
OPEN MEETING

PUBLIC SAFETY COMMISSION

OCTOBER 16, 2008

On the 16th of October, 2008, the following
meeting was held in Austin, Travis County, Texas

<p style="text-align: right;">2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:</p> <p>4 Allan B. Polunsky, Chair</p> <p>5 C. Tom Clowe</p> <p>6 Carin Marcy Barth</p> <p>7</p> <p>8 DIRECTOR'S STAFF OF THE DEPARTMENT OF PUBLIC SAFETY:</p> <p>9 Colonel Stanley E. Clark</p> <p>10 Lt. Colonel Lamar Beckworth, Assistant Director</p> <p>11 Dorothy Wright, Executive Assistant</p> <p>12 Duncan Fox, Acting General Counsel</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 Dallas at 13619 Peyton Drive. I want to introduce</p> <p>2 myself again, this time to the Commission. Thank you</p> <p>3 for, the Chairman, offering this time. This is my 30th</p> <p>4 year in the automotive service and vehicle inspection</p> <p>5 business, and today I represent and want to reintroduce</p> <p>6 to the Commission and to the agency the Texas State</p> <p>7 Inspection Association.</p> <p>8 The Association was formed in 1995 to</p> <p>9 represent the interest of the inspection stations and</p> <p>10 the independent automotive service people here in Texas.</p> <p>11 TSIA has since that time provided resource and input to</p> <p>12 the agencies, to the legislature. TSI members have also</p> <p>13 provided resource and advocacy input to other state</p> <p>14 agencies, federal agencies, and in some cases as</p> <p>15 consultants to other countries.</p> <p>16 We have a broad base background of vehicle</p> <p>17 inspection, automotive service, emission inspection.</p> <p>18 And at this time, we certainly concur with the Sunset</p> <p>19 Commission finding that the vehicle inspection program</p> <p>20 in Texas is challenged. However, we believe that it is</p> <p>21 also an excellent opportunity to update and improve a</p> <p>22 program that has in many ways served the public well</p> <p>23 here in Texas.</p> <p>24 We've had the opportunity for a long, long</p> <p>25 time to take a look at our state program and compare it</p>
<p style="text-align: right;">3</p> <p>1 MR. POLUNSKY: I would like to call this</p> <p>2 meeting to order. The regular session of the Texas</p> <p>3 Public Safety Commission is convened in accordance with</p> <p>4 Chapter 555 -- excuse me, 551 of the Texas Government</p> <p>5 Code, the Open Meetings Act. During this meeting, the</p> <p>6 Commission will be conducting business from the agenda</p> <p>7 posted in the Texas Register.</p> <p>8 At this time I'd like to call the roll. For</p> <p>9 the record, I'm present. Commissioner Anderson is</p> <p>10 absent. Commissioner Barth.</p> <p>11 MS. BARTH: Here.</p> <p>12 MR. POLUNSKY: Commissioner Clowe?</p> <p>13 MR. CLOWE: Present.</p> <p>14 MR. POLUNSKY: There is a quorum present.</p> <p>15 It is 9:30 a.m. The first item on the agenda is public</p> <p>16 comment. At this time, if there are any people here who</p> <p>17 would like to address the Public Safety Commission they</p> <p>18 are invited to do so. Our rules are that the</p> <p>19 individuals who are presenting comments to the Public</p> <p>20 Safety Commission are limited to five minutes. We'll</p> <p>21 ask that anyone who is speaking to the Public Safety</p> <p>22 Commission identify themselves and give their address.</p> <p>23 Anyone here at this time who would like to comment or</p> <p>24 address the Public Safety Commission? Yes, sir.</p> <p>25 ED MARTIN: My name is Ed Martin, I live in</p>	<p style="text-align: right;">5</p> <p>1 to other programs around the country, and in some cases</p> <p>2 around the world, and believe that there are a number of</p> <p>3 opportunities that we would like to be part of. So we</p> <p>4 would certainly love to be involved in any way we can to</p> <p>5 support the program, and I appreciate your time today.</p> <p>6 MR. POLUNSKY: Thank you, sir. Appreciate</p> <p>7 your attendance. Anyone else? Yes, sir.</p> <p>8 MELVIN MARTIN: Good morning, Mr. Chairman,</p> <p>9 my name is Melvin Martin. I'm Chief of Police in</p> <p>10 Abilene, Texas and I'm also serving this year as the</p> <p>11 president of the Texas Police Chief Association. It's</p> <p>12 an honor to be here before your Commission this morning,</p> <p>13 Colonel Clark.</p> <p>14 We don't have any agenda other than to come</p> <p>15 and say we appreciate what DPS is doing. I also have a</p> <p>16 couple others, if I could introduce them. If y'all</p> <p>17 would stand, James. James McLaughlin, our executive</p> <p>18 director. David James, chief of Carrollton Police</p> <p>19 Department is with us. He is the incoming president for</p> <p>20 TPCA. And we're just here today to say thanks.</p> <p>21 DPS has been under the gun, high demands the</p> <p>22 last couple of years with the border issues, El Dorado,</p> <p>23 hurricanes, responding to hurricanes. And we have</p> <p>24 worked very close with DPS. And I will just say out in</p> <p>25 our district in Abilene we have really done some great</p>

<p style="text-align: right;">6</p> <p>1 things together. When they have had to respond to the 2 hurricanes, our officers have ended up working the 3 accidents on the high ways to assist them when they 4 didn't have the manpower. DPS has put together several 5 task forces, DWI task forces working with us that has 6 been a huge success for us. 7 So we have a lot of good things happening. 8 Our chaplaincy program we share. It has brought us 9 closer together. So throughout the state, I think the 10 police chiefs, we'd just like to say thank you. Job 11 well done. We enjoy working with you. I know that the 12 demands have been on you. And we have no agenda today 13 except to say thanks. 14 MR. POLUNSKY: Thank you for being here, 15 Chief. Anyone else? Yes, sir. 16 BRAD WARD: Thank you for giving me the 17 opportunity to address you this morning. I don't have 18 comments to make. I actually have a lot of questions 19 and I would like to start by asking a question -- 20 MR. POLUNSKY: First let me ask you to 21 identify yourself -- 22 BRAD WARD: Oh, I'm sorry. 23 MR. POLUNSKY: -- and give your address. 24 BRAD WARD: Brad Ward, I live here in 25 Austin, 1913 McCall Road.</p>	<p style="text-align: right;">8</p> <p>1 federal funds. 2 Because if you go through the legislature, 3 you're going to increase the tax burden on Texas 4 taxpayers, and if you go through the federal government, 5 you're going to subject Texas governmental employees and 6 law enforcement employees to the cumbersome regulations 7 of the federal bureaucracy. 8 I would also like -- I'm also wondering if 9 DPS has commissioned any kind of study to arrive at a 10 total estimated cost for instituting these voluntary 11 random check points throughout the entire state. And 12 that cuts back to my concerns for the economic crisis 13 that our country and our state are facing. 14 And I am also wondering how DPS can justify 15 the expenditures on this ambitious plans given the fact 16 that our future, our financial future for the state and 17 the nation is so uncertain. I would hope that DPS would 18 do -- at least, at the very least, I would hope DPS has 19 done a cost benefit analysis to determine what the 20 potential cost of this plan will be as opposed to any 21 benefits that we might derive from it. And by "we," I 22 mean the people of Texas. 23 And I am also wondering what exactly DPS 24 expects to accomplish by doing voluntary random check 25 points all over the state of Texas. I don't understand</p>
<p style="text-align: right;">7</p> <p>1 MR. POLUNSKY: Thank you, Mr. Ward. 2 BRAD WARD: My first question deals with the 3 immigration side of the random check point issue. 4 MR. POLUNSKY: Let me -- let me address that 5 immediately. This period is for public comment. If you 6 have comments that you would like to make, directed to 7 the Public Safety Commission, you're welcome to do so in 8 your five minutes. This is not a discussion period, so 9 there will not be questions and answers. Your comments 10 are going to be limited to statements that you may wish 11 to make to the Commission, and just statements. 12 BRAD WARD: Okay. Well, given that fact, I 13 would like to start off by pointing out that our country 14 is entering some hard economic times, and I think that 15 it is odd that we would be talking about spending money 16 to do voluntary random check points throughout the state 17 of Texas given the fact that we're facing some tight 18 budget constraints relating to the economic crisis that 19 we are currently in. 20 How is -- well, I'm wondering how DPS would 21 go about paying for random check points throughout the 22 entire state. Are -- would you go about this by going 23 before the Texas legislature and asking for an increase 24 in the DPS departmental budget or would you go about 25 this by going to the federal government and asking for</p>	<p style="text-align: right;">9</p> <p>1 the need for this, actually. And I'm also left to 2 wonder what alternatives DPS has arrived at for people 3 that don't wish to participate in the voluntary random 4 check points. 5 I would hope that you would have, like, 6 bypass lanes in place, you know, beside the check point 7 where you wouldn't impede the flow of traffic. Because 8 it seems that a bottleneck in traffic on a major roadway 9 could pose a safety issue. And that, of course, would 10 lead to legal liabilities and ultimately the people of 11 Texas would have to pick up the tab for any lawsuits 12 that resulted from collisions or fatalities that 13 resulted from the impeded traffic flow on our roadways. 14 I just hope that DPS is taking these things 15 into consideration and that this wasn't just something 16 that someone came up with off the spur of the moment. 17 MR. POLUNSKY: Sir, you have one minute. 18 BRAD WARD: Okay. Given the 19 misunderstandings and miscommunications surrounding the 20 vaccination requirements for school children in Texas, I 21 would also like to know how DPS is going to get the word 22 out to Texans that this program of random check points 23 is strictly voluntary. I would hope you would do an ad 24 campaign like the "Click It or Ticket" campaign that 25 you've done, or something to make Texans aware that</p>

<p style="text-align: right;">10</p> <p>1 their participation in random voluntary check points is 2 not mandatory. 3 I would hope you would do something to hit 4 off any kind of confusion that may result from this 5 policy being Instituted statewide. And I think that 6 does it for my comments. Thank you. 7 MR. POLUNSKY: Thank you, Mr. Ward. We 8 appreciate you being here this morning. Would anyone 9 else like to address the Public Safety Commission at 10 this time? Yes, sir. 11 MARVIN WILLIAMS: How you guys doing today. 12 My name's Marvin Williams. I stay at 2504 Huntwick, 13 Austin, Texas. I'm here also to talk about the check 14 points here being done in Texas. I just want to say 15 that I oppose having check points here in Texas, and 16 that is going to cause extreme amounts of money for 17 Texas taxpayers to fund this whole thing that they want 18 to do. 19 And I'm against it, and I oppose it, and I 20 don't believe that we need check points here in the 21 state of Texas, especially throughout the whole state. 22 Those types of issues should be done at the borders 23 between Pecos and Mexico and not through the whole 24 state, you know, of Texas. And I'm just stating that I 25 oppose it because it's not right.</p>	<p style="text-align: right;">12</p> <p>1 MR. POLUNSKY: Thank you. We appreciate you 2 being here this morning. Anyone else? Yes, sir. 3 KEITH KRITSELIS: My name is Keith 4 Kritselis. I live as 5207 Hedgewood Drive here in 5 Austin, and this is my son, Max. Thank you for allowing 6 us to talk today. I came also to voice my opposition to 7 this check point business. You know, I feel like as 8 free citizens it's our right to move about on the public 9 roads unobstructed. And any time we cross that line and 10 start pulling over people without probable cause, we've 11 set a very dangerous precedent. 12 It is -- for the -- I feel like it's a big 13 waste of time. I really don't see pulling over random 14 people is going to be a good use of our strained 15 resources. And, you know, getting -- allowing the 16 police officers to do their job and find people who 17 really are criminals should be the priority. 18 So if the proponents to this say that they 19 need this tool to do their job to make their job easier, 20 I have to say, as a citizen, that's a line we can't 21 cross and their job just has to be a little bit harder. 22 And I think that's it. 23 I'd also like to say that if we're going to 24 continue this -- no decision's going to be made today, 25 at a future time, I don't know, I would like to see an</p>
<p style="text-align: right;">11</p> <p>1 And I don't have all the logistics that 2 other people have to say about the different things 3 that's going on about it. But I just have the ultimate 4 deal that I oppose it and it should not be done here in 5 the state of Texas. And if it's going to be done in the 6 state of Texas, it needs to be done between the borders 7 of Texas and Mexico. And that's all I have to say. 8 MR. POLUNSKY: Thank you, Mr. Williams. 9 Anybody else? 10 ERIN SHOTWELL: My name's Erin Shotwell and 11 I'm at 5211 -- 12 MR. POLUNSKY: Shotwell? 13 ERIN SHOTWELL: Shotwell, yes. 14 MR. POLUNSKY: Thank you. 15 ERIN SHOTWELL: 5211 Emerald Meadow. I 16 basically just want to state my opposition to random 17 check points. I don't really see how it enhances public 18 safety, basically because if that's what it -- what the 19 reason is for it, I just think if, you know, an officer 20 has probable cause of somebody who's driving unruly or 21 if their vehicle's -- there's a problem with their 22 vehicle to pull somebody over, I don't understand why 23 all law abiding citizens need to be subjected to this 24 inconvenience. So basically just wanted to state my 25 opposition. Thank you.</p>	<p style="text-align: right;">13</p> <p>1 opportunity for a public forum where more of the public 2 could have a chance to come and speak out. I think you 3 would have a bigger turnout if it was better publicized 4 and more convenient for people who had to work. So 5 thank you for your time. 6 MR. POLUNSKY: Thank you, sir. Appreciate 7 you being here. Anybody else? 8 OLIVER PONTE: Good morning. My name is 9 Oliver Ponte and I represent the 511 Campaign, and I 10 live here in Austin, Texas, 5211 Emerald Meadow. And as 11 a Texas taxpayer I oppose and am concerned with the DPS 12 check points all over the State of Texas. And I 13 question what exactly by having check appointments, what 14 will that accomplish. 15 Some of the first questions that I -- and 16 concerns I have is where does DPS propose to pay for 17 this plan in this hard economic times, and is DPS going 18 to apply for federal funding, and just what DPS expect 19 to accomplish by these voluntary random check points. 20 And I just question and I'm concerned of what 21 consequences do motorists face if declining 22 participation. And I just am concerned, I just wanted 23 to state my opinion for the record today. Thank you. 24 MR. POLUNSKY: Thank you, sir. Anyone else? 25 SHEILA DEAN: Good morning. My name is</p>

