it really helped us? 21 OSCAR YBARRA: Because of the state of the 22 agency at the time, we did not have to request -- or we 23 did not have to transfer any money back into the '08 24 fiscal year. We didn't have to do that. We were able 25 to cover it.</p>	<p style="text-align: right;">160</p> <p>1 CHAIRMAN POLUNSKY: Well, what -- one 2 moment. Is that the item I just called? 3 VALERIE FULMER: Perhaps it's not. Which 4 item did you call? I thought it was this one. 5 CHAIRMAN POLUNSKY: I thought it was the 6 physical readiness standards test, but -- 7 VALERIE FULMER: I apologize. We're out 8 of order? 9 CHAIRMAN POLUNSKY: Yeah, we're out of 10 order, but that's fine. 11 VALERIE FULMER: Sorry about that. I can 12 talk about both of them. 13 CHAIRMAN POLUNSKY: Let's do both. 14 COMMISSIONER STEEN: I think you did -- 15 you did ask for the physical readiness standards. 16 CHAIRMAN POLUNSKY: That's fine. 17 VALERIE FULMER: Which one would you 18 prefer to do first? 19 CHAIRMAN POLUNSKY: Let's do them both. 20 Finish the -- 21 VALERIE FULMER: Sorry about that. 22 CHAIRMAN POLUNSKY: -- PR team. 23 VALERIE FULMER: I was going down the 24 list. We put together a list of individuals to be on 25 the committee, and in addition Commissioner Brown has</p>
<p style="text-align: right;">159</p> <p>1 COMMISSIONER STEEN: I guess I'm asking 2 why we -- we've just been turned down by the Senate 3 Finance Committee on it. Can you explain that to me? 4 OSCAR YBARRA: I believe in some meetings 5 that we've had with the Senate, I believe that they 6 understand the need for gasoline and that if the agency 7 would request an emergency appropriation, their ears 8 would listen and provide it. That's what I have heard. 9 COMMISSIONER STEEN: Thank you. 10 CHAIRMAN POLUNSKY: Are there other 11 questions? Mr. Steen, anything else? 12 COMMISSIONER STEEN: No, Mr. Chairman. 13 CHAIRMAN POLUNSKY: Thank you. Next item 14 is discussion and possible action regarding review and 15 reconsideration of physical readiness standards for 16 commissioned officers of the department. Chief Fulmer. 17 VALERIE FULMER: Good afternoon, Chairman, 18 Commissioners. I'm Valerie Fulmer, Chief of the 19 Administration Division. As you directed, Chairman, we 20 put together a committee to look at some specific issues 21 regarding recruitment and training. There are some very 22 specific charges to the committee and there are some 23 other additional issues that will be determined by the 24 committee. Commissioner Brown is the commission 25 representative on the committee.</p>	<p style="text-align: right;">161</p> <p>1 come up with a list of individuals that she's interested 2 in being on the committee. Our lists actually are very 3 similar. So we're going to put those together and come 4 up with a -- we have representatives from both the 5 training academy and human resources and we have some 6 at-large representatives from all over the department. 7 Another thing we've done is we've added a public member 8 to this committee. We thought it would be a good idea 9 to have someone from the public to -- you know, who is a 10 taxpayer and a citizen of Texas to see kind of what 11 their perspective is on our current practices and what 12 they are looking for from the state. And then several 13 of us would be serving as advisors on this committee. 14 Chief Fulenwider will actually be the chair of the 15 committee. I'll be sitting on as an advisor, as well as 16 Stuart Platt, our general counsel, and Commander 17 Rodriguez, and Director Logan with human resources. So 18 we will -- as soon as we have our list put together, we 19 will be setting up the first committee meeting. 20 CHAIRMAN POLUNSKY: And that should be 21 when? 22 VALERIE FULMER: I guess it -- it will 23 depend on the commissioner's schedule, but I would think 24 within the next week to two weeks. 25 COMMISSIONER BROWN: Perfect. I'm</p>

<p style="text-align: right;">162</p> <p>1 available.</p> <p>2 CHAIRMAN POLUNSKY: And not to be</p> <p>3 repetitive, but you understand the importance of this</p> <p>4 issue?</p> <p>5 VALERIE FULMER: Absolutely.</p> <p>6 CHAIRMAN POLUNSKY: Okay.</p> <p>7 VALERIE FULMER: And then to the question</p> <p>8 that you asked about the PRT committee. Colonel Clark</p> <p>9 sent out a memo on March 13th to all employees of the</p> <p>10 department making the changes to the physical readiness</p> <p>11 testing policy that we discussed during the last</p> <p>12 commission meeting. The response has been very good to</p> <p>13 those. To remind you of them, it allows employees to</p> <p>14 choose whether they are going to take the field exercise</p> <p>15 test or the job task scenario test. It gives employees</p> <p>16 90 days from the initial test date to retake failed</p> <p>17 portions of the test. It provides for a mandatory</p> <p>18 training and wellness education program for any employee</p> <p>19 who has not met the current minimum standards by April</p> <p>20 30th, and it provides a six month grace period prior to</p> <p>21 a final determination after the August 31st date if an</p> <p>22 individual is in this training wellness education</p> <p>23 program. Currently our human resources section is</p> <p>24 working on the final requirements for the program and we</p> <p>25 are bringing in experts from -- from several different</p>	<p style="text-align: right;">164</p> <p>1 action to develop an approach for transforming the</p> <p>2 administration of the Driver License Division to a</p> <p>3 civilian model. Chief Brown.</p> <p>4 JUDY BROWN: We have -- as we spoke last</p> <p>5 week, we had select -- last month, we had selected our</p> <p>6 first mid level manager for the Garland area. We have</p> <p>7 gone through -- successfully gone through the background</p> <p>8 with him and brought him on. He is now quickly learning</p> <p>9 the driver's license process, how it works amongst the</p> <p>10 offices in the Dallas region. We have finalized the job</p> <p>11 description for this line level civilian supervisor and</p> <p>12 expect to get that job posted over the next week. We'll</p> <p>13 be filling four positions in the Dallas area where we</p> <p>14 currently have vacancies in our sergeant ranks, filling</p> <p>15 those with civilians and putting those offices under the</p> <p>16 civilian mid level manager that we have in place in</p> <p>17 Dallas. Once we get those positions filled, then we</p> <p>18 will begin to look at our other vacancies that we have</p> <p>19 in our commission supervisory ranks and begin to fill</p> <p>20 those as well. As we currently stand, we have five</p> <p>21 lieutenants and five sergeant vacancies in the division</p> <p>22 that are not being filled, and we will fill those with</p> <p>23 the civilian positions as the job descriptions are</p> <p>24 finalized and posted in those regional areas.</p> <p>25 CHAIRMAN POLUNSKY: Thank you. Are there</p>
<p style="text-align: right;">163</p> <p>1 fields. We've got new nutritionists. We've got folks</p> <p>2 who are experts in training in several different areas.</p> <p>3 So we're hoping that this will be useful. Then our next</p> <p>4 meeting is set for the -- I believe the first week in</p> <p>5 April, and at that point now that we've gotten sort of</p> <p>6 the initial recommendations out of the way, then we're</p> <p>7 going to look more at the long-term issues involving the</p> <p>8 policy.</p> <p>9 CHAIRMAN POLUNSKY: And the associations</p> <p>10 are participating or involved?</p> <p>11 VALERIE FULMER: Yes. Each of the</p> <p>12 associations are participating. They've actually had</p> <p>13 some very good feedback. We are -- we've got about 22</p> <p>14 members, and I guess six of those are from the</p> <p>15 associations, and they've had some very good interaction</p> <p>16 and feedback. I don't know if anybody that's on the</p> <p>17 committee is here. I don't think we've got any of them</p> <p>18 here today. But, yes, we're actually getting a lot of</p> <p>19 good input from them. That's all I have unless you have</p> <p>20 questions. Unless there were any other items that I</p> <p>21 want to randomly talk about.</p> <p>22 CHAIRMAN POLUNSKY: Well, do you want to</p> <p>23 just take some other items while you are there? Thank</p> <p>24 you.</p> <p>25 Update report, discussion and possible</p>	<p style="text-align: right;">165</p> <p>1 questions for Chief Brown?</p> <p>2 COMMISSIONER STEEN: No questions.</p> <p>3 COMMISSIONER BROWN: No.</p> <p>4 CHAIRMAN POLUNSKY: Department</p> <p>5 organization structure. Colonel Clark, do you want to</p> <p>6 address that at this time?</p> <p>7 COLONEL CLARK: Yes, sir. I will get the</p> <p>8 organizational chart up on the screen. I don't know how</p> <p>9 well people can see that. It's been a while since we</p> <p>10 discussed this, and we took the advice of the</p> <p>11 commission, and you have a copy of this in your packet.</p> <p>12 It might be easier to see. But I just want --</p> <p>13 CHAIRMAN POLUNSKY: It definitely would</p> <p>14 be.</p> <p>15 COLONEL CLARK: Yeah. I guess</p> <p>16 Commissioner Steen could have got us a little larger</p> <p>17 screen.</p> <p>18 (Laughter)</p> <p>19 COLONEL CLARK: Again, I would like to</p> <p>20 just make a few comments about this recognizing that</p> <p>21 we're not asking for any adoption of this org chart</p> <p>22 today. This is a framework to build on, and let me just</p> <p>23 make a few comments about this. You'll notice that it's</p> <p>24 color coded and it builds on the recommendations by</p> <p>25 Deloitte, and that fleshes them out to apply to all the</p>

