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WORKSHOP  
PUBLIC SAFETY COMMISSION  
JANUARY 8, 2009

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

A P P E A R A N C E S

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COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:

- Allan B. Polunsky, Chair
- C. Tom Clowe
- Carin Marcy Barth
- Ada Brown
- John Steen

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
- Michael Kelley, Legislative Liaison

1                   MR. POLUNSKY: (Roll call) I am present. I  
2 am present. Let the record reflect that a quorum is  
3 present pursuant to the relevant provisions of the Texas  
4 Open Meetings Act. I now declare this meeting of the  
5 Texas Public Safety Commission open. It is 10:36 a.m.  
6 We are conducting a workshop this morning. We have  
7 various items that have been posted for discussion and,  
8 I guess, possible action in some cases or not --

9                   MR. CLARK: Yes, sir.

10                  MR. POLUNSKY: -- on these issues. So what  
11 I'd like to do is just go ahead and begin unless there  
12 are any comments from any of the Commissioners who would  
13 like to say anything at this point. Okay. First item  
14 on the workshop agenda is discussion and possible action  
15 on implementation of recommendations contained in recent  
16 organization study, IT Optimization Study, Sunset  
17 Review, Driver License Division civilian model  
18 transformation, and other studies and reports presented  
19 to the Commission. And that will be Colonel Clark.

20                  COLONEL CLARK: Mr. Chairman and  
21 Commissioners, good morning. Today's workshop, we  
22 believe, is extremely important as we look to the future  
23 of our agency. The administration has spent a  
24 considerable amount of time studying and digesting the  
25 Deloitte report as well as the Sunset recommendations.

1 Significant progress has already been made, as you're  
2 aware. In certain areas within the agency as in  
3 driver's license, vehicle inspection, promotional  
4 opportunities, things that we've already addressed  
5 because of those studies.

6 But I think, more importantly, you'll see an  
7 enthusiasm in the agency right now embracing the  
8 direction in which we're going, the change that is  
9 expected. This morning I want to present our proposed  
10 organizational chart for the Department that will mirror  
11 the findings of the Deloitte report and Sunset  
12 recommendations. The organizational chart that you'll  
13 see this morning is doable. It's affordable and it can  
14 be implemented immediately.

15 Furthermore, I can tell you that I can have  
16 the personnel in place by February the 10th to begin  
17 this new transition, this new change that we're  
18 anticipating. And I'm going to ask after today's  
19 presentation that the Commission approve this proposed  
20 organizational chart and grant us the green light to  
21 move forward and implement these changes.

22 I'll ask Colonel Beckworth to explain the  
23 chart in some detail that will make it more easily  
24 understandable, and especially how it addresses the  
25 findings of the Deloitte study and Sunset. Following

1 his remarks, I'd like to make a closing statement,  
2 Mr. Chairman. And at this time I'd like to ask Colonel  
3 Beckworth to present -- first of all, we have some  
4 information we need to pass out to you. So if you'll do  
5 that and then I'll ask Colonel Beckworth to explain some  
6 of the details of this proposal.

7 COLONEL BECKWORTH: Mr. Chairman,  
8 Commissioner, I look forward and thankful for the  
9 opportunity to discuss this with you. I apologize,  
10 first of all, for my voice this morning. I'm trying to  
11 overcome a cold. But I am personally -- if I talk loud  
12 enough, I think everybody will understand and hear what  
13 I'm saying.

14 What I'd like to do is pass out to you the  
15 recommendations and issues addressed by the Sunset  
16 Commission. The items highlighted in yellow are items  
17 that we need some direction and guidance based upon  
18 funding or legislative issues that we have to address.  
19 Second item I have for you is a copy of the Deloitte  
20 organization structure study and recommendations. And  
21 the highlighted items in yellow are those items that we  
22 need some guidance and direction from the Public Safety  
23 Commission.

24 As each of you know, I was heavily involved  
25 with the Deloitte study, being the project manager on

1 the study itself. If I could, I'd like to move around  
2 to the room and kind of identify what the Deloitte study  
3 says and what those findings are as they relate to what  
4 we're trying to do. As many of you know, this is the  
5 organizational study that the Deloitte group presented  
6 to us, and they identified many findings that impact  
7 this agency moving forward into the 21st Century.

8 One of the main issues that they identified  
9 and recommended was issue number one which states that  
10 restructure DPS by lining close related organizational  
11 function stretching the regional command, establishing  
12 new leadership team and improving strategic planning and  
13 communication. They indicated that is critical for this  
14 agency to move forward from where we are today and where  
15 we need to be futuristic. So this is their particular  
16 chart that they identified and what we need to do those  
17 things.

18 We believe that we as an agency can fulfill  
19 the recommendation -- excuse me, the -- not necessarily  
20 the recommendations, however, but the findings of the  
21 recommendation by providing you this particular chart  
22 that's pretty well made up of our organization today.  
23 So basically kind of let me explain how this system  
24 would align and work by side by side comparison. One of  
25 the things we -- the particular process talked about,

1 was the fact we need to have better relationship with  
2 the Governor of the State of Texas. And Colonel Clark  
3 need to be freed up in order to be able to do that from  
4 having to do the necessary day-to-day operations of the  
5 agency.

6 So our thought process is let's free him up  
7 so that we can allow him to build those types of  
8 relationships as ambassador for the agency. So we  
9 designed setting the director in place here with the  
10 processes that are in place today, it allows for the  
11 Public Safety -- five members of the Public Safety  
12 Commission to still have direct involvement with the  
13 Audit Inspection program. It also allows for our  
14 Internal Affairs unit to have direct relationship to a  
15 director, but have a dotted line to the Public Safety  
16 Commissioner for them to have interaction with that  
17 individual at any point in time.

18 Also, interaction between media relation  
19 with the director and also the Public Safety Commission.  
20 One slot that we do not have on here that we'd like to  
21 include is our legislative liaison, which is Michael  
22 Kelly, in his office would have direct involvement  
23 coming off of this line here, and we apologize for not  
24 having that. We had him down here; we're moving him up  
25 here.

1           The other thing is we'd have direct contact  
2 with General Counsel and all of their staff with the  
3 director. This allows the director to manage this  
4 component to be Freed up to do the things he needs to do  
5 as an ambassador for the Department of Public Safety.  
6 Our plans calls for identifying two deputy directors,  
7 one to support law enforcement and one to support the  
8 law enforcement support initiative.

9           This is a recommendation the Deloitte study  
10 made and aligns those particular lines across their  
11 perspective. These two individuals, whoever's selected,  
12 must have the ability to be able to interact with one  
13 another in a very concise and precise way. And we  
14 believe that --

15           MR. STEEN: May I interrupt you and ask you  
16 a question?

17           COLONEL BECKWORTH: Yes, sir.

18           MR. STEEN: What we're looking at here, over  
19 here is -- this is the Deloitte -- this is an enlarged  
20 version of what Deloitte has in their report?

21           COLONEL BECKWORTH: Yes, sir.

22           MR. STEEN: And this is something that you  
23 all, the staff has prepared --

24           COLONEL BECKWORTH: Yes, sir.

25           MR. STEEN: -- to say, looking at that but

1 this is how we would like to do it.

2 COLONEL BECKWORTH: Yes, sir.

3 MR. STEEN: So you've got some changes here  
4 and what's what you're going through?

5 COLONEL BECKWORTH: Yes, sir.

6 MR. STEEN: And what are the numbers that  
7 are next to it?

8 COLONEL BECKWORTH: The numbers that are  
9 next to it are the individuals who are currently in  
10 those positions. There are -- and some of these numbers  
11 may vary. But there are five people in Media Relations,  
12 there are so many people in the Audit Inspection  
13 program, five Public Safety Commissioners, six people in  
14 Internal Affairs. Those numbers represent the number of  
15 people in those positions.

16 MR. STEEN: All right. I just wanted to  
17 demonstrate --

18 COLONEL BECKWORTH: Thank you for bringing  
19 that to my attention. Two things we have to cognizant  
20 of, based upon legislative issues that we know of today,  
21 currently if you look in the law, is stipulates the  
22 Texas Ranger Division has to have direct interaction  
23 with the director of the agency. So we allow the direct  
24 link to the director, but also allow the dotted line for  
25 the Texas Ranger Division to have interaction with the

1 deputy director of law enforcement so they can carry out  
2 those functions out in the field operations.

3 The second component of that, stipulated in  
4 Sunset recommendations, stipulates that Emergency  
5 Management Division, based upon an executive order that  
6 exists today, this particular position is linked to the  
7 Governor's office and also the Department of Public  
8 Safety. The recommendation of Sunset and our  
9 recommendation is to bring this position back in under  
10 the director, and by law stipulated same as the Rangers,  
11 this person has to have direct involvement with the  
12 director. So he or she would have direct involvement to  
13 the director. And that's why we align it in that  
14 fashion.

15 Now we get down to looking at the deputy  
16 director of Law Enforcement who has all the  
17 responsibility on this side of the board, and the deputy  
18 director of law enforcement support which has  
19 responsibility for all these positions to the right of  
20 the board. Currently, we have the Texas Highway Patrol  
21 Division, Criminal Law Enforcement Division, and those  
22 are the two divisions that we have making up the current  
23 existent system that we have in place.

24 Our recommendations are in line with the  
25 recommendations of Deloitte which stipulate that you

1 need to have a Highway Patrol Division, a Law  
2 Enforcement Service Division, a Criminal Law Enforcement  
3 Division, an Intelligent Counterterrorism Division.

4 They are stipulating that we need to have those  
5 particular divisions branch stopped. And that's our  
6 recommendation and that's the findings, and we believe  
7 those findings in this particular chart address those  
8 specific issues.

9 Now moving forward on how we processed this,  
10 I'll go a little bit in depth to each one of these  
11 specific issues. It relates to the Highway Patrol, they  
12 are currently crossing 3,000 employees, which is the  
13 largest part of our agency, probably almost a third of  
14 our agency is in the Highway Patrol Division. They are  
15 the boots on the ground for this organization.

16 We believe that by currently allowing  
17 Highway Patrol to function in their THP commercial  
18 enforcement, and the communication link, and what we've  
19 done, we've bridged communication all in the Highway  
20 Patrol. It used to be in administration. Now we're  
21 bringing it all in the Highway Patrol and they are the  
22 ones that will facilitate all communication, not only in  
23 Highway Patrol, but for the entire state of Texas  
24 including local and sheriff department agencies and  
25 other state agencies that require communications from

1 the agency based on inoperability moving forward.

2 That's our plan as it relates to this.

3 Now, Law Enforcement Service Division --  
4 Service Support Division was addressed from a standpoint  
5 Deloitte study said it's not fair and it's not proper to  
6 have our crime laboratories function in the Criminal Law  
7 Enforcement arena. You have an entity that's going to  
8 be unbiased in any way, and they should report to the  
9 chief of Criminal Law Enforcement. It never should've  
10 been there. And our recommendation's agreeing with the  
11 proposed Deloitte study saying we move those particular  
12 positions back in the law enforcement support function,  
13 and that's what we're doing.

14 Our Crime Records Division, which David  
15 Gavin oversees, held all TLETS and all those particular  
16 functions of all state agencies, even the Law  
17 Enforcement Support function, but yet, we had him on  
18 administration in our past process. We suggest moving  
19 all of this, crime records, crime laboratory and our  
20 breath test program, which is currently on the Highway  
21 Patrol all into one Law Enforcement Support arena and  
22 provide a division chief, executive director, whatever  
23 title you want to give it, for that particular position.  
24 That's the function that's identified in the Deloitte  
25 study and we would align it in this form or fashion.

1                   Now we move to our Criminal Law Enforcement  
2 Division. Criminal Law Enforcement Division currently  
3 exists right now with the narcotics, criminal  
4 intelligence, motor vehicle theft, and it has several  
5 special components within it. We're suggesting that we  
6 break out the Criminal Law Enforcement Division to  
7 include narcotics.

8                   What used to be our motor vehicle theft,  
9 Deloitte study says that those particular employees need  
10 to be more diverse and more lateral in their ability.  
11 They're currently assigned motor vehicle theft  
12 activities. They're currently assigned the racing  
13 commission component of overseeing racing facilities in  
14 the state, and they also deal with the ten most wanted  
15 search process. So their activity is diversified. So  
16 we want to remove the motor vehicle inspection -- excuse  
17 me, motor vehicle investigator title and identify the  
18 criminal investigators and keep them in their.

19                   Our other process is Identity Theft Fraud.  
20 Currently our Identity Theft Fraud unit is in the Driver  
21 License Division. We have approximately 15 commissioned  
22 officers who manage that program in the driver license  
23 component. We believe, and also Deloitte says, that  
24 will be better suited in the Criminal Law Enforcement  
25 component. So we believe we'd like to move that

1 component over in our Criminal Law Enforcement division.  
2 We also have a Cyber Crimes Unit that's involved in the  
3 Narcotic Division, and we would also keep them within  
4 that particular component as aligned in the Deloitte  
5 study. So those are the recommendations we'd like to be  
6 considered for those particular components.

7 Now we talk about intelligence and  
8 counterintelligence division. One of the most critical  
9 things that we have had brought before us is our  
10 inability to be able to go out and do the things from an  
11 intelligence and counterintelligence directive that's  
12 identified in the Deloitte study. Our approach to  
13 resolving those issues is creating another division,  
14 identify them as the intelligence/counterintelligence  
15 division, bring in the bureau of information analysis  
16 which is a group of analysts who do all the specific  
17 work in support of the law enforcement component  
18 gathering data, nationwide and within this state to  
19 eradicate crime.

20 We believe that we need to develop this  
21 particular unit. Now, this unit was developed before  
22 but there was some issues with it, and we want to  
23 address those issues. When we first brought the bureau  
24 of information analysis in place, we brought 140 or 50  
25 people into one component. The investigators called in

1 to get an analyst. They got one and they had to go back  
2 and tell them all the history of what occurred in that  
3 particular investigation. We suggest that in the bureau  
4 of information analysis, they be broken down to support  
5 all these other initiatives.

6 We put so many analysts to our narcotics  
7 component, so many analysts to our Ranger component, so  
8 many analysts to our fusion center component, so many  
9 analysts to our criminal intelligence component and  
10 break them out so they become specialized and they know  
11 ineptly what's going on within each one of those  
12 activities, and they are better able to suit the service  
13 of our investigators across the state.

14 In addition to that, we're developing our  
15 fusion center. That process is going on here today.  
16 We're trying to finalize with Austin PD their movement  
17 into this facility. We're bringing in many of the  
18 federal law enforcement agencies. We pretty well have  
19 their facilities worked out over here. We got to try to  
20 secure the perimeter of this complex as required by the  
21 requirements of the fusion center and some other things  
22 that we need to do to make this happen. So this is  
23 going on in place.

24 Then we plan on putting all these analysts  
25 in one of the most highest training components that we

1 can to bring them up to the level so they can provide  
2 the service that we need for the fusion center in this  
3 state. That's our objective from that. We'll also take  
4 some of these particular investigators and support it  
5 from a criminal intelligence component, and we'll make  
6 sure that component is in place.

7           Currently, we would like to add a special  
8 operations unit to this component. The special  
9 operations unit will consist of SWAT team members, dive  
10 team members, and the Governor's protective detail  
11 component. They will be managed and supervised out of  
12 this. The SWAT team unit and the dive team unit will be  
13 specialized. That will be the only job that they do.  
14 Currently our system is they're troopers. When we get a  
15 SWAT call out, they grab all their gear and they run and  
16 try to get to the particular incident and address that.  
17 Our dive team members are the same way. They're all  
18 over the state. They run, grab their gear, try to  
19 compile and go and do a dive operation.

20           We suggest specializing these components,  
21 that 's the only work they do. When they are not doing  
22 those things, we suggest they become strike teams  
23 capable to go to any county incident or area that we  
24 have to address those particular issues that might be  
25 currently going on. We also ask them to do another

1 thing, we need to make sure that from time to time we  
2 make sure that all our security components are in place.  
3 They will be able to go across the state to any  
4 building, Capitol, example, and make sure that our  
5 security is sound by critical efforts to try to breach  
6 that particular operation and identify what all the  
7 weaknesses are. The counter-terrorist component,  
8 they'll work to support that. And that's our thought  
9 process that we drive these.

10 Now, we have these numbers laid out to the  
11 side, and those numbers will change depending upon how  
12 many people we decide to put in each one of these  
13 particular areas of consideration. Then shifting this  
14 to what one of the most critical things that we talked  
15 about in Deloitte study says, your communication to  
16 field operations occur at the headquarters, and it takes  
17 a while before the directions get out there. And then  
18 those particular individuals are creating silos where  
19 they can't work together as a team to eradicate crime.

20 So our approach to this, based upon Deloitte  
21 study, and I don't have this on a the chart, but we're  
22 going to basically set up an operation to where we have  
23 commanders. And we're going to move all the regional  
24 boundaries into like operations. Let me give you an  
25 example what I'm referring to. Today as we sit here in

1 this room, we have the Highway Patrol and the Ranger  
2 service, boundary lines are the same. They're the only  
3 two services whose boundary lines are the same in the  
4 regional operation.

5 We suggest aligning our Narcotics Division,  
6 our Criminal Intelligence Division, our Motor Vehicle  
7 Theft Division, boundary lines all to be aligned with  
8 the rest of them. In addition to that, we believe we  
9 need to realign the driver's license lines with the rest  
10 of it. Currently, right now, the driver's license  
11 lines, or line, with exception of Region 3 and Region 8.  
12 They were not aligned when Highway Patrol made their  
13 transition in 2003. So we suggest bringing all these  
14 particular service in line.

15 What that would do in the theater of  
16 operation is this, years ago in the 70s, the regional  
17 commander was the soul and heart of the regional  
18 operation. Commissioner Clowe can go to the heart of  
19 that because he knew many of those guys back in that  
20 time. They were the heart and soul. They fired, they  
21 hired, they did all the things, and everybody addressed  
22 those issues. We believe it's our direct best effort to  
23 try to go back to that model. In order to do that by  
24 aligning these particular regions up, give you an  
25 example. If we want to do this in the Waco, which is

1 the regional office for Region 6, we'd have a Highway  
2 Patrol captain there, we'll have a commercial vehicle  
3 enforcement commander there, we have a narcotics  
4 commander, criminal intelligence commander, a motor  
5 vehicle theft commander, and we would have someone in  
6 the counter intelligence component there to support them  
7 from that initiative.

8 Our overall objective then would be to have  
9 the regional commander be the person who, with the  
10 unified command concept, would direct all the  
11 activities. And his job would be to go out and work  
12 with local police, sheriff's department, identify what  
13 crime issues they have in that area, and come back to  
14 his staff and team and say, hey, we have a drug problem  
15 in a certain part of the area. We have a gang problem  
16 in a certain part of the area. Let's put all our  
17 resources together, aircraft and all that, to go out and  
18 eradicate the crime in that particular area.

19 They then, that regional director, or  
20 regional commander, would report directly to the deputy  
21 director of Law Enforcement. That will be his contact.  
22 The rest of these commanders would report to their  
23 particular division chiefs. And so we believe by using  
24 that concept of theater operation, we can affect crime  
25 in a positive way in the State of Texas moving forward

1 in the 21st Century.

2 The other thing that we'd like to do, is our  
3 aircraft service currently have 56 people. The  
4 legislature's being gracious enough to give us enough  
5 aircraft to put operations across the state so we can  
6 run a 24-hour operation. Those aircraft can get up,  
7 support local police departments, sheriff's department,  
8 and DPS in a fashion that we've never seen before. And  
9 that's a great attribute that we have going forward. We  
10 have the best aircraft police operation in the world.  
11 You provided us with one of the best pieces of  
12 equipment, a 20 engine helicopter. It's the only one in  
13 the nation of its kind that's being deployed. DPS has  
14 that thanks to the legislature. We believe those assets  
15 are going to help us do a better job of eradicating  
16 crime in this state.

17 That's the deputy director of law  
18 enforcement's responsibility to the left of this page.  
19 Now, we shift to the deputy director of law enforcement  
20 support to other side of the page. We believe -- and I  
21 apologize -- Deloitte study says that we need to create  
22 a regulatory division putting all our regulatory  
23 functions under one arena. And I apologize for this.  
24 We believe that we should have a regulatory division  
25 where Driver License should be here by the side of this

1 and all of their functions running down the side. We  
2 apologize for not having it that way.

3 But you have a chief over the regulatory  
4 division, a chief for the Driver License Division. The  
5 regulatory division would be in charge of private  
6 security, motor carrier, motor vehicle inspection, and  
7 concealed handgun. And the Driver License component,  
8 which is the larger component, will be responsible with  
9 all of the functions supporting the Driver License  
10 operation, which is significant and many. And there's  
11 approximately 1,464 civilians that work in the Driver  
12 License component, and there are 223 commissioned  
13 officers currently there.

14 And our thought process, based upon some  
15 additional information we give you today, if we can  
16 transition this, based upon the Sunset recommendations,  
17 we turn this into a pure civilian business model, and  
18 all of these functions will be functioned in the same  
19 way. Many of these functions, what they have attached  
20 to them is similar. All of their administrative  
21 functions has to be processed through SOAH. Everything  
22 they do, processed through SOAH, and we think that's a  
23 good fit for all of these particular entities within our  
24 deal.

25 The other thing we do is administration

1 division currently has fleet operation. We leave fleet  
2 there. Our building program operation would remain.  
3 Our general services operation would remain the same.  
4 And I told you we moved the legislative liaison out and  
5 them up there and this would be our administration  
6 component.

7 I'm going to shift sides for a moment.  
8 Finance division will be set up. There are significant  
9 things going on in the Comptroller's office that will  
10 hopefully help us automate many of the systems in our  
11 finance component that does not exist today. The  
12 Comptroller's office plans, in the next year or two, is  
13 to move forward in the system to allow everything to  
14 link up. Right now we've got two or three systems we  
15 have to try to feed information into to get things out.

16 We're also talking about a system to where  
17 we will no longer be handing out payroll checks like we  
18 do. If you want to get a copy of your payroll stub,  
19 you're going to go online and get a copy and print it  
20 out yourself. It won't be delivered, so it'll be  
21 significant to mailing. We have three ladies there at  
22 the end of the month stuffing payroll checks. Every  
23 month they do that significant hours every month. And  
24 so with those kind of changes, we think our finance  
25 division is going to be addressed.

1           Grants and finance management, this is a  
2           component we'd have to get people in place to do this  
3           component, but we believe that we can do it. And this  
4           is what the Deloitte study recommended. In the risk  
5           management we did some research. There is no other  
6           state agency that has their risk managements component  
7           in the finance division. All of them in the human  
8           resource division. But if this is the recommendation we  
9           can go, we'll keep it over here in the finance division.  
10          We did some research, and there's not a single one of  
11          state agency today that have their risk management  
12          component in the accounting department. So FYI that's  
13          the information we did research wise.

14                 Information management is the biggest  
15          challenge for the agency today. Let me tell you why,  
16          and we have been criticized by this significantly for  
17          the last several years. In 1989 our Texas Highway  
18          Patrol Division adopted some funding through a federal  
19          grant and they developed a LEADS system, Law Enforcement  
20          Automated Data System is what it was called, LEADS.  
21          Today it's called Automated Information System. They  
22          used those funds to build a system so they could  
23          automate their data. We've asked for funding from  
24          legislatures in previous session, you can go back and  
25          check, to kind of help us address this.

1           Also, our Criminal Law Enforcement  
2           component, in 1995, through a grant program provided by  
3           the Southwest Criminal Justice Department Division took  
4           funding from that program and built a data base for our  
5           criminal activity -- Criminal Law Enforcement activity.  
6           It's called the CLERIS system. Many of you've heard of  
7           it because it's antiquated. The other antiquated  
8           component that we have is a TR-1 that the Rangers took  
9           some information -- some money from funding from the  
10          program they had, and they developed their TR-1 system.  
11          That's their system of IT. And then we developed our  
12          information management system out of some fund that we  
13          started drawing from and never been properly provided  
14          funding from the legislature from.

15                 So we have, and Deloitte study points this  
16          out clearly, that we have these silos where we can't  
17          share information. That's a fact. That's a true  
18          statement today. We have silos. We're trying to do  
19          everything we can to match all this information  
20          together. And that's why in this LAR that we are  
21          presenting before the legislature, we are asking for  
22          significant dollars to allow us to build in our  
23          protection aligned platform in order to be able to  
24          address the issues as a relating to information  
25          technology.

1           So we're asking for this enterprise  
2 platform. In one branch we'll have the Driver License  
3 technology component set aside, the cost of Driver  
4 License reengineering, and all the intricate things  
5 associated with that. In another component we'll have  
6 the law enforcement technology. That's critical to us.  
7 If we can get the law enforcement technology today -- we  
8 talk about this, about sharing information. This agency  
9 stores all the data for all law enforcement in this  
10 state. It also links to all other connections  
11 throughout the nation.

12           So it's critical that we get this particular  
13 component this legislative session. If we don't, the  
14 boot's on the ground won't mean a thing. Because our  
15 systems, as I told you, were developed in 1989, 1995 and  
16 they are at the end of their life, and we're holding  
17 them together as best we can. So we need some help in  
18 getting those things from the session.

19           The other thing I'll tell you about this is  
20 from this perspective is that if we can get the law  
21 enforcement technology right today, the Highway Patrol  
22 troops cannot pull up any information on their in-car  
23 computers associated with criminal activity on an  
24 individual that they might need help stopped on the road  
25 that our Criminal Law Enforcement people have a book on,

1 or our narcotics people have information on. They can't  
2 pull that information up on the side of the road, which  
3 can be a safety issue. If they had that information,  
4 and then they had a John Doe stopped, and they know John  
5 Doe has been being hauling dope up and down the road,  
6 that's good information to have while you have John Doe  
7 stopped on the side of the road.

