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

COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:
Allan B. Polunsky, Chair
C. Tom Clowe
Carin Marcy Barth

DIRECTOR'S STAFF OF THE DEPARTMENT OF PUBLIC SAFETY:
Colonel Stanley E. Clark
Lt. Colonel Lamar Beckworth, Assistant Director
Dorothy Wright, Executive Assistant
Duncan Fox, Acting General Counsel

Dallas at 13619 Peyton Drive. I want to introduce myself again, this time to the Commission. Thank you for the Chairman, offering this time. This is my 30th year in the automotive service and vehicle inspection business, and today I represent and want to reintroduce to the Commission and to the agency the Texas State Inspection Association.

The Association was formed in 1995 to represent the interest of the inspection stations and the independent automotive service people here in Texas. TSIA has since that time provided resource and input to the agencies, to the legislature. TSI members have also provided resource and advocacy input to other state agencies, federal agencies, and in some cases as consultants to other countries.

We have a broad base background of vehicle inspection, automotive service, emission inspection. And at this time, we certainly concur with the Sunset Commission finding that the vehicle inspection program in Texas is challenged. However, we believe that it is also an excellent opportunity to update and improve a program that has in many ways served the public well here in Texas.

We've had the opportunity for a long, long time to take a look at our state program and compare it to other programs around the country, and in some cases around the world, and believe that there are a number of opportunities that we would like to be part of. So we would certainly love to be involved in any way we can to support the program, and I appreciate your time today.


MELVIN MARTIN: Good morning, Mr. Chairman, my name is Melvin Martin. I'm Chief of Police in Abilene, Texas and I'm also serving this year as the president of the Texas Police Chief Association. It's an honor to be here before your Commission this morning, Colonel Clark.

We don't have any agenda other than to come and say we appreciate what DPS is doing. I also have a couple others, if I could introduce them. If you'll stand, James. James McLaughlin, our executive director. David James, chief of Carrollton Police Department is with us. He is the incoming president for TPCA. And we're just here today to say thanks. DPS has been under the gun, high demands the last couple of years with the border issues, El Dorado, hurricanes, responding to hurricanes. And we have worked very close with DPS. And I will just say out in our district in Abilene we have really done some great...
MR. POLUNSKY: Thank you for being here, Chief. Anyone else? Yes, sir.

BRAD WARD: Thank you for giving me the opportunity to address you this morning. I don't have comments to make. I actually have a lot of questions and I would like to start by asking a question --

MR. POLUNSKY: First let me ask you to identify yourself --

BRAD WARD: Oh, I'm sorry.

MR. POLUNSKY: -- and give your address.

BRAD WARD: Brad Ward, I live here in Austin, 1913 McCall Road.

MR. POLUNSKY: Thank you, Mr. Ward.

BRAD WARD: My first question deals with the immigration side of the random check point issue.

MR. POLUNSKY: Let me -- let me address that immediately. This period is for public comment. If you have comments that you would like to make, directed to the Public Safety Commission, you're welcome to do so in your five minutes. This is not a discussion period, so there will not be questions and answers. Your comments are going to be limited to statements that you may wish to make to the Commission, and just statements.

BRAD WARD: Okay. Well, given that fact, I would like to start off by pointing out that our country is entering some hard economic times, and I think that it is odd that we would be talking about spending money to do voluntary random check points throughout the state of Texas given the fact that we're facing some tight budget constraints relating to the economic crisis that we are currently in.

How is -- well, I'm wondering how DPS would go about paying for random check points throughout the entire state. Are -- would you go about this by going before the Texas legislature and asking for an increase in the DPS departmental budget or would you go about this by going to the federal government and asking for federal funds.

Because if you go through the legislature, you're going to increase the tax burden on Texas taxpayers, and if you go through the federal government, you're going to subject Texas governmental employees and law enforcement employees to the cumbersome regulations of the federal bureaucracy.

I would also like -- I'm also wondering if DPS has commissioned any kind of study to arrive at a total estimated cost for instituting these voluntary random check points throughout the entire state. And that cuts back to my concerns for the economic crisis that our country and our state are facing.

And I am also wondering how DPS can justify the expenditures on this ambitious plans given the fact that our future, our financial future for the state and the nation is so uncertain. I would hope that DPS would do -- at least, at the very least, I would hope DPS has done a cost benefit analysis to determine what the potential cost of this plan will be as opposed to any benefits that we might derive from it. And by "we," I mean the people of Texas.

And I am also wondering what exactly DPS expects to accomplish by doing voluntary random check points all over the state of Texas. I don't understand the need for this, actually. And I'm also left to wonder what alternatives DPS has arrived at for people that don't wish to participate in the voluntary random check points.

I would hope that you would have, like, bypass lanes in place, you know, beside the check point where you wouldn't impede the flow of traffic. Because it seems that a bottleneck in traffic on a major roadway could pose a safety issue. And that, of course, would lead to legal liabilities and ultimately the people of Texas would have to pick up the tab for any lawsuits that resulted from collisions or fatalities that resulted from the impeded traffic flow on our roadways.

I just hope that DPS is taking these things into consideration and that this wasn't just something that someone came up with off the spur of the moment.

MR. POLUNSKY: Sir, you have one minute.

BRAD WARD: Okay. Given the misunderstandings and miscommunications surrounding the vaccination requirements for school children in Texas, I would also like to know how DPS is going to get the word out to Texans that this program of random check points is strictly voluntary. I would hope you would do an ad campaign like the "Click It or Ticket" campaign that you've done, or something to make Texans aware that
their participation in random voluntary check points is not mandatory.

I would hope you would do something to hit off any kind of confusion that may result from this policy being instituted statewide. And I think that does it for my comments. Thank you.

MR. POLUNSKY: Thank you, Mr. Ward. We appreciate you being here this morning. Would anyone else like to address the Public Safety Commission at this time? Yes, sir.

MARVIN WILLIAMS: How you guys doing today. My name's Marvin Williams. I stay at 2504 Huntwick, Austin, Texas. I'm here also to talk about the check points here being done in Texas. I just want to say that I oppose having check points here in Texas, and that is going to cause extreme amounts of money for Texas taxpayers to fund this whole thing that they want to do.

And I'm against it, and I oppose it, and I don't believe that we need check points here in the state of Texas, especially throughout the whole state. Those types of issues should be done at the borders between Pecos and Mexico and not through the whole state, you know, of Texas. And I'm just stating that I oppose it because it's not right.