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1 DPS functions that we are currently involved in. And it
 2 includes the recommendations of not just Deloitte, but
 3 by the commissioners, the agency management, and other
 4 stakeholders all in keeping with the Deloitte findings.
 5 And the chart that you're looking at is actually a
 6 snapshot of a living document that's intended to provide
 7 a framework that we can build on as we go forward. It
 8 can be used by our PMO if we end up going that
 9 direction. You'll notice he is listed there on the
 10 right-hand side. He could use this chart to build on
 11 and flesh out as that person sees fit in working with
 12 the administration. And I want you to know that we will
 13 continue to refine this chart as needed. The major
 14 changes that you'll see on this particular chart from
 15 our first presentation that we made is that it's
 16 organized the agency by functional lines into three
 17 major areas, and each one of these areas is managed by a
 18 deputy director. And the functions that interact with
 19 the public as violators and victims you'll see as the
 20 Law Enforcement Deputy Director.

21 The second one is functions that interact
 22 with the public as clients and customers, and that would
 23 be under your deputy director of licensing or License &
 24 Regulations.

25 And Number 3, functions that provide the

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1 is that the addition of communication lines to describe
 2 the relationship between the regional directors and the
 3 law enforcement divisions. So it may look a little
 4 confusing at first glance, but the way we color coded
 5 it, I think it simplifies certainly what we had before.
 6 Now, we also presented this to Deloitte. Drew Beckley
 7 looked at this. He reviewed it. We visited with him.
 8 He basically gave it his blessing. He felt like we
 9 included all of the findings that Deloitte included in
 10 their report, and he had a few observations that were
 11 basically in line with ours. But one thing, for
 12 example, he still didn't quite understand about the
 13 relationship of the Texas Ranger Division having a
 14 direct report to the director by statute, and they
 15 didn't quite understand that. But other than that,
 16 Deloitte was pleased with this organizational chart, and
 17 we just wanted you to look at that today, and it would
 18 serve as a platform we can build on. It's a living,
 19 breathing document that I believe we can go forward on
 20 and work with as we move forward. End of story.

21 COMMISSIONER STEEN: Colonel, I just --

22 CHAIRMAN POLUNSKY: That's actually the
 23 beginning of the story.

24 COMMISSIONER STEEN: This is good work,
 25 and it's -- I think it's great you're taking into

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1 infrastructure to the agency so that all the functions
 2 can be performed, and that would be under our
 3 Administrative Deputy Director. You'll notice the
 4 addition of the PMO to the chart, which is in blue.
 5 Thirdly, the division of the current
 6 training academy into law enforcement and administrative
 7 training and movement of the law enforcement academy to
 8 the Law Enforcement Services Division to acknowledge the
 9 function that they actually perform in providing
 10 training to other law enforcement agencies. This was a
 11 direct recommendation from Commissioner Clowe which we
 12 felt was good, and we implemented it here.

13 Number 4, this was Commissioner Barth's
 14 recommendation. Movement of the agency's procurement
 15 and contract management function to the agency support
 16 division, and you'll see that under the deputy director
 17 of administration. The consolidation of licensing and
 18 regulation attorneys into a special section to allow for
 19 cross training and career development, as well as an
 20 inclusion -- and we think this is real important -- of a
 21 regional counsel to work with the regional director as
 22 we go into this theater of operations. And we renamed
 23 the divisions to more closely represent the functions
 24 that they actually perform.

25 And lastly, the point I would like to make

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1 account people's input, and this thing is evolving and I
 2 like the way it's presented today. I think that the
 3 color coding really helps us understand it. Just a
 4 comment. On the communication lines, you know, you've
 5 got the solid line and then you've got the dotted line,
 6 so to speak. Articulate that for me.

7 COLONEL CLARK: Okay. The solid lines are
 8 your direct reports. For instance, pencil me in as the
 9 director here for right now and you will see that the
 10 Office of General Counsel is a direct report to me, as
 11 well as media relations and government relations. They
 12 report directly to me, but simultaneously you see a
 13 dotted line that comes to each one of you on the
 14 commission. They are going to keep you involved as they
 15 can find you. I mean, you're not a full-time person
 16 here. They've got to be able to contact me directly and
 17 so that's the reason for the solid line. The change we
 18 made from the big chart that I had prepared is that in
 19 our Sunset meeting it was understood that internal
 20 affairs would be a direct report to the commission.
 21 Before we had internal affairs as a direct report to the
 22 director and then dotted line to the commission, but we
 23 clearly understood what Sunset's recommendations were
 24 and we changed that. So we'll have a larger picture of
 25 this on a larger board to bring from now on just to kind