8           The other information that would be  
9 critical, our Criminal Law Enforcement who do  
10 significant investigations, they do not have the ability  
11 to link into Highway Patrol data. There are 2.5 million  
12 traffic stops made by the Highway Patrol, and there are  
13 probably 1.5 million traffic stops made by the Criminal  
14 Law Enforcement. So you're talking about five million  
15 records that a Criminal Law Enforcement person could  
16 pull up, and he's working the case on John Doe, he can  
17 track whether John Doe's been stopped by a Highway  
18 Patrol anywhere in the state of Texas. He can track his  
19 movement anywhere.

20           We also need to provide that kind of  
21 information to the local police and the sherrif's  
22 Department. It would be vital information. So if we  
23 can get this information management component in place,  
24 it would move us leaps and bounds in law enforcement in  
25 the state. And we checked with other states, many of



1       them, two years out, they're gone. So those are  
2       challenges that are real in this organization. And they  
3       are something that we're going to have to address. So  
4       our recruiting deal, \$14,000 is what we provided for  
5       advertisement last year. \$14,000, that's the money  
6       provided. So we need to try to ask the legislature for  
7       some funding to address -- help us with recruiting and  
8       retaining our people.

9               Our training component, we have 15 guys  
10       assigned to training. And we are provided by statute to  
11       provide training to law enforcement, not only in DPS but  
12       all the local law enforcement in the state of Texas. We  
13       try to do that, and that's the challenge with this many  
14       people. So what we do is we bring these troopers in  
15       from the field, and that's what they do, they purport  
16       this training mechanism. So now we're taking 100 troops  
17       off the record, come in here and train these troopers,  
18       these particular employees, and then send them back out.  
19       So that's a challenge.

20               And our thought process, if we can build our  
21       facility out in Florence, enhance the number of  
22       personnel there and create the best possible training  
23       program we can in the country, we'll be far, far ahead  
24       of anybody that -- in competition with us from a law  
25       enforcement perspective. Employee relations is in this

1 particular arena. Psychological service. We started  
2 off with four or five people. That's doubled now. We  
3 have 15 people. We have seven -- we have seven regions.  
4 We have a -- two psychological people in each region.  
5 Our EEO program is in place, and we need to try to  
6 ensure that our human resource division is sound.

7           So we're suggesting -- here's what we're  
8 suggesting. We're suggesting that we create a human  
9 resource division, chief or whatever name you want to  
10 label it, we already have information management,  
11 finance administration. We ask that we create a  
12 regulatory division. We ask that we create an  
13 intelligence/counterintelligence division, and a law  
14 enforcement service division and add a deputy director  
15 of law enforcement support to address the findings in  
16 the Deloitte study. And we think if we can get that  
17 done, we are in the right direction for the future of  
18 this agency.

19           MR. STEEN: Question. I'm trying to  
20 understand -- normally when you see an organizational  
21 chart, when you see a box below, a box, it's a reporting  
22 relationship. But that's not what you're -- that's not  
23 how this is set up.

24           COLONEL BECKWORTH: That's correct.

25           MR. POLUNSKY: You're just stacking.

1 COLONEL BECKWORTH: I'm stacking.

2 MR. STEEN: And this is the way -- when you  
3 see that, you can see --

4 COLONEL BECKWORTH: Right. Right. But we  
5 did not create it in that form and fashion. This is one  
6 that we put together. So you're correct. It would be  
7 process -- reporting process would be set up a different  
8 way. But I will tell you that all of these particular  
9 entities report to this particular division chief. All  
10 of these particular entities would report to this  
11 division chief. All of these would report to this one.  
12 And here, we have regulatory people would report to the  
13 regulatory chief, and the Driver License people would  
14 report to the Driver License chief.

15 MR. STEEN: So the fact that they're  
16 stacked, that's really --

17 COLONEL BECKWORTH: Well, we --

18 MS. BARTH: I think direct reports are going  
19 to each one of the deputy directors.

20 COLONEL BECKWORTH: How many direct reports,  
21 you would have one, two, three, four, five here plus the  
22 eight regional people -- seven regional people. We  
23 don't link this to our Governor's operation downtown.  
24 We wouldn't have it tied that way. And over here, you'd  
25 have one, two, three, four, five direct links.

1                   MR. STEEN: Just to be clear, when I'm  
2 looking at this, say you're look at the Criminal Law  
3 Enforcement Division --

4                   COLONEL BECKWORTH: Yes, sir.

5                   MR. STEEN: -- and you have the four boxes  
6 under there, what you're saying is that each of those  
7 areas would report -- as between each other, they're  
8 not --

9                   COLONEL BECKWORTH: There -- there's a --  
10 there's a commander of narcotics, a commander of  
11 criminal intelligence, a commander that would be in  
12 identity theft, and someone in cyber crimes. Each one  
13 of these individuals report to this one person here.  
14 And there's an assistant to this individual there to  
15 support the operations.

16                   MR. STEEN: So the criminal investigation is  
17 not in some sense supporting their narcotics, that's  
18 what that would tell me.

19                   COLONEL BECKWORTH: Right. Right. He would  
20 be reporting -- he would jump from over narcotics and  
21 talk to the chief of -- assistant chief of that  
22 division.

23                   MR. CLOWE: Another way to say that is you  
24 just identify functions --

25                   COLONEL BECKWORTH: Yes, sir.

1                   MR. CLOWE: You do not identify reporting  
2 structure.

3                   COLONEL BECKWORTH: That is correct, sir.

4                   MR. STEEN: I have a couple questions, but I  
5 don't want to --

6                   MR. POLUNSKY: No, no. Please, go ahead.

7                   MR. STEEN: For a new person, tell me what a  
8 fusion center is and why there's a question mark next to  
9 it.

10                  COLONEL BECKWORTH: The term, fusion center,  
11 has the -- the linkage of all of your intelligence  
12 components bringing them into (Inaudible), bringing  
13 local police agencies intelligence components into this  
14 center, bringing sheriff department intelligence  
15 components from all over the state into this center, and  
16 bringing -- state additional state -- Parks & Wildlife,  
17 TABC, those people have an office positioned back there.  
18 The Attorney General's Office have a spot back there;  
19 bringing all those in.

20                  And then you have a federal component, the  
21 FBI, CIA, all of those particular people would have an  
22 office here. So now you're bridging all their  
23 intelligence information that they have, all these  
24 entities have into one deal, fusing it together. And  
25 the reason there's a question mark there is we're not

1       sure exactly how many people we will bring. We believe  
2       we have enough FTEs in the existing criminal  
3       intelligence -- Criminal Law Enforcement Division to  
4       fill the numbers that are necessary for the fusion  
5       center here. And that's why the question mark, we're  
6       not sure exactly how many people there would have to be.  
7       Once we got all the law enforcement in place we would  
8       know how many that would be.

9               MR. POLUNSKY: And I would imagine, Colonel,  
10       that's one of the reasons that we may be a little behind  
11       the curve, as far as getting this fusion center set up.

12              COLONEL BECKWORTH: That's correct, sir.

13              MR. POLUNSKY: So now there are a couple of  
14       other fusion centers in the state that probably should  
15       not have been created; we should have probably had them.

16              COLONEL BECKWORTH: Had we had one in place,  
17       these others would not be necessary. Houston has one.  
18       Dallas has one. So we are -- and Austin PD is trying to  
19       put theirs together, but we've convinced them to come  
20       join the team. So that's where we are.

21              MR. POLUNSKY: Certainly the logical site  
22       for a fusion center in this state --

23              COLONEL BECKWORTH: Is here.

24              MR. POLUNSKY: -- is in this building.

25              COLONEL BECKWORTH: That's correct. That's

1 a fact.

2 MR. POLUNSKY: And everybody should be  
3 brought in here. But -- but --

4 COLONEL BECKWORTH: But because of issues,  
5 we don't have them here.

6 MR. POLUNSKY: They're not here now. But  
7 hopefully in the future, if this is developed properly  
8 and funded adequately and so on, then that's the  
9 direction that, theoretically, everybody should be  
10 headed.

11 COLONEL BECKWORTH: That's correct, sir.

12 MR. POLUNSKY: I'm sorry, Mr. Steen.

13 MR. STEEN: Well, would you go over the  
14 major ways that your proposed organizational chart  
15 differs from what was recommended by Deloitte.

16 COLONEL BECKWORTH: I'll do that.  
17 Deloitte's basically says that we want you to achieve  
18 these particular activities by going back and adding a  
19 significant number of resources to address this issue.  
20 And we believe that we can do it from a standpoint of  
21 existing staff with the few additions, five new  
22 additions, compared to the number that Deloitte is  
23 saying we need to achieve this objective.

24 They're telling us we need a human resource  
25 management. That, we talked about, a -- they're saying

1 create another group of people at this level, a CFO, an  
2 assistant director of finance, information technology  
3 CIO, CIO for assistant director of administration, human  
4 resources. They're telling us that we need a license  
5 and regulatory deputy director. That's the part we're  
6 saying. They're telling us that we need --

7 MS. BARTH: Let me ask you a question on  
8 that, because I may disagree there. Let's take the  
9 finance office. Who all reports into our chief financial  
10 officer which functions?

11 COLONEL BECKWORTH: The functions?

12 MS. BARTH: Currently.

13 COLONEL BECKWORTH: Currently we have  
14 accounting and budget control, we have our grant program  
15 which is managed in there, and we have all of our  
16 travel, all those particular components are addressed by  
17 the chief and the assistant chief and several managers.

18 MS. BARTH: Okay. So now what is different  
19 with that than what's Deloitte saying?

20 COLONEL BECKWORTH: Deloitte's saying that  
21 we need someone that in this finance component that's  
22 freed up to look for other ways to draw financial  
23 issues, to be a facilitator and manage all of these  
24 operations. And they're telling us that we need to do  
25 it by adding all these other components, which --

1 MS. BARTH: I guess I don't read it that  
2 way. That's where I'm struggling. I think we have it  
3 pretty well set up that way. Whether or not with each  
4 of those boxes we have the right people --

5 COLONEL BECKWORTH: Yes, ma'am.

6 MS. BARTH: -- is another decision. But as  
7 I understand, procurement report's right in there right  
8 now. So I'm a little confused on -- I'm still not  
9 reconciling --

10 COLONEL BECKWORTH: Procurement is in there.  
11 All of our information, as you well know because of some  
12 concerns that we've had, we have all of our inventory  
13 components that are going into that particular region.

14 MS. BARTH: But they're all reporting into  
15 one deputy.

16 COLONEL BECKWORTH: Yes. Deputy and his --  
17 the assistant.

18 MS. BARTH: Okay. So what's different --

19 COLONEL BECKWORTH: From the Deloitte study?

20 MS. BARTH: Yeah.

21 MR. POLUNSKY: I think it's just the top  
22 line.

23 MS. BARTH: I think essentially that's what  
24 we have.

25 COLONEL BECKWORTH: Yes, ma'am.

1 MS. BARTH: Okay. So maybe Deloitte's just  
2 pulled it out, but functionally I think that's what we  
3 have going on right now.

4 COLONEL BECKWORTH: I think you're correct.

5 MS. BARTH: Okay.

6 MS. BROWN: Help me out here, question just  
7 to make sure I'm reconciling these correctly. On the  
8 narcotics, on proposal that you and the Colonel are  
9 suggesting.

10 COLONEL BECKWORTH: Yes, ma'am.

11 MS. BROWN: I want to make sure I'm  
12 understanding that. The structure of that in your  
13 proposed plan versus the structure here, am I reading  
14 for that particular division it would really be the  
15 same, narcotics, that you've got these five sub  
16 divisions under CLE? Narcotics, and you've got these  
17 five.

18 COLONEL BECKWORTH: It's the same format  
19 that's here.

20 MS. BROWN: Got ya.

21 COLONEL BECKWORTH: It's shifted the other  
22 way, but that's the same format. The only difference  
23 would be over here, and they're showing it, too, is this  
24 theater of operations one to eight regions, they're  
25 showing it over here and I'm not showing it on this

1 particular chart. I described it from the theater of  
2 operation, but I'm not showing it on that particular  
3 chart.

4 MS. BROWN: Okay. So but just for example,  
5 in that division, so even though you've mentioned, like  
6 you said the region -- the regional component of it, it  
7 would still report to the law enforcement deputy  
8 directors, so it's essentially the same.

9 COLONEL BECKWORTH: Same.

10 MS. BROWN: Okay.

11 COLONEL BECKWORTH: That's correct.

12 MS. BROWN: Okay. Wanted to make sure I'm  
13 reading those right. Thank you, sir.

14 COLONEL BECKWORTH: To kind of go a little  
15 bit in depth, if y'all we prefer, we can go a little  
16 deeper into this. One of the things that was brought to  
17 our attention was this state, after 9/11, had some  
18 significant issues with communication. Significant.  
19 The agency has tried its best to try to address these  
20 specific issues, and funding has provided to the agency  
21 in aspect of inoperability. And Department of Public  
22 Safety has been identified as the gatekeeper for all  
23 state agencies' communication, for every state agency;  
24 Health & Human Services, all of them. We are the people  
25 that's overseeing the communication component, emergency

1 management and all of these.

2 Dollars are provided for this particular  
3 program. We believe going forward we need to re-shift  
4 our thought process. We had these particular  
5 components. Our RHF component was in administration,  
6 consisted of three people working independently over  
7 there by themselves. Our components linking our  
8 equipment that went in automobiles was down at fleet  
9 operation. We have 14 technicians who are out in the  
10 field that work for fleet operation. However, they are  
11 supervised mainly by the Highway Patrol out there.

12 And we have these 34 communication  
13 facilities across the state that was in Highway Patrol  
14 and they were managed by the regional commander. We  
15 want to free the regional commander up to be able to do  
16 the job in eradicating crime, so we're moving the  
17 communication component from them and putting it up  
18 under a director of communication and creating our  
19 communication coordination, our mobile technology  
20 information, in-car component.

21 And we have the wildest (Inaudible)  
22 inoperability coordinator. This person is seeing all of  
23 the operations for the state at the state level, at the  
24 local level and all. We're bridging our communications  
25 together so that any incident we have, we don't lose the

1 ability to communicate with one another. That's our  
2 objective and goal. That's been a challenge for all  
3 state police agencies and all law enforcement since  
4 9/11, and we believe this plan addresses those specific  
5 issues going forward. And we'd like to introduce  
6 that -- as a matter of fact, this direction we adopted  
7 this plan January 1st of 2009. It's actually in place  
8 today, this particular plan.

9           And going beyond that, Bureau of Information  
10 Analysis is another component. I'm not going to go into  
11 this, but I'll show you a breakdown of how we plan to  
12 move forward in creating the support using those 150  
13 some-odd analysts I told you about, and how they will  
14 support each one of these particular services, and how  
15 they'll specialize their abilities going forward. Mind  
16 you, I told you about the salary that these people was  
17 critical. We train them, they get this specialized  
18 clearance, FBI, CIA, all these different hire them from  
19 us. So we need to address that. But that's what these  
20 particular position are and how they support that  
21 component.

22           MS. BARTH: Can I ask you a question?

23           COLONEL BECKWORTH: Yes, ma'am.

24           MS. BARTH: Just so I understand, what I'm  
25 looking at is essentially adding two deputy directors,

1 so to speak, one over law enforcement and one over --

2 COLONEL BECKWORTH: Law enforcement support.

3 MS. BARTH: Well, you could call it

4 support --

5 COLONEL BECKWORTH: Yes, ma'am.

6 MS. BARTH: Administration --

7 COLONEL BECKWORTH: Yes, ma'am.

8 MS. BARTH: -- IT, finance, which is --

9 which is essentially adding another deputy director; is

10 that right?

11 COLONEL BECKWORTH: Yes, ma'am.

12 MS. BARTH: Okay. Just wanted to make sure

13 I understand.

14 COLONEL BECKWORTH: Previously --

15 MS. BARTH: And then -- one second.

16 COLONEL BECKWORTH: Okay.

17 MS. BARTH: And then each of those functions

18 we have one person who would oversee -- I'd say all --

19 let's take administration, you have one person called an

20 assistant director, whatever you want, who would oversee

21 that group of boxes; is that right?

22 COLONEL BECKWORTH: That's correct.

23 MS. BARTH: Okay. So I still am not

24 following --

25 COLONEL BECKWORTH: The administration

1 division that currently exists today, and they oversee  
2 the fleet operations down at the shop.

3 MS. BARTH: Right.

4 COLONEL BECKWORTH: Then our Building  
5 Programs Unit is also apart of our administration  
6 division, and they make sure that the boats and all the  
7 things, and light bulbs are on all around these  
8 different complexes, not only here, but in the field.  
9 And our general services component is the one that makes  
10 sure our manuals and all those particular deals, all the  
11 supplies and processes, our uniforms and all those  
12 things are in place. All these things have familiarity  
13 to one another, and the administrative division is the  
14 one that support that. They support the law enforcement  
15 function.

16 MS. BARTH: But then you would have still an  
17 assistant director that would oversee all those others  
18 still.

19 COLONEL BECKWORTH: Right. And then that  
20 person would have an assistant to them. So it'd be --  
21 like now we have a chief and an assistant chief.

22 MS. BARTH: Okay. Okay. But then that  
23 person would then report to what I call the second  
24 deputy.

25 COLONEL BECKWORTH: That's correct.

1 MS. BARTH: I don't think there's a  
2 difference to what you have up there to what Deloitte is  
3 showing us unless I'm missing something here, at least  
4 with respect to the right side.

5 COLONEL BECKWORTH: I think you're correct.  
6 We believe that we can achieve -- these are focussed on  
7 the findings. We believe that with the current  
8 administration that we have plus the addition to the  
9 five additional components we're asking you to consider  
10 today, that we can start immediately to make these  
11 things happen. We bring the project manager in and help  
12 us not only address this, but address the other things  
13 that we need to going forward. That's our thought  
14 process. And this is the mindset of the division chiefs  
15 that are in this room, and are very supportive of moving  
16 forward with this.

17 MR. STEEN: Colonel, I'll ask you again, we  
18 had Deloitte come in and do a study, paid a good amount  
19 of money for it. And I'm trying to get the big picture  
20 here. But if you had to list maybe the three major ways  
21 that what you all are suggesting, various from Deloitte,  
22 what would those be?

23 COLONEL BECKWORTH: Various from Deloitte?

24 MR. STEEN: Yes.

25 COLONEL BECKWORTH: That's a tough one.

1     What I'll tell you is the things that are most  
2     significant, and I don't think we disagree upon them, is  
3     our IT issue. That's important to what we do, and we  
4     had some significant issues there. We have the ability  
5     here to take our Driver License component. Let me tell  
6     you about that. We're talking about 23 to 24 million  
7     people who reside in this state. We currently have  
8     process -- Chief Brown, where are you?

9             There are probably 17 million Driver License  
10     records in our system. And when you go back and look at  
11     what we've been appropriated for the previous years,  
12     we've been getting very little to continue to manage  
13     that. And so in our big office, you see a line at 7:00  
14     around the building. That'll never go away unless we  
15     get the resources we need to drive that. So those  
16     things that were brought out by Sunset and brought out  
17     by this particular study are real issues that we need  
18     funding and resources to move forward.

19             So I think our ideas and views were  
20     significantly similar. I'm not sure -- the only -- the  
21     other component I would tell you is our intelligence  
22     count. We -- they enlightened us in reference of where  
23     we should be in in that intelligence. If anything I'll  
24     tell you, that's where -- that's the most significant.

25             MR. CLOWE: Colonel, let me try to help you

1 answer --

2 COLONEL BECKWORTH: Thank you, Commissioner.

3 I need --

4 MR. CLOWE: -- Mr. Steen's question.

5 COLONEL BECKWORTH: I need help.

6 MR. CLOWE: If I were standing where you are  
7 and answering commissioner Steen's question, I would say  
8 these are the three things --

9 COLONEL BECKWORTH: Okay.

10 MR. CLOWE: -- that are most important. You  
11 and Colonel Clark and the chiefs agree with the  
12 findings --

13 COLONEL BECKWORTH: Yes, sir.

14 MR. CLOWE: -- of Deloitte, the Sunset  
15 committee, the promotion policy, the issue of conversion  
16 to civilian model for Driver License on the findings of  
17 the study, which we paid almost a million dollars to  
18 have; you're in agreement?

19 COLONEL BECKWORTH: Yes, sir.

20 MR. CLOWE: Secondly, you feel the  
21 presentation you're making this morning represents an  
22 organization that will achieve those findings and move  
23 the agency forward. But it's done in a different way  
24 and you're using the resources that are in place to  
25 create economies that are not representative of Deloitte

1 presentation.

2 COLONEL BECKWORTH: Very well.

3 MR. CLOWE: The third thing that I see  
4 coming up in your presentation which would be part of my  
5 answer, is that because of your institutional knowledge  
6 and your working knowledge, you are putting greater  
7 emphasis in your presentation on weak areas that you  
8 feel rise above ore areas that need special attention.

9 COLONEL BECKWORTH: That's correct.

10 MR. CLOWE: Those would be my three points  
11 to make with Commissioner Steen if I were --

12 COLONEL BECKWORTH: Appreciate that.

13 MS. BARTH: I'm going to help you a little  
14 bit more here --

15 COLONEL BECKWORTH: All right.

16 MS. BARTH: -- okay? Between the two  
17 different studies, or what you're suggesting, one is an  
18 additional deputy --

19 COLONEL BECKWORTH: Yes.

20 MS. BARTH: -- okay, is the first one that  
21 stands out to me. Number two is capturing what the  
22 legislation -- the legislature has with respect to the  
23 Texas Rangers and where Deloitte put it in and where it  
24 has to go --

25 COLONEL BECKWORTH: That's correct.

1 MS. BARTH: -- based on legislation, would  
2 be my second observation. And then I guess the third  
3 observation that I see -- actually, three and four,  
4 Deloitte has media relations sort of imbedded down  
5 below. We brought it up to more importance. And  
6 fourth, is the general counsel would report to the  
7 director as opposed to (Inaudible) a dotted line to the  
8 commissioners, would be the things that stand out to me.  
9 Deloitte also has procurement, which you haven't gone  
10 into. I'm not sure where it is on this, but Deloitte  
11 pulled it out of finance.

12 COLONEL BECKWORTH: They pulled it out of  
13 finance.

14 MS. BARTH: And I don't know where you have  
15 it now. Do you have it pulled out of finance or not?

16 COLONEL BECKWORTH: Don't have it pulled out  
17 of finance. And I made a statement early on that things  
18 are going on to automate a lot of things. Our system is  
19 such that -- that we don't have many things that's  
20 automated. If you go in our -- our finance department,  
21 the people are doing the best they can with what they  
22 have.

23 Let me tell you another thing about this.  
24 Every single legislative session we go down, we get new  
25 initiatives; \$30 million, \$50 million. That finance

1 group has to support that and they support it with no  
2 other people. They don't get anybody. So they end up  
3 borrowing a few people from here to there to carry out  
4 these initiative, and that's a challenge for them. But  
5 what would help them more than anything is to automate  
6 our systems. And if we can get the IT component, if the  
7 other entity that we have to deal with, such as the  
8 Comptroller's office, automate us, the direct process  
9 for us, it will enhance our ability to do our job.

10 MS. BARTH: Well, on your recommendation you  
11 have not pulled procurement out.

12 COLONEL BECKWORTH: No, ma'am, I have not.

13 MS. BARTH: I'd like to see it pulled out.

14 COLONEL BECKWORTH: Okay.

15 MR. POLUNSKY: Have you had any discussions  
16 with people at Deloitte, your ideas, your changes?

17 COLONEL BECKWORTH: No, sir, I have not had  
18 much discussion with Deloitte. Many of those members  
19 are no longer with Deloitte. I've tried to talk to  
20 them. The project manager, he left and went to another  
21 firm. Another guy left and went to another firm. So  
22 I've not had much discussion.

23 MR. POLUNSKY: What'd you do to all those  
24 people?

25 COLONEL BECKWORTH: But -- but --

1                   MR. CLOWE: Good question.

2                   COLONEL BECKWORTH: But it was a valuable  
3 lesson, especially for me to learn how they went about  
4 doing what they did.

5                   MR. STEEN: Tell me again the project  
6 manager's name. Was he the one that made the  
7 presentation at the meeting?

8                   COLONEL BECKWORTH: No. No, that's not the  
9 project -- the project manager's Felicia (Inaudible)  
10 Mr. Cooper. Robert Cooper was the administrator of that  
11 program. Felicia, I can't think of Felicia's -- Felicia  
12 Lyons. So we had -- our onsite project manager was  
13 Felicia Lyons. Robert Cooper was the offsite project  
14 person out of Chicago who was handling that component.

15                   MR. STEEN: And the man that made the  
16 presentation --

17                   COLONEL BECKWORTH: He is a -- I'm assuming  
18 an entity that works with them locally here that was  
19 facilitating activities here.

20                   MR. POLUNSKY: He's our partner here in  
21 Austin.

22                   MR. STEEN: Tell me his name again.

23                   ROB THRASH: The gentleman that presented  
24 was Drew Beckley.

25                   COLONEL BECKWORTH: Drew Beckley. Thank you

1 very much. Drew Beckley.

2 ROB THRASH: (Inaudible) local partner.

3 MR. STEEN: Is someone here from Deloitte?

4 COLONEL BECKWORTH: I'm not sure.

5 UNIDENTIFIED MALE SPEAKER: Yes.

6 UNIDENTIFIED FEMALE SPEAKER: Yes.

7 ROB THRASH: I'm here. I was -- my name's

8 Rob Thrash. I was not part of the project team but I

9 worked with the local state of Texas team as well.