And I don't have all the logistics that other people have to say about the different things that's going on about it. But I just have the ultimate deal that I oppose it and it should not be done here in the state of Texas. And if it's going to be done in the state of Texas, it needs to be done between the borders of Texas and Mexico. And that's all I have to say.

MR. POLUNSKY: Thank you, Mr. Williams.

Anybody else?

ERIN SHOTWELL: My name's Erin Shotwell and I'm at 5211 --

MR. POLUNSKY: Shotwell?

ERIN SHOTWELL: Shotwell, yes.

MR. POLUNSKY: Thank you.

ERIN SHOTWELL: 5211 Emerald Meadow. I basically just want to state my opposition to random check points. I don't really see how it enhances public safety, basically because if that's what it -- what the reason is for it, I just think it, you know, an officer has probable cause of somebody who's driving unruly or if their vehicle's -- there's a problem with their vehicle to pull somebody over, I don't understand why all law abiding citizens need to be subjected to this inconvenience. So basically just wanted to state my opposition. Thank you.

And I don't have all the logistics that other people have to say about the different things that's going on about it. But I just have the ultimate deal that I oppose it and it should not be done here in the state of Texas. And if it's going to be done in the state of Texas, it needs to be done between the borders of Texas and Mexico. And that's all I have to say.

MR. POLUNSKY: Thank you, Mr. Williams.

Anybody else?

OLIVER PONTE: Good morning. My name is Oliver Ponte and I represent the 511 Campaign, and I live here in Austin, Texas, 5211 Emerald Meadow. And as a Texas taxpayer I oppose and am concerned with the DPS check points all over the State of Texas. And I question what exactly by having check appointments, what will that accomplish.

Some of the first questions that I -- and concerns I have is where does DPS propose to pay for this check point business. You know, I feel like as free citizens it's our right to move about on the public roads unobstructed. And any time we cross that line and start pulling over people without probable cause, we've set a very dangerous precedent.

It is -- for the -- I feel like it's a big waste of time. I really don't see pulling over random people is going to be a good use of our strained resources. And, you know, getting -- allowing the police officers to do their job and find people who really are criminals should be the priority.

So if the proponents to this say that they need this tool to do their job to make their job easier, I have to say, as a citizen, that's a line we can't cross and their job just has to be a little bit harder.

And I think that's it.

I'd also like to say that if we're going to continue this -- no decision's going to be made today, at a future time, I don't know, I would like to see an opportunity for a public forum where more of the public could have a chance to come and speak out. I think you would have a bigger turnout if it was better publicized and more convenient for people who had to work. So thank you for your time.

MR. POLUNSKY: Thank you, sir. Appreciate you being here. Anybody else?

KEITH KRITSELIS: My name is Keith Krltselis. I live as 5207 Hedgewood Drive here in Austin, and this is my son, Max. Thank you for allowing us to talk today. I came also to voice my opposition to this check point business. You know, I feel like as free citizens it's our right to move about on the public roads unobstructed. And any time we cross that line and start pulling over people without probable cause, we've set a very dangerous precedent.

It is -- for the -- I feel like it's a big waste of time. I really don't see pulling over random people is going to be a good use of our strained resources. And, you know, getting -- allowing the police officers to do their job and find people who really are criminals should be the priority.

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MR. POLUNSKY: Thank you, sir. Appreciate you being here. Anybody else?

SHEILA DEAN: Good morning. My name is
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

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.

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.
MR. CLOWE: Okay. I wanted that on the record. I move we affirm the director's action in this matter.

MS. BARTH: Second.

MR. POLUNSKY: All right. Let me make sure I understand exactly what we're talking about here, though. Colonel Clark, what you're saying is that if he is able to demonstrate that he is physically able to enter the academy, as would any other recruit, then he would be welcome back to the academy?

MR. CLARK: Yes, sir, that is correct.

MR. POLUNSKY: We're not talking about the entrance requirement. I mean the entrance requirement. I believe that is currently at 80 percent of PRT for all recruits as they enter the academy.

MR. CLARK: No, the entrance requirement. I believe that is currently at 80 percent of PRT for all recruits as they enter the academy.

MR. POLUNSKY: Okay. Is that how--

MR. CLOWE: That was my understanding.

MR. POLUNSKY: Okay. All right. It has been moved by Commissioner Clowe and seconded by Commissioner Barth that the director's termination to discharge the named probationary employee be approved.

Discussion? There is no discussion. All in favor, please say, "Aye."

COMMISSIONERS BARTH AND CLOWE: Aye.

MR. POLUNSKY: Any against? No. Motion passes. Next item on the agenda is budget matters.

Oscar Ybarra, Chief of Finance. I defer to my written report this month, sir.

I have nothing to add unless you have any questions.

MR. POLUNSKY: Are there questions for the chief?

MR. CLOWE: No questions.

MS. BARTH: No questions.

MR. POLUNSKY: Thank you, sir. Next item, item eight, discussion and possible action regarding the donation of land and tower equipment. Colonel Beckworth.

MR. BECKWORTH: Mr. Chairman, Commissioners, we have a offer of donation of a 400-foot tower and related equipment to the DPS in Pearce. This particular offer comes from Fort Bend County and also Wharton County who had a joint grant opportunity to allow them to be able to link up to the Harris County regional radio system.

They had difficulty finding a place. They realized through discussion with our personnel that we have a 300-foot aged communication facility there. By providing this particular gift to us, it will allow Fort Bend County the opportunity to extend their coverage, radio coverage, on the western side of the county. It would also afford Martin County the opportunity to link up to the Harris County system, and they would receive transmitters and other equipment to enhance the communication capability in the area of Houston. So our request is that this particular gift be approved for the Agency.

MR. POLUNSKY: Be accepted. Somebody like to make a motion?

MR. CLOWE: So moved.

MS. BARTH: Second.

MR. POLUNSKY: It has been moved and seconded, the donation of the equipment, Fort Bend County land and -- excuse me, the tower equipment and the land of Fort Bend County, the donation be accepted by the Department of Public Safety. Moved by commissioner Clowe and seconded by Commissioner Barth.

Discussion?

MS. BARTH: Have we had any kind of questions they might have about it?