<p style="text-align: right;">14</p> <p>1 Sheila Dean and I'm with the 511 Campaign, and I live on 2 East 51st Street in Austin Texas. And I'm here to 3 oppose the voluntary check point system that you have 4 spontaneously decided to force on the Texas people. It 5 has been put down three times in each Texas legislative 6 session, and I don't know and I don't understand the 7 persistence with, you know, with the check points. 8 You know, if people are volleying to pull 9 people over on the basis of checking people's licenses 10 on the basis of citizenship, people's licenses at this 11 stage in the game, nobody's license in Texas that's out 12 there that has been distributed is an adequate identity 13 document. 14 And so it may be "your papers please," 15 because no one that I know carries around their birth 16 certificate in their purse other than me. Nobody walks 17 around with their passport. And this check point 18 initiation concerns me greatly because it mimics Gustaze 19 east German government and other check point societies. 20 It is a sign of a closing society. And I'm 21 deeply concerned that this trend of over-policing and 22 over-allocation of policing resources actually might 23 take away from real security and other criminal 24 situations where, you know, the demand is greater. 25 Those police resources, they need to be out there</p>	<p style="text-align: right;">16</p> <p>1 Smith proceedings) 2 MR. POLUNSKY: The regular session of the 3 Texas Public Safety Commission is reconvened in 4 accordance with Chapter 551 of the Texas Government 5 Code, the Open Meetings Act. 6 Next item on the agenda is item five, and 7 that would be the discussion and possible action on the 8 director's action of discharging probationary employee 9 James B. Meador. Colonel Clark. 10 MR. CLARK: Mr. Chairman, commissioners, in 11 the action taken against James B. Meador, September the 12 30th of '07 Mr. Meador began employment in the Trooper 13 Recruit Training School class C07. He sustained an 14 injury which prevented the completion of the required 15 course of training. He was given an opportunity to 16 return midway through the A08 school. 17 He was provided noncommissioned employment 18 in the communications service during the period between 19 his departure from the C07 school through his 20 readmittance in the A08 school on July the 7th of '08. 21 He was unable to maintain an acceptable level of 22 performance during the tactical simulation drills due to 23 experiencing physical symptoms including becoming 24 lightheaded and shortness of breath requiring medical 25 intervention and treatment.</p>
<p style="text-align: right;">15</p> <p>1 fighting crime and they are paid overtime which is, you 2 know, that's an additional tax on the American people. 3 And I would find it hard to come by the 4 money at these depressed economic times. So I would 5 deeply ask you to reconsider the check point idea once 6 again and consider dumping it altogether. You will be 7 opposed, continually. The people don't want it. Thank 8 you. 9 MR. POLUNSKY: Okay. Thank you very much. 10 Anyone else? There's nobody else who would like to 11 address the Public Safety Commission at this time? Let 12 me just quickly make a very quick comment with respect 13 to the check points. There are no plans on the part of 14 the Department the Public Safety to implement check 15 points at this time. So I think the concern is, at a 16 minimum, premature and we'll see where it goes down the 17 road. 18 But let me assure those who are here today 19 who are interested in this subject, that there are no 20 plans to implement check points at this time. Thank you 21 all for being here on that topic. You're welcome to 22 come back at any time. 23 The next item on the agenda is the discharge 24 appeal hearing, DPS employee Charles D. Smith. 25 (Discharge appeal hearing for Charles D.</p>	<p style="text-align: right;">17</p> <p>1 On September the 4th he suffered an 2 unrelated knee injury and his healthcare provider 3 imposed significant restrictions. September the 17th he 4 was rescheduled to be tested on the tactical simulation 5 drill. However, due to restrictions placed upon him by 6 his physician, he was unable to successfully pass the 7 tactical simulation drill which is required of all 8 recruits. Because of that, he was discharged on 9 September the 26th of this year, and I would ask the 10 Commission to affirm the discharge. 11 MR. POLUNSKY: Thank you, Colonel Clark. 12 Mr. Meador here? Anyone want to speak to this issue? 13 What are the wishes of the Commission? 14 MR. CLOWE: I have a question, Mr. Chairman. 15 MR. POLUNSKY: Yes, sir. 16 MR. CLOWE: Colonel, is there a possibility 17 that he may be in some way able to continue or be 18 readmitted to the academy at some point in time when he 19 physically heals? 20 MR. CLARK: Yes, sir. Should he be able to 21 rehab his knee to the condition where he could, of 22 course, pass the physical readiness testing, we would 23 certainly welcome him back into the next recruit school. 24 We advised him of that in a letter, and would welcome 25 him back.</p>

<p style="text-align: right;">18</p> <p>1 MR. CLOWE: Okay. I wanted that on the 2 record. I move we affirm the director's action in this 3 matter. 4 MS. BARTH: Second. 5 MR. POLUNSKY: All right. Let me make sure 6 I understand exactly what we're talking about here, 7 though. Colonel Clark, what you're saying is that if he 8 is able to demonstrate that he is physically able to 9 enter the academy, as would any other recruit, then he 10 would be welcome back to the academy? 11 MR. CLARK: Yes, sir, that is correct. 12 MR. POLUNSKY: We're not talking about 13 the -- we're talking about the entrance requirement 14 here -- 15 MR. CLARK: Yes. 16 MR. POLUNSKY: -- not talking about the exit 17 requirement. 18 MR. CLARK: No, the entrance requirement. I 19 believe that is currently at 80 percent of PRT for all 20 recruits as they enter the academy. 21 MR. POLUNSKY: Okay. Is that how -- 22 MR. CLOWE: That was my understanding. 23 MR. POLUNSKY: Okay. All right. It has 24 been moved by Commissioner Clowe and seconded by 25 Commissioner Barth that the director's termination to</p>	<p style="text-align: right;">20</p> <p>1 They had difficulty finding a place. They 2 realized through discussion with our personnel that we 3 have a 300-foot aged communication facility there. By 4 providing this particular gift to us, it will allow Fort 5 Bend County the opportunity to extend their coverage, 6 radio coverage, on the western side of the county. 7 It would also afford Martin County the 8 opportunity to link up to the Harris County system, and 9 they would receive transmitters and other equipment to 10 enhance the communication capability in the area of 11 Houston. So our request is that this particular gift be 12 approved for the Agency. 13 MR. POLUNSKY: Be accepted. Somebody like 14 to make a motion? 15 MR. CLOWE: So moved. 16 MS. BARTH: Second. 17 MR. POLUNSKY: It has been moved and 18 seconded, the donation of the equipment, Fort Bend 19 County land and -- excuse me, the tower equipment and 20 the land of Fort Bend County, the donation be accepted 21 by the Department of Public Safety. Moved by 22 commissioner Clowe and seconded by Commissioner Barth. 23 Discussion? 24 MS. BARTH: Have we had any kind of public 25 notice about putting it there and with respect to any</p>
<p style="text-align: right;">19</p> <p>1 discharge the named probationary employee be approved. 2 Discussion? There is no discussion. All in favor, 3 please say, "Aye." 4 COMMISSIONERS BARTH AND CLOWE: Aye. 5 MR. POLUNSKY: Any against? No. Motion 6 passes. Next item on the agenda is budget matters. 7 OSCAR YBARRA: Oscar Ybarra, Chief of 8 Finance. I defer to my written report this month, sir. 9 I have nothing to add unless you have any questions. 10 MR. POLUNSKY: Are there questions for the 11 chief? 12 MR. CLOWE: No questions. 13 MS. BARTH: No questions. 14 MR. POLUNSKY: Thank you, sir. Next item, 15 item eight, discussion and possible action regarding the 16 donations to the Department, "A," Fort Bend County 17 donation of land and tower equipment. Colonel 18 Beckworth. 19 MR. BECKWORTH: Mr. Chairman, Commissioners, 20 we have a offer of donation of a 400-foot tower and 21 related equipment to the DPS in Pearce. This particular 22 offer comes from Fort Bend County and also Wharton 23 County who had a joint grant opportunity to allow them 24 to be able to link up to the Harris County regional 25 radio system.</p>	<p style="text-align: right;">21</p> <p>1 questions they might have about it? 2 MR. BECKWORTH: We met with the FFA to make 3 sure there were no issues related to the air space 4 there. We had a study done to make sure there was no 5 issues associated with economic environment around it, 6 and there also was a discussion. Our facility there is 7 not located in any kind of neighborhood environment. 8 But we did have a discussion with the people of Pearce 9 and there was no resistance to this particular tower 10 going there. 11 MS. BARTH: Thank you. 12 MR. POLUNSKY: Any additional discussion? 13 Okay. There's a motion on the floor. All in favor, 14 please say, "Aye." 15 COMMISSIONERS BARTH AND CLOWE: Aye. 16 MR. POLUNSKY: Any against? No. Motion 17 passes. Next item would be Subsection "B," item eight, 18 Nueces County donation of land. Chief Fulmer. 19 VALERIE FULMER: Good afternoon, 20 Mr. Chairman and Commissioners. As he said, I'm Valerie 21 Fulmer, Chief of Administration Division. At this time, 22 we are not at a point of needing to take official 23 action. At this point we're just giving you some 24 information on this Nueces County proposed donation so 25 that you'll be aware of it. Nueces County has offered</p>