10 MR. STEEN: Would you be in a position --

11 Chairman Polunsky has a good question. Would you be in

12 a position to respond to this -- this proposal?

13 ROB THRASH: I really -- since I was not

14 part of the actual client service delivery team, I

15 really don't feel like that'd be appropriate. I'll be

16 glad to -- to follow up and get input back to you.

17 MR. POLUNSKY: Are there any questions?

18 MR. STEEN: Well, Mr. Chairman, I think that

19 I -- I may be alone on this, but I would feel more

20 comfortable -- we -- we had the suggestion of Deloitte.

21 We now have the staff having come up with their thoughts

22 on it. I would like to hear back from Deloitte in terms

23 of how they'd respond to what the staff has come up

24 with.

25 MR. POLUNSKY: Yeah, we can certainly do

1 that. That would delay this process to some degree.

2 But --

3 COLONEL CLARK: Mr. Chairman.

4 MS. BARTH: How do you want to approach it  
5 if you don't agree?

6 MR. POLUNSKY: Right.

7 MS. BARTH: The boxes, so to speak here. I  
8 have some disagreements.

9 MR. POLUNSKY: Well, I -- there are certain  
10 things that jump out at me as well. I think that if  
11 there are issues or problems or whatever, that other  
12 commissioners have with the organizational chart here,  
13 structure, that we need articulated at this point.

14 COLONEL CLARK: If I can make one comment,  
15 and I think this will help clear up some -- some of the  
16 confusion. We have fully embraced the Deloitte  
17 recommendations, no doubt about that. They brought to  
18 light a lot of significant improvements that the agency  
19 needed to go forward with. I think one of the -- I'll  
20 call it a problem, if you will, is the way they put  
21 together their chart.

22 Our agency, our people can much more readily  
23 identify with this organizational chart than that. We  
24 have really brought forward many of the various  
25 recommendations that they made. I think it's important

1 to remember what you don't see on this chart is the --  
2 the PMO here that we're going to hire. That -- this is  
3 going to get us the momentum moving in the right  
4 direction.

5 We're going to put people in these places.  
6 There's five positions that need to be filled in order  
7 to actually get this skeleton complete. The PMO will  
8 come on board and through the next two years help us  
9 flesh out even more as the Deloitte study has required.  
10 But we have priced this out. As I stated in my opening  
11 comment, this is doable, it's affordable with our  
12 existing personnel and infrastructure with the exception  
13 of five individuals that we need to -- to fill. And  
14 Colonel Beckworth pointed those out.

15 Our people understand this perfectly. If  
16 you just look at this line right across the top, those  
17 are our existing chiefs right now. That's David Baker,  
18 that's Joe Ortiz, Valerie Fulmer -- although she's right  
19 here -- Oscar Ybarra. And so that -- that kind of tells  
20 you where we are. But I think that -- again, we've  
21 looked at this Deloitte study now for a couple of  
22 months. We've had meetings. The chiefs, the upper  
23 management, they're all on board. We're enthusiastic.  
24 We want to get moving on this. And we feel that the  
25 time is right. Again -- yes, ma'am.

1                   MS. BARTH: I'd like to see -- before I  
2 think about approving this, I'd like to see this as an  
3 organizational chart with the boxes -- are there, you  
4 know, which I'm hearing, is that there's an assistant  
5 director head of finance, there's an assistant director  
6 head of information technology, and that these report  
7 down to that person. So it may be here in, obviously  
8 understandable by your organization,\* I just don't  
9 understand it, just to lay it out to me. I see that  
10 we're adding two instead of one deputy director. That's  
11 very readily apparent to me.

12                   MR. POLUNSKY: No, we have two deputy  
13 directors.

14                   MS. BARTH: But it wasn't divided that way.

15                   COLONEL CLARK: Yeah. And, again, those --  
16 those were Deloitte recommendations. I don't think we  
17 ever approved everything that they said in that -- in  
18 their report.

19                   MR. POLUNSKY: But anything, their  
20 recommendations --

21                   COLONEL CLARK: Right.

22                   MR. POLUNSKY: -- as is this.

23                   COLONEL CLARK: Exactly. And our  
24 recommendation is we just believe through all the work  
25 that we've put into this, that this will work. We'll be

1       able to accomplish the goals that Deloitte and Sunset  
2       have laid out for the Department. We think we can do it  
3       with this. That's the bottom line.

4               MR. STEEN: Colonel, help me with something  
5       you are talking about the theater of operations concept,  
6       and how is that overlaid onto this?

7               COLONEL CLARK: Well, it's not on this.

8               MR. STEEN: But explain that, and -- and how  
9       it's -- how Deloitte addressed that and how you're  
10       addressing it.

11              COLONEL CLARK: Okay. Let me just explain.  
12       You'll notice here, here's one of the big issues that  
13       you see over here, this -- these regional directors.  
14       Okay. That's an extra layer of -- of salary, of  
15       personnel, FTEs that -- that -- that Deloitte is  
16       proposing, what we're proposing.

17              MR. STEEN: Where are they at?

18              COLONEL CLARK: They're -- they're right  
19       here. Right here, the regional directors. If I can  
20       just simplify this for you. Let's just look at the  
21       Texas Highway Patrol Division right here. The Patrol  
22       Division, which is our largest black and white uniform  
23       services, Highway Patrol, commercial vehicle enforcement  
24       and our communications. The way the theater of  
25       operation works -- and I'll just use -- since I came

1 from Dallas, I'll give you the Dallas example. I was  
2 the regional commander in Dallas. We have a Highway  
3 Patrol captain there. We have a CVE captain, a Motor  
4 Vehicle Theft captain, a Narcotics captain, a Ranger  
5 captain, a Criminal Intelligence captain. Those are all  
6 commanders of the services in a region.

7 Now, what we're proposing -- the way it  
8 currently is, the regional commander is assigned to the  
9 Highway Patrol. He direct reports to the chief, Chief  
10 Baker. And there's eight of these regional commanders.  
11 The Deloitte report expressed a desire to have a  
12 regional director that would coordinate a theater of  
13 operations like the military. And what Colonel  
14 Beckworth tried to explain there, is let's assume that I  
15 am the regional commander in Dallas. I'm going to be  
16 working closely with those commanders, those captains of  
17 those services, Rangers, Criminal Intelligence,  
18 Narcotics, et cetera, to address crime in that region,  
19 wherever it may be.

20 Now, those captains, Rangers, Narcotics,  
21 they still report to their chief, which is the Criminal  
22 Law Enforcement chief, Joe Ortiz. They still report to  
23 him. But I coordinate their work. I assume that job of  
24 a regional director working with those individuals and  
25 those services to address the crime. Instead of

1 reporting to the chief now, though, that regional  
2 commander reports directly to the deputy director of Law  
3 Enforcement. Because right now they're all Highway  
4 Patrol majors.

5           What we're proposing is we're going to open  
6 this up to any commander. It's a competitive process.  
7 But it could easily be one of Tony Leal's captains that  
8 decides he would like to compete for that regional  
9 commanders position, that guy that's going to coordinate  
10 all that activity. He would no longer report to Tony  
11 Leal, he would report to Lamar Beckworth. That's the  
12 theater of operations. And that would go forward in all  
13 seven of our regions, not including the capital region.  
14 Does that help at all?

15           MR. STEEN: Well, it's confusing because  
16 those -- I don't think those positions are on there,  
17 right?

18           COLONEL CLARK: No. This is a skeleton,  
19 sir. I mean, this -- each one of these is broken out  
20 like this. Communications, there's communications. To  
21 put this on a board would be enormous. There's no way  
22 on an organizational chart we can get all these exact  
23 positions. But we can -- we can break each one down  
24 individually for you.

25           MS. BARTH: I'm just trying to get the

1 reporting positions.

2 COLONEL CLARK: And I know it's --

3 MS. BARTH: That's what I'm trying to --

4 COLONEL CLARK: It's difficult.

5 MS. BARTH: Because I don't see a lot of  
6 difference between this thing and what Deloitte is  
7 proposing.

8 COLONEL CLARK: And that's a good thing.

9 MS. BARTH: I'm not arguing either way. But  
10 I'm just trying to understand the five new positions and  
11 how they interact the way it's proposing.

12 MR. POLUNSKY: Yeah. Getting back to my  
13 question and -- and Mr. Steen's comments and question,  
14 I'm troubled by the fact that we've got this  
15 presentation from the staff, which very well may be  
16 wonderful. Certainly meritorious in areas and well  
17 thought out, logical and this and that. But we spent a  
18 million dollars, pretty much, for this -- for this study  
19 that Deloitte put together for us. And they're not here  
20 to either discuss, you know, their thought process on  
21 why they did this or what they think of your proposal  
22 and how it differs from what they recommended and  
23 whether they agree, disagree or, you know, feel that we  
24 ought to consider this revision or that revision.

25 It's somewhat ignoring to some degree. I

1 know -- I know this is the fundamental blueprint that  
2 this is built on. I fully understand that. But  
3 nevertheless, I mean, there's silence. There's no  
4 interpretation on what this is all about as compared to  
5 this. Am I making sense?

6 COLONEL CLARK: Well, yes, sir. I would  
7 just say I think that we worked hard to try to  
8 incorporate all of those findings that Deloitte brought  
9 to our attention and just put them in a more simplified  
10 organizational chart. The -- as Lamar said, the  
11 intelligence counterterrorism that they show under this  
12 deputy director, we have created a division for that. I  
13 mean, we recognize that's important. We created that  
14 division. We'll hire a chief of intelligence and  
15 counterterrorism, and he will be responsible for all of  
16 these -- these functions right here.

17 That's what we tried to do. We just tried  
18 to simplify it into an organizational chart that looks  
19 familiar to DPS institutional knowledge that we all have  
20 as we work together, understanding what the  
21 recommendations and findings were. We just did not --

22 MR. POLUNSKY: Right. And --

23 COLONEL CLARK: -- put it in their --

24 MR. POLUNSKY: I'm not sure that the goal  
25 here should be to have an organizational chart that

1 looks familiar to DPS. Part of the initiative here is  
2 that there's change going on.

3 COLONEL CLARK: And we want to do that. We  
4 embrace that, sir. And if it looks different than  
5 theirs, our intent is not to not be the same as it  
6 always has been. I just thought this was easier to read  
7 and understand than what the Deloitte's organizational  
8 chart was.

9 MR. POLUNSKY: And it may be.

10 MS. BROWN: Allen, if I could chime in for a  
11 moment. Whenever you were kind of giving us an outline  
12 what we could expect today and you made reference to  
13 making a closing statement, what that made me think of  
14 is kind of going back to the courtroom. And it kind of  
15 comes back to me here, too. Deloitte has presented this  
16 and we're familiar with their recommendations. If I'm  
17 hearing you right, Allen, I think the concern is not so  
18 much that the structure is different, but that you have  
19 presented an alternative.

20 What we're concerned about, if we just made  
21 a judgement based on what we've heard so far, is we  
22 don't know necessarily what their rationale was for --  
23 they haven't seen your differences. So it's almost like  
24 I'm supposed to rule on a case but I haven't given the  
25 other side to tell me your thoughts about yours and so

1       forth. So I think the concern is obviously we paid a  
2       whole lot of money to get their thoughts. You've now  
3       given us your thoughts. And the concern is that -- that  
4       if there is a compelling rationale for how they're doing  
5       it, and maybe there's not, that we would not necessarily  
6       know that if we don't hear their side to kind of rebut  
7       that. They haven't been presented with this, right?

8               MR. POLUNSKY: No, they have not.

9               MS. BROWN: Okay. Got ya. So it's sort of  
10       like, you know, they presented their evidence, you  
11       presented yours, and now the other side kind of gets an  
12       opportunity, I hate to say to cross examine, but --

13              MR. POLUNSKY: Yeah, but unfortunately  
14       they're in separate hearings.

15              MS. BROWN: Right.

16              MS. BARTH: Might I add there, I think the  
17       idea's for everyone to work together. I don't -- I  
18       would hope that we would come to some consensus between  
19       what is -- Deloitte's recommended and what you have  
20       recommended by everybody talking here.

21              MR. STEEN: But if Deloitte was here today,  
22       they may very well say, we like what you're doing. We  
23       understand that you had to tweak it.

24              COLONEL CLARK: Well, and the format here  
25       today is a workshop. We're open for suggestions. We'll

1 be glad to contact Deloitte, have them review this.

2 MR. POLUNSKY: Well, yeah, but, you know,  
3 not -- not to be overly critical, but Drew should've  
4 been standing here, or somebody from Deloitte should've  
5 been standing here to participate in this discussion  
6 because I think it's going to prolong this process. I  
7 don't see how we can move forward on this based on your  
8 presentation, which is -- which is a fine presentation.  
9 But nevertheless, this is silent. Nothing is -- is  
10 coming out of this. There's not interaction, there's no  
11 discussion, there's no back and forth.

12 MS. BROWN: Point counterpoint without the  
13 counterpoint, not to make it sound adversarial.

14 MR. POLUNSKY: I mean, I guess we could go,  
15 yeah, let's do this. But -- but I don't know how we can  
16 ignore that. That's my opinion.

17 MR. STEEN: Mr. Chairman, I've got a  
18 suggestion. We've got a meeting next week, right?

19 MR. CLOWE: Next week. Next Thursday.

20 MR. STEEN: On the 15th?

21 MR. CLOWE: A week from today.

22 MR. STEEN: This is -- I appreciate that  
23 we're trying to move things along. I talked to  
24 Commissioner Clowe about it earlier. We really do want  
25 to push forward, but this is so important. I agree with

1 the Chairman. I don't know how we can pass judgement on  
2 this without getting the -- seems like it would be --  
3 we'd be derelict if we didn't hear from Deloitte in  
4 terms of how -- how they -- how they respond to what you  
5 all have come up with.

6 MS. BROWN: And just to clarify, when I used  
7 the analogy of court, I don't want to make this sound  
8 like I believe it should be adversarial. But as you  
9 said, I think we'd be derelict. If there's a wonderful  
10 compelling rationale that they could raise the response  
11 to one of your suggestions, and maybe there's not.  
12 Maybe they just moved it there, and you've got a point  
13 and you've got a better reason and we agree with you.  
14 But I don't know that we know that with the current  
15 format.

16 MR. STEEN: Well, and judge, I'll say again,  
17 it may be that Deloitte would be in here saying, this is  
18 great. They're embracing our findings and they're going  
19 about it a little bit of a different way, but we -- but  
20 this is okay.

21 MS. BROWN: Right.

22 MR. STEEN: But I'd like to hear that.

23 MS. BROWN: Yeah. I agree.

24 MS. BARTH: Could I go back and say I'd like  
25 to have seen some discussion between our plan and their

1 plan. I don't view Deloitte's study as just something  
2 the Commissioners had. I view it as the whole agency  
3 embracing it just for knowledge itself as a tool to go  
4 back and forth here. I mean, for me to look at this for  
5 the first time and expect to say, yeah, that's great,  
6 that's a hard one to swallow anyway. It's just come to  
7 us for the very first time right now. I've expressed my  
8 concern about passing out information. We haven't had  
9 the opportunity to look at ahead of time. And this  
10 is -- I would agree with Mr. Steen, this is the  
11 blueprint. So we've got to at least make every effort  
12 to get this right whether I agree or disagree.

13 COLONEL CLARK: I understand.

14 MS. BARTH: This is to be used as a tool.

15 COLONEL CLARK: And, again, there's a lot of  
16 enthusiasm. We're ready to move forward and embrace  
17 these changes and make these -- fulfill these  
18 recommendations. And, again, the PMO that we're about  
19 to hire is going to help us as we go forward. But I  
20 understand your concerns and will be glad to follow  
21 through with those.

22 MR. POLUNSKY: Colonel Clark, nobody or no  
23 group is more enthusiastic and more dedicated to making  
24 sure that this thing goes forward.

25 COLONEL CLARK: Yes, sir.

1                   MR. POLUNSKY: This all initiated from the  
2 Public Safety Commission if you'll recall. But  
3 nevertheless, this is the blueprint of the future. This  
4 is how the Department will be structured going forward  
5 many, many years most likely. We have brought in a  
6 professional consulting group. They, in my opinion,  
7 have done a good job of putting something together.  
8 This should have been orchestrated a little better.  
9 There should've been a more cohesive communication and  
10 discussion between the consulting group and our  
11 administration. My opinion next to impossible for us to  
12 take any action today. But --

13                   COLONEL CLARK: We'll follow up.

14                   MR. POLUNSKY: And we haven't heard from  
15 Commissioner Clowe. I think he's got some ideas and  
16 comments as well.

17                   MR. CLOWE: I do. Sit down and let me talk  
18 to you for a minute. Listen to what I want to say to  
19 you because I think there's some things that need to be  
20 said about where we are. I probably will say some  
21 things that'll make everybody in the room happy and  
22 maybe make everybody in the room unhappy. But I think  
23 we need to sum up where we are and hopefully get some  
24 agreement about how far we've come and how far we have  
25 yet to go.

1                   For the benefit of the two new  
2 commissioners, newer than Commissioner Barth and myself,  
3 to have a presentation like this from the management of  
4 the DPS, when I came on this board in March of 08, just  
5 wouldn't have happened. It was we've done it this way  
6 in the past, we're going to do it this way in the  
7 future, and it's been good. You know, this is  
8 revolutionary to have the colonels and the chiefs step  
9 up and say, here's our plan. We're ready to go. And  
10 it's big change. And to that, I say hallelujah. You  
11 know, that's what we wanted when this board was formed  
12 and what we asked you to do when you were appointed to  
13 your positions. And I am appreciative. I'm gratified.  
14 And I thank you for that.

15                   Now, I think I understand there are two  
16 things that are in your mind. One is we're in these  
17 positions and we can do this job. And it's incumbent on  
18 us to get going. And I congratulate you for taking that  
19 challenge and making a presentation that has merit.  
20 Secondly, I want to hit this real hard. My sense is,  
21 from conversations that I've had throughout the agency,  
22 the people want action. The people need some resolution  
23 of this period of unknown that we're in. I've had many  
24 conversations with people in this room and people who  
25 are not in this room who have said to me, give us the

1 task. We're ready to move forward. We want to do it.  
2 And I think that is a second very strong thing that  
3 you're reacting to. And I'm a people guy. I understand  
4 that. And I know this board wants to be responsive to  
5 the needs of the people of this agency. I see that as  
6 one of our prime responsibilities.

7 I want to step back and describe how I see  
8 the big picture. This thing started in March of '08  
9 when the Chairman assigned me the responsibility of  
10 conducting a study to see if change was needed. Came  
11 back in April, said yes. We moved forward. I think we  
12 made a good selection. I think they did a good job.  
13 And then we began to have personnel changes that  
14 occurred in August. We're pretty much concluded in  
15 September. Appointments were made, for the most part,  
16 on an interim basis.

17 And my recollection of the charge was you're  
18 in this job, run it like you own it. Take charge and do  
19 what you need to do. We want oversight. We want to  
20 know what's going on and approve it, but we want you not  
21 to feel like you're just a caretaker. And I will say  
22 that I think you've done a magnificent job of that, and  
23 the other chiefs that are performing.

24 And I could go around the room and name each  
25 one of you and give you a specific example. And there

1 are people that are not in this room that have kept the  
2 faith with the DPS. But I want everyone to understand  
3 from my viewpoint. I'm one of five. This is not an  
4 event, this is a process. And we must have adherence to  
5 process to achieve the best result. And your  
6 presentation today is part of the process that needs to  
7 be blended with Deloitte. And I don't see that as a  
8 controversial blending. I see that as a work in process  
9 that you've come now with institutional knowledge and  
10 detailed knowledge, and an emphasis on areas that you  
11 know better than anybody else need help, and you're  
12 making that contribution to the process that will put us  
13 in the end in a better place.

14           Clearly, there are too many open issues at  
15 this point in time to say, yeah, this is what we want to  
16 do, let's vote on it and let's do it. Colonel, you made  
17 some comments about, well, you know, so and so did this  
18 job and this job. I don't agree with that. We don't  
19 know who's going to be in this job. We've got Corn  
20 Fairy out there right now looking for this person, and  
21 it may well be you or an internal candidate, or it may  
22 be an external candidate.

23           And to get these steps right, in my mind,  
24 this is a key step that before we start changing things,  
25 we've got to make sure the director is going to be the

1 leader of this process and buy into it. And then right  
2 on down the line as we decide whether it's going to be  
3 this or this or something else, we got to have the  
4 leader ship that not only engenders the confidence and  
5 the loyalty of the people that go into the those jobs  
6 like you're doing in your position, and Colonel  
7 Beckworth is, too, today to get to where we want to be  
8 ultimately.

9           You mentioned the PMO. But, you know, the  
10 RFQ is not even going to be closed until the 20th of  
11 this month. And they're going to have a great  
12 involvement in what the organization looks like as I see  
13 it. I see it as an ongoing process that can change and  
14 will get better as part of that change. If we did  
15 something like this right now, you would almost be like  
16 saying the president elect Obama, you know, here is the  
17 current Bush cabinet, or here is the cabinet that we put  
18 together before the Bush Administration went out.  
19 Here's your new cabinet, president elect Obama.

20           I think he's coming in with a whole new  
21 team. And if I were a candidate for this position, I  
22 would want to be able to say, here's the organization I  
23 want and here are the people I want. I wouldn't take  
24 the job if I couldn't have a say in all of that. And I  
25 think the PMO wants that kind of opportunity as well.

1                   So I think there was a rush, I think because  
2 of the people concerned that you're feeling. And I'm so  
3 glad you're empathetic to that, to say here's our plan,  
4 we can get it in effect -- I think you said by February  
5 the 11th.

6                   COLONEL CLARK: 10th.

7                   MR. CLOWE: 10th. But it's kind of like  
8 we're building this vehicle as we go down the highway.  
9 We've got some wheels on axels. We don't really know  
10 yet the engine and we haven't got the doors on it.  
11 We're not ready to get into the race. But when we get  
12 in the race, we want to have all these questions  
13 answered. We want to have the people in place, the  
14 right organization, and we want to have the funding for  
15 the organization that we've adopted.

16                   Colonel Beckworth was very articulate about  
17 the need for funding for the new Driver License  
18 operation. That's a big question. You know, we're  
19 trying to organize to do what they want us to do, but  
20 we've got to see the money to be able to hire those  
21 people. So I congratulate you on what you've done. I  
22 think it will be a positive contribution. But I think  
23 it's only fair to say to the Commissioners, take this as  
24 our suggestion, and then we'll work with the PMO, we'll  
25 work with the new organization.

1                   And I have to tell you, in my mind, all  
2                   those positions are open for the best qualified  
3                   candidate. Now, certainly, many of the people who are  
4                   in these positions today are the best qualified  
5                   candidates. And that was sort of a leap of faith that  
6                   you made. You assumed that. And I understand that.  
7                   And if I were in your position I'd probably done the  
8                   same thing. But from a commissioner's viewpoint, from  
9                   here throughout the organization, I want the best  
10                  qualified candidate. And as you adopt a new  
11                  organization, that's the time to look and to see that  
12                  you've got the best qualified candidate.

13                  So I think this is a contribution. And I  
14                  think it's a good step forward. I understand, I think,  
15                  your motivation. I applaud it. I appreciate it.  
16                  You're very articulate in your presentation. But I  
17                  think we've got to stay in the process to get to where  
18                  we want to be. And when we change this, we only want to  
19                  change it one time. One time and do it right. And  
20                  we're just going to have to ask the people of the agency  
21                  to continue to be patient. It's hard. It's not easy.  
22                  Everybody wants to know what's in the future. We can't  
23                  tell you. You've just got to stay the course and wait  
24                  until we come out on the other end and be part of the  
25                  change.

1           And it's my promise, and I think the Board  
2       would join me in this, we're going to make it better in  
3       every way. That's -- the five of us are dedicated to  
4       making it better. But to take an answer at this point  
5       is premature. There's input from the legislature that  
6       we have to be respectful of, the leadership. We have to  
7       be aware of all of these influences. Just got to be  
8       patient. And this Commission has got to be patient and  
9       use judgment as we move forward.

10           Now, I didn't have any idea you were going  
11       to make the presentation this morning. I've gone over  
12       this, or some other similar form with you, informally at  
13       a prior time. But I didn't know you were going to make  
14       it today. And that's my immediate response to how I see  
15       where we are. As I say, I may have made some people  
16       happy and some people unhappy, but that's how I feel  
17       about this.

18           COLONEL CLARK: Thank you.

19           MR. STEEN: Mr. Chairman, I've got a  
20       practical question. Has -- has Deloitte been paid?

21           MR. POLUNSKY: Yes.

22           MR. STEEN: Have you all been paid in full?

23           ROB THRASH: (Inaudible)

24           MR. STEEN: But I think Mr. Beckley, when he  
25       was here, said that he would be available for follow-up,

1 just the very type of thing we're talking about, and  
2 that that would be part of your -- the deal you made  
3 with us. We wouldn't be incurring additional expense to  
4 have y'all come in and react to this.

5 MR. POLUNSKY: Right. In fact, I think  
6 it -- it's axiomatic. I mean, that's part of the work  
7 product or the job description of what they were  
8 retained to provide us, which is post-recommendation  
9 support, discussion, input, whatever.