MR. BECKWORTH: We met with the FFA to make sure there were no issues related to the air space there. We had a study done to make sure there was no issues associated with economic environment around it, and there also was a discussion. Our facility there is not located in any neighborhood environment. But we did have a discussion with the people of Pearce and there was no resistance to this particular tower going there.

MS. BARTH: Thank you.

MR. POLUNSKY: Any additional discussion?

Okay. There's a motion on the floor. Please say, "Aye."

COMMISSIONERS BARTH AND CLOWE: Aye.

MR. POLUNSKY: Any against? No. Motion passes. Next item would be Subsection "B," item eight, Nueces County donation of land. Chief Fulmer.

VALERIE FULMER: Good afternoon, Mr. Chairman and Commissioners.

We met with the FFA to make sure there were no issues related to the air space, and there was no resistance to this particular tower going there.

Okay. There's a motion on the floor. Please say, "Aye."

COMMISSIONERS BARTH AND CLOWE: Aye.

MR. POLUNSKY: Any against? No. Motion passes. Next item would be Subsection "B," item eight, Nueces County donation of land. Chief Fulmer.

VALERIE FULMER: Good afternoon, Mr. Chairman and Commissioners. As he said, I'm Valerie Fulmer, Chief of Administration Division. At this time, we are not at a point of needing to take official action. At this point we're just giving you some information on this Nueces County proposed donation so that you'll be aware of it. Nueces County has offered...
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 26 take any action on that study at this time. If the 27 Commissioners are interested, we could have him come 28 forth and give us just a basic time line of where we are 29 and where we are going with this, or we can defer. 30 MS. BARTH: I defer. 31 MR. CLOWE: I think there's a high level of 32 interest in this, Mr. Chairman, and I think if maybe you 33 would make a comment about how you see it developing, it 34 would be beneficial to all those who are interested. 35 MR. POLUNSKY: Thanks for putting me on the 36 spot. 37 MR. CLOWE: Well, I just trust what you'll 38 say a little better. 39 MR. POLUNSKY: I'm not sure I trust what I'm 40 going to say. Could you just give us a basic overview 41 of where we are? And I'm talking about just basic as 42 far as time line and so on. 43 DREW BECKLEY: We are in -- we have 44 completed our field work and completed the interviews 45 with the Department and others, about 400 of those. 46 We're preparing the final report, reviewing that. In 47 terms of draft findings and recommendations with our own 48 panel, outside folks including Governor Ridge, former 49 secretary for Homeland Security. 50 We have worked that to the point of a draft 51 report and we're reviewing that currently with the 52 Department, with the Commissioners, and with external 53 stakeholders such as the Governor's office. We expect 54 to finish that process in the next week and then prepare 55 a final report, really at your direction, for 56 presentation back to the Commission. 57 MR. POLUNSKY: And I would anticipate that 58 if all of this falls into place, as we have discussed 59 and as you have been working toward, that we should have 60 a final report in a week or so? 61 DREW BECKLEY: Yes, sir. Depending upon the 62 discussions in the next couple days, we should be able 63 to finish that by the end of next week. 64 MR. POLUNSKY: Okay. So then at that point 65 this long awaited report will be ready and distributed? 66 DREW BECKLEY: Yes. 67 MR. POLUNSKY: And we will be taking action 68 on that -- or begin to start taking action on that after 69 that date into the future. Is that what you're 70 interested in, Mr. Clowe? 71 MR. CLOWE: Perfect. That gives everybody 72 an understanding of where we are. I'd like to take the 73 mystery out of it, if there is any, and let people know 74 when to expect some further work. Thank you very much. 75 DREW BECKLEY: You're welcome.
It's 2022 executive summary that we 2023 from the proposal. And then 2024 where they recommend, as 2025 the last phase is the road map on how we 2021 and governance model. We're finalizing our edits on 2020 Finance.

The project has proceeded to a 2019 these types of contracts. 2018 as a tool for effective 2017 of the development of IT strategy. Chief Lane.

And Garner delivered to us a proposed 2016 contracts are utilized by the Agency based on a rate 2015 based on, I believe, the information that 2014 policy is based on, I believe, the information that 2013 a couple of other things in 2012 work and we look forward to going out and getting a very 2011 future state. And 2010 they recommend, as well as where we agree upon 2009 from moving from where we are today to 2008 as where we agree upon 2007 that last phase is the road map on how we 2006 accomplished from moving from where we are today to 2005 we identify the 2004 for change 2003 that was discussed last meeting, and also for any 2002 or four days. So we'll ask for 2001 able to do it in three or four days. So we'll ask for 2000 that process if they're able to do it. It's kind of up 1999 that process that has been approved for whatever product that is 1998 contracts that -- part of this list 1997 within their division reports. This is what we propose, 1996 we look to the Commission as to see what they would 1995 to do with these proposed policies. 1994 me what's under the umbrella of term contracts. 1993 Well, term contracts are 1992 basically contracts that can be procured for several 1991 years. We do some of those things for, like, some of 1990 the uniforms that we use, and we procure. And those 1989 contracts are utilized by the Agency based on a rate 1988 that has been approved for whatever product that is 1987 seeing these types of contracts. 1986 In policy "A," we identify the million 1985 dollar limit for any contract that's over a million 1984 dollars. We also identify a floor of 100,000 for change 1983 orders that was discussed last meeting, and also for any 1982 change orders that exceed $500,000 to be submitted to 1981 the Commission. There's a couple of other things in 1980 here that we proposed based on comments we heard last 1979 Commission meeting.

We also provided a list of contracts that we 1978 believe that the Commission wanted to go ahead and let 1977 the Agency move forward on. But we also added a policy 1976 number three which requires the divisions to include 1975 these types of contracts that -- part of this list 1974 within their division reports. This is what we propose, 1973 and we look to the Commission as to see what they would 1972 like to do with these proposed policies. 1971 me what's under the umbrella of term contracts. 1970 OSCAR YBARRA: Well, term contracts are 1969 basically contracts that can be procured for several 1968 years. We do some of those things for, like, some of 1967 the uniforms that we use, and we procure. And those 1966 contracts are utilized by the Agency based on a rate 1965 that has been approved for whatever product that is

The project has proceeded to a 2003 draft RFP that I think I've provided to the various 2002 Commission members and if -- and if that meets with your 2001 approval then we're prepared to -- it's already been 2000 reviewed by the Accounting and Legal Department here.