<p style="text-align: right;">170</p> <p>1 of set it off to the side in case we have questions 2 about it.</p> <p>3 COMMISSIONER STEEN: On the direct report 4 of Internal affairs to the Public Safety Commission, 5 tell me what the Sunset Commission's thinking is there.</p> <p>6 COLONEL CLARK: They -- and that name, for 7 example, we've had it -- it currently is Internal 8 affairs. When we started building this new chart, we 9 wanted to try to professionalize our Internal Affairs 10 Division. So we've renamed it Office of --</p> <p>11 STUART PLATT: Professional 12 Responsibility.</p> <p>13 COLONEL CLARK: -- Professional 14 Responsibility. Representative Kolkhorst was not 15 thrilled with that name. She -- that didn't have enough 16 punch to it, she said. So she actually preferred the 17 model that was in TDCJ and in some other places where it 18 would be called the Inspector general. Now, we can 19 change that name later on if that's the will of the 20 commission. But Internal affairs, what their thinking 21 is there, that those -- they would have the ability to 22 be an independent body where they would report to the 23 Public Safety Commission where they would -- it would 24 take away any idea that there was some kind of cronyism, 25 brother-in-law going on from my perspective. That's the</p>	<p style="text-align: right;">172</p> <p>1 large law enforcement -- excuse me -- all large state 2 agencies have the office of Inspector general. She 3 filed a bill to try to get all state agencies lined up 4 that same way and she attributes that to Chairman 5 Polunsky.</p> <p>6 (Laughter)</p> <p>7 COLONEL CLARK: One of the other issues 8 that I -- I had a note here from Drew Beckley with 9 regards to the direct reports to the director. He 10 thought it was unnecessary for the media and government 11 relations to report directly to the director, to me, and 12 I feel that's very important. Tela and Michael, they 13 keep me informed 24 hours a day because I'm readily 14 available and anything of importance you're going to 15 find out about it quickly. But Deloitte just felt like 16 that should be really not a direct report to the 17 commission, but to a chief of one of these divisions and 18 we disagreed with that.</p> <p>19 COMMISSIONER BROWN: I think that's a good 20 call. Just in our experiences when there are 21 emergencies or safety issues, it's been, I think, pretty 22 effective to have a point person, which is you, who gets 23 all of the relevant media information so you can 24 disseminate it quickly.</p> <p>25 COLONEL CLARK: Well, we like to sift out</p>
<p style="text-align: right;">171</p> <p>1 best way I can -- in other words, I would be subject to 2 the IG Investigating me or Lamar or any of the chiefs 3 and it would take me out of the picture and it would be 4 a direct report to the commission where it would 5 eliminate any sense of impropriety on the part of the 6 director or other of the upper management. So by 7 separating it into its own investigative entity, they 8 would eliminate that.</p> <p>9 COMMISSIONER STEEN: Thank you. Also, you 10 said something that Deloitte didn't understand about the 11 direct report of the Rangers to the director. But what 12 don't they understand about that? It's in the statute.</p> <p>13 COLONEL CLARK: It is. Now, you talked 14 with Drew quite a bit about that.</p> <p>15 LIEUTENANT COLONEL BECKWORTH: Well, they 16 believe -- Drew believed that the process should afford 17 the deputy director of law enforcement to have 18 day-to-day interaction with this, and we believe that we 19 can still accomplish that by the process in place based 20 on the relationship we have with the Rangers. However, 21 under certain circumstances we believe -- and that's why 22 the law is specific -- that they should have direct 23 contact with the director. So they are willing to work 24 with us on that. I would also add that there's a bill 25 passed by Representative (inaudible) asking that all</p>	<p style="text-align: right;">173</p> <p>1 the fluff before we -- we want to send you the facts and 2 we're not always successful, but most of the time we 3 are. And I will -- I would like to thank Chief Fulmer 4 and her white board because we have scribbled all over 5 that in working on this particular chart and she has 6 solicited input from a lot of people in this room and 7 anybody that walked by her office, she would bring them 8 in, get their thoughts on it, and I thank all of our 9 employees who had input into that.</p> <p>10 COMMISSIONER STEEN: Colonel, on the media 11 relations and government relations, I think you were 12 persuasive on that, but where did Drew Beckley want to 13 place those, just out of curiosity?</p> <p>14 COLONEL CLARK: Originally I think he 15 had -- do you remember, Valerie?</p> <p>16 VALERIE FULMER: I believe it was under 17 administration.</p> <p>18 COLONEL CLARK: It was under 19 administration under -- it may have been one -- either 20 information management chief or agencies --</p> <p>21 VALERIE FULMER: It's probably what we're 22 calling employee support division.</p> <p>23 COLONEL CLARK: Yeah. The one on the far 24 right over there.</p> <p>25 COMMISSIONER STEEN: So Deloitte would</p>

<p style="text-align: right;">174</p> <p>1 have as a box under the employee support division chief?</p> <p>2 COLONEL CLARK: Right. Answering to that</p> <p>3 chief and then that chief would have to notify me, I, in</p> <p>4 turn, would notify the chair, and we just don't believe</p> <p>5 that that's good business. Our business is critical and</p> <p>6 fast and we need to get information out in a hurry.</p> <p>7 COMMISSIONER STEEN: Where do they have</p> <p>8 government relations?</p> <p>9 VALERIE FULMER: In the same place.</p> <p>10 COLONEL CLARK: Same place. Now, that</p> <p>11 won't work. We've got to have Michael on the front</p> <p>12 line. And really there is a solid line to me and to the</p> <p>13 chair on that I can tell you. Anything else?</p> <p>14 COMMISSIONER BROWN: No.</p> <p>15 COLONEL CLARK: You can just kind of take</p> <p>16 that home and chew on it and ask me something next time.</p> <p>17 CHAIRMAN POLUNSKY: Anything else,</p> <p>18 Mr. Steen?</p> <p>19 COMMISSIONER STEEN: No. I think this is</p> <p>20 very helpful. Thank you, Colonel Clark.</p> <p>21 CHAIRMAN POLUNSKY: Thank you, Colonel</p> <p>22 Clark. Let me state that I'm glad that this is being</p> <p>23 advanced. We did sit on this for a month or two waiting</p> <p>24 for a couple of things, primarily the progress with</p> <p>25 respect to the project management office and some other</p>	<p style="text-align: right;">176</p> <p>1 executive session.</p> <p>2 We will go to reports. Budget matters.</p> <p>3 You've done enough?</p> <p>4 OSCAR YBARRA: I think so unless you want</p> <p>5 me to say something up here.</p> <p>6 CHAIRMAN POLUNSKY: Why don't we just pay</p> <p>7 you by the hour and make you rich.</p> <p>8 OSCAR YBARRA: I think that's a</p> <p>9 compliment.</p> <p>10 CHAIRMAN POLUNSKY: Division reports. In</p> <p>11 Administration. Chief Fulmer, do you want to come back?</p> <p>12 Do you have other --</p> <p>13 VALERIE FULMER: I'll tell you one brief</p> <p>14 thing. You've got my report. I do have a continuing</p> <p>15 concern about concealed handgun licensing. We have had</p> <p>16 another spike in applications over the last month or two</p> <p>17 and we are doing our best to keep up with it, but I just</p> <p>18 want to make the commission aware that it's happening</p> <p>19 again for reasons unknown and we'll keep up with as best</p> <p>20 we can. This kind of ties back to what Chief Ybarra was</p> <p>21 telling you about on the side by sides. We have a</p> <p>22 request for additional entries in the concealed handgun</p> <p>23 listening bureau and if we don't get those, it's going</p> <p>24 to be very difficult for us to keep up with these. I</p> <p>25 just wanted to make the commission aware of that. But I</p>
<p style="text-align: right;">175</p> <p>1 factors, but let me make it very clear that it is the</p> <p>2 intent of the Public Safety Commission to go forward</p> <p>3 vigorously in implementing the general recommendations</p> <p>4 that came out of Deloitte and certainly come forward</p> <p>5 with a new structure for this department. That will be</p> <p>6 done and it will be done in a timely manner, and this</p> <p>7 is -- this is something that, as I mentioned to Colonel</p> <p>8 Clark when I told him I was putting it on the agenda, I</p> <p>9 just wanted to put it out for initial discussion and</p> <p>10 then as we go forward in the next month or two, then</p> <p>11 this will become much more serious of an issue that</p> <p>12 we'll start taking action on. So if anyone had the</p> <p>13 misimpression that this was somehow not going to happen</p> <p>14 or it no longer was a priority, that is incorrect. This</p> <p>15 is the highest priority that the Public Safety</p> <p>16 Commission has at this point. I just wanted to make</p> <p>17 those brief comments. Thank you very much for the work</p> <p>18 that you and Colonel Beckworth and others have --</p> <p>19 COLONEL CLARK: And my chiefs.</p> <p>20 CHAIRMAN POLUNSKY: Chief -- well, all of</p> <p>21 the individuals who have contributed to this, thank you</p> <p>22 very much for the work that has been done so far, and it</p> <p>23 looks like a very good starting point in what we'll be</p> <p>24 doing going forward.</p> <p>25 We've discussed the security measures in</p>	<p style="text-align: right;">177</p> <p>1 have nothing else unless you have questions about my</p> <p>2 report.</p> <p>3 CHAIRMAN POLUNSKY: Questions?</p> <p>4 COMMISSIONER BROWN: No, sir.</p> <p>5 CHAIRMAN POLUNSKY: Thank you, Chief.</p> <p>6 VALERIE FULMER: Thank you.</p> <p>7 CHAIRMAN POLUNSKY: Criminal law</p> <p>8 enforcement. Chief Ruocco.</p> <p>9 THOMAS RUOCCO: Tom Ruocco, Chief of</p> <p>10 Criminal Law Enforcement. You got my report. I told</p> <p>11 you it wouldn't take me long to learn this process.</p> <p>12 (Laughter)</p> <p>13 THOMAS RUOCCO: But I do want to bring to</p> <p>14 your attention on this report we've added a column to it</p> <p>15 where we're comparing our numbers from last fiscal year</p> <p>16 to this fiscal year so you could see the month last year</p> <p>17 where we are and where we are total. And then I will</p> <p>18 just bring in here on Page 3 it talks about the</p> <p>19 (Inaudible) and the additional systems that we're</p> <p>20 buying, which we get from federal grant money, which</p> <p>21 looks very high, but also if you look at the bottom of</p> <p>22 Page 1, that the backlog without additional FTEs has</p> <p>23 been going down because of this type of, you know, what</p> <p>24 they call robots (Inaudible) robotics because I just</p> <p>25 picture robots and with Star Wars days. It's not that</p>