10 MR. STEEN: But importantly, I think the  
11 Deloitte gentleman here, you're confirming with --

12 ROB THRASH: Yeah.

13 MR. STEEN: -- Chairman Polunsky.

14 ROB THRASH: Yes. That's -- certainly be  
15 willing to do that.

16 MR. STEEN: Can you state your name again  
17 for us.

18 ROB THRASH: Yeah. My name is Rob Thrash,  
19 T-H-R-A-S-H. I'm part of the local team.

20 MR. POLUNSKY: Well, that's a hard act to  
21 follow here. I strongly feel that it's fine, and I  
22 appreciate the presentation that was made here this  
23 morning. I certainly appreciate, as was stated by  
24 Commissioner Clowe, all the work that's gone into  
25 putting that together, the thought processes that were

1 incorporated into the final product here as far as this  
2 organizational chart is concerned. So we do appreciate  
3 it. But it's only a step towards a final conclusion, in  
4 my opinion, and it's something that we can discuss to  
5 some degree this morning. But that's it. I don't see  
6 anything coming out of this beyond moving on to another  
7 level. And that would -- that level would include the  
8 participation, and comments, and support that Deloitte  
9 brought to the table. And that's why they were hired,  
10 as I said previous.

11 MR. CLOWE: And, Mr. Chairman, just to  
12 reiterate the process is under way. The search firm is  
13 employed, that's Korn Ferry. They're in the process of  
14 conducting interviews with commissioners and the  
15 colonels and others that are recommended. They have  
16 reported in -- is this in the agenda okay, Duncan?

17 DUNCAN FOX: Yes.

18 MR. CLOWE: This all right, Mr. Chairman?

19 MR. POLUNSKY: Yes, sir.

20 MR. CLOWE: They have worked over the  
21 holidays to prepare for those interviews. They're  
22 trying to contact commissioners and the colonels. I  
23 think they've already had their interview with  
24 Commissioner Barth. They're moving ahead hoping to have  
25 a recommendation back to the committee. Commissioner

1 Barth and I have been assigned by the Chairman promptly.  
2 The PMO RFQ is out. It closes January the 20th. The  
3 director of human resources is working on the grading  
4 matrix. We already have agreement from a number of  
5 outstanding individuals to serve on the selection  
6 committee reporting to Commissioner Steen and myself,  
7 the committee the chairman appointed.

8 So we're moving ahead as quickly as we can  
9 in government service. And everyone is being  
10 cooperative and lending their best efforts.

11 MR. POLUNSKY: Do any of you have any  
12 specific comments or suggestions or recommendations with  
13 respect to this chart today? Let me just jump in. In  
14 my mind, the General Counsel, there should be a line to  
15 the Public Safety Commission. Just a comment of mine.  
16 This is something we can go to -- go into further detail  
17 later. That's something that's very important to me.

18 MS. BARTH: I'd like to see procurement out  
19 of the CFO's office.

20 MR. STEEN: Mr. Chairman, just a question I  
21 have. Mr. Fox, if I could put you on the spot here.  
22 But what is the statute that -- that says that the  
23 Rangers --

24 DUNCAN FOX: There is a provision  
25 (Inaudible) I can provide that for you.

1           MR. STEEN:  Would you mind -- I just -- is  
2   it something you can address right now?  And that's a  
3   question I'd ask Deloitte.  Were they aware of that  
4   statute or --

5           DUNCAN FOX:  They were.

6           MR. POLUNSKY:  They were aware of it.

7           MR. STEEN:  And so in setting up their  
8   chart, what were they saying, that that statute needs to  
9   be changed by the legislature?

10          MR. CLOWE:  They offered it up, in the  
11   conversations I had with them, as compromised.

12          DUNCAN FOX:  Commissioner, the statute is  
13   411.021 of the Texas Government Code, and it provides  
14   that the Texas Rangers are a major division of the  
15   Department consisting of a number of Rangers authorized  
16   by legislature.  The highest ranking officer of the  
17   Rangers is responsible to and reports directly to the  
18   director.

19          MR. STEEN:  Thank you.

20          MR. POLUNSKY:  All right.  Before we take a  
21   break, let me make sure we have a sense of the  
22   Commission here.  My feeling is that we are just going  
23   to have to defer this on to, I guess, our next meeting,  
24   and invite the representatives of Deloitte to be present  
25   in order to participate in discussing this matter.  And

1 we may or may not take action at that point. But -- but  
2 no action will be taken today. Am I -- am I reading  
3 everybody correctly?

4 MR. STEEN: Mr. Chairman, are we in good  
5 shape in terms of putting that on the agenda?

6 DUNCAN FOX: We are -- fortunately, we do  
7 have a -- an agenda statement for the January 15th  
8 meeting. It has language that I think fairly calls this  
9 into (Inaudible) Discussion and possible action  
10 concerning the organizational structure study of the  
11 Department. So I believe that's pretty clear will  
12 support the discussion and action if that was desired.

13 MR. STEEN: Are we going to take a break?

14 MR. POLUNSKY: Yes, sir.

15 MR. STEEN: I have a -- a comment. And  
16 you'll have -- you know, a number of us are chairmen --  
17 came over here as chairmen of other commissions and what  
18 have you, so you'll have to forgive me on this. And I'm  
19 not -- I'm not a technologically up to speed person.  
20 But over at the TABC, when we met, we would have a  
21 computer in front of us. And if a presentation was  
22 being made, instead of shuffling papers, we were  
23 actually looking at the screen. And -- and I know  
24 there's been this movement to open this up. We'd have  
25 screens tilted toward the audience so that as we're

1 going through -- for example, going through these  
2 charts, people sitting out in the audience could follow  
3 along.

4 I think that would be a good thing to look  
5 to do here. I don't think it would be that expensive.  
6 And I think it would make -- make it easier on us. I  
7 had to shuffle some papers today. But also, I think --  
8 I wouldn't want to be a member of the audience sitting  
9 out there, and we're all talking about things, and the  
10 chart up here, and they can't see any of it. So I'd  
11 like to bring them in on it, too. So it's just a  
12 suggestion.

13 MR. POLUNSKY: I think that's very valid and  
14 a good suggestion. Is that okay with everybody?

15 MS. BROWN: That's a great suggestion.

16 MR. POLUNSKY: Yeah, I think. So can we go  
17 ahead and do that --

18 COLONEL CLARK: We can do that.

19 MR. POLUNSKY: -- going forward? Okay. We  
20 will now recess for ten minutes and be back basically at  
21 12:30.

22 (BREAK)

23 MR. POLUNSKY: The Texas Public Safety  
24 Commission is now reconvened. It is 12:37. The next  
25 item on the agenda is Discussion and possible action on

1 revisions to Exceptional Items List for FY 2010 to 11,  
2 Legislative Appropriations Request. That'll be Colonel  
3 Beckworth.

4 COLONEL BECKWORTH: Commissioners, I would  
5 like to, first of all, apologize for having to provide  
6 you additional documents at a late time. But that's  
7 where we are in reference to providing you some  
8 documentation. I'm going to ask Dorothy to provide you  
9 some copies of our exceptional items update information  
10 and also some new items for consideration. And you have  
11 in your booklet the previous LAR that you approved on  
12 the 19th of June 2008 to be included in the document  
13 there under the LAR. And I have Oscar Ybarra, Chief of  
14 Accounting, here to kind of help assist us in this  
15 particular process.

16 If you look at the document that we provided  
17 you, one of them shows exceptional item FY 10 and 11  
18 worksheet. The second item identifies exceptional items  
19 for consideration on a day-to-day. And it identifies  
20 updates for those particular issues. When we look at  
21 this area on the sheet -- on both sheets, we talk about  
22 issues, why we made some changes on our IMS technology  
23 personnel. Our old request was \$3.7 million, --  
24 \$2.7 million, and our new request is \$1.6 million which  
25 is a difference of \$1,110,000. In our explanation, we

1 went back and reanalyzed our request for funding. And  
2 the dollar cost was much -- was a lot less than what we  
3 initially projected.

4           So we're asking consideration to update that  
5 particular category on our critical staff on  
6 information -- critical staff compensation. Secondly,  
7 on the commissioned officer salary, you approved in  
8 June, \$106,154,920. We went back and addressed our  
9 figures. Based on the current funding of commissioned  
10 officers, we underestimated that number. And it's now  
11 \$401,670,000, which is \$4,408,644 less, and we ask your  
12 consideration to make that adjustment and update that  
13 particular LAR as it relates to those particular.

14           The other category is information  
15 technology, which is on your exceptional item under  
16 distributed computer environment. We estimated that to  
17 be 61,547,000. The new request is 73,239,000 for a  
18 difference of \$11,692,000, and we're asking that --  
19 we'll provide an explanation. That has to do with the  
20 Driver License reengineering project.

21           And those particular issues, as it relates  
22 to Driver License reengineering has to do with the fact  
23 that we have the funding for the first year pushing  
24 Driver License reengineering out. But the second and  
25 third year, there are no funding for that. So that

1 calls us to add those additional necessary funding  
2 moving forward for the previous next two years, for 10  
3 and 11. That's why we're asking you to consider  
4 allowing us to make that change to our LAR as it relates  
5 to that.

6 The next category, as it relates to updates,  
7 deals with Real ID. We're saying that we requested  
8 \$129,147,000. But because of us moving forward with the  
9 business model of Driver License, we went back and  
10 removed the commissioned personnel out of that  
11 particular information we provided you earlier, which  
12 reduces that amount by \$24, 200,000. And we're asking  
13 your consideration to make that particular adjustment to  
14 our LAR.

15 And then we go to item "B" under new items,  
16 and we've identified the need for FTEs noncommissioned  
17 personnel. The biennium cost \$48,427,488. That is what  
18 chief Brown provided you in her civilian business model  
19 in Driver License. And our question is consideration to  
20 include that particular cost in our LAR to address the  
21 business model for Driver License. This is a new  
22 initiative we're asking you to consider.

23 And secondly under new items, we have two  
24 state disaster resource supporting staffing sites and  
25 we're asking for \$3.6 million in our emergency

1 management program to provide the lease space for  
2 establishing our resources to deploy to the hurricane or  
3 disaster event anywhere across the state. Currently in  
4 the past, Hurricane Ike, we had a resource facility in  
5 San Antonio at a military base there, and when that  
6 particular storm event occurred, we had to develop  
7 another one in Lufkin north of that particular storm.  
8 We realized how effective those particular components  
9 were. And Chief Colley and his staff is asking that we  
10 lease two permanent storage and state facilities in  
11 those two areas futuristic, going forward. And he's  
12 left with 3.6 -- \$3,687,250 for that.

13 So those are the things that we're asking  
14 the Commission to consider to update the current LAR and  
15 to consider adding to the current LAR. And we have  
16 those items listed on the document dated update on  
17 exception items. And that's the information we want to  
18 report to you as relates to changes to the LAR. Oscar,  
19 go ahead with any kind of follow-up that you might have.

20 OSCAR YBARRA: The other things we did talk  
21 about outside of these were consideration in one of the  
22 exceptional items, the operating shortfall regarding  
23 gasoline. As we all know, the price of gas has dropped  
24 dramatically. I think -- I think the national average  
25 is projected to be around \$2 this year. The projection

1 that we made in the exceptional item is \$3.60 which was  
2 about 11-and-a-half-million dollars. And that might be  
3 something the Commission may want to consider as far as  
4 changing.

5 We do have something in our legislative  
6 corporation request. We used to have it in the past  
7 that we'd put in there just in case we didn't get the  
8 operating dollars for gasoline. And that's a rider. It  
9 was back in our GA -- General Appropriations Act 1906  
10 and '07. And that rider basically -- what that rider  
11 did is if the price of gas went above a \$1.38 per  
12 gallon, then the Comptroller would provide us funding  
13 once that average gas went above that amount. And the  
14 agency kind of had the decision to make whether they had  
15 funding to cover the shortfall or ask for the money from  
16 the Comptroller.

17 This last session that rider was changed,  
18 and it increased the price per gallon to \$2.48. But it  
19 didn't provide us the opportunity to ask for additional  
20 funding from the Comptroller, but rather it allowed us  
21 to transfer funds from the next year into the current  
22 year which would then make it probably be short in the  
23 next year. The rider we've proposed, would kind of put  
24 it back to what we had in '06 and '07 giving us the  
25 opportunity to ask for additional dollars. We wanted to

1 bank on that rider because of the price of gas being so  
2 volatile right now, and just kind of focus on the rider.  
3 That would afford the agency dollars if we needed them  
4 due to the price of gasoline. And I have a copy of that  
5 rider. That was something that was approved in the LAR.  
6 So that's something you all may want to consider.

7           There's some other things in the operating  
8 shortfall that you may want to consider also, the  
9 Attorney General rider. That rider specifically, we  
10 request \$650,000 from the AG's office -- excuse me, to  
11 pay the AG's office for services every year. The way  
12 the writer's written today, it identified that if we  
13 have the money, we'll pay the AG's office. And we  
14 always have to have to wait till the end of the year to  
15 determine whether we're going to pay them or not. And  
16 the strategy behind the operating shortfall is to say  
17 why don't you just fund it and we'll pay it.

18           But that's something you may want to  
19 consider also as far as eliminating that and leaving the  
20 rider as is. And a lot of this I mention would be with  
21 the current economic times. If you recall, Governor  
22 Perry sent the letter over to the agency regarding us to  
23 consider looking at our current budget and our LAR  
24 request to see what we could do to cut back. These is  
25 some things that the agency could do to reduce our

1 exceptional items and kind of -- and kind of deal with  
2 the expenditures the way we have in the past, these  
3 writers that exist today, or potential writers that will  
4 help us with gasoline in the future.

5 MR. POLUNSKY: Is that it, sir?

6 OSCAR YBARRA: Yes, sir.

7 MR. POLUNSKY: Chief, let me ask you a  
8 question with respect to the FTEs that are revolving  
9 around the changes in Driver License. There's been some  
10 for want of a better description, agreement between the  
11 Department and, say, the Governor's office of how  
12 they're interpreting all of this. Can you explain a  
13 little as to what's going on there and --

14 OSCAR YBARRA: Well --

15 MR. POLUNSKY: -- what -- what the -- why  
16 these interpretations or opinions are different?

17 OSCAR YBARRA: There's -- there's -- I  
18 believe there's two issues here that -- that -- that are  
19 being considered by the agency based on what Sunset  
20 recommended; "A," is let's move the commissioned  
21 officers over to Texas Highway Patrol. That particular  
22 issue identified the deduction of law enforcement in the  
23 state of Texas. That's one thing that -- that -- that  
24 would definitely happen. And that's a concern for the  
25 agency moving into the session.

1           The other issue is that Sunset, I believe,  
2 identifies that it's a zero cost to do what they  
3 recommended. But in order to implement a civilian  
4 business model that will serve the State of Texas, Chief  
5 Brown and her staff worked with the directors, and my  
6 staff have identified what it would take to provide that  
7 service to the State of Texas. And that costs money.  
8 And that's my summary, and I'd be glad to defer to Chief  
9 Brown like to add to that if she'd like to.

10           MR. POLUNSKY: Chief.

11           JUDY BROWN: As a point of clarification,  
12 Chairman Polunsky, the two different schools of thought  
13 are with regards to the budget that's assigned to those  
14 commissioned positions. There's about \$14 million that  
15 comes into the Driver License Division that supports the  
16 commissioned officers on my staff. If those positions  
17 move to Highway Patrol and the money moves to Highway  
18 Patrol with them for support in the Driver License  
19 offices versus the positions move to Highway Patrol and  
20 the money stays in Driver License.

21           You can look at it from probably four  
22 different angles. The premise behind the recommendation  
23 for the civilian management model is that all but about  
24 \$1.8 million transfers. When we went through -- if  
25 you'll recall the recommendations were to move certain

1 amount of commissioned officers to different arenas, and  
2 that left us with a small number of positions that we  
3 would -- the positions would be lost through attrition,  
4 and the salary would be retained by DL. And that was  
5 about 1.8 million.

6           So you can -- you can enhance our proposal  
7 either by reducing that cost. However, if those  
8 positions -- if those commissioned officers stay in  
9 Driver License, they need to be paid. I'm being  
10 allocated the money for it now whether I ask for it or  
11 whether we move them to THP and THP asks for it. I  
12 think it's a zero balance when you get to the bottom of  
13 the agency's request. But those are the two different  
14 schools of thought as to whether that money stays in  
15 Driver License to support Driver License programs, or  
16 whether that money moves with those positions to THP.

17           MR. POLUNSKY: All right. But is there a  
18 third school of thought here that's coming out of the  
19 budget and policy office?

20           JUDY BROWN: Recent conversations, the third  
21 school of thought is if those DL positions are going to  
22 stay in Driver License offices to support Driver License  
23 activity, that that budget ought to come out -- ought to  
24 stay in DL to support those positions.

25           MR. POLUNSKY: Okay.

1 MR. CLOWE: Are you clear on that? I don't  
2 think I am.

3 JUDY BROWN: Want me to take another stab at  
4 it?

5 MR. CLOWE: Well, can I ask a question?

6 MR. POLUNSKY: Absolutely.

7 MR. CLOWE: I think I saw where you said the  
8 cost of civilian management in the DL Division was 32  
9 million the first fiscal year and 34 the second fiscal  
10 year?

11 JUDY BROWN: That is civilian management and  
12 all the customer service initiatives.

13 MR. CLOWE: So that includes some new FTEs  
14 and higher compensation throughout the division?

15 JUDY BROWN: Yes, sir.

16 MR. CLOWE: And that's the cost with the  
17 money staying in the Division or going with the  
18 uniformed commissioned individuals to THP?

19 JUDY BROWN: That is the cost with  
20 \$1.8 million of the current commissioned salary staying  
21 in DL and 12-something going to THP.

22 MR. CLOWE: Going to THP. Now, what has THP  
23 got in unfilled FTEs to compensate those individuals if  
24 they come to THP?

25 DAVID BAKER: We have 240 vacancies.

1 MR. CLOWE: So you've got the money.

2 OSCAR YBARRA: But one factor to consider  
3 also is we also have a school that's about to graduate  
4 in April. So majority of those folks will be going into  
5 THP.

6 JUDY BROWN: And when you talk about those  
7 positions, I think that's where we've got to maintain a  
8 clarity. If Chief Baker pays for those positions out of  
9 his salary dollars to support my function, that's that  
10 many sets of boots on the ground that are now in Driver  
11 License offices and not on the highway. And therein  
12 lies the reason that we transferred the money under the  
13 expectation that the Commission wanted those positions  
14 to be in Driver License office to support those  
15 functions.

16 MS. BARTH: Aren't you reducing the number  
17 of commissioned officers in the offices?

18 JUDY BROWN: We are not reducing the number  
19 of troopers, we are reducing the number of supervisors  
20 that would be required. However, again, those  
21 supervisors when we look at --

22 MS. BARTH: Supervisors meaning commissioned  
23 officers?

24 JUDY BROWN: Commissioned supervisors, would  
25 be reduce to support the Driver License function. But

1 we're also talking 30 of those sergeants moving them  
2 into the CLE for the -- for the identify theft  
3 increasing that unit -- that task in CLE.

4 MR. CLOWE: And, in your mind, does that  
5 comply with the sense of the Sunset recommendation that  
6 by transferring those commissioned officers in  
7 management roles out of Driver License but keeping the  
8 troopers, it follows the recommendation of Sunset which  
9 this Commission has adopted?

10 JUDY BROWN: I would -- I would tell you  
11 that I believe the original sense of Sunset was you  
12 remove those positions and the supervisors out of Driver  
13 License offices.

14 MR. CLOWE: That was my impression.

15 JUDY BROWN: Now, if the Commission's  
16 decision is that those commissioned officers perform  
17 a -- a valuable function in the Driver License offices  
18 and need to remain, we certainly could reduce the number  
19 of supervisors to supervise those troopers, and we did  
20 that moving the entire function to THP. We could do  
21 that leaving the function under Driver License. It's a  
22 matter of -- it's a matter of control and support and  
23 training from that perspective.

24 But the early Sunset recommendation, as  
25 we've spoken to Sunset, was that entire group of people

1       come out of Driver License offices. And I believe,  
2       again, that's part of the reason why Sunset felt like  
3       there was no budgetary impact. And if you look at my  
4       proposal, it's 14.3 to replace all of the commissioned  
5       with civilian managers. So if you looked at Sunset's  
6       recommendation and our proposal for the civilian  
7       managers, that would be a very little cost impact.

8               MR. CLOWE: That's where the confusion was  
9       in my mind.

10              MR. STEEN: Chief, I want to go back to  
11       something that you said. We went through the Sunset  
12       process, and Sunset Commission said we wanted -- you  
13       know, they focused on the Driver License Division, and  
14       they recommended that we go to civilian management  
15       model. You're saying when they made that recommendation  
16       they thought it wouldn't cost us anything? Did I hear  
17       that correctly?

18              OSCAR YBARRA: They stated in their report,  
19       sir.

20              MR. STEEN: And now we've done our work on  
21       it and we're talking about how much?

22              JUDY BROWN: As a total proposal, we're  
23       talking 20 -- get my numbers so I don't misquote --

24              OSCAR YBARRA: That the biennium?

25              JUDY BROWN: 26 the first year and 22 the

1 second for a total of 48 over the biennium.

2 MR. STEEN: \$48 million.

3 JUDY BROWN: And that's our civilian  
4 management model as well as \$22 million plus of customer  
5 service initiatives to fix the process.

6 MR. STEEN: Someone help me with that,  
7 because there's a tremendous disconnect there between  
8 saying it's not going to cost anything and now we come  
9 back and say it's going to cost -- what'd you say,  
10 \$40-something million? Give me the perspective.

11 JUDY BROWN: In looking --

12 MR. STEEN: How did the Sunset Commission  
13 miss that in terms of making that recommendation?

14 JUDY BROWN: Sunset recommended that we  
15 could make better use out of our commissioned peace  
16 officers by using civilian managers in driver license  
17 offices. And if you look at the fact that right now I  
18 have about \$14 million allocated to -- to the complete  
19 commissioned process, troopers and supervisors in driver  
20 license offices, if I reduce all of those commissioned  
21 officers from Driver License, I can replace them with a  
22 civilian management staff at 14.3. So that -- that is a  
23 minimal cost from -- from a -- from a bigger picture  
24 perspective of the agency's budget.

25 However, Sunset also recommended that stated

1 that Driver License was similar to a retail service.  
2 However, we don't operate like a retail service. We  
3 operate very much within the confines of the budget that  
4 we're provided as a state agency. And so when we looked  
5 at their proposal and looked at the expectations of this  
6 Public Safety Commission, and I believe the legislature,  
7 what do we need to do to fix the process and operate  
8 more from a customer service perspective as a retail  
9 service. And in that, we laid out another \$22 million  
10 in technology, services, restructuring, business  
11 processes that we could provide to the public; and  
12 reduce the number of complaints we have, reduce the wait  
13 times and therefore increase our services to the public  
14 and operate more like a retail environment.

15 MR. STEEN: So what you're saying is Sunset  
16 Commission said move this -- move our --

17 COLONEL CLARK: People.

18 MR. STEEN: Just move people, the certified  
19 peace officers, whatever, out of the -- out of Driver  
20 License and move civilians in, and that'll be a wash.  
21 That's about as far as they got on it?

22 MR. POLUNSKY: I think they went further on  
23 it in the sense they were looking for better customer  
24 service and better methods for providing the end product  
25 of Driver License.

1 COLONEL CLARK: But I don't think they went  
2 into the detail that -- that Chief Brown has described.

3 MR. POLUNSKY: That's correct. But it  
4 wasn't just --

5 COLONEL CLARK: Yeah, they wanted the  
6 customer service improved.

7 MR. POLUNSKY: Right. That's where they  
8 were going with all that, is ways of accomplishing that  
9 would be to civilianize the division. So kind of the  
10 other way around.

11 MR. STEEN: But what's happening today,  
12 we're being asked to go ahead and embrace this as a  
13 plan? To go to the legislature and say, here's our plan  
14 and here's what it's going to cost?

15 JUDY BROWN: That's correct.

16 OSCAR YBARRA: As an exceptional item to be  
17 added to what we currently have.

18 MR. STEEN: And what's the -- how do we feel  
19 about that? Is that -- is everybody being brought along  
20 with that? Is that going to come as a shock to people?

21 OSCAR YBARRA: Well, I will tell you that  
22 customer service, and what I witness in front of the  
23 legislature when we're testifying is there's a big  
24 concern about the waits that -- that are happening,  
25 especially in Houston and Dallas. Dean Whitmire jokes

1 about people ordering pizza while they're in line, and  
2 what we can do about that. I know it's been a big issue  
3 with the legislature. And I think Chief Brown's staff  
4 have -- have looked at what can be done to improve that,  
5 and it has a price tag.

6 JUDY BROWN: Commissioner Steen, we have --  
7 we have provided this proposal to a very small number of  
8 people. And the reason that we've hesitated to move  
9 forward with it is wanting the blessing and the  
10 direction of the Public Safety Commission. Governor's  
11 office staff has had an opportunity to review it; a  
12 couple of key legislatures; we've provided it to Sunset.  
13 I've provided it to Deloitte, and we've -- I've gotten  
14 comments back from Sunset, from Deloitte. Have not had  
15 the opportunity to follow-up on comments with the  
16 Governor's office and some of the key legislative staff.

17 But, again, hesitant to move completely  
18 forward until we knew what the will of the Public Safety  
19 Commission would be. We're in preparation to prepare a  
20 smaller version of this recommendation based on your  
21 blessing or -- or lack thereof, to show what we need to  
22 move forward what that would look like, and to clarify  
23 those dollars for key legislators.

24 MS. BARTH: How did the Governor's office  
25 react?

1           JUDY BROWN: I have had the opportunity to  
2 provide it to the Governor's office. I know there --  
3 there are comments. We have not had the opportunity,  
4 due to the holidays, to go over those comments.

5           MR. POLUNSKY: Mr. Clowe.

6           MR. CLOWE: Commissioner Steen, I think you  
7 asked a good question. And there were a lot of  
8 discussions about this over a period of time. And I  
9 think the Sunset recommendation saw it, in one way, to  
10 achieve the results that the Chairman has identified,  
11 and that was better customer service. I think that's  
12 what the legislature has indicated they want.