And so it's ready to be sent down to the Comptroller's 1999 Office. I'm told that it often takes three to four 1998 weeks for them to post procurements. But there is an 1997 expedited process that we can request that they may be 1996 able to do it in three or four days. So we'll ask for 1995 that process if they're able to do it. It's kind of up 1994 that process that has been approved for whatever product that is
1 being procured.
2 Some term contracts can be part of some of
3 the weapons that we utilize, bullet proof vests, things
4 of that sort. If you'd like to see what kind of term
5 contracts the agency has, I'll be glad to provide it to
6 you in the future if you'd like.
7 MS. BARTH: I just think it's a very general
8 term, so I'd like that term removed from the list.
9 OSCAR YBARRA: Sure.
10 MS. BARTH: And then define, consumables,
11 for me.
12 OSCAR YBARRA: Supplies that obviously can
13 be consumed within a short period of time, paper, office
14 supplies, things of that sort.
15 MS. BARTH: I'd like that one removed as
16 well. These are just really general. They shouldn't
17 hit the limit, so we shouldn't see them; is that right?
18 OSCAR YBARRA: Well, in some cases when we
19 buy driver's license handbooks, that could be a large
20 amount of money, 6, 7, $800,000.
21 MS. BARTH: I probably would want to see it
22 out then.
23 OSCAR YBARRA: No problem.
24 MS. BARTH: That's all I have.
25 MR. POLUNSKY: Motion?

1 MS. BARTH: Move to approve the proposed
2 contracting policies dated 10-16-08. Is that what you
3 need?
4 MR. CLOWE: Second.
5 MR. POLUNSKY: Are you modifying?
6 MS. BARTH: No, with those modifications.
7 MR. POLUNSKY: Is that acceptable to you?
8 MR. CLOWE: Yeah, it's a review. Not
9 approved. It's a review.
10 MS. BARTH: It states it clearly in the --
11 MR. CLOWE: Yeah. We had a good discussion
12 on that the last meeting.
13 MR. POLUNSKY: Okay. It has been moved by
14 Commissioner Barth and seconded by Commissioner Clowe
15 that the review of contracts proposal that was presented
16 to us be approved with the modifications that were
17 orally presented by Commissioner Barth during the
18 discussion; is that correct? Discussion on the motion?
19 There is no discussion, all in favor please say, "Aye."
20 COMMISSIONERS BARTH AND CLOWE: Aye.
21 MR. POLUNSKY: Any against? No. Motion
22 passes. Next item is discussion and review of pending
23 contracts, commitments and change orders including the
24 following: Support maintenance enhancement and
25 modifications for the Concealed Handgun Licensing

1 Program, Homeland Security Livescan Terminal Maintenance
2 Support. Fiscal year 2008 Convicted Offender and/or
3 Arrestee DNA Backlog Reduction Program, grants awarded
4 to DPS. And forensic DNA Background Reduction fiscal
5 year 2008 grant award to DPS. And that would also be
6 Chief Ybarra.
7 OSCAR YBARRA: Mr. Chairman, Commissioners,
8 this list is presented for your review. The divisions
9 stand ready to discuss any of these items if you have
10 any questions.
11 MS. BARTH: Mr. Chairman, I have no
12 questions.
13 MR. CLOWE: No questions.
14 MR. POLUNSKY: Okay. So that's just a
15 review?
16 OSCAR YBARRA: Yes, sir.
17 MR. POLUNSKY: All right. Next item would
18 be Commission member reports. Does anybody have a
19 report they'd like to present at this time?
20 MR. CLOWE: No, thank you.
21 MS. BARTH: No.
22 MR. POLUNSKY: No? Commission member
23 discussion. No? Okay. Next item, audit and inspection
24 report. Director Walker. Discussion and possible
25 action on approval of the fiscal year 2009 internal

1 audit plan.
2 FARRELL WALKER: Farrell Walker, Director of
3 Audit Inspection. With my report, you received six
4 internal audit -- new internal audit reports, five
5 follow-up audits, three field inspection reports, and
6 three headquarters inspection reports. I really have
7 nothing to add to my report, but I'd be glad to answer
8 any questions that you may have.
9 MS. BARTH: I just have a question as to
10 your team, what your present situation is with respect
11 to how many openings you have.
12 FARRELL WALKER: I received notice just
13 yesterday that one of my three auditors will be leaving
14 us to go to LBB, so that will leave me with two
15 openings. My intention right now is to wait until I see
16 the risk assessment coming, post both of those positions
17 within a week of receiving that with the hopes of maybe
18 commencing interviews the week after we receive the
19 report.
20 And hopefully that'll give you and I time to
21 visit about the risk assessment, decide what our
22 staffing needs may be, and go from there so that I have
23 a clear picture of how many audit hours you think we
24 should be spending each year, how we'll man those audit
25 hours. The two staffers that I have remaining are top
notch. They're doing a good job. One's a CPA. Both of them have IT audit experience and credentials. So we're in pretty good shape there with those that remain.

The two spots that I have open are really a little less experienced people than what I've sometimes had in the past. So we'll have to decide whether or not we want to go that route for budgetary purposes, which is why I did it this time, or whether or not we want to staff up with same quality of people that I have remaining on this staff.

MS. BARTH: Thank you.

FARRELL WALKER: Yes, ma'am.

MR. POLUNSKY: Somebody like to make a motion?

MR. CLOWE: What do you want, motion to approve the report?

MS. BARTH: Internal audit.

MR. POLUNSKY: The internal -- the '09 internal audit plan.

MR. CLOWE: So moved.

MS. BARTH: Second.

MR. POLUNSKY: Been moved by Commissioner Clowe and seconded by Commissioner Barth, the FY 2009 internal audit plan be approved.

MS. BARTH: Can I -- this is just the staggered, right?

FARRELL WALKER: Yes, ma'am.

MS. BARTH: Okay.

FARRELL WALKER: We will, no doubt -- my guess would be in December want to revisit this and revise it based on what we work out using the risk assessment Clifton Gunderson's got coming out.

MR. POLUNSKY: Any other discussion? There is none. All in favor, please say, "Aye."

MR. CLOWE: Aye.

MR. POLUNSKY: Any against? Motion passes.

FARRELL WALKER: Thank you.

MR. POLUNSKY: Thanks. Next item would be Division reports. First will be administration. Chief Fulmer.

VALERIE FULMER: Good afternoon, again. You have my division report. The only thing I have to add is that as of today, our recruit class, B2008, is down to 111 students. We usually have about a 16 percent attrition rate, and we're not quite there yet but we're getting close to it.