<p style="text-align: right;">22</p> <p>1 us approximately 3.2 acres of land that's adjacent to 2 our current regional headquarters. And this land would 3 be used for our new crime lab. The land -- in addition 4 to being adjacent to our own regional headquarters, it's 5 also adjacent to several other Nueces County buildings 6 and to a park. It's not adjacent to any residences. 7 We're still working through the details. 8 But it will be very suitable for our needs. And we'll 9 want to come back as soon as we've got the details 10 worked out and ask for approval. 11 MR. POLUNSKY: Okay. So they've seen the 12 light, coming through? 13 VALERIE FULMER: Yes, yes. 14 MR. POLUNSKY: Okay. 15 VALERIE FULMER: Do you have any questions 16 about it or if there's anything else that you want us to 17 discuss with them, we'd be happy to do that. 18 MR. POLUNSKY: Okay. Thank you. 19 VALERIE FULMER: Thank you. 20 MR. POLUNSKY: Next item is the presentation 21 of organizational study by Deloitte consulting Firm and 22 discussion and possible action regarding implementation 23 and recommendations. Mr. Beckley is here. We're not at 24 a point where we are ready to receive a formal 25 presentation of the study by Deloitte, we'll certainly</p>	<p style="text-align: right;">24</p> <p>1 report and we're reviewing that currently with the 2 Department, with the Commissioners, and with external 3 stakeholders such as the Governor's office. We expect 4 to finish that process in the next week and then prepare 5 a final report, really at your direction, for 6 presentation back to the Commission. 7 MR. POLUNSKY: And I would anticipate that 8 if all of this falls into place, as we have discussed 9 and as you have been working toward, that we should have 10 a final report in a week or so? 11 DREW BECKLEY: Yes, sir. Depending upon the 12 discussions in the next couple days, we should be able 13 to finish that by the end of next week. 14 MR. POLUNSKY: Okay. So then at that point 15 this long awaited report will be ready and distributed? 16 DREW BECKLEY: Yes. 17 MR. POLUNSKY: And we will be taking action 18 on that -- or begin to start taking action on that after 19 that date into the future. Is that what you're 20 interested in, Mr. Clowe? 21 MR. CLOWE: Perfect. That gives everybody 22 an understanding of where we are. I'd like to take the 23 mystery out of it, if there is any, and let people know 24 when to expect some further work. Thank you very much. 25 DREW BECKLEY: You're welcome.</p>
<p style="text-align: right;">23</p> <p>1 take any action on that study at this time. If the 2 Commissioners are interested, we could have him come 3 forth and give us just a basic time line of where we are 4 and where we are going with this, or we can defer. 5 MS. BARTH: I defer. 6 MR. CLOWE: I think there's a high level of 7 interest in this, Mr. Chairman, and I think if maybe you 8 would make a comment about how you see it developing, it 9 would be beneficial to all those who are interested. 10 MR. POLUNSKY: Thanks for putting me on the 11 spot. 12 MR. CLOWE: Well, I just trust what you'll 13 say a little better. 14 MR. POLUNSKY: I'm not sure I trust what I'm 15 going to say. Could you just give us a basic overview 16 of where we are? And I'm talking about just basic as 17 far as time line and so on. 18 DREW BECKLEY: We are in -- we have 19 completed our field work and completed the interviews 20 with the Department and others, about 400 of those. 21 We're preparing the final report, reviewing that. In 22 terms of draft findings and recommendations with our own 23 panel, outside folks including Governor Ridge, former 24 secretary for Homeland Security. 25 We have worked that to the point of a draft</p>	<p style="text-align: right;">25</p> <p>1 MR. POLUNSKY: Thank you. Next item, 2 reports, discussion, deliberation and possible action 3 regarding the following: Internal audit and risk 4 assessment services. Mr. Walker. 5 FARRELL WALKER: Farrell Walker, Director of 6 Audit Inspection. Our projects are proceeding on 7 schedule. All of the audits that we contracted for are 8 currently in one stage of progress or another. 9 MS. BARTH: Where are the first two that 10 have been -- what stage are those? 11 FARRELL WALKER: We're working with 12 management to complete their responses. And once those 13 are done, Clifton Gunderson's ready to publish a report. 14 MS. BARTH: Okay. 15 FARRELL WALKER: The risk assessment, I 16 would say is about 70 percent complete. So we've had a 17 few delays of two or three days here or there on a 18 couple of things, but I expect that the projects will be 19 completed substantially on time. Don't see any problem 20 with that right now. That concludes my report unless 21 you have questions. 22 MR. POLUNSKY: Okay. Thank you sir. 23 MS. BARTH: I do want to make one general 24 comment -- 25 MR. POLUNSKY: Okay.</p>

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1 MS. BARTH: -- in terms of the
2 responsiveness of both the CFO, the audit as well as
3 well as the colonel -- lieutenant colonel and starting
4 to really work through the audits and understand and
5 recognize the importance as a tool for effective
6 management. And I appreciate you, no one likes to say,
7 embracing the audits. But I do appreciate it.

8 MR. POLUNSKY: IT optimization assistance in
9 the development of IT strategy. Chief Lane.

10 BRYAN LANE: Good afternoon, Chairman,
11 Commissioners, Bryan Lane, Chief of Information
12 Management Services. Give you a brief update on the I T
13 assessment project that we have going. We are --
14 continue to be on target. We have completed two of the
15 three phases that -- the first phase, which was our
16 current state of our operation. Our second phase is our
17 future state. And Garner delivered to us a proposed
18 future organizational structure, architectural structure
19 and governance model. We're finalizing our edits on
20 that.

21 The last phase is the road map on how we
22 accomplished from moving from where we are today to
23 where they recommend, as well as where we agree upon
24 from the proposal. And then finally, we will have an
25 executive summary that we will present to the Commission

1 to them, I'm told, whether they do it or not.

2 But we're prepared to go ahead and get it
3 posted as long as the proposed draft meets with your
4 approval.

5 MR. POLUNSKY: I believe that it does.

6 MS. BARTH: It's fine with me.

7 MR. POLUNSKY: Do you all concur? We'd ask
8 you to go forward expeditiously.

9 MR. CLOWE: Thank you, Paula, for the work
10 you and all the others have done. It's a good piece of
11 work and we look forward to going out and getting a very
12 broad response.

13 PAULA LOGAN: Hopefully so.

14 MR. POLUNSKY: Next item, discussion and
15 possible action regarding a Commission policy to review
16 contracts and limits of authority for the Department.
17 Be Chief Ybarra and Mr. Fox.

18 OSCAR YBARRA: Oscar Ybarra, Chief of
19 Finance.

20 DUNCAN FOX: Duncan Fox, General Counsel.

21 OSCAR YBARRA: Mr. Chairman, Accounting and
22 Budget Control and General Counsel have worked together
23 to provide this proposed policy to the Commission. This
24 policy is based on, I believe, the information that
25 we've interpreted that the Commission is interested in

27

29

1 that will take the 400-plus page document down to about
2 30 pages for you for your review.

3 We are on target for -- the contract is
4 scheduled at an end date of mid-November. We'll easily
5 meet that date, we're looking at probably the first week
6 of November. So I anticipate having a final document
7 for you by the next Commission meeting.

8 MR. POLUNSKY: That's very good to hear.

9 BRYAN LANE: Thank you.

10 MR. POLUNSKY: Next item is the procurement
11 of executive search services for appointment of
12 director. Ms. Logan, and Mr. Clowe is involved in this
13 as well.

14 PAULA LOGAN: The project has proceeded to a
15 draft RFP that I think I've provided to the various
16 Commission members and if -- and if that meets with your
17 approval then we're prepared to -- It's already been
18 reviewed by the Accounting and Legal Department here.
19 And so it's ready to be sent down to the Comptroller's
20 Office.

21 I'm told that it often takes three to four
22 weeks for them to post procurements. But there is an
23 expedited process that we can request that they may be
24 able to do it in three or four days. So we'll ask for
25 that process if they're able to do it. It's kind of up

1 seeing these types of contracts.

2 In policy "A," we identify the million
3 dollar limit for any contract that's over a million
4 dollars. We also identify a floor of 100,000 for change
5 orders that was discussed last meeting, and also for any
6 change orders that exceed \$500,000 to be submitted to
7 the Commission. There's a couple of other things in
8 here that we proposed based on comments we heard last
9 Commission meeting.

10 We also provided a list of contracts that we
11 believe that the Commission wanted to go ahead and let
12 the Agency move forward on. But we also added a policy
13 number three which requires the divisions to include
14 these types of contracts that -- part of this list
15 within their division reports. This is what we propose,
16 and we look to the Commission as to see what they would
17 like to do with these proposed policies.

18 MS. BARTH: I have a couple questions. Tell
19 me what's under the umbrella of term contracts.

20 OSCAR YBARRA: Well, term contracts are
21 basically contracts that can be procured for several
22 years. We do some of those things for, like, some of
23 the uniforms that we use, and we procure. And those
24 contracts are utilized by the Agency based on a rate
25 that has been approved for whatever product that is

<p style="text-align: right;">30</p> <p>1 being procured.</p> <p>2 Some term contracts can be part of some of</p> <p>3 the weapons that we utilize, bullet proof vests, things</p> <p>4 of that sort. If you'd like to see what kind of term</p> <p>5 contracts the agency has, I'll be glad to provide it to</p> <p>6 you in the future if you'd like.</p> <p>7 MS. BARTH: I just think it's a very general</p> <p>8 term, so I'd like that term removed from the list.</p> <p>9 OSCAR YBARRA: Sure.</p> <p>10 MS. BARTH: And then define, consumables,</p> <p>11 for me.</p> <p>12 OSCAR YBARRA: Supplies that obviously can</p> <p>13 be consumed within a short period of time, paper, office</p> <p>14 supplies, things of that sort.</p> <p>15 MS. BARTH: I'd like that one removed as</p> <p>16 well. These are just really general. They shouldn't</p> <p>17 hit the limit, so we shouldn't see them; is that right?</p> <p>18 OSCAR YBARRA: Well, in some cases when we</p> <p>19 buy driver's license handbooks, that could be a large</p> <p>20 amount of money, 6, 7, \$800,000.</p> <p>21 MS. BARTH: I probably would want to see it</p> <p>22 out then.</p> <p>23 OSCAR YBARRA: No problem.</p> <p>24 MS. BARTH: That's all I have.</p> <p>25 MR. POLUNSKY: Motion?</p>	<p style="text-align: right;">32</p> <p>1 Program, Homeland Security Livescan Terminal Maintenance</p> <p>2 Support. Fiscal year 2008 Convicted Offender and/or</p> <p>3 Arrestee DNA Backlog Reduction Program, grants awarded</p> <p>4 to DPS. And forensic DNA Background Reduction fiscal</p> <p>5 year 2008 grant award to DPS. And that would also be</p> <p>6 Chief Ybarra.</p> <p>7 OSCAR YBARRA: Mr. Chairman, Commissioners,</p> <p>8 this list is presented for your review. The divisions</p> <p>9 stand ready to discuss any of these items if you have</p> <p>10 any questions.</p> <p>11 MS. BARTH: Mr. Chairman, I have no</p> <p>12 questions.</p> <p>13 MR. CLOWE: No questions.</p> <p>14 MR. POLUNSKY: Okay. So that's just a</p> <p>15 review?</p> <p>16 OSCAR YBARRA: Yes, sir.</p> <p>17 MR. POLUNSKY: All right. Next item would</p> <p>18 be Commission member reports. Does anybody have a</p> <p>19 report they'd like to present at this time?</p> <p>20 MR. CLOWE: No, thank you.</p> <p>21 MS. BARTH: No.</p> <p>22 MR. POLUNSKY: No? Commission member</p> <p>23 discussion. No? Okay. Next item, audit and inspection</p> <p>24 report. Director Walker. Discussion and possible</p> <p>25 action on approval of the fiscal year 2009 internal</p>
<p style="text-align: right;">31</p> <p>1 MS. BARTH: Move to approve the proposed</p> <p>2 contracting policies dated 10-16-08. Is that what you</p> <p>3 need?</p> <p>4 MR. CLOWE: Second.</p> <p>5 MR. POLUNSKY: Are you modifying?</p> <p>6 MS. BARTH: No, with those modifications.</p> <p>7 MR. POLUNSKY: Is that acceptable to you?</p> <p>8 MR. CLOWE: Yeah, it's a review. Not</p> <p>9 approved. It's a review.</p> <p>10 MS. BARTH: It states it clearly in the --</p> <p>11 MR. CLOWE: Yeah. We had a good discussion</p> <p>12 on that the last meeting.</p> <p>13 MR. POLUNSKY: Okay. It has been moved by</p> <p>14 Commissioner Barth and seconded by Commissioner Clowe</p> <p>15 that the review of contracts proposal that was presented</p> <p>16 to us be approved with the modifications that were</p> <p>17 orally presented by Commissioner Barth during the</p> <p>18 discussion; is that correct? Discussion on the motion?</p> <p>19 There is no discussion, all in favor please say, "Aye."</p> <p>20 COMMISSIONERS BARTH AND CLOWE: Aye.</p> <p>21 MR. POLUNSKY: Any against? No. Motion</p> <p>22 passes. Next item is discussion and review of pending</p> <p>23 contracts, commitments and change orders including the</p> <p>24 following: Support maintenance enhancement and</p> <p>25 modifications for the Concealed Handgun Licensing</p>	<p style="text-align: right;">33</p> <p>1 audit plan.</p> <p>2 FARRELL WALKER: Farrell Walker, Director of</p> <p>3 Audit Inspection. With my report, you received six</p> <p>4 internal audit -- new internal audit reports, five</p> <p>5 follow-up audits, three field inspection reports, and</p> <p>6 three headquarters inspection reports. I really have</p> <p>7 nothing to add to my report, but I'd be glad to answer</p> <p>8 any questions that you may have.</p> <p>9 MS. BARTH: I just have a question as to</p> <p>10 your team, what your present situation is with respect</p> <p>11 to how many openings you have.</p> <p>12 FARRELL WALKER: I received notice just</p> <p>13 yesterday that one of my three auditors will be leaving</p> <p>14 us to go to LBB, so that will leave me with two</p> <p>15 openings. My intention right now is to wait until I see</p> <p>16 the risk assessment coming, post both of those positions</p> <p>17 within a week of receiving that with the hopes of maybe</p> <p>18 commencing interviews the week after we receive the</p> <p>19 report.</p> <p>20 And hopefully that'll give you and I time to</p> <p>21 visit about the risk assessment, decide what our</p> <p>22 staffing needs may be, and go from there so that I have</p> <p>23 a clear picture of how many audit hours you think we</p> <p>24 should be spending each year, how we'll man those audit</p> <p>25 hours. The two staffers that I have remaining are top</p>