<p style="text-align: right;">178</p> <p>1 kind of stuff. That's all I have unless you have any 2 questions. 3 COMMISSIONER BROWN: I've got a question. 4 So on Page 3, just to make sure I'm understanding this 5 correctly, the CODIS database has now helped solve 52 6 burglaries, 39 sex assaults, eight robberies, eight 7 homicides, four thefts, and so on; is that right? 8 THOMAS RUOCO: That's correct. From cold 9 cases. 10 COMMISSIONER BROWN: Wow. So those are 11 cases then that you had no suspect until the information 12 was put in CODIS? 13 THOMAS RUOCO: That's correct. 14 COMMISSIONER BROWN: That's awesome. 15 CHAIRMAN POLUNSKY: Thank you. 16 THOMAS RUOCO: Thank you. 17 CHAIRMAN POLUNSKY: Driver's license. 18 Chief Brown. 19 JUDY BROWN: I have nothing else to add 20 unless you have questions about my report. 21 CHAIRMAN POLUNSKY: Are there questions 22 for Chief Brown? 23 COMMISSIONER BROWN: I have none. 24 CHAIRMAN POLUNSKY: Thank you. Texas 25 Highway Patrol. Chief Baker.</p>	<p style="text-align: right;">180</p> <p>1 took his life, that he knew that he was facing some 2 serious jail time as a result of those actions. So 3 another incident where a routine traffic stop became 4 very nonroutine. 5 I would like to give you a report on our 6 monthly crash activity. The summaries that we've been 7 doing we -- we have taken action to reduce errors on the 8 eight data points on the crash reports training. This 9 month all of our troopers have received that additional 10 training. We have a few troopers who were absent during 11 the scheduled classes and we are in the process of 12 scheduling those makeup classes. The first month's 13 activity that we looked at, the month of February, our 14 personnel reviewed 4,847 crash reports. Of those 15 reports, 1,532 contained an error in one of those eight 16 data points, and that calculates into an error rate of 17 31.6 percent. When I first saw that number, I was kind 18 of taken aback a little bit, but that indicated to me 19 that there was no brother-in-lawing going on on 20 reporting those errors, and that's one thing that I 21 stress to my supervisors, that I did not absolutely want 22 to see any brother-in-lawing going on. If an error was 23 submitted, I want it counted, and I want to point it 24 out. When the accident report does get to TxDOT into 25 the database, that means it's going to be thoroughly</p>
<p style="text-align: right;">179</p> <p>1 DAVID BAKER: Good afternoon, 2 Mr. Chairman, members. I'm David Baker, Chief of the 3 Highway Patrol. You have my report. I would be glad to 4 answer any questions that you might have about the 5 information contained in the report. I would like to 6 talk to you about a couple of things that are not in the 7 report, the first being an incident that occurred 8 yesterday in Junction. One of my troopers by the name 9 of Mormon turned on a vehicle for a minor speeding 10 violation, 10 miles over the limit. Nothing just 11 terribly out of the ordinary. That traffic stop evolved 12 into a major pursuit incident. The vehicle evaded him 13 for several miles and about five miles south of Menard 14 on US 83, another highway patrol unit and the sheriff 15 set up stinger spikes to stop the pursuit. The evading 16 vehicle dodged the stingers and spikes and in the 17 process ran into the sheriff's vehicle, veered into a 18 pasture through some fences, and when the cavalry 19 arrived to arrest him, he got out of the vehicle and 20 began firing on the officers with a .380 caliber pistol, 21 and the law enforcement officers there immediately 22 returned fire. The suspect took his own life by 23 shooting himself in the head with the pistol that he 24 had. He had a 16-year-old runaway female in the vehicle 25 with him and we believe that that was the reason that he</p>	<p style="text-align: right;">181</p> <p>1 reviewed, and I fully expect the error rate to be much 2 lower the next time OAI goes in and audits those crash 3 reports. And I'll provide the Commission with a monthly 4 report. If it's the will of the Commission, I can 5 include this in the monthly report or just give you a 6 verbal report. Whichever you would prefer. 7 COMMISSIONER STEEN: I would like you to 8 include it -- 9 DAVID BAKER: Okay. 10 COMMISSIONER STEEN: -- If that's all 11 right with the rest of the commissioners. 12 COMMISSIONER BROWN: Sure. 13 DAVID BAKER: We can do that. The last 14 thing I have -- 15 COMMISSIONER STEEN: Chief, before you go 16 on, I commend you for that, the training you're giving 17 and the way you're approaching it and not trying to push 18 it to the side, but say this is an issue we have and 19 let's get on top of it. I commend you for that. 20 DAVID BAKER: I appreciate it. During our 21 first meeting with the Senate Finance Committee, we were 22 kind of -- it was pointed out to us by the Senate -- 23 Senator Whitmire that there was a concern about our 24 patrol cars not having cages. I had already asked my 25 highway patrol equipment committee to do a feasibility</p>