13           My sense of it is we now as an agency gotten  
14 into it in depth, and we're saying we want better  
15 technology. We want expanded hours. We want higher  
16 paid management. We want higher paid front-line  
17 employees. This is the area we have the highest  
18 turnover of anywhere in the DPS. And we want to keep  
19 those uniforms there because of a number of reasons, and  
20 so we've come back with this higher cost.

21           And I think the question before us today is  
22 do we want to agree that these numbers are right and we  
23 want to go back to the budget office. Certainly ought  
24 to be communicating with Sunset saying we see it  
25 differently. We see it's going to cost quite a bit of

1 money.

2                   And then I think you get into the  
3 negotiation and you could call it that, of here's what  
4 we will settle with and here's what ought to be asking  
5 for. But I think our people have done the right job  
6 saying well, if you really want this, we'll go get it  
7 and here's what it's going to cost, and think the key  
8 questions are what's the response from the Governor's  
9 office, what'd Sunset have to say about it, what shall  
10 we do with it.

11                   I think that's basically the fundamental  
12 question. The more I got into this, the more I ended up  
13 concurring with the recommendation of the Sunset staff  
14 and thereafter, the Commission. I do feel it's in the  
15 best interest of the public, and certainly the  
16 Department, to civilianize the -- the Division as far as  
17 management is concerned, and also to provide additional  
18 customer services so that -- so that process can be  
19 improved because that process, in many cases, has been  
20 set out here are -- are less than desirable,  
21 particularly in the big cities, the urban areas.

22                   So I am in agreement on -- on going forward  
23 and making these improvements and making the changes  
24 that we're talking about here. But I think that there  
25 probably is somewhat of an impasse, or maybe impasse is

1 not the correct word, but disagreement between our staff  
2 and the Governor's office as to how some of this funding  
3 is -- you know, should be characterized, particularly  
4 with the FTEs. I think that's -- that's where a lot of  
5 this is. So I guess we just need to -- you know, if we  
6 don't exactly have the Governor's office position public  
7 discussion here, we may just have to go forward. I  
8 don't know.

9 MR. CLOWE: And I think it's important to  
10 say what you just said, Mr. Chairman, that we're all in  
11 favor of the recommendation and we're behind it. But we  
12 think it's a legitimate estimate of cost. We're -- you  
13 know, oh, you're just saying it's too expensive, you  
14 don't want to do it. That's not the case at all. This  
15 is what we really think the cost is going to be. And  
16 now let's go into a discussion about that and justify  
17 it, and then if it's a better solution to do something  
18 else, we want to look at that. But we're all behind the  
19 Sunset recommendation in fact, and in a commitment to do  
20 this, to make the service better to the public and the  
21 state of Texas.

22 JUDY BROWN: Chairman Polunsky, if it would  
23 be your will, if you in theory want to approve the  
24 recommendation as is, Colonel Beckworth, Chief Baker and  
25 I can meet with the Governor's office, iron out what we

1 need to with regards to salary. It will -- could alter  
2 the bottom line. But as we go from today, we'll have to  
3 move this document into LAR format and finalize it. So  
4 we'd have a couple of days, I would expect, that we  
5 could work through that discussion and try to reach  
6 agreement at that point. We could convey that to the  
7 Public Safety Commission.

8 MR. POLUNSKY: Well, and that's fine, Chief,  
9 and we may end up doing that. But you've not had  
10 discussions with the Governor's office prior to today?

11 JUDY BROWN: I've had several conversations  
12 with the Governor's office, multiple conversations prior  
13 to today. As I said, the most recent conversation that  
14 I had was the conversation with regards to if the Driver  
15 License troopers are going to stay in Driver License  
16 offices, maybe the Driver License trooper budget should  
17 stay under the control of the Driver License Division.  
18 That was the most recent conversation that I've had.

19 As I said, I'll be glad to move forward. I  
20 really think it almost is going to be a wash unless we  
21 change the decision -- unless the Commission changes the  
22 decision with regards to those officers being in DL  
23 offices.

24 MR. POLUNSKY: So, again, the additional  
25 money is for the enhanced customer services.

1 JUDY BROWN: Yes, sir.

2 MR. CLOWE: I -- I think it's a fair  
3 question to say does the Commission still feel that  
4 those uniformed troopers ought to be in the DL offices.  
5 We felt that way in the past, but that's a big part of  
6 this number, cost wise.

7 MR. POLUNSKY: Well, to tell you the truth,  
8 I'm not convinced as I was previously that they need to  
9 be in these offices.

10 MR. CLOWE: Well, that will make -- if -- if  
11 the Commission changes that position, that'll make,  
12 what, \$14 million difference?

13 JUDY BROWN: Yes, sir.

14 MR. POLUNSKY: Or that they need to be in  
15 all of those offices.

16 MR. CLOWE: Now, there, that -- that might  
17 be the key to it.

18 MS. BROWN: Well, and to chime in, isn't  
19 that kind of the pilot program that -- don't you have a  
20 pilot program going where you have kind of a roving --

21 JUDY BROWN: We have a pilot program today  
22 where we have a civilian supervisor in the North Lamar  
23 Driver License office. The person that she was  
24 replacing was on military leave; he's just returned. We  
25 are asking -- we are actually at this moment using him

1 to help train him and then we're going to move her to a  
2 smaller office where there are no troopers. Again, we  
3 have troopers in minimal offices. We do not have them  
4 in all of our offices. But if you want us to look at  
5 the reduction of troopers, then we could look at the  
6 reduction of those positions.

7 Right now we have 118 troopers; we could  
8 look at the reduction of those. The -- the issue with  
9 reducing the troopers also is an issue with reducing our  
10 effectiveness from a -- from a law enforcement  
11 perspective because the -- the fraud and the crime goes  
12 to offices where we don't have troopers today. They  
13 follow that pathway to know when -- when a trooper's  
14 going to be there or where an office is where there's  
15 not a trooper assigned.

16 MR. CLOWE: But to answer Commission Brown's  
17 question directly, your test is on management, it's not  
18 on --

19 JUDY BROWN: My test is on management. It's  
20 not -- just this month we will move her to an office  
21 where there's no troopers assigned to give her an  
22 opportunity to see how that works in that environment.  
23 That's an office today that doesn't have a full-time  
24 supervisor at it anyway. So it -- it's almost destined  
25 for success because it gives them an added layer that

1 they've not had in the past.

2 MR. CLOWE: But she hasn't taken troopers  
3 out as a test.

4 MS. BROWN: Okay. So -- so we haven't -- we  
5 haven't -- we do not have a pilot program on that  
6 particular issue.

7 JUDY BROWN: That's correct.

8 MS. BROWN: Okay.

9 MR. CLOWE: That was your question.

10 MS. BROWN: Yes. Thanks.

11 JUDY BROWN: I'm sorry.

12 MS. BROWN: That's okay. I got the answer.

13 MR. CLOWE: It might be that we want to look  
14 at where the greatest need for uniformed troopers is in  
15 these DL offices and see if, you know, the number could  
16 be reduced and thereby the cost diminished. And my  
17 sense is that probably we're the greatest demand, and  
18 congestion, and unhappiness is, is probably where the  
19 need is the greatest.

20 MR. POLUNSKY: I'll agree with that.

21 MR. CLOWE: Probably Houston, Dallas, San  
22 Antonio --

23 MS. BROWN: If I could chime in for --

24 MR. CLOWE: El Paso.

25 MS. BROWN: -- for a moment, if our dual

1 concerns in having a uniformed trooper are prevention of  
2 fraud and having someone there, I guess, to arrest on  
3 warrants, I mean, it seems -- like you were saying, it's  
4 common sense would say that because you have more people  
5 in Dallas that that's where you're going to have most of  
6 your fraud, that's where you're going to have most of  
7 your arrests. Does statistics bear that out where your  
8 smaller, more rural places have less fraud?

9 JUDY BROWN: They -- they do bear that out  
10 and they also bear out that that's where the majority of  
11 my troopers are placed.

12 MS. BROWN: Okay.

13 MR. CLOWE: Judge, we have, in McLennan  
14 County, individuals who are on probation who are showing  
15 up to appear before a judge who are under the influence  
16 of alcohol and drugs to the extent that they have  
17 provided testing facilities, and they take them into  
18 custody and test them right then. It's on the front  
19 page of the Waco newspaper this morning. And we have  
20 people who come in these driver license offices who are  
21 under the influence and have an active arrest warrant or  
22 subpoena out for them. And that's where the need for  
23 the uniformed commissioned officer is.

24 MS. BROWN: And I sure do want them to be  
25 able to snatch that person up. I mean, I -- I don't

1 think any of us can sleep at night if they (Inaudible)  
2 on their way home. Here's my question. I mean,  
3 practically, if you don't have a trooper in every  
4 location, I'm assuming even the most competent employee  
5 can only stall so long. Most people know they've got  
6 warrants. And if you're scratching your ear for ten  
7 minutes, they know somebody's coming; is that right?

8 JUDY BROWN: If you begin to delay in an  
9 offices where there's not a trooper, if it's a -- if  
10 it's a case of fraudulent documents, they leave the  
11 documents on the counter. They can go buy another set.  
12 They're gone.

13 MS. BROWN: Do you find the same with people  
14 with active warrants? I mean, I remember being on the  
15 bench, and you knew when you walked into court if you  
16 would be taken in. So I would assume if you don't have  
17 somebody there right then --

18 JUDY BROWN: I would tell you --

19 MS. BROWN: -- they're leaving.

20 JUDY BROWN: -- that there's a -- there's  
21 a -- at least 50 percent of the people who come into the  
22 offices either don't know they had warrants or they're  
23 not aware that we serve warrants in Driver License  
24 offices.

25 MS. BROWN: Okay.

1           JUDY BROWN: So we -- we get a lot of those  
2           unaware of the situation. Usually -- usually when  
3           there's a warrant and there's a trooper in the office,  
4           the warrant's served. The person -- the person is taken  
5           care of on the spot.

6           MR. STEEN: Chief, when -- when we were  
7           going through Sunset, sounds like they just said,  
8           wouldn't it be a great idea to civilianize the Driver  
9           License Division, and maybe there was not an  
10          appreciation of the things we're talking about. There  
11          were other reasons that maybe they didn't consider why  
12          troopers needed to be in the offices.

13          MR. CLOWE: Commissioner Steen, I know the  
14          Chairman was at our meeting where this was discussed,  
15          and he answered a number of questions eloquently. There  
16          was a strong desire to do a better job of making the  
17          public happy. And quite frankly, the alternative was  
18          we're just going to take DL out of DPS and we're going  
19          to put it in TxDot, or we're going to make it a separate  
20          entity. And the chairman responded to that, said, we're  
21          going to do the right thing.

22          But I -- my sense of just being in the room  
23          and hearing the exchanges, was the Sunset committee and  
24          the legislatures wanted service to the public. And they  
25          expect us to deal with the problems that now Judge Brown

1 and the Chief are discussing. And I think it's a  
2 legitimate response for us to say, we want to do what  
3 you've told us to do. We're committed to that, and  
4 here's our best cut on how to do it and what the cost  
5 is. And then I think you -- you go from there. But  
6 we're sincerely committed to giving better customer  
7 service. That's the underlying place that we start.

8 MR. POLUNSKY: Yeah. We -- we made an  
9 express commitment to the Sunset Commission and to other  
10 members of the legislature that we are going to do what  
11 needs to be done in order to improve customer service  
12 and make it the very best possible. So to me that's not  
13 an issue. The additional cost there, I would be in  
14 favor of. I'm -- I'm just kind of focussing on these  
15 FTEs and who's paying for what there, where they end up,  
16 and whether they need to stay there. But the  
17 additional -- additional services that are being asked  
18 for, I'm in favor of.

19 MR. CLOWE: Well, that's basically her  
20 proposal, I think, at this point. How about going to  
21 that to the Governor's office and then if the response  
22 is, that's too much money, then we begin to look at how  
23 to reduce it.

24 MR. POLUNSKY: That's the only way to do it.

25 MR. CLOWE: And that would be a reduction of

1 the uniformed commissioned officers to where we perceive  
2 the problem is the greatest and the need for enforcement  
3 on the scene. Keep the management cost, keep the FTEs,  
4 keep the paid of clerical individuals, keep the  
5 technology. That's all part of basic package. And I  
6 would like to try to sell the idea of keeping the  
7 troopers in the offices. I've always been personally in  
8 favor or that as much as possible.

9 MS. BROWN: Can I ask a question, do we have  
10 any idea what percentage of active warrants are actually  
11 discharged by picking somebody up at -- because that  
12 might be helpful to say that, you know, of active  
13 warrants, you know, 25 percent of them are actually  
14 picked up when somebody comes to Driver License.

15 MR. CLOWE: They've got some of those  
16 statistics. They -- they have told us that those  
17 uniformed officers make higher percentages of arrests  
18 than the officers who are out --

19 MR. POLUNSKY: On the field.

20 MR. CLOWE: -- on the field.

21 MS. BROWN: That's pretty compelling.

22 JUDY BROWN: We've got numbers --

23 MR. CLOWE: Am I correct?

24 JUDY BROWN: You are correct. Per capita,  
25 the driver license trooper makes more warrant and more

1       arrests than any other in -- in -- in the state. I  
2       personally don't know the number of comparison of how  
3       many warrants they serve versus how many warrants are in  
4       the system. We can get you the statistics on how many  
5       they serve and we can look at the other. I'm not sure  
6       it's a -- it's a real valuable perspective because of  
7       the number of warrants that are actually put in the  
8       system. It may be a smaller number when you look at the  
9       percentage. But I think when you look at the day to day  
10      activities, the number of warrants served, number of  
11      arrests made. I think you'd be astounded by the numbers  
12      we would provide.

13                 MS. BROWN: And I don't want you to feel  
14      like you've got to go compile some statistics. It  
15      sounds like you've got another number that presents how  
16      important that is just by being able to say that you  
17      are -- you're serving -- you're getting rid of warrants  
18      more from people coming in than troopers on the road are  
19      stopping them.

20                 JUDY BROWN: Absolutely. We've got those  
21      numbers available.

22                 MR. CLOWE: And there's an intangible,  
23      judge, of the uniformed officers being there. It's  
24      called a command presence. You know, having a bailiff  
25      in the court.

1                   MS. BROWN: I agree. Makes people not cut  
2 up. And I would think with the issue of fraud, if one  
3 were so inclined to try to get a phony ID or not have  
4 proper credentials, certainly they would hopefully give  
5 it greater -- greater thought by seeing somebody who  
6 could slap the cuffs on them.

7                   JUDY BROWN: That's correct.

8                   MR. STEEN: It sounds like to me coming in  
9 this stage, what happened is that you get this notion  
10 and on the surface it sounds real good. Let's  
11 civilianize the Driver License Division. And what  
12 you're thinking is, the public wonders, well, why are  
13 all these troopers in an office like this. Why aren't  
14 they on the street arresting people and doing the things  
15 that they're trained to do. But in fact what we're  
16 finding out is that there's a real reason for them to be  
17 in those offices, and maybe that hasn't been  
18 communicated like we should. And if that's the case,  
19 are we getting off on a tangent getting this whole idea  
20 of civilianizing the -- the Driver License offices or  
21 what do you think?

22                   MR. POLUNSKY: Well, I think the  
23 civilianizing the Driver License office -- the Driver  
24 License Division is more on the management side.  
25 That's -- I think that's where the Sunset Commission was

1 recommending that we go with all of this. And I firmly  
2 concur with that recommendation. As far -- as far as  
3 staffing these offices with troopers, I mean, it's  
4 pretty much the same situation that we have now. It's  
5 just matter of who's paying for it, where do they end  
6 up.

7 MS. BROWN: Commissioner Steen, my  
8 understanding, and please tell me if I'm wrong, Chief,  
9 is that as it stands now, you have a uniformed officer  
10 that's not just being a law enforcement presence and  
11 arresting people if they have warrants, but also acting  
12 as a supervisor, is that it?

13 JUDY BROWN: We have 123 troopers acting to  
14 do enforcement work, investigations, deterrence of fraud  
15 serving warrants. We have 89 supervisors. Those  
16 supervisors not only supervise the trooper but they  
17 supervise the civilian technicians and examiners and the  
18 public as they come into the office in the process. And  
19 therein lies the significant value is could those  
20 commissioned supervisors be better utilized as  
21 commissioned supervisors supervising commission ranks  
22 for strictly commission duties rather than the civilian  
23 duties managed in the Driver License Division.

24 MS. BROWN: So is the uniformed trooper,  
25 just to make sure, am I understanding that correctly,

1 you would have a uniformed trooper as it stands now that  
2 would supervising civilians in addition to the other  
3 duties; is that right?

4 JUDY BROWN: The trooper does not  
5 supervise --

6 MS. BROWN: Oh.

7 JUDY BROWN: -- the civilians.

8 MS. BROWN: I'm sorry.

9 JUDY BROWN: The trooper answers to the  
10 sergeant and the civilians answer to the sergeant.

11 MS. BROWN: Okay. Got ya.

12 JUDY BROWN: So there's a -- there's a, you  
13 know, great cost savings reduction when you look at the  
14 commissioned management numbers outside of just the  
15 troopers.

16 MS. BROWN: Thank you for clarifying that  
17 for me. I appreciate it.

18 MR. CLOWE: But judge, the trooper will get  
19 behind the desk and issue driver's licenses. They'll  
20 actually --

21 MS. BROWN: Goodness gracious, that's a lot  
22 of jobs.

23 MR. CLOWE: Deal with the public from time  
24 to time.

25 MS. BROWN: You arrest, you -- I mean, what

1 don't they do?

2 JUDY BROWN: In -- in the larger offices,  
3 that's a little bit more of a rarity because they have  
4 more enforcement investigative activity. But they  
5 should absolutely, and as far as I know, all have the  
6 capability of to sit down and do that. They need to  
7 know that option and how it -- how it works in order  
8 to -- to get --

9 MR. CLOWE: So that does --

10 JUDY BROWN: Testimony and make sure of --  
11 it does happen. It does happen.

12 MR. CLOWE: Well, I've seen it in Waco, but  
13 I didn't know that it doesn't happen in Dallas or  
14 Houston. They -- they don't have the time to do that.

15 MS. BARTH: I would disagree. I've been in  
16 an office where trooper's behind the desk doing  
17 something.

18 MS. BROWN: So it sounds like they provide  
19 many functions. They're actually working as -- doing  
20 civilians' jobs, and doing arrests when it's necessary,  
21 and just by their very presence, they're a deterrent to  
22 fraud.

23 JUDY BROWN: That's correct.

24 MR. CLOWE: Commissioner Steen, we -- we  
25 really had some lively discussions, I think, from a term

1 I used on this subject. And it was not a quick  
2 decision. We really beat this around.

3 MR. STEEN: Well, I guess what I'm saying is  
4 you look at two things. There's civilianizing Driver  
5 License Division, and then something that we're all  
6 embracing which is improving customer service. And just  
7 wonder if we're -- if you had to break those down cost  
8 wise, if you divided it that way, what is -- what is  
9 civilianizing cost versus improving customer service?

10 JUDY BROWN: We have it broken down. The --  
11 the materials that you have in your packet, the -- the  
12 one chart shows that the civilian management is 25  
13 million over the biennium, and the customer service  
14 initiatives are 22 million over the -- over the  
15 biennium. Commissioner Steen, when you -- when you  
16 compare the Sunset report to the Deloitte report, I  
17 think it -- there's some added value. Sunset makes the  
18 recommendation that we need to operate more like a  
19 retail environment, more like a retail business.  
20 Deloitte comes in and goes into more depth.

21 And the pleasing thing, from my perspective,  
22 is as Deloitte's doing their study, we're doing our  
23 research and trying to move forward with the Sunset  
24 recommendation. Our technology customer service  
25 initiatives are aligned almost identical when we got the

1 Deloitte report. There's maybe one in ours that  
2 Deloitte didn't have, or one in Deloitte's that we  
3 didn't use. But Deloitte goes a little more in depth  
4 with the things that we could do to provide better  
5 service and become more like a retail service operation  
6 in our ability to serve the public.

7 MR. CLOWE: You okay with letting this run  
8 on a little bit in?

9 MR. POLUNSKY: I'm okay with it.

10 MR. CLOWE: Commissioner Steen --

11 MS. BARTH: I'd just like to see the BCS  
12 tonight.

13 MR. CLOWE: In another light -- in another  
14 light --

15 MR. POLUNSKY: We can bring a monitor in.

16 MR. CLOWE: -- I ran a retail business that  
17 had public offices where people came in to pay their  
18 bills, and we were focussed on customer service. You  
19 know, in a call center there was a flashing light, how  
20 long people had to wait before an operator answered, how  
21 many seconds, and we would time in the payment centers  
22 how long a person stood in line before they got to the  
23 cashier. And my sense is that what we're trying to do  
24 is to achieve customer satisfaction in that way of  
25 thinking in the issuance of driver's license.

1           The thing that makes it a little more  
2 difficult for us is that it's not just here's my money,  
3 give me my stamped receipt. You know, we had clerks  
4 behind 3-inch Kevlar glass, and a scoop that money was  
5 passed out and received. Next in line, get out of way  
6 and bang, bang, bang. Here, you've got to coach so many  
7 who come in about the document requirements. You've got  
8 to visit with them. We have a language issue,  
9 particularly in Houston, Harris County, also in other  
10 counties where you have many bilingual or multilingual  
11 requirements. And you have a high percentage of people  
12 who come with invalid documents or insufficient  
13 documents; requires a lot of personal interaction. And  
14 that slows things down.

15           And because this group has the highest  
16 turnover, they're, in many cases, not as well trained as  
17 we'd like them to be. And I'm not saying anything  
18 about -- derogatory about the good job that so many do.  
19 But the fact is that other jobs pay more and people are  
20 seeking increased compensation. And I think it's only  
21 fair to say -- Chief Brown may want to make a comment on  
22 this -- there's the issue of bribery that we see come to  
23 surface from time to time, and that's something that you  
24 don't see in a retail business. A person will attempt  
25 to bribe a clerk with hundreds of dollars of cash from

1 time to time. And that's an issue that you don't have  
2 in retail business.

3 MR. STEEN: See, I've come around on this.  
4 I think when I first heard this about civilianizing it,  
5 really what I was focussed on is why are those troopers  
6 in offices behind desks, why aren't they out, you know,  
7 catching the gad guys. So I've come around on my  
8 thinking that there is a reason to have the troopers  
9 there. And so, you know, I'm wondering if -- you know,  
10 we're talking about civilianizing is 25 million,  
11 improving customer services is 22 million. Is it valid  
12 just to think about let's just really focus on improving  
13 customer service and maybe move away from this  
14 civilianizing idea. And I guess the question I have in  
15 that regard, how does civilianizing DLD fit into  
16 improving customer services; is that part of what you're  
17 considering?

18 JUDY BROWN: I think another --

19 MR. STEEN: Are they separate?

20 JUDY BROWN: -- illustrious commissioner on  
21 the board has asked that question to me in the past.  
22 Civilianizing -- the difference between what a civilian  
23 manager can do and a commissioned manager is minimal.  
24 It's up to us to do the training, to provide -- provide  
25 the tools that a person needs to manage this process.

1 The significant difference in that same cost perspective  
2 is the number of supervisors that we can provide for the  
3 same dollars. We have 89 commissioned supervisors;  
4 that's sergeants, lieutenants and captains. Within --  
5 within our \$14 million proposal is 256 civilian  
6 managers. So it allows us to put more managers over a  
7 process that needs to be managed.

8 Quite often now you'll see a sergeant is  
9 responsible for three or four offices, even in larger  
10 cities. They're responsible for multiple locations.  
11 And so in the civilian management model, for the same  
12 cost that we pay our commissioned officers, we almost  
13 triple the number of managers that we have and allow a  
14 better saturation, if you will, of supervisory  
15 personnel, ensuring the process is moving, making the  
16 right decisions being there to -- being there to serve.

17 MS. BARTH: I just want to say one thing.  
18 Commissioner Steen, I think Sunset and, I believe,  
19 ourselves, have looked at other states along the way. I  
20 don't think this is, like, some new concept out there,  
21 okay. Other states have the same issues that we have,  
22 people coming in that aren't supposed to get a license,  
23 language barriers, et cetera. So I just -- I really  
24 think -- I don't want to get looking at this in a vacuum  
25 on the situation. Because I fully believe this is where

1 we need to head with some law enforcement in the  
2 offices, and I understand and recognize that. But I  
3 believe that Sunset saw, what I think, is out there,  
4 some deficiencies by going to a civilian model. And we  
5 aren't and other states are moving this way, okay. So  
6 with all sorts of incentives out there and ideas to  
7 drive license renewal electronically, we're appropriate.  
8 I think it was the state of Virginia where it cost you  
9 more to come in if you're eligible to do it  
10 electronically. So I think these are ideas that we have  
11 to look at. It's just I don't want to be looking at oh,  
12 gosh, we can't do this. We've got to have a law  
13 enforcement presence.

14 MR. POLUNSKY: Chief Brown, remind me, how  
15 many states are totally civilian with respect to  
16 issuance of driver's licenses?

17 JUDY BROWN: There are less than eight that  
18 use law enforcement in their driver license offices.

19 MR. POLUNSKY: All right. So there's at  
20 least 42 states that have completely removed law  
21 enforcement supervision totally; is that correct?

22 JUDY BROWN: That's correct.

23 MR. STEEN: And how are they dealing with  
24 these issues about warrants and fraud?

25 JUDY BROWN: The difference is the majority

1 of those driver license functions are in a Department of  
2 Motor Vehicles, or in a Department of Revenue. They're  
3 not in a law enforcement agency. So they are -- are if  
4 you -- if you will, oblivious to that the warrant  
5 exists. They don't have access to that information and  
6 so these people are issued licenses and move on about  
7 their business.