<p style="text-align: right;">34</p> <p>1 notch. They're doing a good job. One's a CPA. Both of 2 them have IT audit experience and credentials. So we're 3 in pretty good shape there with those that remain. 4 The two spots that I have open are really a 5 little less experienced people than what I've sometimes 6 had in the past. So we'll have to decide whether or not 7 we want to go that route for budgetary purposes, which 8 is why I did it this time, or whether or not we want to 9 staff up with same quality of people that I have 10 remaining on this staff. 11 MS. BARTH: Thank you. 12 FARRELL WALKER: Yes, ma'am. 13 MR. POLUNSKY: Somebody like to make a 14 motion? 15 MR. CLOWE: What do you want, motion to 16 approve the report? 17 MS. BARTH: Internal audit. 18 MR. POLUNSKY: The internal -- the '09 19 internal audit plan. 20 MR. CLOWE: So moved. 21 MS. BARTH: Second. 22 MR. POLUNSKY: Been moved by Commissioner 23 Clowe and seconded by Commissioner Barth, the FY 2009 24 internal audit plan be approved. 25 MS. BARTH: Can I -- this is just the</p>	<p style="text-align: right;">36</p> <p>1 MR. POLUNSKY: Well, you're at the beginning 2 of your class. 3 VALERIE FULMER: We typically lose most of 4 our recruits in the first few weeks of class when they 5 discover what is actually expected of them. And we 6 rarely lose any after -- we rarely lose very many after 7 the first few weeks. So this is typical, as far as what 8 we've seen in the past. 9 MR. POLUNSKY: Okay. In future meetings, 10 we're going to, or at least I would like to, put a lot 11 of focus and discussion and so on, and some of this is 12 probably going to come up in the Deloitte study. But if 13 not, then we'll just do it through the, you know, 14 regular channels here so to speak. 15 But we're going to really need to take a 16 look at how we recruit, and what we're doing, and what 17 we need to do and, you know, who's got a better mouse 18 trap, whatever. But some of the issues we've discussed 19 in the past on compensation and so on. I mean, we 20 just -- I'm just concerned. 21 One, we're having difficulty hitting these 22 numbers as compared to where things were 5, 10, 15 years 23 ago. Make sure that we have the highest quality people 24 coming in. I want to make sure that our troopers are 25 the very best, the best of the best. And we're just</p>
<p style="text-align: right;">35</p> <p>1 staggered, right? 2 FARRELL WALKER: Yes, ma'am. 3 MS. BARTH: Okay. 4 FARRELL WALKER: We will, no doubt -- my 5 guess would be in December want to revisit this and 6 revise it based on what we work out using the risk 7 assessment Clifton Gunderson's got coming out. 8 MR. POLUNSKY: Any other discussion? There 9 is none. All in favor, please say, "Aye." 10 MR. CLOWE: Aye. 11 MR. POLUNSKY: Any against? Motion passes. 12 FARRELL WALKER: Thank you. 13 MR. POLUNSKY: Thanks. Next item would be 14 Division reports. First will be administration. Chief 15 Fulmer. 16 VALERIE FULMER: Good afternoon, again. You 17 have my division report. The only thing I have to add 18 is that as of today, our recruit class, B2008, is down 19 to 111 students. We usually have about a 16 percent 20 attrition rate, and we're not quite there yet but we're 21 getting close to it. 22 MR. POLUNSKY: Well, let me ask you 23 something about that. Your 16 percent attrition rate is 24 based on what? Is that at the end of the class? 25 VALERIE FULMER: Yes, yes.</p>	<p style="text-align: right;">37</p> <p>1 going to need to have a strategy that may really be a 2 whole lot different than what we've been doing in the 3 past in order to attract the type of people and the 4 number of people that we're looking for. And this is 5 going to be your baby. 6 VALERIE FULMER: My baby, yeah. I 7 definitely think we have the same goals. 8 MR. POLUNSKY: And I'm sure that you do, 9 Valerie. But, I mean, this is something that I'm going 10 to be raising basically at every meeting henceforth. 11 VALERIE FULMER: Okay. 12 MR. POLUNSKY: So this is something that I'm 13 really focussed on. After saying that, do you have 14 something else? 15 VALERIE FULMER: Only if the Commission has 16 questions, I'd be happy to answer them. 17 MR. CLOWE: Mr. Chairman, might I add that I 18 also share in the concerns of your expression to the 19 chief. And I have had some discussions with the 20 colonels about this. They haven't arisen to the level 21 of any action what I have asked them to look at these 22 problems that you've just indicated you have an interest 23 in. And Colonel Beckworth is doing that very thing. 24 And I'm sure he's sharing that with the chief. 25 And I wanted to mention that so that</p>

<p>38</p> <p>1 everybody be aware of the fact that we share your 2 concerns. And I've asked them to look at it, too. So 3 there's some action going on, which I assume the chief 4 is involved in, relative to school academy requirements. 5 And the very kinds of things that you pointed out are a 6 concern. And there's a study being directed at that, 7 and too early to say anything other than it's just being 8 looked at. You're reading my mind or I'm reading yours. 9 I'm not sure which.</p> <p>10 MR. POLUNSKY: It's not necessarily mind 11 reading, I mean, it's when I talk with people in the 12 field and talk to people in general, that is a great 13 concern of in this Department is that, you know, are we 14 getting sufficient number of people to come in and fill 15 these vacancies that are out there and possible 16 additional FTEs as we go forward.</p> <p>17 And, you know, are we attracting the highest 18 quality people possible. I would hope so. And I'm 19 confident that we're doing what we need to do. But it 20 appears that gone are the days when there were 25 21 applicants for every position and recruit school, and 22 that it might take somebody two, three, four times to 23 actually be accepted and so on.</p> <p>24 It's not to say that we're getting inferior 25 applicants. But if nothing else, it's a disturbing</p>	<p>40</p> <p>1 you have our report. I have nothing to add to the 2 report unless you have questions.</p> <p>3 MS. BARTH: No questions from me.</p> <p>4 MR. CLOWE: No questions.</p> <p>5 MR. POLUNSKY: Easy day for you.</p> <p>6 JAMES BRUBAKER: Thank you.</p> <p>7 MR. POLUNSKY: Driver's License, Chief 8 Brown. Judy Brown, Chief of Driver's License. Good 9 afternoon, Commissioners. You've got my report before 10 you. I'd like to draw your attention to the Real ID 11 grant portion of the report. We had an opportunity 12 about a year ago to apply for some Real ID grant 13 dollars. We did that and were given an informal 14 notification that Texas would be awarded \$3.2 million 15 out of a \$68 million request that we made.</p> <p>16 In August we were given notification that we 17 had to reapply, if you will, for the 3.2 million 18 outlining to FEMA exactly what we were going to do with 19 those dollars, and make a commitment to implement Real 20 ID.</p> <p>21 There was quite a bit of outcry from State 22 administrators who either had legislation opposing Real 23 ID or persons who were in our position and needed 24 elective authority to do that. Last Tuesday FEMA gave 25 us new language, amended their language to allow us to</p>
<p>39</p> <p>1 trend and we just need to make sure that we're doing 2 anything and everything possible to ensure that the life 3 load of this Agency is continuing forward and that we're 4 bringing people in the front door to make sure that, you 5 know, 5, 10, 15 years down the road that -- where the 6 Department is where we want to be and the quality of the 7 people at all levels, by that time, are top notch. But 8 anyway, this is priority number one.</p> <p>9 VALERIE FULMER: And you're absolutely 10 correct that we don't want to sacrifice quality for 11 numbers.</p> <p>12 MR. POLUNSKY: No. Let me make that very 13 clear, as clear as I can. We don't want numbers. We 14 don't want 98.6 more bodies in our school or in our 15 Department. We want the cream of the crop. We want the 16 very finest people out there. So we just need to figure 17 out a way to get them in and get more of them in. But, 18 no, we don't want to sacrifice the integrity of the 19 Department by accepting people who should not be here.</p> <p>20 VALERIE FULMER: We will make that our 21 priority.</p> <p>22 MR. POLUNSKY: Thank you. Criminal Law 23 Enforcement, Chief Brubaker.</p> <p>24 JAMES BRUBAKER: James Brubaker, Chief of 25 Criminal Law Enforcement. Mr. Chairman, Commissioners,</p>	<p>41</p> <p>1 apply for the grant dollars, and commit to enhancing our 2 security and working towards some of the benchmarks that 3 are required by Real ID.</p> <p>4 We amended that grant and with your 5 approval, Chairman Polunsky, we were allowed -- we had 6 the opportunity to get that award in before the deadline 7 passed. We will have an opportunity sometime in the 8 upcoming two or three months to apply for another grant 9 provision for Real ID. Right now we're being told 10 there'll be another \$100 million out there for states to 11 apply for. So we will work toward that as well.</p> <p>12 Nothing else to add unless you have questions.</p> <p>13 MR. POLUNSKY: Are there question?</p> <p>14 MS. BARTH: No questions.</p> <p>15 MR. CLOWE: No questions.</p> <p>16 JUDY BROWN: Thank you.</p> <p>17 MR. POLUNSKY: Good work, thank you. 18 Emergency Management, Chief Colley is not here. 19 Assistant Chief Lecklider.</p> <p>20 RUSS LECKLIDER: Russ Lecklider with 21 Emergency Management Division. Mr. Chairman, 22 Commissioners, you have our report. I'll be happy to 23 take any questions. I do have a few items to add. The 24 Hurricane Gustav, Dolly and Ike recovery program is 25 pretty well under way. We have a state local joint</p>

42

1 field office, which is set off over at the mall over
2 here, set up to manage disasters. It's been operating
3 since mid-September.

4 We have area field offices which are also
5 staffed by federal and state people in Houston, Beaumont
6 and McAllen for Hurricane Ike. We still have about 900
7 people still being sheltered in seven shelters. FEMA
8 and our staff are operating about 15 fixed and 28 mobile
9 disaster recovery centers in the impacted area. More
10 than 700,000 people have been registered through the
11 FEMA teleregistration center or at the disaster recovery
12 center for disaster assistance.

13 And FEMA and state of health dozens of
14 briefings and program kick-off meetings with local
15 governments and state agencies for the public assistance
16 program. Our recovery and mitigation and public
17 information personnel from our staff are fully involved
18 in the joint state federal recovery activities as our
19 regional liaison officers. We expect that this will
20 continue for some time, a matter of months. That's all
21 I have.

22 MR. POLUNSKY: Thank you. While you're
23 here, could you inform everyone as to why Chief Colley
24 is not here, and what he's involved in today, and some
25 of the new developments that have taken place here in

44

1 MR. POLUNSKY: Anyway, thank you, sir.

2 RUSS LECKLIDER: Thank you.

3 MR. POLUNSKY: Thanks for the report. The
4 Highway Patrol Division, Chief Baker.

5 DAVID BAKER: Good afternoon, Mr. Chairman,
6 Commissioners. David Baker, Highway Patrol. You have
7 my report. I would like to highlight one item, it's on
8 page four. On October the 6th, Trooper Dana House,
9 who's stationed in Palestine, was working Operation
10 Border Star. He was stationary in the westbound bar
11 ditch and he looked up and saw a red Hummer cross a
12 center stripe, the other line, come over in the bar
13 ditch where he was parked.

14 When I talked to him he told me the first
15 thing that crossed his mind, it was just somebody who
16 wanted to stop and visit with him. And then he noticed
17 that as the vehicle got closer that he was continuing in
18 a direction that was going to cause a collision. So he
19 attempted to put his patrol car in reverse and get out
20 of the way, and was not completely successful.