MR. POLUNSKY: Well, let me ask you something about that. Your 16 percent attrition rate is based on what? Is that at the end of the class?

VALERIE FULMER: Yes, yes.

MR. POLUNSKY: Well, you're at the beginning of your class.

VALERIE FULMER: We typically lose most of our recruits in the first few weeks of class when they discover what is actually expected of them. And we rarely lose any after -- we rarely lose very many after the first few weeks. So this is typical, as far as what we've seen in the past.

MR. POLUNSKY: Okay. In future meetings, we're going to, or at least I would like to, put a lot of focus and discussion and so on, and some of this is probably going to come up in the Deloitte study. But if not, then we'll just do it through the, you know, regular channels here so to speak.

But we're going to really need to take a look at how we recruit, and what we're doing, and what we need to do and, you know, who's got a better mouse trap, whatever. But some of the issues we've discussed in the past on compensation and so on. I mean, we just -- I'm just concerned.

One, we're having difficulty hitting these numbers as compared to where things were 5, 10, 15 years ago. Make sure that we have the highest quality people coming in. I want to make sure that our troopers are the very best, the best of the best. And we're just going to need to have a strategy that may really be a whole lot different than what we've been doing in the past in order to attract the type of people and the number of people that we're looking for. And this is going to be your baby.

VALERIE FULMER: My baby, yeah. I definitely think we have the same goals.

MR. POLUNSKY: And I'm sure that you do, Valerie. But, I mean, this is something that I'm really focussed on. After saying that, do you have something else?

VALERIE FULMER: Only if the Commission has questions, I'd be happy to answer them.

MR. CLOWE: Mr. Chairman, might I add that I also share in the concerns of your expression to the chief. And I have had some discussions with the colonels about this. They haven't arisen to the level of any action what I have asked them to look at these problems that you've just indicated you have an interest in. And Colonel Beckworth is doing that very thing.

And I'm sure he's sharing that with the chief.

And I wanted to mention that so that...
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.
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 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.
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.
24 It's not to say that we're getting inferior
25 applicants. But if nothing else, it's a disturbing

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.
9 VALERIE FULMER: And you're absolutely
10 correct that we don't want to sacrifice quality for
11 numbers.
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.
20 VALERIE FULMER: We will make that our
21 priority.
22 MR. POLUNSKY: Thank you. Criminal Law
23 Enforcement, Chief Brubaker.
24 JAMES BRUBAKER: James Brubaker, Chief of
25 Criminal Law Enforcement. Mr. Chairman, Commissioners,
25 of the new developments that have taken place here
24 is not here, and what he's involved in today, and some
23 here, could you inform everyone as to why Chief
22 MR. POLUNSKY: Thank you.
21 I have.

11 in the joint state federal recovery activities as our
10 governments and state agencies for the public assistance
9 regional liaison officers. We expect that this will
8 and our staff are operating about 15 fixed and 28 mobile
7 disaster recovery centers in the impacted area. More
6 than 700,000 people have been registered through the
5 FEMA and state of health dozens of
4 briefings and program kick-off meetings with local
3 information personnel from our staff are fully involved
2 in the joint state federal recovery activities as our
1 center for disaster assistance.

13 And FEMA and state of health dozens of
12 center for disaster assistance.
11 And FEMA and state agencies for the public assistance
10 program. Our recovery and mitigation and public
9 information personnel from our staff are fully involved
8 in the joint state federal recovery activities as our
7 regional liaison officers. We expect that this will
6 continue for some time, a matter of months. That's all
5 I have.
4 MR. POLUNSKY: Thank you. While you're
3 here, could you inform everyone as to why Chief Colley
2 is not here, and what he's involved in today, and some
1 of the new developments that have taken place here in

42 1 the last day or two actually?
2 RUSS LECKLIDER: Yes. Governor Perry
3 appointed judge -- County Judge Eckels from Harris
2 County as well as his own previous chief of staff, Bryan
1 Newby, to be the State's recovery coordinators for this
6 hurricane season. And Judge Eckels flew down on fairly
5 short notice this morning to meet with Chief Colley, and
4 that's where he is right now.
3 And I think there'll be some more meetings.
2 And they're going to be working with the FEMA staff and
1 our own people on the hurricane Ike recovery, but also
12 some other disasters that are involved. And we expect
11 this will be a pretty extensive job. Both of them had
10 experience, governor's chief of staff in dealing with
9 our request for materials and equipment and personnel to
8 deal with these things working with the governor and, of
7 course, Judge Eckels from numerable experiences in
6 disasters.
5 MR. POLUNSKY: Well, it sound like, you
4 know, a very constructive step forward in certainty
3 bringing in the people that have been brought in on
2 this. I'm sure that tremendous progress will be made,
1 and Chief Colley working with them, I'm sure things will
25 be dispatched expeditiously.
24 RUSS LECKLIDER: We hope so.
1 comments. Happy to answer questions.
2 MR. POLUNSKY: Thank you. Okay. That
3 concludes the Division reports. The next item will be
4 the report by the DPS Working Group on the DPS
5 promotional process. Mr. Matthews.
6 CAREY MATTHEWS: Carey Matthews, Highway
7 Patrol. Chairman, Commissioners, since we last met
8 we've provided you with a copy of the survey results so
9 that you could look at those survey results that were
10 received as a result of our electronic surveys. Since
11 we last met, also, our noncommissioned and commissioned
12 groups have met. We are continuing to review and
13 analyze both the survey results as well as the survey
14 text responses and are continuing to develop our
15 proposal.
16 We have additionally, since we've met, we
17 have continued to place our work groups back into
18 subgroups and they continue their work. We are working
19 towards a presentation, possible having a draft proposal
20 prepared for your November meeting.
21 MS. BARTH: Looking forward to the draft
22 proposal.
23 MR. POLUNSKY: Yeah, I was going to say
24 exactly the same thing. This is an important project.
25 CAREY MATTHEWS: Yes, sir.