<p style="text-align: right;">182</p> <p>1 study on the cages for our patrol cars. I have a copy 2 of that for each of you. Mr. Chairman, with your 3 permission, I'll just walk y'all through this fairly 4 quickly. The committee looked at four points to 5 determine feasibility. They looked at the officer's 6 safety concerns and our line personnel. They looked at 7 prisoner escapes and the effectiveness of the partitions 8 in preventing escapes. They looked at damage to patrol 9 vehicles caused by prisoners. And they looked at other 10 considerations. Under officer safety, the FBI and the 11 Department of Justice statistics showed that 59,201 12 officers were assaulted in the U.S. and of those 7,347 13 were assaulted while handling, transporting, and 14 maintaining custody of prisoners. That's about 12.4 15 percent. They broke down the 12.4 percent into the 16 categories there that have the double asterisks by it, 17 and the reason those asterisks are there is because 18 those three duties are the duties that our personnel are 19 more involved in. Of course in my division we don't 20 have detectives or special assignments. The majority of 21 (inaudible) personnel that are normally assigned in one 22 of those categories, there were 4,184 officers that were 23 assaulted, and that's only 7 percent of that total 24 number of assaulted officers, which is relatively low. 25 The committee also polled each trooper to get their</p>	<p style="text-align: right;">184</p> <p>1 reports? 2 COMMISSIONER BROWN: Uh-huh. I'm assuming 3 that's nationwide, correct? 4 DAVID BAKER: Yes. 5 COLONEL CLARK: Chief, where would we put 6 the shotgun? 7 DAVID BAKER: That follows in -- that 8 comes into the other findings. They looked at prisoner 9 escapes and they looked at DPS escapes for three years. 10 2006 through 2008 there were 200 escapes involving our 11 personnel. The way our data is collected, they 12 couldn't -- they couldn't distinguish if the prisoner 13 had already been placed in the car or if during an 14 arrest outside of the car he bolted and ran or something 15 like that. So we don't know exactly the number that was 16 in the car. But -- 17 COMMISSIONER BROWN: I'm sorry. I didn't 18 mean to interrupt you. 19 DAVID BAKER: According to the Google News 20 reports, the 2,007 reported escapes, you can see that of 21 those that escaped, there were 364 prisoners that 22 escaped that were in a cage, 11 were in no cages, and 18 23 were unknown. So the reliability and the effectiveness 24 of the prisoner partition systems, they are not without 25 issue. A lot of the -- and then this came up in talking</p>
<p style="text-align: right;">183</p> <p>1 input on whether they would prefer to have the cage or 2 not and there was an overwhelming response of no, we 3 don't want a cage. It was over a two to one ratio. So 4 they did take the -- 5 CHAIRMAN POLUNSKY: And why is that? I 6 know there's probably multiple reasons, but is there one 7 reason in particular that stands out? 8 DAVID BAKER: No, sir. There's no one 9 reason that really stuck out. It is just a combination 10 of when you put a cage in a patrol car, some of our 11 larger troopers are limited on how far back the seat 12 would go. They didn't like that. A lot of the troopers 13 use the backseat for storage, and they didn't like 14 losing that additional space. Some of the troopers even 15 brought up the fact that the partition creates blind 16 spots where they can't see through the rearview mirror, 17 and they thought that that would be a safety concern. 18 Some of those reasons are all pointed out in this 19 report. 20 COMMISSIONER BROWN: Chief, I've got a 21 question for you. 22 DAVID BROWN: Yes, ma'am. 23 COMMISSIONER BROWN: On the 2007 reported 24 escape events from news reports, I'm assuming that -- 25 DAVID BAKER: From the Google News</p>	<p style="text-align: right;">185</p> <p>1 to some of our troopers and it also came up in this 2 Google News report that there is a sense of false 3 security and safety by placing a prisoner in that cage. 4 Some of our troopers who were former police officers who 5 had cages said that, you know, they were lax in 6 searching prisoners when they put them in the cage. So 7 that's another safety issue. They looked at damage to 8 our patrol vehicles and they looked at seven years of 9 statistics and in those seven years, there were only 121 10 instances of criminal mischief involving putting a 11 criminal in a car and that criminal kicking the radio or 12 kicking the radar or kicking the windshield. Also, the 13 other considerations that they looked at, again, by 14 placing a partition system in the vehicles, it 15 effectively reduces the amount of office space. And I 16 use that term "office space" because that is the office 17 for our troopers. And it cuts it in half basically. 18 Again, safety concern for the visibility from within the 19 vehicle. Another safety concern involves crash 20 protection. And I'm just hitting the highlights here. 21 One concern is that with the prisoner partition 22 installed, the air bag may not be able to inflate 23 correctly. That was an issue. There is a pretty 24 substantial physical impact by doing this. We have 25 approximately 1,950 vehicles right now that those things</p>