21 I think because of his actions, the damages
22 and the injuries were less than what they could've been.
23 He was flown by helicopter to the hospital in San
24 Antonio where he was treated for severe bruising and
25 abrasions. He is at the house right now, and other than

43

1 the last day or two actually?

2 RUSS LECKLIDER: Yes. Governor Perry
3 appointed judge -- County Judge Eckels from Harris
4 County as well as his own previous chief of staff, Bryan
5 Newby, to be the State's recovery coordinators for this
6 hurricane season. And Judge Eckels flew down on fairly
7 short notice this morning to meet with Chief Colley, and
8 that's where he is right now.

9 And I think there'll be some more meetings.
10 And they're going to be working with the FEMA staff and
11 our own people on the hurricane Ike recovery, but also
12 some other disasters that are involved. And we expect
13 this will be a pretty extensive job. Both of them had
14 experience, governor's chief of staff in dealing with
15 our request for materials and equipment and personnel to
16 deal with these things working with the governor and, of
17 course, Judge Eckels from numerable experiences in
18 disasters.

19 MR. POLUNSKY: Well, it sound like, you
20 know, a very constructive step forward in certainly
21 bringing in the people that have been brought in on
22 this. I'm sure that tremendous progress will be made,
23 and Chief Colley working with them, I'm sure things will
24 be dispatched expeditiously.

25 RUSS LECKLIDER: We hope so.

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1 just being very sore, he will recover. We were very
2 fortunate. With that, I finish my report and be happy
3 to answer any questions you may have.

4 MR. POLUNSKY: That's good news about the
5 trooper. Are there questions for the chief?

6 MR. CLOWE: No questions.

7 MR. POLUNSKY: Thank you. Texas Rangers
8 Division, Chief Coffman.

9 RAY COFFMAN: Mr. Chairman, I have nothing
10 to add to my report unless there's some questions.

11 MR. POLUNSKY: Questions?

12 MR. CLOWE: No.

13 MR. POLUNSKY: Information Management, Chief
14 Lane. Bryan Lane, Chief of IMS. I have nothing to add
15 to my report, chairman. However, I have one comment
16 that the Agency Leadership continues to move forward.
17 The IT Board meetings which is a governing body that
18 together we make decisions to enhance our IT investments
19 across the Agency. Our next meeting is October 29th at
20 9 a.m.

21 And in that meeting we'll be looking at
22 policy, project prioritization as well as Agency and
23 investment for moving forward as we bring our IT dollars
24 up to an enterprise investment instead of at each
25 individual division. And with that, I have no other

<p style="text-align: right;">46</p> <p>1 comments. Happy to answer questions.</p> <p>2 MR. POLUNSKY: Thank you. Okay. That</p> <p>3 concludes the Division reports. The next item will be</p> <p>4 the report by the DPS Working Group on the DPS</p> <p>5 promotional process. Mr. Matthews.</p> <p>6 CAREY MATTHEWS: Carey Matthews, Highway</p> <p>7 Patrol. Chairman, Commissioners, since we last met</p> <p>8 we've provided you with a copy of the survey results so</p> <p>9 that you could look at those survey results that were</p> <p>10 received as a result of our electronic surveys. Since</p> <p>11 we last met, also, our noncommissioned and commissioned</p> <p>12 groups have met. We are continuing to review and</p> <p>13 analyze both the survey results as well as the survey</p> <p>14 text responses and are continuing to develop our</p> <p>15 proposal.</p> <p>16 We have additionally, since we've met, we</p> <p>17 have continued to place our work groups back into</p> <p>18 subgroups and they continue their work. We are working</p> <p>19 towards a presentation, possible having a draft proposal</p> <p>20 prepared for your November meeting.</p> <p>21 MS. BARTH: Looking forward to the draft</p> <p>22 proposal.</p> <p>23 MR. POLUNSKY: Yeah, I was going to say</p> <p>24 exactly the same thing. This is an important project.</p> <p>25 CAREY MATTHEWS: Yes, sir.</p>	<p style="text-align: right;">48</p> <p>1 just a thought for consideration, and going to be going</p> <p>2 through your direction.</p> <p>3 Secondly, the program administrator would</p> <p>4 be responsible for the program. The program be divided.</p> <p>5 There's a mark-up of a small organizational diagram at</p> <p>6 the back of the report. But as the Vehicle Inspection</p> <p>7 Bureau that has the inspection certificate issuance and</p> <p>8 as part of the inspection issuance we ask for -- we make</p> <p>9 a recommendation to ask for your approval to only sell</p> <p>10 inspection certificates online with the implementation</p> <p>11 of the Tavis system statewide.</p> <p>12 And the (Inaudible) of that, we now have a</p> <p>13 certificate of inventory process where we can inventory</p> <p>14 the certificates from the manufacturer all the way to</p> <p>15 vehicle, where we didn't have that ability to do that in</p> <p>16 an automated manner in the past. What this allows for</p> <p>17 also in the automated certificate of sales, is for</p> <p>18 processing all sale transactions through Texas online</p> <p>19 which reduces the overhead and the cost of actually</p> <p>20 getting the money accounted for and accounted for from</p> <p>21 the certificates that are sold.</p> <p>22 That program has stood up. It's being used</p> <p>23 in a couple of counties. It's been used voluntarily by</p> <p>24 some of the stations. If we go to that being a program</p> <p>25 requirement instead of point of sale certificates, we</p>
<p style="text-align: right;">47</p> <p>1 MR. POLUNSKY: A lot of people are looking</p> <p>2 at it, and we expect some innovative thinking here, some</p> <p>3 change. Thank you.</p> <p>4 TERRY MATTHEWS: Thank you, sir.</p> <p>5 MR. POLUNSKY: Next item, discussion and</p> <p>6 possible action on recommendations on the Vehicle</p> <p>7 Inspection working group.</p> <p>8 BOB BURROUGHS: Bob Burroughs, Assistant</p> <p>9 Chief of Driver's License. Mr. Chairman, Commissioners</p> <p>10 this is the second report on the Vehicle Inspection work</p> <p>11 group. It builds on the last report. We talked a</p> <p>12 little bit about the proposed structure, creating a</p> <p>13 program administrator. Secondly, thinking about</p> <p>14 that, I think if you'll look at the report, and the</p> <p>15 first recommendation is that we change the name of the</p> <p>16 group from the Vehicle Inspection to the Vehicle Safety</p> <p>17 Program.</p> <p>18 The Vehicle Inspection is one component,</p> <p>19 vehicle emission's another component, and the emission</p> <p>20 Interlock Program's another component that can be</p> <p>21 combined under this particular program heading. It'll</p> <p>22 have the same employees in the field that actually do</p> <p>23 the inspections at the stations, do the inspections of</p> <p>24 the Interlock Program facilities, license inspectors and</p> <p>25 license the installers of the interlock devices. That's</p>	<p style="text-align: right;">49</p> <p>1 can free up folks that are now servicing point of</p> <p>2 sale -- counter sales and move those people into doing</p> <p>3 audits, or doing the training program, or doing the</p> <p>4 evaluation and enforcement program that we recommend.</p> <p>5 Trying to maximize the personnel, eliminate</p> <p>6 as many administrative duties as possible, and get more,</p> <p>7 I guess, bank for the buck out of the FTEs and the funds</p> <p>8 that we have in the program.</p> <p>9 The next thing within the Vehicle Inspection</p> <p>10 Bureau would be the training section, creating a</p> <p>11 training section that is responsible for all of the</p> <p>12 curricula, which would be the inspector handbooks, the</p> <p>13 training of the inspectors, the training of the FTEs of</p> <p>14 our employees so we have adequate training for our own</p> <p>15 field technicians and ensuring that they all go through</p> <p>16 the same uniform and training program and that the</p> <p>17 program is delivered in a consistent manner throughout</p> <p>18 the state.</p> <p>19 As a part of that, we have some people in</p> <p>20 the emissions counties who now either do vehicle</p> <p>21 inspection at covert office, and we have what we call</p> <p>22 waiver office. Coverts do an enforcement type thing.</p> <p>23 I'll get to them in just a minute. We have a waiver</p> <p>24 office who does waivers, and they also do training. So</p> <p>25 it makes sense to use those waiver office facilities.</p>

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1 We already have training classes at those facilities
2 where we train inspectors anyway.

3 But to utilize those supervisors who are
4 there to be the training supervisors in the field who
5 are designated trainers (Inaudible) this training to the
6 vehicle -- proposed vehicle inspectors in the field.
7 That's another recommendation of the group.

8 As we talked about in the last meeting also,
9 the creation of an evaluation and enforcement section in
10 the VIB who will evaluate the data from the vehicle
11 inspection data base due to the vehicle safety
12 inspection data base or the vehicle emissions data base,
13 which are two different sets of records that hold the
14 same vehicle information, except the commission's data
15 base has additional requirements for EPA for reporting
16 emissions compliance.

17 But this group would have folks who are
18 daily monitors or evaluators who would look at the data,
19 determine those facilities that are outside of the
20 norms, create something from the data so that we can
21 say, these are facilities we need to look at.

22 What are they doing. Are they doing things
23 that indicate fraud, are they doing things that indicate
24 to possibly need more training. Identify program
25 problems that we can then go and utilize our resources

52

1 cases that go before administrative hearing for
2 potential suspensions.

3 The regional supervisor of regional
4 operations would basically remain the same. Regional
5 supervisor would be in charge of the overall operations
6 of the field. They would have the (Inaudible) assigned
7 to field supervisors and the VI techs. Of course, they
8 also would have the new responsibility of the Emissions
9 Interlock Program. And the field techs who currently do
10 vehicle inspection would be also taking on that
11 responsibility of doing the oversight of the Ignition
12 Interlock Program.

13 Go over my notes. I believe that's about
14 where we stand today. Try to build a structure to
15 maximize the ability to deliver the program, to monitor
16 the program. And now we need to -- the next -- for the
17 next meeting, I believe the Sunset report said we need
18 to come up with performance measures.

19 To adequately do that, first thing that I
20 would ask is if you would like to either amend
21 recommendations or approve the recommendations. That
22 gives us the basis to go forward to begin developing
23 performance measures for technicians for oversight and
24 for management of this program.

25 It also gives us the opportunity now to look

51

1 to go and either investigate.

2 And if it's a fraudulent activity, point
3 toward criminal fine or else go ahead and have these
4 folks -- In some cases they'd have to be suspended or
5 revoked if they're violating program rules. And -- or
6 they would evaluate the data, send out the
7 investigations and then keep track of those records.

8 Last group would be the licensing and
9 records section. Currently the way the section program
10 works and by statute, all inspectors expire on
11 August 31st of one year and all station's licenses
12 expire on August 31st of the next year. What this
13 creates is basically 10,000 inspector licenses have to
14 be renewed and then processed within a couple of months.
15 And then all of the stations -- or, pardon me, 10,000
16 station licenses and about 45,000 inspector licenses.

17 So what we would recommend would be a
18 legislative change that the license expire two years
19 from the date of issuance and we can have a cyclical
20 ongoing renewal cycle for both stations and inspectors,
21 kind of even out the workload at VI -- at Vehicle
22 Inspection Bureau while at the same time also allowing
23 us to utilize those people for maintaining records of
24 inspections, and for them to coordinate with legal
25 services in the preparing reports and records for the

53

1 at the personnel distribution to see if the FTEs are
2 adequately distributed across the state to meet the
3 service needs. And if there are additional FTEs within
4 the program that could be redirected to the training
5 function and to the evaluation and investigative
6 function.

7 MR. POLUNSKY: Thank you, Chief. Are there
8 any thoughts of amending the recommendations? If not,
9 then would you -- would somebody like to make a motion
10 to approve the recommendation?

11 MR. CLOWE: So moved.

12 MS. BARTH: Second.

13 MR. POLUNSKY: It's been moved by Mr. Clowe
14 and seconded by Ms. Barth that the recommendations as
15 set forth by Chief Burroughs be adopted as presented.
16 All those in favor, please say, "Aye."

17 COMMISSIONERS BARTH AND CLOWE: Aye.

18 MR. POLUNSKY: Any against? No. Motion
19 passes. Thanks for your work on it. Next item is
20 discussion and possible action to develop an approach
21 for transforming the administration of the driver's
22 License Division to a civilian model. That would be
23 Chief Brown.