8 MS. BROWN: I'm not seeing this as  
9 inconsistent. And -- and if I can chime in here, it  
10 sounds like the civilian model that's being proposed is  
11 effective and cost effective, especially if we can  
12 balance in law enforcement presence where feasible. But  
13 what I'm taking from this is the big change is rather  
14 than having law enforcement in management all the time,  
15 we're not wanting -- I don't think any of us want to  
16 completely do away with the presence of law enforcement  
17 because of deterrence of fraud.

18 MR. POLUNSKY: That's correct. I know of no  
19 one here who wants to totally eliminate law enforcement  
20 presence in these offices. There may -- there may be  
21 some offices where --

22 MS. BROWN: Sure.

23 MR. POLUNSKY: -- they could be eliminated  
24 or reduced. But for the most part, that's not the  
25 issue. What we're looking at, in my mind, as far as

1 civilianizing the Division is on the management side.

2 MS. BROWN: And that sounds like it's  
3 effective.

4 MR. POLUNSKY: And I -- you know, the Sunset  
5 Commission has come forward with this recommendation,  
6 Deloitte has come forward with this recommendation. And  
7 I'm in agreement on that with respect to that part.  
8 Just to be very blunt about it, I have a problem with  
9 spending the money to send people to recruit school for  
10 six months to become law enforcement people -- law  
11 enforcement officers, and then they actually are turned  
12 into administrators in the Driver License Division. And  
13 that doesn't make a whole lot of sense to me. They're  
14 not trained -- they're trained to be law enforcement  
15 people but end up being administrators.

16 MS. BROWN: I agree. And it sounds like  
17 what -- what we're doing is -- is using them in an  
18 appropriate method and taking a civilian to task the  
19 civilian to do.

20 MR. POLUNSKY: Right. So that's, in my  
21 mind, the civilianizing part. Not certainly completely  
22 or dramatically removing the troopers from the driver's  
23 license offices. Although, like I said, I've walked  
24 into a couple in rural areas where -- not that I'm an  
25 expert, but it appears that they're -- they're not

1 properly being utilized for long-term purposes to a  
2 large degree. But when you go into the urban areas,  
3 yes, there's -- absolutely, I -- there's no question  
4 that -- that there is a necessity to have law  
5 enforcement people there.

6 That's the argument I made at the Sunset  
7 Commission. And members of the Sunset Commission when  
8 this issue was brought up and certainly argued  
9 vigorously, publicly, privately by a Representative  
10 McClendon. I feel that -- that there are reasons to  
11 have Driver License under the auspices and supervision  
12 of a law enforcement agency like DPS. We don't want to  
13 change that. But -- but we can certainly make service  
14 more efficient and more accountable, I feel, if it has a  
15 civilian management structure.

16 We kind of got off the track here. This was  
17 all on FTEs to begin with. But -- so your -- you  
18 request is what, Chief?

19 JUDY BROWN: To move forward with the  
20 proposal working with the Governor's office, Chief  
21 Baker, and Colonel Beckworth to come to a resolution on  
22 the salaries for those FTEs, whether it stands as it's  
23 recommended or whether we need to alter it in some  
24 format so that we can move forward with getting it into  
25 the exceptional item list.

1                   MR. POLUNSKY: I would like to do that. I  
2 mean, does anyone else feel differently?

3                   MR. STEEN: We need formal action.

4                   MS. BROWN: I agree.

5                   MR. POLUNSKY: Okay. Would somebody like to  
6 make a motion to that effect, then?

7                   MR. CLOWE: So moved.

8                   MS. BROWN: Second.

9                   MR. POLUNSKY: Moved by --

10                  MR. STEEN: Sorry, maybe Chief Brown could  
11 tell us what the motion is.

12                  MR. POLUNSKY: Well, I think she did, but  
13 you want to go ahead and restate it.

14                  JUDY BROWN: To move forward with the DL  
15 restructure recommendation as it stands ironing out the  
16 final detail with regards to FTE and salary placement  
17 between Driver License and THP and the Governor's  
18 office.

19                  MR. STEEN: When you said, as it stands,  
20 what -- where -- where is that?

21                  JUDY BROWN: You should have it in your  
22 package.

23                  OSCAR YBARRA: Under "L" on the summary  
24 sheet that you have, the one with all the detail on the  
25 exceptional item list.

1 MR. STEEN: You mean on this right here?

2 OSCAR YBARRA: Yes, sir.

3 MR. STEEN: Where it says, civilian business  
4 model DL?

5 OSCAR YBARRA: Yes, sir. It's also on the  
6 exceptional item comparison spreadsheet, and it'll be  
7 under letter "B," first item under letter "B."

8 JUDY BROWN: And then within your materials  
9 you have a chapter out of our recommendation that's got  
10 more detail.

11 MR. POLUNSKY: Okay. There's a motion on  
12 the floor that was made by Commissioner Clowe and  
13 seconded by Commissioner Brown. Is there any discussion  
14 on the motion? There's no discussion -- I'm sorry?

15 MR. STEEN: Just to be clear, so what we're  
16 voting on, the civilian business model portion of it?  
17 Are we also voting on the customer service part of it?

18 MR. POLUNSKY: Yes.

19 MR. STEEN: It's all wrapped in together?

20 MR. POLUNSKY: Yes.

21 MR. STEEN: Thank you.

22 MR. POLUNSKY: Any furtherer discussion?

23 MR. STEEN: No.

24 MS. BARTH: May I amend that motion?

25 Because I think Chief needs also to add the list of

1 disaster recovery support to the exceptional item; is  
2 that right?

3 OSCAR YBARRA: Yes. That would be a  
4 separate item. Unless you want to approve those  
5 together that would be fine, yes. If you're so in favor  
6 of that, yes, that would work.

7 MS. BARTH: Whichever way you'd do it.

8 OSCAR YBARRA: The other item on the letter  
9 "B," sir, which is for the warehouse and staff that  
10 Chief Lecklider could -- can update the Commission if  
11 necessary.

12 MR. CLOWE: Well, that's a good question.  
13 Are we going to do them one at a time or we just going  
14 to do it all?

15 MR. STEEN: Well, there are only two.

16 MR. POLUNSKY: Oscar, we've got more than  
17 two, we've got all of this, don't we?

18 OSCAR YBARRA: The -- the letter "A," sir,  
19 are simply updates for your review. And if you have any  
20 questions we would provide that for you. The letter "B"  
21 would be additions to exceptional items that you would  
22 need to vote on today, sir.

23 MR. POLUNSKY: Okay.

24 MR. CLOWE: But don't you have an increase  
25 in the LAR from what we approved back in August before

1 us today for approval?

2 OSCAR YBARRA: Those are simply updates due  
3 to information that's been researched or things of that  
4 sort. The items remain the same. The numbers have been  
5 updated.

6 MR. CLOWE: Well, it's \$179 million more,  
7 isn't it?

8 OSCAR YBARRA: Yes, sir, it is. If you want  
9 to look at it that way, you would be improving the  
10 increases.

11 MR. CLOWE: Does that require Commission  
12 approval?

13 OSCAR YBARRA: The way we look at -- the way  
14 I was looking at the exceptional items, is you've  
15 approved the items. The amounts changed due to some  
16 further research, and we're informing you of the  
17 changes.

18 MR. POLUNSKY: Well, I -- for something like  
19 that, I think we probably need to go ahead and --

20 OSCAR YBARRA: That's fine.

21 MR. POLUNSKY: -- be on the record.

22 MR. CLOWE: That's \$180 million.

23 MR. POLUNSKY: Yeah. Okay. So --

24 MS. BARTH: I withdraw my (Inaudible)

25 MR. POLUNSKY: All right. There's a motion

1 on the floor. Let's go ahead and do the Driver License.  
2 All in favor, please say, "Aye."

3 COMMISSIONERS BROWN AND CLOWE: Aye.

4 MR. POLUNSKY: Any against? No. Motion  
5 passes. Does somebody want to address the -- the  
6 disaster resource support sites?

7 MS. BARTH: Move to approve.

8 MR. CLOWE: Second.

9 MR. POLUNSKY: All right. There's a motion  
10 by Commissioner Barth and seconded by Commissioner Clowe  
11 on the two state disaster resource support staff sites.  
12 Any discussion? No discussion. All in favor, please  
13 say, "Aye."

14 COMMISSIONERS BROWN AND CLOWE: Aye.

15 MR. POLUNSKY: Any against? No. Motion  
16 passes. Okay. Commissioner Clowe, do you want to  
17 address --

18 MR. CLOWE: Well, I think from what the  
19 numbers were in August of '08 to this presentation  
20 today, the amount is increased 179,545,540 some-odd  
21 dollars. My calculator doesn't carry that last digit.  
22 I would think you'd want to discuss these with the  
23 Commission, Oscar --

24 OSCAR YBARRA: Sure.

25 MR. CLOWE: -- and tell us where this

1 increase comes from.

2 OSCAR YBARRA: As far as the items that were  
3 provided for letter "A" on the exceptional item list  
4 with the updates, which have blue ink on them, Colonel  
5 Beckworth did discuss this when he made the presentation  
6 of what changed, which this spreadsheet identifies as of  
7 what changed. The -- I'm unfamiliar with what you're  
8 identifying as to what has changed from the bottom line  
9 outside of what's on this variance report, Commissioner.  
10 What we've identified is what has changed in the  
11 exceptional items. The civilian based model is the \$48  
12 million that would've caused that change.

13 You've got the two disaster resource, which  
14 would be on the second page, which is an addition of  
15 \$3.687 million. Those would be the big, big numbers  
16 that would change what we requested in the past. So --

17 MR. CLOWE: Okay. Oscar, straighten me out.  
18 On the worksheet where you say this list was approved by  
19 the PSC, 61908, the total's 265,639. And this total is  
20 445,185. That's what I'm adding and subtracting. Am  
21 I -- am I in the wrong place?

22 OSCAR YBARRA: Yes. If you'll note -- if  
23 you'll not, on that old spreadsheet, sir, you do not  
24 have letter "L" which is the civilian business model.  
25 There's your 48,427,000. That's your biggest change.

1 Okay. That's the big changer right there.

2 MR. CLOWE: And that's a blue number.

3 OSCAR YBARRA: Yes, sir.

4 MR. CLOWE: But then you've got other blue  
5 numbers.

6 OSCAR YBARRA: Right. If you look at the  
7 information technology, letter "B," there's a change  
8 there. There's an increase of \$11,692,000 on your  
9 variance report due to things that were identified on  
10 the variance report. And then there are a few  
11 reductions under the critical staff compensation senate  
12 due to adjustments made by Accounting & Budget Control  
13 and the divisions due to some findings, and that would  
14 be a reduction of 4,487,000 over the biennium for the  
15 commissioned salaries, and 1,110,000 reduction for the  
16 information management service personnel request. So  
17 this particular variance report addresses all of the  
18 changes.

19 MR. CLOWE: Well, I think I'm seeing  
20 commissioned officer salaries increased 101 million.

21 OSCAR YBARRA: No, sir. If you'll look at  
22 the original request, which was 106,154,000 was the  
23 biennial request. The request on the updated version is  
24 101,670.

25 MR. CLOWE: Okay. I'm confused because it's

1 under "A" on the new sheet, and it's up there at the top  
2 under critical staff compensation incentives.

3 OSCAR YBARRA: We tried to summarize. I  
4 guess it caused some confusion.

5 MR. CLOWE: Yeah. I'm in the wrong place.  
6 So it's all --

7 OSCAR YBARRA: It's all laid out here, sir.

8 MR. CLOWE: -- for the most part.

9 OSCAR YBARRA: All laid out here.

10 MR. CLOWE: Yeah.

11 MR. POLUNSKY: So we're okay then.

12 OSCAR YBARRA: Yes, sir.

13 MR. CLOWE: I think so. Thank you for that  
14 explanation.

15 MR. POLUNSKY: So you're all right,  
16 Commissioner Clowe?

17 MR. CLOWE: Yes, sir.

18 MR. STEEN: Chief, you're saying just, in  
19 essence, just ignore these two exceptional item --  
20 comparing these two worksheets --

21 OSCAR YBARRA: We --

22 MR. STEEN -- because you summarized it,  
23 here?

24 OSCAR YBARRA: Correct, sir.

25 MR. STEEN: And what we've done just now,

1 we've approved the -- the two new items.

2 OSCAR YBARRA: Yes, sir.

3 MR. STEEN: And so you're saying if we  
4 wanted to approve the updates then we would cover  
5 everything, as far as what's --

6 OSCAR YBARRA: Yes, sir.

7 MR. STEEN: -- changed.

8 OSCAR YBARRA: Unless -- you know, there was  
9 discussion at the last Commission meeting about  
10 gasoline. I've kind of -- 11 million. We'll be going  
11 to the legislatures at \$3.60.

12 MR. STEEN: Give us -- give us the quick  
13 summary on that, on the gasoline.

14 OSCAR YBARRA: Gasoline, the agency is  
15 probably paying on average \$3 right now because of what  
16 we were paying in early September. But everything I'm  
17 reading is -- probably the average is going to be about  
18 \$2 a gallon for the year in 2009.

19 MR. STEEN: But you said there's two ways we  
20 could handle it, either --

21 OSCAR YBARRA: Yes, sir. There's two ways.  
22 We could try to identify a dollar per gallon -- which  
23 is -- I laid out to the Commission, that number's going  
24 up and down. Right now it's actually going back up,  
25 went up 7 cents -- and try to figure out what number

1 we'd want to advertise to lock in to a number to gain  
2 for the agency an exceptional item. I believe that's --  
3 that could hurt us in the end if the price of gas goes  
4 back up to \$3.60 a gallon.

5 MR. STEEN: Then we're just -- at that point  
6 we're kind of guessing.

7 OSCAR YBARRA: Yes, sir. The security  
8 blanket we put in the LAR rider was to put that rider  
9 back in where based on current activity, we would be  
10 funded at a certain level via that rider, keep it  
11 simple. And that has covered us in the past. And it  
12 gives the decision back to the Commission and the  
13 director as to whether they want to go to the  
14 Comptroller -- back then it would go to the  
15 Comptroller -- and ask for additional funding. In the  
16 past we only did that once.

17 MR. STEEN: Well, and that's the way you're  
18 bringing it to us really is you're saying if you'll  
19 approve these updates, that'll be covered. And are you  
20 asking us to approve the rider, too?

21 OSCAR YBARRA: The writer's already  
22 approved. My question to you is do you want me to  
23 eliminate the operating shortfall associated with  
24 gasoline that we presented at \$3.60, which is  
25 \$11 million, which is a big difference than what we're

1 paying right now.

2 COLONEL BECKWORTH: Could I clear this up a  
3 little bit, if I could?

4 MR. POLUNSKY: Colonel Beckworth.

5 COLONEL BECKWORTH: If you take a look at  
6 what we've done previously, we appropriated a little  
7 over \$7 million annually for gasoline. In 2007, we  
8 spent \$11 million in gasoline; 4 million over the amount  
9 was appropriated. In 2008, we spent \$17 million in  
10 gasoline; 10 million over what we appropriated. At the  
11 time that you approved -- at the time that you approved  
12 this particular document in June, gasoline was extremely  
13 high, virtually \$4. Based on our projection, we  
14 indicated that our shortfall amount would be \$3.60 times  
15 5.9 million gallons used annually, come out to \$11  
16 million.

17 So if you look at item number "C" on the  
18 shortfall amount, we're showing \$21 million. What Oscar  
19 is saying is if we use the previous process that we had,  
20 we would subtract \$11 million from that 21 million  
21 shortfall and go with the \$1.38 rider that we've had in  
22 place for years. The previous session before, the  
23 legislature, based on -- I'm not sure why they did it,  
24 but they put in -- they took out this particular \$1.38  
25 rider and put a \$2.40 rider in place.

1           That \$2.40 rider said that once you exceeded  
2     \$2.40 per gallon, you can borrow money on the next year  
3     but you don't get that back. So it really doesn't help  
4     us any way. So Oscar's saying we have two options;  
5     either leave the \$21 million in shortfall, or we go back  
6     and ask the LBB and legislature to allow us to go back  
7     to the previous \$1.38 rider. What that does is  
8     basically whatever gasoline price is, all up and downs  
9     it's going through, it keeps us at a constant price.  
10    We're not asking for more than what we need, only what  
11    we need when we need it. And that's what the \$1.38  
12    would do to allow us to do that. If we went back to the  
13    rider, that's the way it would be. So if you approve  
14    this, we would take out \$11 million by that shortfall.

15           MR. POLUNSKY: Which I think we ought to be  
16    doing.

17           COLONEL BECKWORTH: And when you look at it  
18    from that perspective, we're basically saying we're  
19    being honest an upfront about exactly what we're  
20    spending, and we're not forecasting based on an unknown.

21           MR. STEEN: Colonel, what's your  
22    recommendation?

23           COLONEL BECKWORTH: I recommend we go back  
24    to the rider of \$1.38.

25           MR. STEEN: You concur with that?

1 OSCAR YBARRA: Yes, sir, with a lot of  
2 advertising. We've got to be sure it shows up.

3 COLONEL BECKWORTH: We have to make sure we  
4 get it.

5 MR. STEEN: If we're going to do that, what  
6 do we need to do as a Commission?

7 OSCAR YBARRA: Remove the gasoline shortfall  
8 exceptional item from this list and we rely on the rider  
9 that we're proposing. So that would reduce our  
10 exceptional items \$11 million.

11 MR. POLUNSKY: I think we have to do that.

12 MR. STEEN: So moved. I'll make the motion  
13 to do that. That's what you're looking for, is formal  
14 action?

15 OSCAR YBARRA: Yes. I think based on the  
16 information we received from the Governor's office, I  
17 think I would recommend it, yes, sir.

18 MS. BROWN: I'll second.

19 MR. POLUNSKY: Thank you. There's a motion  
20 that's been made by Mr. Steen and seconded by Ms. Brown  
21 to remove that item.

22 MR. STEEN: Colonel, how do you weigh it?

23 COLONEL CLARK: Same thing. I like the  
24 \$1.38. Pay as we go.

25 MR. POLUNSKY: Discussion? There's no

1 discussion. All in favor, please say, "Aye."

2 COMMISSIONERS STEEN, BROWN AND CLOWE: Aye.

3 MR. POLUNSKY: Any against? No. Motion  
4 passes.

5 OSCAR YBARRA: I guess I would leave it at  
6 this point for the Commission to look at any of the  
7 items that are listed on the summary sheet of  
8 exceptional items on whether they would want to consider  
9 adjusting or removing any of the other items that are on  
10 the exceptional items today.

11 MR. STEEN: What about this discussion we  
12 had about the updates?

13 OSCAR YBARRA: Oh, I'm sorry.

14 MR. STEEN: Commissioner Clowe, do you still  
15 want to do a motion on the updates?

16 MR. CLOWE: No. I think I'm satisfied with  
17 the explanation that was given.

18 MR. STEEN: And your explanation, again, was  
19 on the updates?

20 OSCAR YBARRA: Was that we have made  
21 adjustments to what was approved in the past as far as  
22 dollar amount. Our concern, Colonel Beckworth went into  
23 detail about every one of those -- well, summarized why  
24 we made changes on each one of those items. And just  
25 for the record, sir, as far as the schedule "C" is

1 concerned, the schedule did not change. It was a matter  
2 of the funding mechanism that we used to measure what we  
3 needed. So the schedule did not change, want to make  
4 that clear for the record.

5 MR. POLUNSKY: Are there any items that  
6 anybody wants to --

7 MR. STEEN: I think we covered it in terms  
8 of what you expect -- you wanted the approval on the two  
9 new items, and then you were going -- then you've given  
10 us the report on the updates.

11 OSCAR YBARRA: Yes, sir.

12 MR. POLUNSKY: I know. But he's asking  
13 whether we want to pull any of these other items out of  
14 here.

15 OSCAR YBARRA: Yes, sir. Due to the current  
16 economic situation.

17 MR. POLUNSKY: Colonel Clark?

18 COLONEL CLARK: Well, I would ask you to, in  
19 all fairness, based on this economy, you might want to  
20 look at "K." We don't overlook that and make sure that  
21 we're all on board there.

22 MR. CLOWE: That's really a good point. My  
23 sense is we're not going to get that.

24 COLONEL CLARK: Chief Nabors is here to  
25 answer any questions about that. You know, we're flying

1 a 1985 Commander. There's pros and cons. And it's in  
2 the exceptional items. There's a lot of advantages to  
3 having a jet aircraft. But the one we have is paid for  
4 and it does get us around.

5 MR. CLOWE: It's old and it's slow, and we  
6 probably need a new one. But a jet airplane for a state  
7 agency, I don't think we're going to sell it. And my  
8 sense is we need to ask for what we really need. And I  
9 think we lose some stamina if we go after a jet  
10 airplane, and ought to be putting our people cost and  
11 our customer service cost and those items ahead. We can  
12 get by for another biennium with that old, worn out Aero  
13 Commander. And I don't like it. I'm a pilot. I know  
14 all the good reasons. I've been through the selling  
15 process on the new air plane. I'd love to have it. But  
16 I just -- I think we have other items that are more  
17 critical. I appreciate you calling that to our  
18 attention.

19 MR. STEEN: Commissioner Clowe, and I agree  
20 with you on this in the environment we're in about a jet  
21 aircraft. But who'd you say could talk about it?

22 COLONEL CLARK: Chief Nabors is our chief  
23 pilot.

24 MR. STEEN: Chief, you want to come up here?

25 BILL NEIGHBORS: And for the record, Bill

1 Nabors.

2 MR. CLOWE: Chief --

3 MR. STEEN: It's a 1985 aircraft. Could you  
4 just comment on the safety of it?

5 BILL NEIGHBORS: I believe it's currently  
6 safe. I don't have a problem flying it for another  
7 biennium. I think probably the industry standard is  
8 moving to the jet. But I can also appreciate the fact  
9 that we also have to sell the legislature on making  
10 these types of purchases especially in this type of  
11 biennium. I don't have a problem flying it for another  
12 two years.

13 MR. STEEN: What's the 12 million, for  
14 what -- what kind of aircraft?

15 BILL NEIGHBORS: That would be -- kind of  
16 hate to put a name on a particular jet, but it would be  
17 a Citation XLS is what we were looking at. There are  
18 other jets. I know there's a dirty three-letter word.  
19 But there's an Encore that's about eight-and-a-half  
20 million. There's a King Air that's about six-and-a-half  
21 million. So there are other alternatives to that  
22 particular make and model.

23 MR. STEEN: Commissioner Clowe, you're a  
24 pilot, so I'm saying isn't there something between  
25 flying a pretty old aircraft that I might be concerned

1 about getting on versus a new Citation? Isn't there  
2 something -- a new prop plane maybe?

3 MR. CLOWE: I think you bring an excellent  
4 point to the table. The answer is yes, and maybe that's  
5 the more correct position for us to assume. You know,  
6 the legislature's been very good, as the Colonel said  
7 earlier, about law enforcement aircraft. And we have  
8 probably the finest aircraft section of any law  
9 enforcement, maybe the feds have better than we do. But  
10 our helicopters are out in the state. They're  
11 responsive. We just got, what, seven new ones?

12 BILL NEIGHBORS: Six.

13 MR. CLOWE: Six. And we've got that dual  
14 helicopter. We're the only police force in the United  
15 States that has that. We're in good shape on that. The  
16 point that the Chief would make, I think, is that 40  
17 percent of the trips that Aero Commander makes are out  
18 of state. Am I right in that number, Chief?

19 BILL NEIGHBORS: That is correct. Somewhere  
20 around 35 percent to 40.

21 MR. CLOWE: Well, give me a little --

22 BILL NEIGHBORS: Yes, sir.

23 MR. CLOWE: And, you know, we're going to  
24 Colorado. We're going to lots of places with evidence.  
25 We're taking prisoners. We're bringing prisoners. We

1       went up to, where was it, to get all those DL records?

2                   BILL NEIGHBORS:   That was Boston.   But last  
3       month we flew to San Bernadino, California; then from  
4       there on to Olympia, Washington; then the following  
5       week, New York City taking some investigators to see  
6       some money up in New York.   So we do fly it for law  
7       enforcement missions quite a bit outside the State of  
8       Texas.

9                   MR. CLOWE:   So, you know, you've got that on  
10      one side.   On the other side, I've asked members of the  
11      legislature how's the water.   Don't ask for it.   And so  
12      maybe the better position is something that is newer and  
13      really safe.   I appreciate the Chief's response that  
14      he'll get behind the left seat -- or behind the left  
15      wheel.   I've flown some airplanes like that, too.   But  
16      I'd much rather have flown a newer, more modern  
17      airplane.   And we may be at that point.

18                   BILL NEIGHBORS:   It does become a -- if I  
19      could interject, it does become a bit of a cost factor  
20      also.   The last 150-hour inspection -- and we do operate  
21      about 300 hours a year.   The last 150-hour inspection  
22      required two pieces to be added to the main gear that  
23      cost 22,000 a piece for \$45,000.   I had an environmental  
24      unit fail on me going to New York.   Just recently got  
25      that repaired and it was about \$20,000 for that repair.

1 There are costs to operating a piece of equipment that  
2 is 20 to 25 years old.

3 MR. CLOWE: And, you know -- go ahead.

4 MR. POLUNSKY: Why are you flying to Boston  
5 and New York City for, Driver License?

6 BILL NEIGHBORS: No, sir. I went to Boston  
7 for the Driver License records. I might get Chief Brown  
8 to jump in here and help out.