<p style="text-align: right;">186</p> <p>1 would go in and that does not include the additional 2 vehicles that the legislature will be giving us in the 3 future. The average cost is between \$370 to \$450 for 4 the prisoner partition systems. If we were to contract 5 the installation by an outside entity, we would be 6 looking at about a million and seventy two thousand 7 dollars to do that. And DPS shop said that they could 8 do the installation, and if they were to do the 9 installation, we would be looking at about \$780,000. 10 Colonel, that does not include the shotgun lock that 11 would be compatible with a prisoner partition system. 12 We would be looking at an additional \$325 per unit, 13 which totals up to \$494,000. 14 COMMISSIONER BROWN: A question for you 15 about the shotgun lock. Would that be -- I mean, I'm 16 assuming the shotgun would be accessible to you in the 17 front seat? 18 DAVID BAKER: Yes, ma'am. It would have 19 to be moved up front. Another significant issue is that 20 prisoner partition systems are not generic for any type 21 of vehicle. They are made for certain vehicles. Ford 22 Motor Company tells us that in 2011 that they will no 23 longer make the Crown Victoria as a pursuit vehicle. So 24 that means that if we invest this money, it's about a 25 one year investment, and then in 2012 when we get</p>	<p style="text-align: right;">188</p> <p>1 grumbling about we don't have cages and I wanted to just 2 get a little information to see if that's something that 3 we needed to look at. I had asked the captains to start 4 the study before that meeting. It just was 5 coincidental. 6 COMMISSIONER STEEN: Did we want to get 7 back to him at all with the results of this, Colonel? 8 COLONEL CLARK: Well, he's already aware. 9 He approached me and said, Hey, I've done some research 10 on my own and it appears that the majority of the 11 troopers do not want this. He didn't pursue it, but I 12 think it would be good to give him a -- we'll give him a 13 copy of this. 14 COMMISSIONER BROWN: Chief, I have one 15 more question. 16 DAVID BAKER: Okay. 17 COMMISSIONER BROWN: Region 7B, I think 18 it's interesting looking at the chart, they 19 overwhelmingly seem to be a little different than all 20 the other regions in that they overwhelmingly did 21 request it. 22 DAVID BAKER: 7B is the patrol section at 23 the capitol. 24 COMMISSIONER BROWN: Got you. Okay. 25 DAVID BAKER: And they are in a very urban</p>
<p style="text-align: right;">187</p> <p>1 another type of pursuit vehicle, then we've just scraped 2 a lot of money on those prisoner partition systems. The 3 recommendation of the equipment committee and then my 4 recommendation is that we not look at prisoner partition 5 systems at this time. And with that, I'll close and be 6 glad to answer any questions. 7 COMMISSIONER BROWN: Can you -- you 8 initially gave some numbers about the number of groups 9 on the ground who wanted it and didn't. Can you go -- 10 DAVID BAKER: Yes, I can. I have that 11 broken down by -- 12 CHAIRMAN POLUNSKY: It's in there. 13 COMMISSIONER BROWN: What page number? 14 DAVID BAKER: The pages are not numbered, 15 but the results of the survey are in there. If highway 16 patrol -- 17 CHAIRMAN POLUNSKY: Columns. 18 COMMISSIONER BROWN: Okay. I see it. 19 DAVID BAKER: Do you see that? 20 COMMISSIONER BROWN: Yes, sir. Thank you. 21 Partition survey results. I'll look that over. 22 DAVID BAKER: Okay. 23 COMMISSIONER STEEN: Chief, you studied 24 this because Senator Whitmire brought up the issue? 25 DAVID BAKER: No. Actually I heard some</p>	<p style="text-align: right;">189</p> <p>1 (Inaudible) type of environment. 2 COMMISSIONER BROWN: So different needs? 3 DAVID BAKER: Yes. 4 COMMISSIONER BROWN: Thank you. 5 COMMISSIONER STEEN: Chief, I think this 6 is a very good report. I want to pass along my 7 compliments to the Highway Patrol Equipment Committee. 8 David Salmon, chairman, Captain Bill Snyder, and Captain 9 Michael Bradley. They did an excellent job. 10 DAVID BAKER: This was presented to me 11 yesterday during the regional commanders meeting, and I 12 was extremely impressed with their work as well. 13 COMMISSIONER STEEN: I am impressed, too. 14 DAVID BAKER: And I will pass your 15 comments on to them. 16 CHAIRMAN POLUNSKY: Chief, I want to ask 17 you just a question. Brief answer -- you don't need to 18 get in a lot of detail. Nothing to do with this, but 19 could you give me a little historical background as to 20 how the department evolved from the patches -- the 21 different patches? I know that the highway patrol at 22 one point had red patches and CVE had gray patches. 23 DAVID BAKER: Yes, sir. 24 CHAIRMAN POLUNSKY: And now where one 25 wears the same --</p>

<p style="text-align: right;">190</p> <p>1 DAVID BAKER: Everyone has the same patch. 2 I can't tell you, Commissioner, when the original 3 service patches were -- well, I guess in 1968 during 4 that reorganization each service within the highway 5 patrol -- within the old traffic law enforcement 6 division had their own service patch. In 2003, there 7 was a reorganization of the Traffic Law Enforcement 8 Division. It was -- it was -- that name -- that 9 division name was not synonymous of the work that the 10 troopers in that division did. They are not speed cops. 11 And traffic law enforcement gives the connotation or it 12 sounds like that's what they do is speed cops. Our guys 13 do a lot more than that, as you are fully aware of. Not 14 only do we enforce traffic laws, we enforce criminal 15 laws and lots of other types of duties. In 2003, the 16 chief of the division at that time put a plan together 17 to rename the division and to consolidate some of the 18 services so that we just have two services in the 19 division, highway patrol service and commercial vehicle 20 enforcement, and put them all under the same patch. 21 CHAIRMAN POLUNSKY: And people are happy 22 with that? 23 DAVID BAKER: As far as I know, they are. 24 You've got your die-hard red patchers and then your old 25 license and weight troopers who like that gray patch.</p>	<p style="text-align: right;">192</p> <p>1 Platt's office. We're looking at opportunities to tweak 2 that contract where it's more appropriate for our 3 current configurations on our system. Additionally, we 4 have visited -- we have toured four different facilities 5 in the Central Texas region looking at where we can 6 locate our disaster recovery hardware equipment, 7 including our network infrastructure. All four of these 8 facilities are very interested in our business and are 9 doing everything they can to provide us an opportunity 10 to join in with them. One of the four is a city owned 11 disaster recovery site that houses not only the City of 12 Austin Police Department and Travis County Police 13 Department, but also TxDOT. So we're engaged in four 14 different conversations there as we look at 15 opportunities. We've had a committee or a cross 16 functional team that's been working also towards 17 identifying the fundamental disaster capabilities that 18 we would need as quickly as we can stand those up. We 19 received a response to our request from the vendor this 20 week that has shown us that we have some significant 21 challenges around the budgetary outlays for the disaster 22 site. We took that forward to the IT board, which is, 23 as you know, the governing body of the division chiefs 24 and the colonels, who reviewed that, and based on the 25 design that was provided by the group of vendors and</p>
<p style="text-align: right;">191</p> <p>1 I've not heard any comments from any of the troops 2 about -- 3 CHAIRMAN POLUNSKY: It was just -- no one 4 has said anything to me either, but I just wondered why 5 that happened. 6 DAVID BAKER: I have a copy of that 7 reorganizational study if you would like to have a copy 8 of it. 9 CHAIRMAN POLUNSKY: If there's one 10 floating around. I mean, it's not super urgent or 11 anything like that. 12 DAVID BAKER: This patch is a lot prettier 13 than that old red patch. 14 CHAIRMAN POLUNSKY: It's got a lot going 15 on it. That's for sure. 16 DAVID BAKER: Yes, sir. 17 CHAIRMAN POLUNSKY: Okay. Thank you very 18 much. 19 DAVID BAKER: Thank you. 20 CHAIRMAN POLUNSKY: IMS. Chief Lane. 21 BRYAN LANE: Bryan Lane, Chief of IMS. 22 Mr. Chairman, members, I plan to give you a brief update 23 on the disaster recovery process as we move forward. To 24 date we've reviewed our current disaster recovery 25 contract with our vendor, and we're working with Chief</p>	<p style="text-align: right;">193</p> <p>1 business requirements, we have determined that we just 2 don't -- we're not getting enough for our money, to be 3 very blunt. The functionality that they were going to 4 be able to provide us for about double our budget outlay 5 was not going to meet the requirements of the division 6 chiefs and their missions on a day-to-day basis if we 7 did in the event had a disaster. In a disaster recovery 8 scenario, one of the first things you do is a business 9 impact analysis, which helps you identify the 10 requirements of each of your major divisions or your 11 operating divisions on what they need in the event of a 12 disaster. We have a second proposal due today to us on 13 that. We've had one proposal from -- I believe that's 14 about two months old. And it's my recommendation that 15 we continue to look at our network configuration and our 16 lease site where we will actually store our equipment 17 and be able to respond to and drive through the business 18 impact analysis so that we ensure that we have a full 19 understanding of where we need to be before we put the 20 cart in front of the horse, if you will, and go out and 21 drop funds into a solution that doesn't meet our 22 requirements or needs. That said, the business impact 23 analysis is estimated to be able to be completed within 24 30 to 45 days once we sign the contract. Both the 25 vendors that have responded so far are in the DIR and Go</p>