24 JUDY BROWN: Judy Brown, Driver's License.
25 Chairman Polunsky, Commissioners, what I've presented to

<p style="text-align: right;">54</p> <p>1 you in the report this month was a little bit more 2 detail level with regards to transforming to a business 3 model. Not just the function of moving to civilian 4 supervisors, but actually adding the customer service 5 initiatives, beginning to develop those out so we run 6 more like a business operation. 7 What we've done in the meantime, we've 8 completed the job descriptions for civilian managers and 9 first line supervisors. We've done an assessment for 10 recommending the numbers of civilian supervisors we 11 believe that we need to adequately manage the Driver's 12 License Division. We will continue this month in 13 evaluating those job descriptions and the recommended 14 salaries that coincide with those job descriptions to 15 ensure, one, that those salaries are adequate that we 16 can retain and that we can hire qualified personnel to 17 manage these functions. 18 In addition, we have begun a pilot at the 19 North Lamar office. As I described last month, we have 20 a mid-level civilian manager that is actually managing 21 the civilian functions at that office. We've asked the 22 commissioned officers to step out of the supervision 23 role and allow that civilian manager to manage the 24 operations. That's been going since the first of this 25 month and we'll continue to monitor that and have final</p>	<p style="text-align: right;">56</p> <p>1 It's my goal that you'll have a final 2 report, that we'll have all of the recommendations 3 inclusive of the civilian management, the customer 4 service initiatives, and the time line for transition by 5 the December meeting. 6 MR. POLUNSKY: Okay. What I would like you 7 to do as a courtesy, I would like you to send a copy of 8 the report that you've just discussed and that we've 9 received to the members of the Sunset Commission, 10 specifically to Representative McClendon so that they 11 know that what's going on, what the status is, and the 12 progress we're making, and what the goals are and so on, 13 and to copy them on all of this. Anything that we're 14 receiving, I'd like to have them receive as well. 15 JUDY BROWN: Thank you. If you're in 16 agreement, Chairman, I'll also attempt to make 17 appointments to make myself available to answer any 18 questions or entertain any of their recommendations as 19 well, one on one. 20 MR. POLUNSKY: I think that would be a very 21 helpful idea. Thank you. 22 JUDY BROWN: Any further questions? 23 MR. CLOWE: I have some questions, I may, 24 Mr. Chairman. I see where you're working on the job 25 description for the civilian manager. Can you tell us a</p>
<p style="text-align: right;">55</p> <p>1 results in our final recommendations. 2 We've worked with Chief Baker and the Texas 3 Highway Patrol to continue to line out and set out how 4 the transfer process would work for those commissioned 5 officers from Driver's License to other services within 6 the Division. We continue to actively research our 7 recommendations on the customer service initiatives. 8 Many of those will require funding, some level of 9 support to be able to put those in place. So we 10 continue to run down that research as well. 11 One of the next steps that is imperative 12 that we decide how we're going to move forward with this 13 model. As we are able to finalize our recommendations 14 and get support for salary levels, number of FTEs, which 15 customer service initiatives that we intend to address. 16 We have to determine how we go back and request funding. 17 As you're aware, when the Sunset 18 Commission made their recommendation they made it as a 19 no cost recommendation. So we are in a bit of a problem 20 area in that we don't have a request for funding to 21 approach the civilian business management model either 22 from Sunset or from the LAR approach. So as we begin to 23 finalize these numbers and bring those back to you then 24 we'll have to decide how we go forth with requesting 25 funding or appropriations to move forward.</p>	<p style="text-align: right;">57</p> <p>1 little bit about how you're going to develop that? 2 JUDY BROWN: What we've done, Commissioner 3 Clowe, is we've taken for each level, we've looked at 4 the captain's job description as they manage a region. 5 We've looked at how do the related job activities that a 6 captain performs today apply to a civilian. And we've 7 begun to -- actually, we've completed it, we've don't 8 have approval on it yet. But we've completed the 9 transition of those responsibilities to a civilian 10 personnel, both for the regional level as well as for a 11 mid-level manager, and then for a line level supervisor 12 for our individual Driver's License offices. 13 If you'll recall, last month I spoke with 14 Commissioner Barth with regards to the fact that we have 15 63 sergeants now over 290 some odd Driver License 16 locations. And we don't feel like that's adequate 17 today, and we feel like that we'll even be in a weaker 18 state if we try to do civilian management with those 19 numbers. 20 So we've assessed the number of offices we 21 have, the number of full-time locations we have, and 22 begun to lay out how many supervisors do we need at what 23 levels. I know you're aware we have offices where there 24 may be three personnel, that really don't call for a 25 supervisor, they call for more of a lead person. We've</p>

<p style="text-align: right;">58</p> <p>1 got offices where there's seven or eight. 2 Looking at that level of supervision versus 3 an office like the one on North Lamar that may have 25 4 people or the one on Houston Gessner that may have 50 5 people. How do we begin to look at the management 6 levels at each one of those offices so that we can 7 actually supervise the business at hand and have enough 8 support at the supervisory level that we're not trying 9 to make due, that we're actually able to support the 10 functions that a supervisor needs to do on a day-to-day 11 basis as well as those management functions for the 12 administration part of it. 13 MR. CLOWE: And how is it perceived that a 14 civilian employee or a civilian manager is going to 15 achieve better results than a commissioned officer? 16 Tell me what the difference is going to be. 17 JUDY BROWN: My personal opinion is that I 18 don't see that a civilian can do any better job than my 19 commissioned officer can. I believe my commissioned 20 officer provides a presence that the public -- it stops 21 them short. They're not going to argue with a uniform 22 like they will argue with one -- with a civilian who's 23 trying to portray the same statutes, the same rules. 24 So I personally -- I don't have an answer 25 for that. I don't believe that it's the civilian that</p>	<p style="text-align: right;">60</p> <p>1 doesn't hinge on whether I have a civilian supervisor or 2 commissioned. It hinges on the support and the 3 appropriations and the opportunity to get outside of a 4 box and do what we need to do to operate like a 5 business. 6 MR. CLOWE: Are you going to say that in the 7 report? 8 JUDY BROWN: I'll be glad to. 9 MR. CLOWE: I think you have hit on the crux 10 of the problem, and I think you're doing a nice job on 11 the front end of this. But the back end is two things, 12 I think, the cost of it. And I'm intrigued by the idea 13 that there won't be any increased cost. I just am eager 14 to see how that magic occurs. You're going to have more 15 people in more intense supervision. It sounds like more 16 money to me. 17 I think the back end, from my experience in 18 the civilian sector or private sector, is performance 19 goals. And you have to establish as a Driver's License 20 office that there will be no longer than a seven-minute 21 wait, and then you have to measure that. That's a time 22 and study. 23 In the businesses that I've been in, we 24 hired time and study experts to clock how our people 25 were doing their jobs. And that's the way you measure</p>
<p style="text-align: right;">59</p> <p>1 will make the job any better. I believe that through 2 the Sunset recommendations and through the Sunset 3 committee, the discussions I've had is that the goal is 4 to run it more like a business, run this operation like 5 a business. And up until and including today, we are 6 hampered by being funded like a state Agency. We 7 operate within the box that we're provided. 8 And so I think the success of this program 9 will be completely contingent upon the legislature 10 understanding that you have to fund this division like a 11 business. We have to have appropriated funding that 12 will allow us to retain employees, that will allow us to 13 put customer service initiatives in place, equipment, 14 technology that will support this operation like a 15 business. 16 And so I don't think it's so much the 17 Commission versus the civilian as it is -- as I 18 understand it, the complaints are that I am not serving 19 the public in the way that they want to be served. And 20 in the constraints that we have today, it's very 21 difficult to do that. With the salary levels that we 22 have and the turnover that we have, it's already 23 difficult to get employees who are committed to what 24 they do. 25 So I think the success of the program</p>	<p style="text-align: right;">61</p> <p>1 it, "X" number of minutes in line, or "X" number of 2 people, and you provide for the surges that come at the 3 noon hour or at 5 p.m. You know when those are going to 4 occur, they're not the surprise. 5 Additionally, the expanded hours will be a 6 factor. I didn't see that in there, but I suppose that 7 you're thinking about that. 8 JUDY BROWN: We are looking at that. We 9 absolutely are. And I'll tell you that you're exactly 10 right. As I spoke to Amy at Sunset, you know, I laid 11 out for her, this has a significant fiscal impact with 12 it. These commissioned officers that are transitioning, 13 for the most part, they will take their position, their 14 salary and their operating cost with them to another 15 service. That doesn't leave the Driver's License 16 Division the ability to hire these civilians. 17 We're already approaching a critical point 18 in which I've got vacancies. I've got people who are 19 seeing the writing on the wall, if you will, and they're 20 beginning to for a transfer for a location that is the 21 best avenue for their family and for their career. 22 I'm going to have offices without 23 supervision. So we're going to have far more 24 difficulty before this gets better. But I can tell you 25 that we're looking at, just in staffing supervisors,</p>

<p style="text-align: right;">62</p> <p>1 you're looking an upwards of 200 FTEs and their 2 associated salaries and operating equipment. And when 3 we begun to look at working at a 10-hour or 12-hour day, 4 that can't be done with our current staff. 5 We're -- have laid out a pilot for the call 6 center where we're looking to try to go to a full 7 10-hour day on the call center and split our shifts up 8 between Monday through Thursday, Tuesday through Friday, 9 and then maintain that 8 to 5 Monday through Friday. 10 We're going to pilot it. But that leaves me 11 pretty short on Monday and Friday, because we just don't 12 have the staff that we can supplement. We don't -- very 13 much like businesses do, when they have a high season, 14 Christmas, summer, they raise their number of employees. 15 We don't have that flexibility. 16 MS. BARTH: The only thing I can say is I'm 17 not sure expanding the hours as opposed to being more 18 efficient in the hours that you are open. You know, I'm 19 sure there are peak times, but I suspect someone doing a 20 time study would say that expansion of the hours may not 21 be the answer. You know, obviously having more people 22 do it on the internet, marketing that better so that 23 people realize -- marketing the -- you know, making sure 24 the people, ahead of time, understand what forms they 25 need. So, I mean, I just -- I'm not convinced expanding</p>	<p style="text-align: right;">64</p> <p>1 I haven't -- they haven't -- they were not 2 able, at my last contact with them, to tell me whether 3 they've seen a significant increase. But that was one 4 of the initiatives that they went forth with in their 5 legislature to, again, funding that population out of 6 the office. 7 MR. POLUNSKY: That's -- you see that, by 8 the way, in numerous places these days. There's a 9 premium you pay, for example, to book a flight on an air 10 line if you talk to someone as opposed to doing it 11 online. 12 JUDY BROWN: And I think, again, whatever 13 incentives we can cause to move people to the internet, 14 to the mail as opposed to going in in person, you know, 15 I'm more than willing to do as much as we can to get 16 there. We've done some -- in past years we've done some 17 critical studies. We've done some public service 18 campaigns, media campaigns. 19 And as we came back around and actually did 20 one-on-one contact with the population who was eligible 21 to renew by mail but came into the office, we had two 22 categories, one who refused to put their credit card 23 online, and two, who wanted a new photo. They wanted to 24 take the option to stand in line and afford themselves a 25 new photo on their license. So we'll continue to work</p>
<p style="text-align: right;">63</p> <p>1 the hours as much as getting the hours right is the 2 answer. 3 JUDY BROWN: I agree with you completely. 4 And I would add to that that I think also, Commissioner 5 Barth, that we do need to expand the number of 6 personnel. We have not grown with the population in 7 Texas, and I think we need to go with the population. I 8 think we need to have more staffing. We do need to do 9 our business better. We do need to inform the public 10 better. And every time we go through a legislative 11 session, the statute changes or we change our 12 identification policies. You know, we back up before we 13 get efficient again. 14 MS. BARTH: But we need to make sure that 15 the eligible for renewal on the internet is not at that 16 low level, and it is 80, 90 percent. 17 JUDY BROWN: I am right there with you. And 18 any idea that we can -- you know, as I stated, I 19 think -- I don't know if I told y'all in public meeting, 20 I know I had a discussion. In Virginia they passed 21 legislation last year that they charge a \$5 surcharge to 22 an applicant who shows up in an office when they're 23 eligible to renew online. I was a little surprised, but 24 it's amazing at the fact that three, four months into it 25 they've not had a lot of complaints.</p>	<p style="text-align: right;">65</p> <p>1 down that pathway and that research. 2 MR. CLOWE: I'm not finished yet. On these 3 performance standards, we need to know what the demand 4 is and when it occurs so that we can measure it and meet 5 it. And that's true at the offices, but it's also true 6 in the call center. And going back to performance 7 measures, we need to establish how many calls we lose, 8 how long people hold, and if we satisfy the people when 9 we talk to them. 10 That's the measure, very basically, of a 11 good call center. And, you know, just saying it 12 civilian managed, in my mind, isn't going to get the job 13 done. I just want to be sure that we're got going 14 through an exercise of saying, okay, we've got civilian 15 managers, now it's fixed, and it's not fixed. We have 16 vacancies in the Highway Patrol for commissioned 17 officers and they can migrate with training. And, you 18 know, they're going to have positions, my sense is. 19 But they take some expertise and some 20 knowledge and experience with them that's valuable. And 21 when that happens, we're left with something. And I'm 22 not sure it's something better at this point, and I 23 still am very concerned about the training and the 24 compensation of the people at the lowest level. 25 My experience in the retail business, which</p>