9 JUDY BROWN: We flew -- we asked aircraft to  
10 fly us to Boston. As you're aware, we've got our image  
11 verification system, and we utilized the vendor that we  
12 selected to enroll all those images and store them on  
13 servers in Boston so we could go through the enrollment  
14 of those images, the cleaning of those images to ensure  
15 that they enrolled properly. We got them all enrolled.  
16 And then we sat in Boston with 24 million images on  
17 servers that needed to be moved to Texas.

18 We researched every potential moving company  
19 option to try to get it here -- get those images here  
20 and get them here securely. And every step, as we would  
21 go through the research to look at opportunities to get  
22 them here, we had them sitting in a hotel parking lot  
23 overnight, or sitting in a, you know, van. But in a  
24 virtually open storage facility overnight. And so we  
25 opted at that point -- and, again, as we looked at each

1 one of these -- these options, we also looked at  
2 increased cost. So we felt like at that point the  
3 safest way to get those images back securely and ensure  
4 that they could not create a problem for the agency was  
5 we asked aircraft to fly up and pick those -- pick those  
6 servers up and bring them back to the state.

7 BILL NEIGHBORS: And as far as the New York  
8 trip in December, I believe some \*eight\* liner money was  
9 going to be seized, and I believe the figure's somewhere  
10 and 2.4 to 3 million. We flew five investigators to  
11 New York City. The very next day they conducted three  
12 interviews. And then on Wednesday of that trip, they  
13 seized, or at least froze, two-and-a-half to \$3 million  
14 on that trip.

15 MR. POLUNSKY: Couldn't fly commercial to  
16 New York City from Austin, Texas?

17 BILL NEIGHBORS: I would assume you could.  
18 The -- the advantage to the airplane is they didn't  
19 exactly know when the investigation was going to finish.  
20 They could conduct it and not feel rushed on a return  
21 flight back, and not have to stay maybe a day or two  
22 booking those flights. Cost is about \$400 an hour just  
23 for fuel. We use a DLD fuel. I'm able to purchase fuel  
24 for about \$2.50 a gallon as opposed to \$7 a gallon in  
25 New York City. So we had quite a bit of savings as far

1 as that goes.

2 MS. BARTH: Wait a second. What does it  
3 cost you to fly it an hour?

4 BILL NEIGHBORS: Now, it depends on exactly  
5 how you're looking at it. The plane came free, gratis.  
6 It was seized in '88.

7 MS. BARTH: The -- the operating cost.

8 BILL NEIGHBORS: It roughly costs \$400 an  
9 hour to operate as far as the fuel burn. A typical  
10 150-hour inspection runs about anywhere from 15,000 to  
11 20,000 on average.

12 MS. BARTH: So would you say it's \$2,000 an  
13 hour, not including fuel?

14 BILL NEIGHBORS: I would say probably 1,00,  
15 1,200 an hour at least, including fuel.

16 MS. BARTH: I'm surprised it's that low.

17 BILL NEIGHBORS: It's really not too bad.

18 MR. STEEN: Chief, you're worrying me more  
19 about this aircraft. So it's not only a 1985 aircraft,  
20 but it was seized?

21 BILL NEIGHBORS: Well, it was seized  
22 relatively new. Actually, the person that was making  
23 the purchase did not everyone get to fly it. He was  
24 walking out it to and then they seized the aircraft from  
25 him.

1           MR. STEEN: Bill my question -- I mean,  
2     you're prepared today to -- because I do think if you go  
3     to the legislature, and I'm glad you pointed this out,  
4     and you say we want a Citation (Inaudible) I think  
5     they'd say, get real.

6           BILL NEIGHBORS: Yes, sir, I think so, too.

7           MR. STEEN: But I also think that -- that  
8     not being reluctant to fly in an old -- I don't know  
9     about you, judge. You're looking at me.

10          MS. BROWN: I think bad guys have the really  
11     good stuff usually.

12          MR. STEEN: But a 1985 aircraft? I think we  
13     would do well to buy -- you know, buy something new.  
14     That's gotten a lot of use over almost 25 years. But  
15     what -- what would -- if you wanted to put something out  
16     there --

17          BILL NEIGHBORS: I can tell you what  
18     University of Texas just purchased, and they were given  
19     direction to -- they said buy it used, so they bought  
20     something about (Inaudible). They said no jet. They  
21     just recently purchased a King Air 350. I think it is  
22     real comparable, maybe even exceeds an Air Speed, what  
23     we currently have. Exceeds in seating by two. They  
24     have a two plus nine, so they can seat 11. We're two  
25     plus seven. I think it cost them about 6.3 million.

1 And that would be real comparable, and it would still  
2 certainly do everything that we need to do.

3 MS. BARTH: So University of Texas got  
4 approved 6.9 million in this environment?

5 BILL NEIGHBORS: They just made the purchase  
6 four months ago. Yes, ma'am.

7 MR. STEEN: Chief, but, you know, even in  
8 those four months, it's getting to be a buyer's market,  
9 isn't it, with planes with the economy going the way --

10 BILL NEIGHBORS: Yes, sir, that's correct.

11 MR. STEEN: So if we put 6 million in there,  
12 would you think that would --

13 BILL NEIGHBORS: If I could just put maybe 7  
14 million in there, and we could always get less.

15 MR. STEEN: I'll make the motion that we --  
16 that we change it. I don't know if I'll get a second on  
17 this, from -- from 12 million to 7 million, and that we  
18 look to, you know -- with the idea -- I know you don't  
19 want to focus in, but the type of aircraft you're  
20 talking about, may be a used King Air.

21 MR. CLOWE: Used Turboprop.

22 MR. STEEN: Used Turboprop.

23 BILL NEIGHBORS: I think -- I think -- there  
24 may be a problem buying a used (Inaudible) That would  
25 have to be checked. The State does not encourage -- a

1 lot of times we'll hear this -- buying used property.

2 OSCAR YBARRA: But a rider would definitely  
3 fix that if they put it?

4 BILL NEIGHBORS: Sure. Yeah.

5 DUNCAN FOX: Part of the LAR.

6 \*OSCAR YBARRA:\* Right.

7 BILL NEIGHBORS: Yeah. We can seize used  
8 but we can't buy used.

9 MS. BROWN: So from law abiding citizens you  
10 can't buy it used.

11 BILL NEIGHBORS: That's right. Certainly I  
12 think what ever figure you put in to this, you know, we  
13 would make a really good purchase below with that  
14 amount. I think just like the Commissioner. I know  
15 several times he's flown with me, he wants to do the  
16 preflight of the airplane.

17 MR. CLOWE: Commissioner Steen, the Chairman  
18 and I are going to jump out of it this afternoon.

19 BILL NEIGHBORS: (Inaudible) Walking around  
20 kicking the tires before he gets onboard.

21 MR. STEEN: We all -- we all want to do  
22 right with the taxpayer's money, but I can also see a  
23 situation where you're flying an old aircraft that we  
24 seized. What if we had some kind of a problem, people  
25 came back and said, y'all were flying a 1985 --

1                   \*MR. POLUNSKY\*: That's not that unusual.

2           TDCJ has --

3                   BILL NEIGHBORS: And it's really -- and I  
4           don't want to over-dramatize the age. I mean, it's not  
5           unusual for people to be operating mid-80s aircraft. I  
6           can just say from a standpoint of moving on, we have a  
7           15-year replacement schedule on our helicopters, also on  
8           our Cessnas. Previous legislature and administrations  
9           have seen that that -- it's a good idea to have a  
10          replacement schedule. And this one is -- it is time to  
11          replace it. Firmly -- and we've had this conversation,  
12          so has the administration -- we think that a King Air  
13          will suffice especially in this market. And I would  
14          look forward to the purchase of a King Air for  
15          replacement.

16                   MS. BROWN: I've got a question. If we --  
17          hypothetically, if we purchase this, how long do you  
18          foresee being able to, with a very gently used one, will  
19          that hold us for another decade? I mean, ballpark.

20                   BILL NEIGHBORS: I really think the --  
21          the -- it'll hold us for another 20 years --

22                   MS. BROWN: Okay.

23                   BILL NEIGHBORS: -- to tell you the truth.

24                   MS. BROWN: Okay. Thank you.

25                   MR. POLUNSKY: All right. There's a motion

1 made by Commissioner Steen.

2 MR. CLOWE: I'd like to second his motion.

3 MR. STEEN: Thank you.

4 MR. POLUNSKY: Seconded by Commissioner  
5 Clowe. For discussion purposes, I'll be voting against  
6 the motion. I think this is an inappropriate time for  
7 us to be going to the legislature, even for \$7 million.  
8 Chief has stated that we can get by for another  
9 biennium. I think our money would be better spent on  
10 pay raises and other things. So that's just my  
11 position, but I certainly respect your thoughts.

12 MS. BARTH: I will agree with Chairman  
13 Polunsky.

14 MS. BROWN: One quick question for you. Can  
15 you safely -- do you feel like you can safely operate it  
16 for another two years?

17 BILL NEIGHBORS: Yes, ma'am.

18 MS. BROWN: Okay.

19 BILL NEIGHBORS: Yes, ma'am.

20 MR. CLOWE: Well, I wish you'd spoken up  
21 before Commissioner Steen made his motion and I  
22 seconded. I don't think we ought to go to the  
23 legislature unless we're unanimous on this. John, I  
24 hate to --

25 MR. STEEN: I thank you for seconding the

1 motion.

2 MS. BARTH: (Inaudible)

3 MS. BROWN: And I'm assuming the concern is  
4 that we -- by asking for something we can do without  
5 that perhaps we'll get no's to things that we really  
6 can't do without.

7 MR. CLOWE: Yeah. That's the concern.

8 MR. POLUNSKY: Well, yeah. And over and  
9 above that, this -- just to be very blunt about it, this  
10 is kind of a flash point issue with some people. I'm  
11 not saying this is the case, but some people would  
12 characterize that as a toy or something. I know it's  
13 not. I'm not saying that it is. But if that comes out  
14 and somehow --

15 MR. CLOWE: That's very true.

16 MR. POLUNSKY: -- You know, all of a sudden  
17 some other things get thrown in the pot with the toy or  
18 the thing that they're using as a request that was  
19 inappropriate to begin with, and what about this, what  
20 about that, and then some other things kind of get  
21 peeled off along the line or along the way. And, you  
22 know, again, I don't disagree with the request. And in  
23 a healthy fiscal environment, if there was lots of money  
24 out there and so on, then that might be a different  
25 situation. But I just have a problem with it because

1 it, in my mind, could jeopardize some of the other  
2 things that we're asking for.

3 And if you're saying -- I'm not trying to  
4 coerce you or put you -- put any pressure on you or  
5 anything like that.

6 MR. CLOWE: Oh --

7 MR. POLUNSKY: No, really. I'm not. If --  
8 if you -- if you legitimately feel that it's unsafe or  
9 unwise to operate this aircraft for another two years,  
10 then say so and I'll respect that. I'm not going to do  
11 that with anybody.

12 BILL NEIGHBORS: Certainly. And I  
13 appreciate your giving me that opportunity. But I would  
14 say that I do not have any problem operating it for  
15 another two years. I would like to revisit the  
16 opportunity to replace it at the next legislative  
17 session if we could.

18 MR. CLOWE: And, Commissioner Steen, I think  
19 it's very important that the Board be unanimous on  
20 something like this.

21 MR. STEEN: But I do have a question,  
22 because there were some questions about how we use the  
23 aircraft. Do we need this aircraft? Does everybody  
24 agree with that?

25 MR. POLUNSKY: I think we need the aircraft.

1 The Department needs an aircraft, yes.

2 BILL NEIGHBORS: It is quite --

3 MR. POLUNSKY: I'm not quite sure we need it  
4 to fly to New York City when you can fly commercial.

5 But any other number of other places where this --

6 MR. STEEN: Because I guess I'm just  
7 explaining my thought process, because if we don't need  
8 it, that's fine. I just want to say it's -- you know,  
9 it's something that's nice to have. In this  
10 environment, we can do without. But -- and, you know, I  
11 agree with Commissioner Clowe -- I'll withdraw my  
12 motion. But I feel like if we need it, we shouldn't be  
13 asking people to fly around in a 1985 aircraft that  
14 was -- that was a seizure, that we ought to be -- and I  
15 think you've got -- have you been around that long?

16 BILL NEIGHBORS: I just look like I have.

17 MR. STEEN: Did you fly this aircraft when  
18 we first got it?

19 MR. CLOWE: Let me give you --

20 BILL NEIGHBORS: No, sir.

21 MR. CLOWE: -- comfort on that,  
22 Commissioner.

23 MR. STEEN: Yes.

24 MR. CLOWE: The fact that it is of the  
25 vintage it is not really an issue in aircraft. The

1 point the Chief made about the maintenance and how that  
2 machine is taken care of is really the issue. And I  
3 really am comfortable flying in it. I've flown in it  
4 quite a bit, Border Star and that sort of thing.

5 BILL NEIGHBORS: And it is -- it's still an  
6 airframe that is highly sought by -- I think our  
7 trade-in value would probably be \$1.5 million.

8 MR. CLOWE: And the Aero Commander has a  
9 great reputation. It was the first airplane that a  
10 president in the United States was authorized to fly in  
11 like Twin.

12 MS. BARTH: We use other seizure vehicles,  
13 right? I just want him to understand.

14 MR. STEEN: Well, I don't mind riding in a  
15 seized vehicle, but I'm not sure about a seized  
16 airplane. You know, do you know if the maintenance had  
17 been done on it?

18 BILL NEIGHBORS: It was virtually used when  
19 they seized it. They didn't have an opportunity to haul  
20 dope and overstress it or what have you. So it was not  
21 an abused aircraft.

22 MR. POLUNSKY: I mean, if there was a  
23 problem we would've found out by now.

24 BILL NEIGHBORS: We also keep up (Inaudible)  
25 directives, and we have a really good maintenance

1 facility. So I -- I really --

2 MR. STEEN: Okay. Well, we better move on.

3 But I'll -- I'll withdraw my motion.

4 MR. CLOWE: I'll withdraw my second.

5 MS. BARTH: And then I would like to make --

6 MR. CLOWE: John, I tried. I really tried.

7 MS. BARTH: Mr. Chairman, I'd like to make a

8 motion to remove 12 million exceptional item list.

9 MS. POLUNSKY: Is there a second to

10 Commissioner Barth's motion?

11 MS. BROWN: I'll second.

12 MR. POLUNSKY: Seconded by Commissioner

13 Brown. The Motion is to remove the aircraft request.

14 Discussion on this motion? There's no discussion. All

15 in favor, please say, "Aye."

16 COMMISSIONERS: Aye.

17 MR. POLUNSKY: Against? No. Motion passes.

18 BILL NEIGHBORS: Thank you for your time. I

19 appreciate it.

20 MS. BROWN: Thank you for being candid.

21 MR. POLUNSKY: Thank you. Chief, anything

22 else?

23 OSCAR YBARRA: No.

24 COLONEL BECKWORTH: Mr. Chairman, couple --

25 couple of other issues we want to discuss. As we talked

1 in our presentation earlier about the need for funding  
2 to address retention on our employees, we do not have  
3 any funds appropriated for that process. There've been  
4 some discussions by legislatures for us to look at  
5 probably asking for some funding for advertisement. And  
6 right now, as I spoke to you earlier, there's about  
7 \$14,000 that the agency provides for that particular  
8 function. And so we'd ask you to consider an  
9 opportunity to allow us to include as an item funding  
10 for advertising for retention and hiring of employees.

11 MR. POLUNSKY: That's something that I agree  
12 with completely. That's the life load of this  
13 Department, and I think that that's -- not that any of  
14 this other -- any of these other items are  
15 inconsequential or anything, but I've been surprised  
16 that we haven't funded efforts such as that before.

17 COLONEL BECKWORTH: We -- we believe that  
18 starting out, based on the fact of the economy's  
19 situation, that at least \$100,000 to \$200,000 ought to  
20 be considered for funds set aside specifically for that  
21 purpose. We just don't have any funds available. We  
22 rob from different services to even go to job fairs  
23 because they charge you now to get into job fairs,  
24 \*\$255\* each time you go, and we just don't have those  
25 funds set aside. We don't have any other advertisement

1 that we do.

2 There's some advertisement that we pay for  
3 in some of the smaller newspapers we can afford to put  
4 an article in there. We don't have the ability to put  
5 anything on television. We don't have much to put  
6 anything on the radio. We go to some of their late  
7 spots on radio and get some advertisement. But beyond  
8 that, we just don't have funds.

9 MR. POLUNSKY: I strongly support that. Do  
10 you have -- do you have a specific recommendation?

11 COLONEL BECKWORTH: I recommend that the  
12 Public Safety Commission consider putting an  
13 advertisement line in the exceptional item for \$100,000  
14 each year of the biennium to address the advertisement  
15 and hiring of retention of employees in the agency.

16 MR. POLUNSKY: Is that enough?

17 COLONEL BECKWORTH: I think that would be a  
18 good significant start for us, sir.

19 MS. BARTH: (Inaudible) let's make sure we  
20 have the right number before we -- I don't even know  
21 what \$100,000 buys.

22 COLONEL BECKWORTH: Well, it allows us to  
23 advertise in some of the late hour activities. I'm  
24 saying this from a standpoint that we're looking at an  
25 economic downturn issue. The true issue is that that

1 will allow us to be able to advertise in some papers,  
2 some newspapers, do some advertisement on radio, and  
3 that will allow us to buy some brochures and things that  
4 we can use to sale the agency as a beginning process.

5 MR. POLUNSKY: All right. Well, I certainly  
6 agree with that. I think Commissioner Barth's point,  
7 although not exactly made, was that there should be  
8 something -- there should be a specific amount and  
9 explanation of how this money would be utilized.

10 COLONEL BECKWORTH: I suggest then that --  
11 do we have a spot on that we can put --

12 OSCAR YBARRA: Yes.

13 COLONEL BECKWORTH: -- Public Safety  
14 Commission meeting next week? If we'll provide that  
15 information to you at the next Public Safety Commission  
16 meeting to include in this (Inaudible) in the LAR.

17 MR. CLOWE: Is it on the agenda, Duncan?

18 OSCAR YBARRA: Under budget matters.

19 DUNCAN FOX: That's a report on budget  
20 matters.

21 OSCAR YBARRA: No, it says discussion and  
22 possible action.

23 DUNCAN FOX: Oh, on LAR. It is on the  
24 agenda.

25 COLONEL BECKWORTH: It's on the agenda, sir.

1 MR. POLUNSKY: So you want to come --

2 COLONEL BECKWORTH: Come back --

3 MR. POLUNSKY: Come back with that.

4 COLONEL BECKWORTH: -- with some

5 information, and justify the need for that and what we

6 would use it for.

7 MR. POLUNSKY: That okay with you, Carin?

8 MS. BARTH: That's fine. I mean, I just

9 look at a 445 million of exceptional items and we want

10 to add \$100,000 and you'd think we'd be able to put it

11 into the critical staff compensation area there --

12 MR. POLUNSKY: Right.

13 MS. BARTH: -- as opposed to having a

14 \$100,000 request.

15 MR. POLUNSKY: Okay.

16 OSCAR YBARRA: So we encompass it in the

17 listing request.

18 MR. POLUNSKY: Are you suggesting it could

19 be -- that money could be utilized in lieu of the

20 additional 100,000 or whatever amount they come out with

21 should be merged into that?

22 MS. BARTH: I think it should be merged.

23 COLONEL BECKWORTH: So in our critical staff

24 compensation incentive, you're saying merge that amount,

25 whatever that amount is, into that category.

1 MS. BARTH: Absolutely. That's fine with  
2 me.

3 COLONEL BECKWORTH: Okay. We can do that.  
4 Thank you.

5 The other thing finalizing this process, we  
6 had some discussions with the Governor's office in  
7 reference to how our exceptional item is laid out. As  
8 you can see, our items are "A," "B," "C" "D" "E" "F"  
9 "G," "H," "I," they asked us to consider the possibility  
10 of identifying these based on priority. In the past,  
11 we've not done it that particular way. They've asked us  
12 to consider identifying these in which priority we need  
13 those to be identified. So they asked that to be  
14 addressed. So that was something that the Governor's  
15 office asked us to consider.

16 The information on research and why we do it  
17 this way in discussions with previous administrations,  
18 the thought process was every one of these items that  
19 we're requesting on the LAR is a critical need for the  
20 agency. Too often times when you put them -- when you  
21 put them in a chronicle order of 1, 2, 3, different  
22 constituents have desire to move on one. And it's not  
23 up on your list on a higher category, and that begins to  
24 cause some friction as it relates to why you didn't move  
25 my item number three compared to number eight. So

1 that's why they pretty well said, all of these  
2 particular items are vital needs of the agency and we  
3 have not prioritized in that fashion in previous  
4 processes. So that's the background that I found out  
5 about why we didn't have them that way.

6 MR. POLUNSKY: Okay. What are the wishes of  
7 the Commission?

8 MR. CLOWE: Well, are they rated then that  
9 way?

10 COLONEL BECKWORTH: They're rated in our --  
11 in our -- in our LAR book, if you go into this book,  
12 there's a priority section. They're rated there based  
13 the way they're lined out here.

14 OSCAR YBARRA: They're in that order.

15 COLONEL BECKWORTH: They're in this order.

16 MR. CLOWE: Yeah. So you've got the people  
17 cost first.

18 COLONEL BECKWORTH: Yes, sir.

19 MR. CLOWE: That would be my reaction to  
20 what you said.

21 COLONEL BECKWORTH: We have the people cost  
22 first and then IT issues that are -- would fall in this  
23 category second. There's concerns that certain items  
24 might need be given stronger consideration based on  
25 where they lay on this sheet. So just want to make you

1 aware of those concerns in the Governor's office.

2 MS. BARTH: Is that the way other agencies  
3 do it, by priority?

4 COLONEL BECKWORTH: Oscar, you've got to  
5 help me there.

6 OSCAR YBARRA: Yes, some agencies do  
7 prioritize their exceptional items.

8 MS. BARTH: Most. Are we the exception?

9 OSCAR YBARRA: I -- I can tell you that the  
10 way it's laid out on this spreadsheet, it's a  
11 presentation that has been utilized by the director in  
12 the past for budget appropriation purposes.

13 MS. BARTH: But the question I have is is  
14 this the exception, do both of the agencies within the  
15 state lay it out differently. Must be reason they're  
16 requesting us to do it.

17 OSCAR YBARRA: It keeps them in order within  
18 the yellow book in the LAR and they can identify to the  
19 order of priority. In other words, the agency is giving  
20 the message that this is the priority order.

21 MS. BARTH: Let me ask you this another way.  
22 How many other agencies do it this way?

23 OSCAR YBARRA: Not many.

24 MS. BARTH: Less than five?

25 OSCAR YBARRA: I -- I couldn't answer your

1 question.

2 MR. POLUNSKY: Yes, sir.

3 MIKE MYER: I can make a comment on that if  
4 you'd like. Make Myer, I'm with the senate finance  
5 committee. I work with Articles 1, 5 and 6. I don't do  
6 all the agencies, but I work with about 40 to 42. And  
7 of those, DPS is the only one that does this format.

8 MR. POLUNSKY: I'll ask again, what are the  
9 wishes of Commission?

10 MR. STEEN: Well, these are not prioritized.

11 MR. POLUNSKY: I think they are, aren't  
12 they?

13 COLONEL BECKWORTH: Well, they're  
14 prioritized in format in the book. But there might be  
15 consideration based on how you as a Public Safety  
16 Commission want to place these items. And Commissioner  
17 Clowe indicated critical staff compensation should be  
18 number one, then where should the other items be in  
19 regard to that priority. And so we have several items  
20 listed there operating shortfalls, driver track  
21 operation personnel, deferred maintenance compensation,  
22 TDEX funding, new training academy, fleet operation,  
23 addition of personnel, all the building issues, border  
24 security, and we removed the fixed wing. And then we  
25 have civilian business model, and Real ID, and emergency

1 management issues behind this.

2 MS. BARTH: So let me just understand, we  
3 just added civilian business model, and we just popped  
4 it down as "L," right?

5 COLONEL BECKWORTH: You moved out the fixed  
6 aircraft, so civilian business model moved up to "K" now  
7 rather than air, basically what we've done.

8 MR. STEEN: Colonel, the Governor --  
9 Governor's office wants us to prioritize.

10 COLONEL BECKWORTH: That's correct.

11 MR. STEEN: I think we better prioritize.

12 COLONEL CLARK: Mr. Chairman, one other  
13 issue you'll notice, I brought up the aircraft, I'll  
14 bring this up, too, for your consideration. If you'll  
15 look at "G," the new training academy and fleet  
16 operations, you'll notice we have a dollar there. Our  
17 architectural estimates on moving this facility out  
18 there approaches \$500 million, and that's not listed on  
19 here. But because the time this was put together, we  
20 had no dollar amount on that. And I defer it to Chief  
21 Fulmer, am I close to a figure 400 plus?

22 VALERIE FULMER: The original estimate is, I  
23 think, 477 million. They haven't given us a final  
24 estimate yet --

25 COLONEL CLARK: But, I mean --

1 VALERIE FULMER: -- but it's going to be  
2 high.

3 COLONEL CLARK: -- down -- downtown about  
4 that. That's the figure we're going to throw out. Now,  
5 it can be, of course, built incrementally. But to build  
6 what we want out there, the estimate was approaching  
7 \$500 million.

8 VALERIE FULMER: What we're asking them to  
9 do right now is to give us a cost for phases where we  
10 would do part of it over one biennium and then add to it  
11 in future bienniums. So the number for this biennium  
12 may come out to be significantly less than that.