<p style="text-align: right;">194</p> <p>1 DIRect contracting capabilities. So that's not an RFP 2 scenario. We can actually go directly with a purchase 3 order if we find their statement of work and their 4 proposal to be acceptable. That concludes my update. 5 I'm happy to answer questions. 6 CHAIRMAN POLUNSKY: Questions? 7 COMMISSIONER STEEN: No questions. 8 CHAIRMAN POLUNSKY: Thank you. 9 BRYAN LANE: Thank you. 10 CHAIRMAN POLUNSKY: Texas Rangers. Chief 11 Leal. 12 COMMISSIONER STEEN: Mr. Chairman, I think 13 we have moved on in the agenda and so maybe if we could 14 put the second page up there. 15 CHAIRMAN POLUNSKY: I'm sorry? Oh. Well, 16 I -- that's probably my fault. I've been bouncing 17 around there. 18 COMMISSIONER STEEN: Thank you. 19 CHAIRMAN POLUNSKY: Chief. 20 TONY LEAL: Tony Leal, Texas Rangers. 21 Chairman, Commission, we have our report there and 22 worked quite a few murders since our last meeting. 23 We've been involved in a lot of capital murder 24 investigations. There are two things I wanted to point 25 out to you that aren't on this report. I had</p>	<p style="text-align: right;">196</p> <p>1 had those two -- you know, he was able to provide enough 2 information in his confession where he said these are 3 those two cases. So it cleared those two old murders. 4 And I just had never heard of that happening on death 5 row before. They will say they are sorry or not. 6 On another note, we had been working on a 7 murder out of Waller County. That's out of Houston. We 8 knew it was a dump murder and could tell it was 9 execution murder and here -- and I won't go into great 10 details. Some of it is still open. But when we went to 11 the house to arrest one of the three suspects, there at 12 the house, among other people, was a Mexican policeman 13 with his Mexican credentials from Mexico who we think is 14 part of one of the cartel enforcers working in the 15 Houston area as part of the organized crime initiatives 16 that we have going on. So it is a border problem, but 17 it is a Houston problem and a San Antonio problem and a 18 Dallas problem and the rest of the state problem also 19 and I think we're going to continue to see that. That's 20 what I have. Do you have any questions? 21 COMMISSIONER BROWN: I just have a 22 question. Do you know the name of the unit where the 23 inmate was -- 24 (Laughter) 25 CHAIRMAN POLUNSKY: (Inaudible). I'll</p>
<p style="text-align: right;">195</p> <p>1 something -- I've been in the rangers 15 years and I've 2 talked to rangers that have been in the rangers over 25 3 years who had never heard of this happening. We have a 4 ranger at each one of the executions in Huntsville to 5 witness it, write a report on it, and make sure 6 everything went well. It's just a policy with TDCJ as a 7 witness to their execution. Well, an inmate that was 8 being executed earlier this month started talking to the 9 ranger during the deal and then they went in another 10 room and read him his rights because he was in custody 11 and he confessed to two murders in San Antonio that were 12 20 years old. 13 COMMISSIONER BROWN: Wow. 14 TONY LEAL: We got -- we kind of -- I 15 don't know how legal it was, but we -- it doesn't really 16 matter. The guy is dead. But we postponed the 17 execution for a little bit and took a confession from 18 him on both those murders, a guy in desperation type 19 statement, and then contacted our cold case rangers in 20 San Antonio, who contacted the San Antonio Police 21 Department, and they matched up the murders to the 22 murders that this guy was talking about. One to a woman 23 that he had worked with in a Stop-N-Go that he had 24 murdered and then another violent type episode on the 25 road where he had beat someone to death and they still</p>	<p style="text-align: right;">197</p> <p>1 tell you where it was. It was the Huntsville unit. 2 TONY LEAL: The Walls Unit is where they 3 put him down. Polunsky just fattens them up. 4 (Laughter) 5 CHAIRMAN POLUNSKY: The gourmet cooking 6 there. Thank you for that insightful question. 7 COMMISSIONER BROWN: You're welcome. 8 CHAIRMAN POLUNSKY: Emergency management. 9 Chief Colley. 10 JACK COLLEY: Good afternoon, 11 Mr. Chairman, Commissioners. Jack Colley, Chief of 12 Emergency Management Division. We had a pretty active 13 week. We finished our annual homeland security 14 conference in San Antonio. We had 4,263 attendees, plus 15 we had -- we opened it up to volunteer organizations and 16 we had another 565 members of volunteer organizations. 17 So we had about 4,800 attendees over a five day period, 18 about 300 workshops, and in our estimation it was very 19 successful. We also unveiled our new mobile command 20 center to the department. This is a very high tech 21 capability the department now has to literally move the 22 state operations center anywhere in Texas and conduct 23 operations just like we do anywhere else. A typical day 24 in Texas. We've got tornados in Corpus, wildfires in 25 East Texas, we have a blizzard that's fixing to happen</p>