<p style="text-align: right;">66</p> <p>1 this is, is that the minority group has Internet access 2 and a credit card. The majority of customers want to 3 come into an office and see a person, and they want to 4 bring cash and their documents to make sure that they 5 get their Driver's License. And I'm not convinced that 6 we're going to get all those people on the internet no 7 matter how we Incent them. 8 I think we've got a face to face business 9 here. And I just don't want us to say to the 10 legislature okay, we converted this to a civilian model 11 and it's fixed, and it's not really fixed. 12 JUDY BROWN: I totally agree with you. As I 13 stated earlier, I don't think the civilian transition is 14 the fix. I think the fix is everything else that we're 15 looking at with regards to business. The call center, 16 we've got all of those stats. I'll be glad to provide 17 them to you at any point in time. We've got the stats 18 for the call center. We know what we need to fix the 19 call center; we need technology and we need bodies. 20 The technology request is in our exceptional 21 item appropriation request. We still need bodies to be 22 able -- the call center wait times are supposed to be 23 less than, I think, six minutes on a nationwide 24 standard. We're above that. 25 MR. CLOWE: Well, we're losing 70 percent of</p>	<p style="text-align: right;">68</p> <p>1 MR. CLOWE: I think you've got to tell the 2 legislature what the cost of this is to achieve what it 3 is you're going to try to establish as the standard. 4 And, you know, I think that the command presence of a 5 uniformed officer in these offices, people don't argue 6 with the uniform. I think you made that comment. I 7 think that's right. 8 But when people do argue with a clerk, that 9 takes time. And I've seen that frustration in the 10 customer and the clerk when they're trying to resolve an 11 issue. And I've seen people just say, to heck with it 12 and pick up their stuff and walk out. That's part of 13 the problem. And in my mind, education of a person and 14 assistance to the customer is part of the solution, and 15 that takes effort and money. 16 So I want to be sure we tell the whole 17 story. If you've got those numbers, you've got those 18 statistics, I think that ought to be part of what you 19 pass on to the Sunset committee. 20 JUDY BROWN: Absolutely. 21 MR. CLOWE: This is a very difficult task to 22 achieve. Now I'm finished. 23 MR. POLUNSKY: There'll be a little 24 disagreement here. I agree with what Tom is saying, and 25 they certainly need to know what the fiscal impact of</p>
<p style="text-align: right;">67</p> <p>1 our calls, aren't we? 2 JUDY BROWN: That's right, we are. We 3 absolutely are. 4 MR. CLOWE: You know, if American Airlines 5 did that -- 6 MR. POLUNSKY: I think they do. 7 MS. BARTH: I still go back and say I think 8 the movement is to do all this, given you're eligible, 9 online. I see it in my own life, any time I can do 10 something online, I do it. And so I think we have got 11 to figure that out. I'm very interested to see what the 12 state of Virginia says. 13 JUDY BROWN: We're monitoring them very 14 close. I stay in contact with their administrators. 15 One of the other things that we're looking to do is to 16 put kiosks on the wall in our Driver's License office, a 17 stand alone monitor. So if the line's long, offer them 18 to go to the kiosk and do it in our office. I don't 19 know if that will provide any more sense of security for 20 an individual, but it will give them an alternative to 21 waiting in line. 22 So, again, I think it's compilation of all 23 of our recommendations, appropriations, staffing. I 24 just can't focus enough on having the flexibility within 25 our appropriations to do what we need to do.</p>	<p style="text-align: right;">69</p> <p>1 all of this is, and the requirements that we are going 2 to have to implement in order to get to where they want 3 us to be. But I want to make sure that, at least my 4 position is, that we have met a commitment to the Sunset 5 Commission, that we will work towards the business model 6 approach to operate in the Driver's License Division. 7 And that's where I would like to see us go on this. 8 MR. CLOWE: No disagreement on that. 9 MR. POLUNSKY: All right. So no mixed 10 signals. 11 JUDY BROWN: I'm clear. 12 MR. POLUNSKY: Secondly, when you're sending 13 this information out to the members of the Commission, 14 can you also send information to Amy and the people at 15 the Commission itself. 16 JUDY BROWN: Absolutely. 17 MR. POLUNSKY: And one other, I agree and I 18 disagree with Carin on this. Absolutely I think that we 19 need to move towards utilizing the internet and any 20 number of alternate opportunities to renew your Driver's 21 License and become innovative. And I think as time goes 22 by you'll see, particularly if we promote it, the 23 utilization, the internet, with respect to renewing 24 driver's licenses. 25 But I think, in some cases, that extended</p>

<p style="text-align: right;">70</p> <p>1 hours are necessary just because of some people not 2 being -- not having access to the internet or for 3 whatever reason, but they can't get there during regular 4 working hours. So at least for some period of time, I 5 think extended hours, in some cases, would be 6 beneficial. So I'm in disagreement with part of what 7 she said.</p> <p>8 JUDY BROWN: We did go back and we ensured 9 that all of our large metropolitan offices have at least 10 one night of late hours. What you'll see in my final 11 report is a recommendation and associated cost and 12 requirements if we go with a second shift or extended 13 hours versus having a couple of late nights per office. 14 And that way you'll have an opportunity to look at both 15 options.</p> <p>16 MR. CLOWE: And that's what you do. You run 17 a test like you're doing here and see by doing that, it 18 alleviates or improves the situation. If it doesn't, 19 then you try something else. We've got to delight the 20 customer. We're not doing it.</p> <p>21 JUDY BROWN: Thank you.</p> <p>22 MR. POLUNSKY: Thanks. Item 20, discussion 23 and possible action on appointment of members to the 24 Vehicle Inspection Advisory Committee relating to the 25 operation of the Vehicle Inspection Program.</p>	<p style="text-align: right;">72</p> <p>1 we need to do today?</p> <p>2 LUIS GONZALEZ: That's certainly -- we're 3 seeking your approval, yes, sir.</p> <p>4 MR. POLUNSKY: Okay. All right. Well, I 5 would go ahead and approve the nomination of Mr. Bathea?</p> <p>6 LUIS GONZALEZ: Bathea.</p> <p>7 MR. POLUNSKY: Bathea?</p> <p>8 LUIS GONZALEZ: Yes, sir.</p> <p>9 MR. POLUNSKY: Okay. As the presiding 10 officer. And then someone like to make a motion on the 11 other --</p> <p>12 MR. CLOWE: Mr. Wade, is that the gentleman 13 that's --</p> <p>14 LUIS GONZALEZ: Yes, sir.</p> <p>15 MR. CLOWE: -- to be added to it?</p> <p>16 LUIS GONZALEZ: To be added to, yeah.</p> <p>17 MR. CLOWE: I move that he be appointed.</p> <p>18 MS. BARTH: I'll second the movement.</p> <p>19 MR. POLUNSKY: Okay. Motion on the table, 20 all in favor, please say, "Aye."</p> <p>21 COMMISSIONER CLOWE: Aye.</p> <p>22 MR. POLUNSKY: Any against? No. Motion 23 passes. Anything else, Chief?</p> <p>24 LUIS GONZALEZ: Nothing.</p> <p>25 MR. POLUNSKY: All right. Update and</p>
<p style="text-align: right;">71</p> <p>1 LUIS GONZALEZ: Mr. Chairman, Commissioners, 2 Luis Gonzalez, Texas Highway Patrol Division. You 3 should have before you a couple of recommendations in 4 the form of a memorandum regarding positions on the 5 Vehicle Advisory Committee. The Commission had 6 previously appointed members to that committee including 7 the position of presiding officer being held -- or held 8 by Greg Stanton of Austin.</p> <p>9 Since that time, Mr. Stanton has resigned 10 his position, therefore got a vacancy for the presiding 11 officer appointed by the Commission. It's our 12 recommendation that Nadin Bathea of San Antonio who's 13 currently serving as a member on that committee be 14 appointed as the presiding officer. That would then 15 create a need back to fill his position on the 16 Committee, and it's our recommendation that James Greg 17 Wade of China Spring be appointed to the Advisory 18 Committee.</p> <p>19 MR. POLUNSKY: Okay. Do I need to nominate 20 the chair?</p> <p>21 LUIS GONZALEZ: As the statute is written, 22 the presiding officer is appointed by the chairman of 23 the Commission. The other members are appointed by the 24 Commission.</p> <p>25 MR. POLUNSKY: All right. Is that something</p>	<p style="text-align: right;">73</p> <p>1 deliberation regarding the Sunset Commission review. 2 Who's going to present that? Mr. Kelly, where are you? 3 Do you have any input on this as far as what's going on 4 with the Sunset Commission?</p> <p>5 MICHAEL KELLY: I'm Michael Kelly, 6 Legislative liaison. Which input?</p> <p>7 MR. POLUNSKY: Okay. We have a Sunset 8 Commission.</p> <p>9 MICHAEL KELLY: Yes, sir.</p> <p>10 MR. POLUNSKY: They're reviewing the Agency.</p> <p>11 MICHAEL KELLY: Yes, sir.</p> <p>12 MS. BARTH: You saw it posted, right?</p> <p>13 MICHAEL KELLY: Excuse me?</p> <p>14 MS. BARTH: You saw it posted, right?</p> <p>15 MICHAEL KELLY: The Sunset Advisory 16 Commission had their meeting on the 24th of August for 17 the decision meeting -- excuse me, 24th of September. 18 And then they released a document afterwards that listed 19 all the decisions that were made.</p> <p>20 The first document was the staff 21 recommendations, what the Sunset staff had brought up. 22 And then there was continuing issues that some of the 23 legislatures that were on the Commission had advised 24 they wanted to be addressed. Those issues that were 25 adopted were included in the follow-up document that was</p>