1 MR. POLUNSKY: A lot of people are looking
2 at it, and we expect some innovative thinking here, some
3 change. Thank you.
4 TERRY MATTHEWS: Thank you, sir.
5 MR. POLUNSKY: Next item, discussion and
6 possible action on recommendations on the Vehicle
7 Inspection working group.
8 BOB BURROUGHS: Bob Burroughs, Assistant
9 Chief of Driver's License. Mr. Chairman, Commissioners
10 this is the second report on the Vehicle Inspection work
11 group. It builds on the last report. We talked a
12 little bit about the proposed structure, creating a
13 program administrator. Secondarily, thinking about
14 that, I think if you'll look at the report, and the
15 first recommendation is that we change the name of the
16 group from the Vehicle Inspection to the Vehicle Safety
17 Program.
18 The Vehicle Inspection is one component,
19 vehicle emission's another component, and the emission
20 Interlock Program's another component that can be
21 combined under this particular program heading. It'll
22 have the same employees in the field that actually do
23 the inspections at the stations, do the inspections of
24 the Interlock Program facilities, license inspectors and
25 license the installers of the Interlock devices. That's
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

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

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

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
1. It's my goal that you'll have a final report, that we'll have all of the recommendations inclusive of the civilian management, the customer service initiatives, and the time line for transition by the December meeting.

MR. POLUNKY: Okay. What I would like you to do is, if you've just discussed and that we've received to the members of the Sunset Commission, specifically to Representative McClendon so that they know that what's going on, what the status is, and the progress we're making, and what the goals are and so on, and to copy them on all of this. Anything that we're receiving, I'd like to have them receive as well.

JUDY BROWN: Thank you. If you're in agreement, Chairman, I'd also attempt to make appointments to make myself available to answer any questions or entertain any of their recommendations as well, one on one.

MR. POLUNKY: I think that would be a very helpful idea. Thank you.

JUDY BROWN: Any further questions?

MR. CLOWE: I have some questions, I may, Mr. Chairman. I see where you're working on the job description for the civilian manager. Can you tell us a little bit about how you're going to develop that?

JUDY BROWN: What we've done, Commissioner Clowe, is we've taken for each level, we've looked at the captain's job description as they manage a region. We've looked at how do the related job activities that a captain performs today apply to a civilian. And we've begun to -- actually, we've completed it, we've don't have approval on it yet. But we've completed the transition of those responsibilities to a civilian personnel, both for the regional level as well as for a mid-level manager, and then for a line level supervisor for our individual Driver's License offices.

If you'll recall, last month I spoke with Commissioner Barth with regards to the fact that we have 63 sergeants now over 290 some odd Driver License locations. And we don't feel like that's adequate today, and we feel like that we'll even be in a weaker state if we try to do civilian management with those numbers.

So we've assessed the number of offices we have, the number of full-time locations we have, and begun to lay out how many supervisors do we need at what levels. I know you're aware we have offices where there may be three personnel, that really don't call for a supervisor, they call for more of a lead person. We've

JUDY BROWN: It's a good time for me to throw up a little bit more detail level with regards to transforming to a business model. Not just the function of moving to civilian supervisors, but actually adding the customer service initiatives, beginning to develop those out so we run more like a business operation.

We've done in the meantime, we've completed the job descriptions for civilian managers and first line supervisors. We've done an assessment for recommending the numbers of civilian supervisors we believe that we need to adequately manage the Driver's License Division. We will continue this month in evaluating those job descriptions and the recommended salaries that coincide with those job descriptions to ensure, one, that those salaries are adequate that we can retain and that we can hire qualified personnel to manage these functions.

In addition, we've begun a pilot at the North Lamar office. As I described last month, we have a mid-level civilian manager that is actually managing the civilian functions at that office. We've asked the commissioned officers to step out of the supervision role and allow that civilian manager to manage the operations. That's been going since the first of this month and we'll continue to monitor that and have final results in our final recommendations.

We've worked with Chief Baker and the Texas Highway Patrol to continue to line out and set out how the transfer process would work for those commissioned officers from Driver's License to other services within the Division. We continue to actively research our recommendations on the customer service initiatives.

Many of those will require funding, some level of support to be able to put those in place. So we continue to run down that research as well.

One of the next steps that is imperative that we decide how we're going to move forward with this model. As we are able to finalize our recommendations and get support for salary levels, number of FTEs, which customer service initiatives that we intend to address.

We have to determine how we go back and request funding. As you're aware, when the Sunset Commission made their recommendation they made it as a no cost recommendation. So we are in a bit of a problem area in that we don't have a request for funding to approach the civilian business management model either from Sunset or from the LAR approach. So as we begin to finalize these numbers and bring those back to you then we'll have to decide how we go forth with requesting funding or appropriations to move forward.
JUDY BROWN: My personal opinion is that I don’t see that a civilian can do any better job than my commissioned officer can. I believe my commissioned officer provides a presence that the public -- it stops them short. They’re not going to argue with a uniform like they will argue with one -- with a civilian who’s trying to portray the same statutes, the same rules. So I personally -- I don’t have an answer for that. I don’t believe that it’s the civilian that will make the job any better. I believe that through the Sunset recommendations and through the Sunset committee, the discussions I’ve had is that the goal is to run it more like a business, run this operation like a business. And up until and including today, we are hampered by being funded like a state Agency. We operate within the box that we’re provided. And so I think the success of this program will be completely contingent upon the legislature understanding that you have to fund this division like a business. We have to have appropriated funding that will allow us to retain employees, that will allow us to put customer service initiatives in place, equipment, technology that will support this operation like a business. And so I don’t think it’s so much the Commission versus the civilian as it is -- as I understand it, the complaints are that I am not serving the public in the way that they want to be served. And in the constraints that we have today, it’s very difficult to do that. With the salary levels that we have and the turnover that we have, it’s already difficult to get employees who are committed to what they do. So I think the success of the program doesn’t hinge on whether I have a civilian supervisor or commissioned. It hinges on the support and the appropriations and the opportunity to get outside of a box and do what we need to do to operate like a business.

MR. CLOWE: Are you going to say that in the report?

JUDY BROWN: I’ll be glad to.

MR. CLOWE: I think you have hit on the crux of the problem, and I think you’re doing a nice job on the front end of this. But the back end is two things, that there won’t be any increased cost. I just am eager to see how that magic occurs. You’re going to have more people in more intent supervision. It sounds like more money to me. I think the back end, from my experience in the civilian sector or private sector, is performance goals. And you have to establish as a Driver’s License office that there will be no longer than a seven-minute wait, and then you have to measure that. That’s a time and study.