<p style="text-align: right;">198</p> <p>1 In the Panhandle tonight. So we're working all of those 2 right now. We had 254 counties declared by the governor 3 a disaster for drought and about 208 counties declared 4 for wildfires. The governor is in -- he was supposed to 5 meet Secretary (inaudible) today. She did not come 6 and -- but the governor went ahead and went on the visit 7 to the Ike area, if you will, and met with local 8 officials there. We have some significant appeals in to 9 FEMA. I think you're aware of they have major financial 10 impact on communities and that is the appeal to extend 11 debris removal at a hundred reimbursement for six months 12 for these counties on the coast. If that is not 13 approved, then that goes to a 75/25 percent, 25 percent 14 local, 75 percent federal. They don't have the 25 15 percent. So that will -- places like (inaudible) and 16 Chambers County, that will have a significant impact. 17 So the governor is -- obviously has a lot of interest in 18 that appeal right now to get that approved. We continue 19 to support, as Michael said, any number of efforts in 20 legislation. I guess there's good news and bad news, 21 however you want to look at it, but I'm very encouraged. 22 This is the first time since I have been here that there 23 has been so much interest in emergency management and 24 what we do. It may be a good bill or a bad bill, but 25 it's a bill in terms of what we do. The two ticker</p>	<p style="text-align: right;">200</p> <p>1 to take a tour of the mobile command center in San 2 Antonio. Pretty amazing. I think everyone should 3 examine that piece of equipment or actually a couple of 4 pieces. It's really state of the art, and it's 5 something the state should be proud of, and y'all did a 6 great job in putting that together. 7 JACK COLLEY: Thank you, Mr. Chairman. 8 CHAIRMAN POLUNSKY: And beyond that, the 9 conference itself from what I briefly saw and what I 10 heard was as usual a great success. So great job there 11 as well. 12 JACK COLLEY: Thank you, sir. 13 CHAIRMAN POLUNSKY: The next item would be 14 consent items. Are there any items anybody would like 15 to pull for individual discussion? 16 COMMISSIONER STEEN: What is Item A about? 17 STUART PLATT: Mr. Steen, when -- on 18 February 19th when (inaudible) Clark was moved in 19 interim to director status, he had several individuals 20 who were in an interim status as well or temporary 21 appointment status. The provisions of the Government 22 Code 411.006 state that he may appoint with the advice 23 and the consent of the commission the head of the 24 division or bureau provided for under the chapter. 25 Thereafter he provided letters appointing Lieutenant</p>
<p style="text-align: right;">199</p> <p>1 bills I mentioned is House Bill -- or Senate Bill 985 by 2 Senator Davis and Senate Bill 1474 by Senator Nichols, 3 which impacts on employees. One lifts the ban on the 4 current cap on hotel/motel during a disaster and allows 5 us to use all facilities, just not those that meet 6 that -- many times in a disaster people will not give 7 you the state rate and you have to -- and it has an 8 impact on our responders. The other one is Senator 9 Nichols 1474, which will allow our employees who accrue 10 comp time to extend that out 18 months versus a year and 11 also it will allow the (inaudible) DPS at his discretion 12 during a declared disaster to allow us to pay overtime 13 for comp time, which in many of these disasters is 14 reimbursable from the federal government. So we're very 15 encouraged by that because there's a lot of support to 16 get those through. Mr. Chairman, that concludes my 17 report. 18 COMMISSIONER BROWN: That reminds me of 19 something. Who is it that I need to talk about -- I 20 have some questions about -- generally, not specific to 21 your department -- overtime and comp time use? Who 22 would be my go-to guy on that or gal? 23 COLONEL CLARK: Paula Logan. 24 COMMISSIONER BROWN: Got you. Thanks. 25 CHAIRMAN POLUNSKY: I had the opportunity</p>	<p style="text-align: right;">201</p> <p>1 Colonel Lamar Beckworth as assistant director, Chief 2 Valerie Fulmer as admin chief, assistant chief -- Sandra 3 Fulenwider as assistant chief, and Chief David Baker for 4 THP, assistant chief, Luis Gonzalez for HPD, chief 5 pilot, Phil Nabors, and assistant chief pilot, John 6 Brannon. So those letters were provided to them, and 7 it's on here as a consent item simply because the 8 statute says it's with the advice -- with the 9 appointment and consent of the commission. 10 COMMISSIONER STEEN: Thank you. Colonel 11 Clark, anything on here we ought to be concerned about? 12 COLONEL CLARK: No, sir. As a side note, 13 just FYI, at our April promotional ceremony I will 14 formally recognize the chiefs now that they've had their 15 interim tag removed. We'll have a little promotional 16 ceremony for them and express my gratitude for their 17 hard work. The other consent items just concern some 18 discharges of employees, most of them job abandonment, 19 probationary employees. They have no rights of appeal. 20 And the Special Rangers, they've all been -- they are 21 qualified to be Special Rangers recommended by their 22 previous supervisors. No problems with any of them. 23 COMMISSIONER STEEN: And then the last 24 item? 25 COLONEL CLARK: The proposed rules, no</p>

<p style="text-align: right;">202</p> <p>1 problems with those. David, you might want to mention 2 those.</p> <p>3 DAVID BAKER: David Baker, Chief of 4 Highway Patrol. Mr. Steen, these proposed rules are 5 just a cleanup to the Administrative Code. DPS used to 6 have the responsibility of accident reports. That duty 7 was transferred to TxDOT and we're just cleaning up our 8 administrative rules and remove that from our 9 responsibility.</p> <p>10 COMMISSIONER STEEN: Thank you for that 11 clarification. Then I move for adoption of the consent 12 items as a group.</p> <p>13 CHAIRMAN POLUNSKY: Is there a second to 14 Mr. Steen's motion?</p> <p>15 COMMISSIONER BROWN: Second.</p> <p>16 CHAIRMAN POLUNSKY: Seconded by Ms. Brown. 17 The motion is to approve all of the items under the 18 consent item section. Discussion? There is no 19 discussion. All in favor, please say "aye." Any 20 against, "no." Motion passes unanimously.</p> <p>21 The next item would be items for future 22 agendas. Anybody have any items that they want to put 23 forth at this time for next month's agenda or any agenda 24 thereafter?</p> <p>25 COMMISSIONER BROWN: I would like on the</p>	<p style="text-align: right;">204</p> <p>1 you.</p> <p>2 COLONEL CLARK: I may have to borrow a 3 little more money from Tony to put one more monitor. We 4 need one right there for Don Dickson.</p> <p>5 DON DICKSON: I couldn't see it anyway.</p> <p>6 COLONEL Clark: But I think seriously we 7 may want to put one more for that side of the room 8 because y'all are having to look across.</p> <p>9 COMMISSIONER STEEN: Well, I've noticed 10 that as we put things up, it seems like you-all in the 11 audience were looking at it and I think it -- I hope it 12 was helpful to you.</p> <p>13 COLONEL CLARK: Before I say that, once -- 14 I know we have classes in here. Does that pivot, Bryan? 15 Disregard.</p> <p>16 BRYAN LANE: The commission doesn't have a 17 view.</p> <p>18 COLONEL CLARK: Well, I'm talking about 19 when we use it for classes.</p> <p>20 BRYAN LANE: It will move.</p> <p>21 CHAIRMAN POLUNSKY: Anything else?</p> <p>22 COMMISSIONER BROWN: No.</p> <p>23 CHAIRMAN POLUNSKY: The Texas Public 24 Safety Commission is now adjourned for this meeting. 25 The time is 5:34 p.m. Thank you.</p>
<p style="text-align: right;">203</p> <p>1 next agenda to have some discussion about or some 2 information presented about the amount of comp time 3 that's actually redeemed to be under overtime policies.</p> <p>4 CHAIRMAN POLUNSKY: Okay. Dorothy, could 5 you make note of that, please. Anything else? 6 Mr. Steen?</p> <p>7 COMMISSIONER STEEN: No.</p> <p>8 CHAIRMAN POLUNSKY: Okay. Date for future 9 meetings. Any problem with the usual -- the unusual or 10 usual date?</p> <p>11 COLONEL CLARK: The 16th?</p> <p>12 CHAIRMAN POLUNSKY: The 16th will be our 13 next meeting.</p> <p>14 COMMISSIONER STEEN: Mr. Chairman, before 15 we adjourn, Colonel Clark, thank you for doing this. I 16 think we're making a lot of progress in terms of being 17 very public friendly here. I would hope that as we move 18 forward we have more and more reports that are sort of 19 PowerPoint presentations where we can have more 20 information up on the screen as we move along in the 21 meeting. Just something to strive for.</p> <p>22 COLONEL CLARK: Bryan did a good job of 23 putting this together. We'll continue to work on it. 24 First time out, I'm pretty pleased with it.</p> <p>25 COMMISSIONER STEEN: I am, too. Thank</p>	<p style="text-align: right;">205</p> <p>1 THE STATE OF TEXAS) 2 COUNTY OF TRAVIS) 3 4 5 I, Lisa Minister, Certified Shorthand Reporter in 6 and for the State of Texas, do hereby certify that the 7 above and foregoing contains a true and correct 8 transcription of my stenographic notes taken in the 9 above-captioned cause at the Texas Public Safety 10 Commission meeting in Austin, Texas 11 12 Witness my hand this 13th day of April, 2009. 13 14 15 16 LISA MINISTER, Texas CSR 4459 17 Expiration Date: 12-31-2009 18 Integrity Legal Support Solutions 19 Firm Registration No. 528 20 114 West 7th Street, Suite 240 21 Austin, Texas 78701 22 (512) 320-8690 23 (512) 320-8692 (Fax) 24 25</p>

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