<p style="text-align: right;">74</p> <p>1 posted on the Sunset Advisory Commission's website. 2 And then I sent that e-mail to the 3 commissioners, to the leadership so you would see which 4 issues they had adopted. The only thing pending is 5 they're going to have a meeting in December where they 6 want to hear back from our Commission on what the 7 Deloitte study states to see what the recommendations 8 are, to see if there's anything statutorily that would 9 need to be added from the Deloitte study into the Sunset 10 bill that they're drafting at this point. 11 MR. POLUNSKY: Okay. So any discussion or 12 questions on this? 13 MS. BARTH: I don't have any. 14 MR. POLUNSKY: Okay. You did well. 15 MICHAEL KELLY: Thank you. 16 MR. POLUNSKY: 22, discussion and possible 17 action regarding the employment of an assistant for the 18 Commission including development of job description and 19 directions regarding posting of the position. 20 Ms. Logan. 21 PAULA LOGAN: Paula Logan, Human Resources 22 director. Since the last meeting I provided the 23 Commission with a copy of a draft job description for 24 this position based on your input on what you were 25 looking for. And so if that job description is</p>	<p style="text-align: right;">76</p> <p>1 establish those standards in concert with the Office of 2 Court Administration. So this Rule is establishing 3 those standards, and we did work that through with the 4 office of (Inaudible) 5 MR. POLUNSKY: Second is proposed new Rule, 6 Rule 27.121, 37, Texas Administrative Code, Section 7 27.121 regarding sexual Assault. 8 DAVID GAVIN: This tasks uniform crime 9 reporting program with having additional information, 10 more than it did previously, specifically regarding the 11 offense -- sexual assault or aggravated sexual assault, 12 and it required us to describe in Rule the information 13 that would be gathered and the manner in which it would 14 be gathered, and that's what this rule does. 15 We did that in consultation with the chief 16 association and with the Texans Against Sexual Assault 17 Advocacy Group. 18 MR. POLUNSKY: Thank you, Chief. Somebody 19 like to make a motion to publish these two rules? 20 MS. BARTH: Move to publish them. 21 MR. CLOWE: Second. 22 MR. POLUNSKY: Moved by Commissioner Barth 23 and seconded by Commissioner Clowe that the Rules 24 contained of item 24A and 24B on the agenda be published 25 for comment. All those in favor, please say, "Aye:</p>
<p style="text-align: right;">75</p> <p>1 approved, I'm ready to post the job and start accepting 2 applications. 3 MR. POLUNSKY: I believe it's the consensus 4 of the Commission that you do so. Do we need to take 5 any action on this formally? I think orally's fine. 6 Thank you. 7 Discussion and possible action regarding 8 appointment of General Counsel. We do have interviews 9 going -- ongoing. The Commission will make 10 recommendation on this shortly. 11 Next item, discussion and possible action on 12 publication of proposed rules. First would be proposed 13 new Rule 27.111, 37, Texas Administrative Code, Section 14 27.111 regarding Secure Electronic Mail, Electronic 15 Transmissions and Facsimile Transmissions. Mr. Gavin. 16 DAVID GAVIN: David Gavin, Assistant Chief 17 of Administration. Regarding "A," when a person is 18 placed an deferred adjudication following their 19 successful completion of that term, after a period of 20 time, they can file for an order of nondisclosure. When 21 that occurs, then the clerk sends that to us and then we 22 send a notice to a number of different entities. 23 Those notices can be done by secure 24 electronic mail, electronic transmissions, or facsimile 25 transmissions. The Government Code requires us to</p>	<p style="text-align: right;">77</p> <p>1 COMMISSIONERS BARTH AND CLOWE: Aye. 2 MR. POLUNSKY: Any against? No. Motion 3 passes. Thank you. Next item is item 25, Discussion 4 and possible action on appointment of past Commissioner 5 Elizabeth Anderson as Honorary Ranger Captain. 6 MR. CLOWE: So moved. 7 MS. BARTH: Second. 8 MR. POLUNSKY: So moved by Commissioner 9 Clowe and seconded by Commissioner Barth that item 25 be 10 approved. All in favor, please say, "Aye." 11 COMMISSIONERS BARTH AND CLOWE: Aye. 12 MR. POLUNSKY: Any against? No. Motion 13 passes. Items for future agendas. Do either of you 14 have any items that you would like to have included on 15 any agenda that's upcoming? 16 MR. CLOWE: Not at this time. 17 MS. BARTH: No. 18 MR. POLUNSKY: No? Okay. That being the 19 case -- 20 MS. BARTH: Move to adjourn. 21 MR. POLUNSKY: There'll be no further 22 business. The meeting of the Texas Public Safety 23 Commission is now adjourned. It is 4:17. 24 (PUBLIC SAFETY COMMISSION MEETING ADJOURNED) 25</p>

78

1 THE STATE OF TEXAS)
2 COUNTY OF TRAVIS)

3

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

10

11 Witness my hand this the _____ day of
12 _____, 2008.

13

14

15

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\$	31st 51:11,12	19:24 24:12
\$100 41:10	320-8690 78:18	27:24,25 55:9,13 58:9
\$3.2 40:14	320-8692-Fax 78:19	64:2 66:22
\$5 63:21	37 75:13 76:6	above-captioned 78:8
\$500,000 29:6		abrasions 44:25
\$68 40:15	4	absent 3:10
\$800,000 30:20	4:17 77:23	absolutely 39:9 61:9
	400 23:20	67:3 68:20 69:16,18
0	400-foot 19:20	academy 17:18
07 16:12	400-plus 27:1	18:9,10,20 38:4
08 16:20	45,000 51:16	acceptable 16:21 31:7
09 34:18	4th 17:1	accepted 20:13,20 38:23
		accepting 39:19 75:1
1	5	access 66:1 70:2
10 36:22 39:5	5 36:22 39:5 61:3 62:9	accidents 6:3
10,000 51:13,15	50 58:4	accomplish 8:24
100,000 29:4	511 13:9 14:1	13:14,19
10-16-08 31:2	512 78:18,19	accomplished 26:22
10-hour 62:3,7	51st 14:2	accordance 3:3 16:4
111 35:19	5207 12:4	accounted 48:20
114 78:17	5211 11:11,15 13:10	Accounting 27:18 28:21
12/31/09 78:16	528 78:17	achieve 58:15 68:2,22
12-hour 62:3	551 3:4 16:4	acres 22:1
13619 4:1	555 3:4	across 45:19 53:2
15 36:22 39:5 42:8		Act 3:5 16:5
16 1:12 35:19,23	6	Acting 2:12
16th 1:15	6 30:20	action 16:7,8,11 18:2
17th 17:3	63 57:15	19:15 21:23 22:22
1913 6:25	6th 44:8	23:1 24:17,18 25:2
1995 4:8		28:15 32:25 37:21
	7	38:3 47:6 53:20 70:23
2	7 30:20	74:17 75:5,7,11 77:4
20 70:22	70 25:16 66:25	actions 44:21
200 62:1	700,000 42:10	actively 55:6
2008 1:12,15 32:2,5	78701 78:18	activities 42:18 57:5
78:12	7th 16:20 78:17	activity 51:2
2009 32:25 34:23		actually 6:18 9:1 14:22
22 74:16	8	36:5 38:23 43:1 47:22
240 78:17	8 62:9	48:19 54:4,20 57:7
24A 76:24	80 18:19 63:16	58:7,9 64:19
24B 76:24	8391 78:5,16	ad 9:23
24th 73:16,17		add 19:9 33:7 35:17
25 38:20 58:3 77:3,9	9	37:17 40:1 41:12,23
2504 10:12	9 45:20	45:10,14 63:4
26th 17:9	9:30 3:15	added 29:12 72:15,16
27.111 75:13,14	90 63:16	74:9
27.121 76:6,7	900 42:6	adding 54:4
28 42:8	98.6 39:14	addition 22:3 54:18
290 57:15	A	additional 15:2 21:12
29th 45:19	a.m 3:15 45:20	38:16 50:15 53:3 76:9
	A08 16:16,20	additionally 46:16 61:5
3	abiding 11:23	address 3:17,22,24
3.2 22:1 40:17	Abilene 5:10,25	6:17,23 7:4 10:9
30 27:2	ability 48:15 52:15	15:11 55:15
300-foot 20:3	61:16	addressed 73:24
30th 4:3 16:12	able 17:17,20 18:8	adequate 14:12 49:14
		54:15 57:16
		adequately 52:19 53:2



COMMITTEES
CRIMINAL JUSTICE
FINANCE

THE SENATE OF TEXAS JUAN "CHUY" HINOJOSA

DISTRICT 20

COMMITTEES
JURISPRUDENCE *Vice Chair*
NATURAL RESOURCES

SUBCOMMITTEE ON
AGRICULTURE, RURAL AFFAIRS &
COASTAL RESOURCES

October 13, 2008

Chairman Allen Polunsky
Texas Public Safety Commission
5805 North Lamar Boulevard
Austin, Texas 78773

Dear Chairman Polunsky:

As a follow-up to our previous conversation, I am expressing my concerns regarding the Department of Public Safety's newly-adopted rule regarding the issuance of driver's licenses to non-citizens. I believe has too many public policy implications and unknown consequences to be safely implemented without having been thoroughly vetted by the Texas Legislature and the public. As written, the rules create the likelihood that lawfully admitted persons whose status will expire within six months will be ineligible to purchase or renew their driver's insurance, even though they are still within their legal rights to be in the United States. Can DPS ensure its new policy won't increase the number of uninsured drivers on our roads?

Also, it is my understanding that DPS has requested of the Attorney General an opinion as to whether or not DPS is a "politically accountable governing body" capable of erecting constitutionally permissible checkpoints as described by the Texas Court of Criminal Appeals in *Holt v. State*. DPS even seeks to further extend that possible authority by requiring local law enforcement agencies to set up their own driver's license checkpoints.

There is the appearance that DPS is bypassing the legislature's authority by adopting rules similar to past legislation that failed to survive the legislative process. DPS seems to be considering taking actions that will ostensibly be in the interest of upholding public safety, but will interfere, without probable cause, with law-abiding motorists who are the voting constituency of Texas legislators and executives, not the Public Safety Commission.

The 81st legislative session will begin next year, giving us an opportunity to discuss these issues at greater length and develop a public consensus as how to best protect our public safety. I suggest that DPS suspend Administrative Rule 37 T.A.C. § 15.171 for the time being so that the legislature and public may address the issue during the upcoming session. As always, I will continue to be open to your suggestions and appreciate your expertise and service. I believe that discussing these issues openly, with both legislators and the public, will provide for the best outcome.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Chuy Hinojosa".

Juan "Chuy" Hinojosa
State Senator, District 20

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**TEXAS DEPARTMENT OF PUBLIC SAFETY
INTERNAL AUDIT PLAN FY 2009**

*TOTAL INTERNAL AUDIT HOURS AVAILABLE:		9,568
* Total Available Hours = 40 hrs/wk X 52 weeks/yr X 4.6 auditor equivalents		
INTERNAL AUDIT ADMIN ACTIVITIES	% of Available Hrs.	Budgeted
Risk Assessment	2%	100
Annual Audit Planning & Reporting	1%	80
Client Assistance/Meeting Attendance	2%	156
Administrative - OAI Management	15%	1389
Continuing Professional Education	2%	184
Vacations & Holidays	9%	846
Sick Leave	2%	150
Total of Internal Audit Administrative Activities	30%	2,905
Available Project Hours	70%	6,663
PLANNED AUDIT PROJECTS	% of Available Project Hours	Budgeted
A. Required Audits:		
1. Narcotics/VI Imprest Funds <i>Division: Criminal Law Enforcement / Texas Highway Patrol</i>	8%	550
2. Driver License Offices - Plan new DL system audit process <i>Division: Driver License</i>	5%	350
Total Required Audits	14%	900
B. Risk Based Audits:		
1. Grant - accounting, payment processing, and auditing <i>Division: Emergency Management Division</i> <i>Type: Accounting controls / Compliance</i>	6%	410
2. Analysis - FY 2008 Department Budget <i>Division: Director's Staff - Accounting & Budget Control</i> <i>Type: Accounting controls / Compliance</i>	4%	280
3. Grants - accounting, payment processing, and monitoring <i>Division: Director's Staff - Accounting & Budget Control</i> <i>Type: Accounting / Administrative systems and controls</i>	5%	360
4. Performance Measures <i>Division: All Divisions</i> <i>Type: Administrative controls</i>	4%	250
5. Use of Seized/Forfeited Assets <i>Division: Director's Staff - Accounting & Budget Control</i> <i>Type: Accounting / Administrative systems and controls</i>	2%	160
6. Crime Records <i>Division: Administration Division</i> <i>Type: Administrative controls / Information systems</i>	7%	480
7. Concealed Handgun License Process <i>Division: Administration Division</i> <i>Type: Administrative systems and controls</i>	4%	240
8. Private Security Bureau <i>Division: Administration Division</i> <i>Type: Administrative controls / compliance</i>	4%	240
9. Payroll Action Letters <i>Division: Administration Division</i> <i>Type: Administrative systems and controls</i>	2%	120
10. Prescription Program Certificates Control <i>Division: Criminal Law Enforcement Division</i> <i>Type: Administrative systems and controls</i>	2%	150
11. DLR System Testing and Implementation Process <i>Division: Driver License Division</i> <i>Type: Information and administrative systems and controls</i>	6%	400
12. Capitol Complex money handling processes <i>Division: Texas Highway Patrol Division</i> <i>Type: Accounting controls</i>	2%	125
13. In-car Computer and Communications System <i>Division: Texas Highway Patrol Division</i> <i>Type: Administrative systems and controls</i>	5%	300
14. Fraud Management <i>Division: All Divisions</i> <i>Type: Administrative systems and controls</i>	6%	400
Total Risk Based Audit Hours	59%	3,915
Total Required and Risk Based Audit Hours	72%	4,815

**TEXAS DEPARTMENT OF PUBLIC SAFETY
INTERNAL AUDIT PLAN FY 2009**

Quarterly Audit Schedule

First Quarter

1. Cash / postage compilation	40
2. Complete 2008 projects	520
3. Fraud management	300
4. Budget Analysis	160
5. Crime Records Consulting Project	180

First Quarter - total planned hours	1200
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Second Quarter

1. Budget analysis	120
2. Grant management - EMD	90
3. Grant management - A&BC	360
4. Fraud management	100
4. Crime records - Train the trainer program	120
5. Payroll Action Letters	120
6. Private Security Bureau	240
7. Follow-up audits	100
8. Imprest fund audits	150

Second Quarter - total planned hours	1400
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Note: Due to the delivery of the contracted risk assessment in November and anticipated personnel issues, planning beyond this point, with the information at hand, would not be useful.