13 COLONEL CLARK: Just for your consideration.

14 MR. STEEN: What does -- help me with that.  
15 What does Florence mean?

16 COLONEL CLARK: Florence is the property.  
17 It's the city north of Austin, the community where we  
18 have 1,100, 1,200 acres where our firearms training  
19 facility is now. That is the future site of the  
20 training academy, and our fleet operations, and our  
21 driving track.

22 MR. STEEN: And the reason it's this high  
23 from fleet operations (Inaudible)

24 COLONEL CLARK: Yes, sir.

25 MR. STEEN: Both those functions.

1           MR. POLUNSKY: Well, you can't use the name  
2 Florence over in the Capitol. That's an old -- old  
3 joke.

4           COLONEL CLARK: Mr. Chairman, we'd be glad  
5 to, if you'd like for us to, we'll get together and  
6 prioritize these and present them to you next week.

7           MR. POLUNSKY: Colonel, I mean, based on the  
8 fact that it appears that we're the only agency that  
9 does it and the Governor's has requested that we do, I  
10 think it would be in our best interest and (Inaudible)  
11 policy for us to go ahead and prioritize these items,  
12 unless somebody here disagrees.

13          MR. CLOWE: I agree with that. I'd like to  
14 give you another comment in the way of being hopefully  
15 responsive to help you. I think the people cost ought  
16 to be first, and IT ought to be second, then Driver  
17 License ought to be third. And --

18          MR. STEEN: You're doing pretty well,  
19 Commissioner. Just go through the list.

20          MR. CLOWE: Well, I don't have any problem  
21 with the way you've got them ranked here. But I think  
22 the Chair has directed you correctly to give us your  
23 slant on it. But I think those first three items that I  
24 mentioned would be my one, two and three.

25          MR. STEEN: Mr. Chairman, I have a request.

1       Could we get it in advance of the meeting so we can have  
2       a chance to think about it and not just be given it  
3       during the meeting.

4               COLONEL CLARK:  We'll assemble the team and  
5       get those numbers to you.

6               MR. POLUNSKY:  In the spirit of openness  
7       here, you've got these other construction items, they're  
8       a dollar as well.

9               COLONEL CLARK:  Yes.

10              MS. BARTH:  And deferred maintenance.

11              COLONEL BECKWORTH:  We have tried our very  
12       best to get some cost estimates from the Texas Facility  
13       Commission, and we've been adamantly trying to do that.  
14       We have not been provided any additional information  
15       from the TFC.

16              MR. POLUNSKY:  But I've seen numbers on  
17       these before.

18              OSCAR YBARRA:  Those are the -- those are  
19       the numbers that were presented last biennium.  Based on  
20       that, they've taken what those costs were and how  
21       inflation has impacted that and they're giving us new  
22       estimates.

23              MS. BROWN:  Is that something we could help  
24       with?  Is that something if we made a phone call maybe  
25       they'd give us some numbers?

1                   SANDRA FULENWIDER: Excuse me, they actually  
2 plan to have those two, I think, by next -- by the end  
3 of next week, but it probably will be Friday and the  
4 meeting's on Thursday.

5                   MR. POLUNSKY: Well, can you tell them the  
6 meeting's on Thursday so we'd like it on Wednesday.  
7 What are they here for.

8                   SANDRA FULENWIDER: We will do what we can,  
9 sir. We will not have a figure on the deferred  
10 maintenance, though. They are still working on that  
11 contract.

12                   MS. BARTH: That's a big number. I mean, I  
13 saw something back in maybe four or five, six months  
14 ago. That's a big number.

15                   OSCAR YBARRA: 31 million.

16                   MS. BARTH: How much?

17                   OSCAR YBARRA: 31 million. And we haven't  
18 had independent study on that, I'm not sure, ever. So  
19 I'd bet you to say that 31 million is not enough.

20                   OSCAR YBARRA: Certainly.

21                   MS. BARTH: There are facilities that  
22 clearly have -- I wouldn't even call it deferred  
23 maintenance. (Inaudible) I've seen a project list  
24 several months ago and I was very shocked at 31 million  
25 and the project's in there, and it then felt like we

1 needed to have someone come in and take a look at  
2 deferred maintenance.

3 MR. POLUNSKY: Okay. Well let's see if we  
4 can get those -- those numbers as well.

5 \*\*\*we'll do our best to get the numbers on  
6 the construction projects.

7 MR. POLUNSKY: On those construction  
8 projects.

9 \*\*\*yes, sir.

10 MR. POLUNSKY: So we'll have those numbers  
11 hopefully and then we'll have priority -- the  
12 prioritized items.

13 COLONEL CLARK: Yes, sir.

14 MR. POLUNSKY: Okay. We done with this?

15 OSCAR YBARRA: Yes, sir.

16 MR. POLUNSKY: Had enough. Okay. Thank  
17 you, sir.

18 COLONEL CLARK: Mr. Chairman, if I may, are  
19 we -- did we just finish "B"? Are you about to finish  
20 up with "B"?

21 MR. POLUNSKY: Is there something we need to  
22 do on "B"?

23 COLONEL CLARK: Well, we need to jump back  
24 to "A" just a moment. This was an item that was  
25 asked -- you asked to be put on the agenda. Bryan Lane

1 needs to discuss our disaster recovery needs. That was  
2 an issue that you wanted discussed. So if you would  
3 like to, we can -- it should've been discussed under  
4 "A."

5 MR. POLUNSKY: Okay. I'm sorry. Chief  
6 Lane.

7 BRYAN LANE: Yes, sir. I believe you have a  
8 document that I presented to you last week. It's a  
9 phased approach plan in response to your request,  
10 Chairman Polunsky, to address our immediate and future  
11 disaster recovery needs of the agency. So we came  
12 together with this plan provides us as an agency to  
13 address some of the critical systems that were  
14 identified in the past from the business areas and  
15 ensure the -- the functionality of those systems  
16 continue to exist in the event of a disaster.

17 You also tasked us, sir, to come up with a  
18 funding source for that estimated cost. And I believe,  
19 Oscar, we've come up with the \$1.2 million that we  
20 estimate will take us to, what I'll call the preliminary  
21 phase of a disaster recovery plan. If you have the  
22 opportunity to review the document, I brought out the  
23 point that from a technology perspective, standing up  
24 the systems is quite frankly pretty straight forward  
25 because we know what those systems. There's an expense

1 associated with it, but they're identified and they're  
2 running here.

3           There's other major elements within a  
4 business continuity plan, which a disaster recovery plan  
5 is a part of. So I kind of brought those out just at a  
6 high level for you in this document that lines out why  
7 we can't do everything right now and addressed all of  
8 our challenges. We have to look at the continuity of  
9 services, the command and control during a mission, how  
10 we reestablish our agency if we do have a disaster here,  
11 and the plans around how do you get back into business.

12           So as an IT disaster recovery, we can bring  
13 you the technology to stand it back up. But there's the  
14 people issue, our partnerships with our vendors and our  
15 citizens, our customers, et cetera.

16           The -- the immediate actions that we  
17 identified here that we could do is update our current  
18 disaster recovery contract that we have today,  
19 purchase -- and including updating that contract would  
20 be purchasing some hardware/software/network  
21 connectivity to our Boulder, Colorado disaster site.  
22 Third, establish service level agreements with our  
23 vending community to ensure they understand what our  
24 needs are in the event that we have a disaster or an  
25 outage. Fourth, establish data line connectivity so

1 that we can actually reach Boulder via terrestrial lines  
2 and keep our systems running. Then, of course, test  
3 those disaster capabilities.

4 We've put together for you as well,  
5 Commissioners, kind of a high level chart that I will  
6 provide you either now or via e-mail to you, whichever  
7 you'd like, which outlines kind of a -- an approach of  
8 addressing our disaster recovery scenarios. The plan  
9 that we're presenting to you this afternoon really gets  
10 us just to the gold colored block, which is minimal  
11 capability. We've asked for, in our legislative  
12 appropriation request, \$3.5 million. That will take us  
13 toward what you'll see the continuity of operations  
14 plan, which is what you'll here referred to as a cooper  
15 plan.

16 We believe that in the time frame to move  
17 from the gold block to the yellow block, we'll be  
18 quickly approaching several major decisions within the  
19 agency. One, the rollout of NDLS will be in process.  
20 Secondly, the enterprise architecture will have a better  
21 idea of the funding we're going to get through the LAR  
22 to determine if we can standardize our technology, which  
23 will significantly impact a disaster recovery plan. But  
24 thirdly, it takes 90 days to get these things rolling,  
25 and the funding source for the LAR of 3.5 million may be

1 more readily available for us.

2 So the document that I provided you will  
3 give us the immediate opportunity to stand up, are the  
4 Texas Law Enforcement telecommunication switch, the CCH,  
5 or Computerized Criminal History, TCIC which provides  
6 the Texas Criminal Information Center, and quarry  
7 capability on the driver's license system, meaning that  
8 we would still be able to get quarry capability.

9 Wanted to point out, that does not allow us  
10 opportunity to stand up our in-car computing systems or  
11 the -- what we know of today as the THP com system. So  
12 we will have to derive, working with Chief Baker and  
13 others, derive how we will do that in the short-term as  
14 we bring those into our disaster recovery capabilities.  
15 The applications we're standing up were explicitly  
16 identified by the agency. That needs to be updated.  
17 That's part of a business impact analysis, which again,  
18 is part of a business continuity plan. With that, I  
19 think the document hopefully will address any other  
20 questions. But I'm definitely available.

21 MR. POLUNSKY: Are there questions for Chief  
22 Lane?

23 BRYAN LANE: Chairman Polunsky, I believe  
24 since the funding's available, we just move forward with  
25 this; is that correct?

1 MS. BARTH: Yes.

2 BRYAN LANE: Okay.

3 MR. POLUNSKY: Everybody okay with that?

4 BRYAN LANE: Okay. I'll keep you posted as  
5 we move forward. Thank you.

6 MR. POLUNSKY: Next item is discussion and  
7 possible action concerning DPS legislative strategy and  
8 priorities in the 81st Legislative Session. Colonel  
9 Clark.

10 COLONEL CLARK: Mr. Chairman, I believe,  
11 actually, we've kind of already talked about this. We  
12 wanted to discuss some funding and possible statutory  
13 authority, but specifically with Driver License and the  
14 implementation of moving to commissioned people. Chief  
15 Brown has already discussed that. And then the IT  
16 infrastructure, that was one of those issues that we  
17 would be addressing with the legislature. Chief Lane,  
18 is there anything you need to address about that?

19 BRYAN LANE: No, sir. I think we've covered  
20 it all here.

21 COLONEL CLARK: I really think we've already  
22 discussed those issues, all of letter "C," I believe.

23 MR. POLUNSKY: So you have nothing further?

24 COLONEL CLARK: Nothing further.

25 MR. POLUNSKY: Thank you. "D,"

1 presentation, discussion and possible action regarding  
2 DPS legislative monitoring process and procedures. Mr.  
3 Fox, Mr. Kelley.

4 MICHAEL KELLEY: Mr. Chairman, I'm the  
5 legislative liaison. This afternoon we'd like to  
6 present -- I have Duncan Fox from the Office of General  
7 Counsel, Major Jude Schexnyder from Audi & Inspection.  
8 We would like to provide you an overview. Or I'm going  
9 to talk a little bit about what we're doing with bills  
10 requested by the Department of Public Safety and what  
11 we're doing to keep you informed with legislative  
12 updates.

13 We're going to have Major Schexnyder talk  
14 about the bills as far as the legislative work flow that  
15 we're doing to monitor and track the bills that will  
16 impact or DPS will have to provide background back to  
17 the legislature. And then Mr. Fox will provide bill  
18 tracking and use of Telecon to assist you with looking  
19 at the Telecon system and talk about the bill tracking  
20 that we're doing.

21 What I'd like to -- first of all, if I could  
22 point out, Mike Myer was here earlier. Cathy Panasek is  
23 new to the house appropriations committee. And those  
24 officials are -- have been here present working with us  
25 on the budget. We also -- earlier today we had Pete

1 Winkler with Senator Hager's office. Steven Polunsky,  
2 Adam Berkland and Sonny Garza were with the Senate  
3 Transportation Homeland Security Committee. Kyle  
4 Mitchell's here from the Governor's office. Katy  
5 Sellers is still here from the House of Law Enforcement  
6 committee. And Candice, the clerk, was here earlier.

7 And these officials are working with us as  
8 we track and monitor bills. And I appreciate the fact  
9 that they attend these meetings and continue to work  
10 directly with us and so I wanted to recognize them.

11 The handout you've been given is the same  
12 format. It's the bill track, where we are in the bills  
13 that you approved in October as far as us getting the  
14 bills drafted and entered into the legislative process  
15 by finding authors and sponsors. The last update I sent  
16 you was by e-mail on the 23rd of January -- excuse me,  
17 December. And then from now on, what we've agreed is to  
18 work together and we will meet every Friday at 9 a.m.  
19 standing, since that's the day that the legislature  
20 tends not to meet on, to go over where we are on bills  
21 that we've asked for, and where are we on bills that we  
22 are tracking, which, again, Duncan will go over in a  
23 little more detail.

24 After that meeting, I will then send you an  
25 e-mail that contains both documents so that you will be

1 receiving them weekly. And that way you'll know, where  
2 are we on the bills that we've asked for, where are we  
3 on all bills that we're tracking and monitoring through  
4 the process.

5           The color coding that we're using on this to  
6 assist you is if it's in black, that means we have a  
7 final draft from the Texas legislative counsel. Now,  
8 the legislative counsel are the attorneys that work for  
9 both the House and the Senate to draft and work on  
10 legislation for the lawmakers. So they are the persons  
11 that are actually doing the writing of the laws, to put  
12 it in the proper format, bill format, to be introduced.  
13 And so we have individuals from each one of the  
14 divisions for which the division chiefs have provided us  
15 contact to make sure that they are talking directly with  
16 the bill drafters so that the bills are drafted in a  
17 format that we are actually seeking.

18           And I want to make a comment about that as  
19 well. The only way this process will succeed is by  
20 continuing to have the support that we currently do from  
21 the division chiefs, and I want to say thank you to all  
22 the divisions. Because as we've gone through and worked  
23 on the bill drafts and asking for these things, they and  
24 their officials have been readily available to help us  
25 be able to get these bills ready, to answer questions

1 from bill drafters, to answer questions from the  
2 legislative staff. And as long as we continue to work  
3 together like this, I know we'll continue to be  
4 successful.

5 Now, anything that's colored in blue means  
6 that the Texas legislative counsel has not yet provided  
7 the final draft. That means they're still going back  
8 and forth with our agency, they're still going back and  
9 forth with Senator Corona, or our Representative Driver  
10 staff, and they haven't given us a final draft.  
11 Anything in green will be new items since the last time  
12 I gave you this report. So anything in green on this  
13 item here is something new compared to what you had in  
14 the last report on the 23rd of January.

15 So what I will do is I will send you this as  
16 an e-mail tomorrow after we update it tonight and have  
17 our meeting in the morning so you will continue to have  
18 this on a weekly basis. Next I want to give you, as far  
19 as legislative updates. You've already been receiving  
20 e-mails that I provided you and the leaders about what  
21 I'm hearing and seeing downtown. And the divisions and  
22 the others are helping me keep up so that way we can  
23 keep you informed fully about what we're hearing about  
24 issues that may be impact us, such as the speakers race.

25 We will continue to do that. So I will

1 provide you the Friday regular update, and then  
2 periodically as needed will e-mail you with updates. If  
3 I feel like there's something critical, major that you  
4 need to know about, then I will provide that to you, the  
5 colonels, and the division chiefs so that way you'll be  
6 kept in the loop about what we're hearing. You can look  
7 at this kind of as an intelligence piece. It's my job  
8 to be down at the Capitol and a working to find out  
9 everything that we need to know in order to be  
10 successful as an agency, and that means finding out  
11 what's happening and disseminate it back to you guys who  
12 are the policy makers. And I'll continue to do that.

13 Subject to your questions, that completes my  
14 portion, and then Major Schexnyder will continue.

15 JUDE SCHEXNYDER: Any questions? Like to  
16 just give you a quick overview of the work flow process  
17 for the bill analysis within the Department. As you  
18 probably know, the Office of General Counsel does an  
19 initial review of all pieces of legislation as they come  
20 out. After they review that legislation, when they  
21 encounter particular bills that may touch a portion of  
22 the Department of Public Safety, they pull those bills  
23 and they make a determination of what areas of the  
24 Department would be impacted by that legislation. And  
25 they send those out via the atlas system to different

1 monitors within each of the divisions that are impacted.

2 In addition, they send all of those bills  
3 all -- of those that might impact the agency to the  
4 office of Audit Inspection. As I receive those bills, I  
5 then assign them to an individual inspector within my  
6 office. Because we have subject matter experts from all  
7 the divisions of the agency within that office. So I  
8 just make a determination of which one fits best and I  
9 send it to that particular inspector. As the analysts  
10 from across the different divisions complete their  
11 different bill analysis and put those within the atlas  
12 system, my inspector goes back, does an overview of all  
13 those different analysts and compiles that into one  
14 report trying to touch base with all the different areas  
15 that may have some kind of impact with that legislation.

16 It's then forwarded to me. I do a final  
17 review of what my inspector's done, make sure that we  
18 haven't missed anything. And at that point in time we  
19 upload that into the atlas system at which point you  
20 would review it. We have a similar system for fiscal  
21 note process. You may or may not have received fiscal  
22 notes at this point. But we have had at this point 68  
23 requests for fiscal notes from the legislative budget  
24 board. We've completed 38 of those. Eight of them have  
25 had an impact. 30 of them were deemed no significant

1 impact to the agency.

2 We get those requests directly from the  
3 legislative budget board. It's assigned to the  
4 inspector that did the analysis on the bill. He touches  
5 base with all the different analysts from across the  
6 agency. They build a methodology and working in  
7 conjunction with the accounting and budget section, they  
8 build the fiscal notes and it's submitted to the LBB  
9 after approval by the Colonel and copies sent.

10 DUNCAN FOX: Just to sum up again, then on  
11 the General Counsel's side, we receive the bills  
12 overnight in hard copy and begin doing our process where  
13 we get through identifying the bills by subject matter  
14 to the particular divisions. We assign a bill -- we  
15 assign the bill to the effective division. We also make  
16 sure that internal audit has a copy of that, too. Then  
17 the subject matter experts prepare analysis reports  
18 which are then uploaded into the atlas system, which is  
19 what we call -- which you can look at in what's called  
20 the Telecon system. That's an online tool that we have  
21 provided in the past with information being able to  
22 access.

23 And in the January materials, I also have  
24 screen shots for how you can look up a bill, how you can  
25 look at the bill analysis that we've conducted, and how

1 you can look at the fiscal note that's been prepared.  
2 This is -- we've also -- one thing you're aware of so  
3 that you can pull information out as you want it. We  
4 also -- Michael works towards making sure we can push  
5 the information to you is appropriate and (Inaudible)  
6 where you will be able to see how it fits together  
7 because of the number of bills. So far we've had 997  
8 bills in the prefile. And we have -- we are tracking, I  
9 believe, 185 and have analyzed --

10 JUDE SCHEXNYDER: 157.

11 DUNCAN FOX: So that's a lot of bills we try  
12 to hold onto even before we hop into the work force  
13 section. So what we looked to do when we got together  
14 was building a prioritization system so we can at least  
15 try to cull out those for you that we think, these are  
16 the hot bills, these are the high priority bills based  
17 upon the impact of either Department, fiscal  
18 implications or impact the public. So we would give  
19 that a high prioritization and make sure that that's  
20 reported out first.

21 Then we have a prioritization for medium  
22 where there's some impact, and then a prioritization of  
23 low impact where there's no real significant impact on  
24 the Department operations or fiscal implications. This  
25 will help us as far as having fewer total bills that

1 will be able to -- at least being able to have them  
2 packaged for you so you can see our prioritization. And  
3 then also enables you to see whether or not we need to  
4 reprioritize what we've presented.

5 I do have a -- if you would like to see a  
6 presentation on the Telecon system, that would require  
7 me to get the projector up. Again, I do have the screen  
8 shots that are in the package. (Inaudible) the  
9 Commission (Inaudible) would like to see the  
10 presentation now or I can provide it to you  
11 individually. That completes my presentation.

12 MICHAEL KELLEY: So again, in conclusion,  
13 we've gone over is we will continue on Fridays to  
14 provide you a list. There'll be two list, the Telecon  
15 list with all the bills that we just discussed that  
16 we're monitoring regardless if we ask for them or not.  
17 The other list will be this chart that will tell you  
18 what bills we've asked for, where we are in the process.  
19 Then we'll give you updates periodically as needed.

20 MR. POLUNSKY: Sounds good.

21 MR. CLOWE: Thank you very much.

22 MS. BROWN: Thank you. And the e-mails are  
23 very helpful.

24 COLONEL BECKWORTH: Mr. Chairman, we have  
25 here some documentation that we want to provide to the

1 members of the Public Safety Commission. We're going  
2 for confirmation -- Senate confirmation. Michael is  
3 going to be kind of managing that component for you.  
4 But these are documents of questions that are frequently  
5 asked in the past. Those that are going before that  
6 process we think this information might be beneficial.

7 MR. POLUNSKY: Do any of all have any  
8 questions about the confirmation process? Everybody's  
9 been through it? Ms. Brown has none?

10 MS. BROWN: I have none.

11 MR. POLUNSKY: Okay.

12 COLONEL CLARK: Nothing further, sir.

13 MR. POLUNSKY: Does anybody have an item for  
14 future agendas?

15 MR. CLOWE: We need action on the six months  
16 restriction on appointment to positions internally  
17 within the agency, need an action item in the February  
18 agenda.

19 MR. POLUNSKY: Okay. Could you get with  
20 Mr. Fox on that?

21 MR. CLOWE: Well, I think he knows what to  
22 put on there. And Ms. Logan is here, and she'll work  
23 with him, I'm sure.

24 MR. POLUNSKY: Okay. Could you take care of  
25 that, please, Mr. Fox.

1                   DUNCAN FOX: Yes, sir.

2                   MR. POLUNSKY: I would like to ask the  
3 Commission if -- and I know this deviates from what we  
4 discussed previously, but would it be possible for us to  
5 move the March meeting date? There's a conflict that I  
6 need to have addressed.

7                   MR. CLOWE: Fine with me.

8                   MR. STEEN: What's the current date?

9                   MR. POLUNSKY: What is the current date?

10                  MR. CLOWE: The third Thursday.

11                  COLONEL CLARK: Be the 19th. March 19th,  
12 that's the third Thursday in March.

13                  MR. POLUNSKY: Okay. Is there a day that  
14 anybody has a problem with other than the 19th? Can we  
15 just get back to you? We'll just get back to you on  
16 that.

17                  COLONEL CLARK: Were you going to try to  
18 utilize the third Thursday of every month as --

19                  MR. POLUNSKY: Well --

20                  COLONEL CLARK: -- a standard meeting?

21                  MR. POLUNSKY: -- let's talk about that. I  
22 feel that we need to have a specific date going forward  
23 that we stick to so that people set their -- their  
24 calenders and their certainty so on. If the third  
25 Thursday is not a good day, then let's hear it.

1 COLONEL CLARK: We're here 8 to 5 every day.

2 MR. CLOWE: Third Thursday's a good day.

3 MS. BROWN: Good for me.

4 MR. POLUNSKY: Okay. So going forward, then  
5 the third Thursday is the day, unless there's some  
6 extraordinary set of circumstances that come to play.

7 MR. CLOWE: And we have that in March.

8 MR. POLUNSKY: Except for March.

9 MR. CLOWE: And Friday is a bad day in  
10 Austin for March. It's tough to get out of this town on  
11 a Friday afternoon.

12 COLONEL CLARK: But you have set February  
13 the 19th, which will be the Public Safety Commission.

14 MR. POLUNSKY: Okay. All right. Anything  
15 else?

16 MR. STEEN: Might be helpful, Ms. Wright, if  
17 you could just e-mail us all those dates so we can put  
18 it on our calender. And going back -- can I make a  
19 comment -- Colonel, I think when we come back to meet, I  
20 like the way that the Deloitte chart had where the  
21 darkened rectangles are recommended new functions. If  
22 you could adapt that.

23 COLONEL CLARK: We could do that.

24 MR. STEEN: And also, I was talking during  
25 the break, I know we've got this issue with the Texas

1 Rangers about there being a specific statute. And I'm  
2 wondering if we can -- I understand there are other  
3 situations like that where we're potentially restricted  
4 of what we can do because there's statutory language.

5 COLONEL CLARK: Concerning divisions or --

6 MR. STEEN: Is that the only instance?

7 DUNCAN FOX: There's a -- there's a  
8 provision about the number of divisions and bureaus as  
9 of August 1957 that's kind of an obscure provision.

10 MR. STEEN: Just wonder if there are any  
11 like that. If we could somehow asterisk or something  
12 like that so we'd be aware of if we're making a change  
13 that we'd actually need to get the legislature to do as  
14 opposed to something we can do. Somebody during the  
15 break was showing me, I think with the Governor's  
16 office, if there are other areas where there's some  
17 specificity about our organization that we need to be  
18 aware of.

19 COLONEL CLARK: Is that Mr. Mitchell shaking  
20 his head? If you'll get with me, let us know.

21 MR. STEEN: As we go through this, I'd just  
22 like to be aware of those areas where there's a statute.

23 MR. POLUNSKY: Any -- any further  
24 discussion? The meeting of the Texas Public Safety  
25 Commission is hereby adjourned. It is five minutes

1 after 3.

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1 THE STATE OF TEXAS )

2 COUNTY OF TRAVIS )

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

10

11 Witness my hand this the \_\_\_\_\_ day of

12 \_\_\_\_\_, 2009.

13

14

15

\_\_\_\_\_  
Joy N. Quiroz-Hernandez, CSR

16

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