In the businesses that I’ve been in, we hired time and study experts to clock how our people were doing their jobs. And that’s the way you measure it, "X" number of minutes in line, or "X" number of people, and you provide for the surges that come at the noon hour or at 5 p.m. You know when those are going to occur, they’re not the surprise. Additionally, the expanded hours will be a factor. I didn’t see that in there, but I suppose that you’re thinking about that.

JUDY BROWN: We are looking at that. We absolutely are. And I’ll tell you that you’re exactly right. As I spoke to Amy at Sunset, you know, I laid out for her, this has a significant fiscal impact with it. These commissioned officers that are transitioning, for the most part, they will take their position, their salary and their operating cost with them to another service. That doesn’t leave the Driver’s License Division the ability to hire these civilians. We’re already approaching a critical point in which I’ve got vacancies. I’ve got people who are seeing the writing on the wall, if you will, and they’re beginning to for a transfer for a location that is the best avenue for their family and for their career. I’m going to have offices without supervision. So we’re going to have far more difficulty before this gets better. But I can tell you that we’re looking at, just in staffing supervisors,
you're looking at upwards of 200 FTEs and their
associated salaries and operating equipment. And when
we begun to look at working at a 10-hour or 12-hour day,
that can't be done with our current staff.
We're -- have laid out a pilot for the call
center where we're looking to try to go to a full
10-hour day on the call center and split our shifts up
between Monday through Thursday, Tuesday through Friday,
and then maintain that 8 to 5 Monday through Friday.
We're going to pilot it. But that leaves me
pretty short on Monday and Friday, because we just don't
have the staff that we can supplement. We don't -- very
much like businesses do, when they have a high season,
Christmas, summer, they raise their number of employees.
We don't have that flexibility.

MS. BARTH: The only thing I can say is I'm
not sure expanding the hours as opposed to being more
efficient in the hours that you are open. You know, I'm
sure there are peak times, but I suspect someone doing a
time study would say that expansion of the hours may not
be the answer. You know, obviously having more people
do it on the internet, marketing that better so that
people realize -- marketing the -- you know, making sure
the people, ahead of time, understand what forms they
need. So, I mean, I just -- I'm not convinced expanding

the hours as much as getting the hours right is the
answer.

JUDY BROWN: I agree with you completely.
And I would add to that that I think also, Commissioner
Barth, that we do need to expand the number of
personnel. We have not grown with the population in
Texas, and I think we need to go with the population. I
think we need to have more staffing. We do need to do
our business better. We do need to inform the public
to do it better. And every time we go through a legislative
session, the statute changes or we change our
identification policies. You know, we back up before we
get efficient again.

MS. BARTH: But we need to make sure that
the eligible for renewal on the internet is not at that
low level, and it is 80, 90 percent.

JUDY BROWN: I am right there with you. And
any idea that we can -- you know, as I stated, I
think -- I don't know if I told y'all in public meeting,
I know I had a discussion. In Virginia they passed
legislation last year that they charge a $5 surcharge to
an applicant who shows up in an office when they're
eligible to renew online. I was a little surprised, but
it's amazing at the fact that three, four months into it
they've not had a lot of complaints.

I haven't -- they haven't -- they were not
able, at my last contact with them, to tell me whether
they've seen a significant increase. But that was one
of the initiatives that they went forth with in their
legislature, to again, funding that population out of
the office.

MR. POLUNSKY: That's -- you see that, by
the way, in numerous places these days. There's a
premium you pay, for example, to book a flight on an air
line if you talk to someone as opposed to doing it
online.

JUDY BROWN: And I think, again, whatever
incentives we can cause to move people to the internet,
to the mail as opposed to going in in person, you know,
I'm more than willing to do as much as we can to get
there. We've done some -- in past years we've done some
critical studies. We've done some public service
campaigns, media campaigns.

And as we came back around and actually did
one-on-one contact with the population who was eligible
to renew by mail but came into the office, we had two
categories, one who refused to put their credit card
online, and two, who wanted a new photo. They wanted to
take the option to stand in line and afford themselves a
new photo on their license. So we'll continue to work
down that pathway and that research.

MR. CLOWE: I'm not finished yet. On these
performance standards, we need to know what the demand
is and when it occurs so that we can measure it and meet
it. And that's true at the offices, but it's also true
in the call center. And going back to performance
measures, we need to establish how many calls we lose,
how long people hold, and if we satisfy the people when
we talk to them.

That's the measure, very basically, of a
good call center. And, you know, just saying it
civilian managed, in my mind, isn't going to get the job
done. I just want to be sure that we're got going
through an exercise of saying, okay, we've got civilian
managers, now it's fixed, and it's not fixed. We have
vacancies in the Highway Patrol for commissioned
officers and they can migrate with training. And, you
know, they're going to have positions, my sense is.

But they take some expertise and some
knowledge and experience with them that's valuable. And
when that happens, we're left with something. And I'm
not sure it's something better at this point, and I
still am very concerned about the training and the
compensation of the people at the lowest level.

My experience in the retail business, which
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

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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
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.
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.
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.
21 JUDY BROWN: Thank you.
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.

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.
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.
19 MR. POLUNSKY: Okay. Do I need to nominate
20 the chair?
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.
25 MR. POLUNSKY: All right. Is that something

1 we need to do today?
2  LUIS GONZALEZ: That's certainly -- we're
3 seeking your approval, yes, sir.
4  MR. POLUNSKY: Okay. All right. Well, I
5 would go ahead and approve the nomination of Mr. Bathea?
6  LUIS GONZALEZ: Bathea.
7  MR. POLUNSKY: Bathea?
8  LUIS GONZALEZ: Yes, sir.
9  MR. POLUNSKY: Okay. As the presiding
10 officer. And then someone like to make a motion on the
11 other --
12  MR. CLOWE: Mr. Wade, is that the gentleman
13 that's --
14  LUIS GONZALEZ: Yes, sir.
15  MR. CLOWE: -- to be added to it?
16  LUIS GONZALEZ: To be added to, yeah.
17  MR. CLOWE: I move that he be appointed.
18  MS. BARTH: I'll second the movement.
19  MR. POLUNSKY: Okay. Motion on the table,
20 all in favor, please say, "Aye."
21  COMMISSIONER CLOWE: Aye.
22  MR. POLUNSKY: Any against? No. Motion
23 passes. Anything else, Chief?
24  LUIS GONZALEZ: Nothing.
25  MR. POLUNSKY: All right. Update and
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, 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

approved, I'm ready to post the job and start accepting
applications.

Mr. Polunsky: I believe it's the consensus
of the Commission that you do so. Do we need to take
any action on this formally? I think orally's fine.
Thank you.

Discussion and possible action regarding
appointment of General Counsel. We do have interviews
ongoing. The Commission will make
recommendation on this shortly.

Next item, discussion and possible action on
publication of proposed rules. First would be proposed
new Rule 27.111, 37, Texas Administrative Code, Section
27.111 regarding Secure Electronic Mail, Electronic
Transmissions and Facsimile Transmissions. Mr. Gavin.
David Gavin, Assistant Chief
of Administration. Regarding "A," when a person is
placed an deferred adjudication following their
successful completion of that term, after a period of
time, they can file for an order of nondisclosure. When
that occurs, then the clerk sends that to us and then we
send a notice to a number of different entities.
Those notices can be done by secure
electronic mail, electronic transmissions, or facsimile
transmissions. The Government Code requires us to
THE STATE OF TEXAS
COUNTY OF TRAVIS

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

Witness my hand this the ___ day of ______, 2008.

Joy N. Quiroz-Hernandez, CSR
CSR No. 8391 - Expires 12/31/09
Integrity Legal Support Solutions
Firm Registration No. 528
114 West 7th Street, Suite 240
Austin, Texas 78701
(512) 320-8690
(512) 320-8692-Fax
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 it 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,

Juan "Chuy" Hinojosa
State Senator, District 20
IN THE MATTER OF § BEFORE THE
THE DISCHARGE OF § PUBLIC SAFETY COMMISSION
PROBATIONARY EMPLOYEE § IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

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

<table>
<thead>
<tr>
<th>Employee Name</th>
<th>Employee Title/Division</th>
<th>Date of Discharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Meador</td>
<td>Trooper Trainee/Administration Division</td>
<td>09/26/08</td>
</tr>
</tbody>
</table>

Approved:

Allan B. Polunsky, Chairman
Public Safety Commission
Date: October 16, 2008
# 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

<table>
<thead>
<tr>
<th>Activity</th>
<th>% of Available Hrs.</th>
<th>Budgeted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Assessment</td>
<td>2%</td>
<td>100</td>
</tr>
<tr>
<td>Annual Audit Planning &amp; Reporting</td>
<td>1%</td>
<td>80</td>
</tr>
<tr>
<td>Client Assistance/Meeting Attendance</td>
<td>2%</td>
<td>156</td>
</tr>
<tr>
<td>Administrative - OAI Management</td>
<td>15%</td>
<td>1389</td>
</tr>
<tr>
<td>Continuing Professional Education</td>
<td>2%</td>
<td>184</td>
</tr>
<tr>
<td>Vacations &amp; Holidays</td>
<td>9%</td>
<td>846</td>
</tr>
<tr>
<td>Sick Leave</td>
<td>2%</td>
<td>150</td>
</tr>
<tr>
<td><strong>Total of Internal Audit Administrative Activities</strong></td>
<td><strong>30%</strong></td>
<td><strong>2,905</strong></td>
</tr>
</tbody>
</table>

### AVAILABLE PROJECT HOURS

70% of 9,568 = 6,663

### PLANNED AUDIT PROJECTS

#### A. Required Audits:
1. Narcotics/VI Imprest Funds
   - Division: Criminal Law Enforcement / Texas Highway Patrol
   - % of Available Project Hours: 8%
   - Budgeted: 550
2. Driver License Offices - Plan new DL system audit process
   - Division: Driver License
   - % of Available Project Hours: 5%
   - Budgeted: 350
**Total Required Audits**: 14% 900

#### B. Risk Based Audits:
1. Grant - accounting, payment processing, and auditing
   - Division: Emergency Management Division
   - Type: Accounting controls / Compliance
   - % of Available Project Hours: 6%
   - Budgeted: 410
2. Analysis - FY 2008 Department Budget
   - Division: Director's Staff - Accounting & Budget Control
   - Type: Accounting controls / Compliance
   - % of Available Project Hours: 4%
   - Budgeted: 280
3. Grants - accounting, payment processing, and monitoring
   - Division: Director's Staff - Accounting & Budget Control
   - Type: Accounting / Administrative systems and controls
   - % of Available Project Hours: 5%
   - Budgeted: 360
4. Performance Measures
   - Division: All Divisions
   - Type: Administrative controls
   - % of Available Project Hours: 4%
   - Budgeted: 250
5. Use of Seized/Forfeited Assets
   - Division: Director's Staff - Accounting & Budget Control
   - Type: Accounting / Administrative systems and controls
   - % of Available Project Hours: 2%
   - Budgeted: 160
6. Crime Records
   - Division: Administration Division
   - Type: Administrative controls / Information systems
   - % of Available Project Hours: 7%
   - Budgeted: 480
7. Concealed Handgun License Process
   - Division: Administration Division
   - Type: Administrative systems and controls
   - % of Available Project Hours: 4%
   - Budgeted: 240
8. Private Security Bureau
   - Division: Administration Division
   - Type: Administrative controls / compliance
   - % of Available Project Hours: 4%
   - Budgeted: 240
9. Payroll Action Letters
   - Division: Administration Division
   - Type: Administrative systems and controls
   - % of Available Project Hours: 2%
   - Budgeted: 120
10. Prescription Program Certificates Control
    - Division: Criminal Law Enforcement Division
    - Type: Administrative systems and controls
    - % of Available Project Hours: 2%
    - Budgeted: 150
11. DLR System Testing and Implementation Process
    - Division: Driver License Division
    - Type: Information and administrative systems and controls
    - % of Available Project Hours: 6%
    - Budgeted: 400
12. Capitol Complex money handling processes
    - Division: Texas Highway Patrol Division
    - Type: Accounting controls
    - % of Available Project Hours: 2%
    - Budgeted: 125
13. In-car Computer and Communications System
    - Division: Texas Highway Patrol Division
    - Type: Administrative systems and controls
    - % of Available Project Hours: 5%
    - Budgeted: 300
14. Fraud Management
    - Division: All Divisions
    - Type: Administrative systems and controls
    - % of Available Project Hours: 6%
    - Budgeted: 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

<table>
<thead>
<tr>
<th></th>
<th>First Quarter - total planned hours</th>
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<tbody>
<tr>
<td></td>
<td>1200</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Second Quarter - total planned hours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1400</td>
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</table>

**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.