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OPEN MEETING  
PUBLIC SAFETY COMMISSION  
MAY 22, 2009

On the 22nd day of May, 2009, the following  
meeting was held in Austin, Travis County, Texas.

APPEARANCES

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COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:

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

DIRECTOR'S STAFF OF THE DEPARTMENT OF PUBLIC SAFETY:

- Colonel Lamar Beckworth, Director
- Dorothy Wright, Executive Assistant
- Stuart Platt, General Counsel
- Duncan Fox, Deputy General Counsel
- Michael Kelley, Legislative Liaison

1 MR. POLUNSKY: Commissioner Barth?

2 MS. BARTH: Present.

3 MR. POLUNSKY: Commissioner Brown?

4 MS. BROWN: Present.

5 MR. POLUNSKY: Commissioner Clowe?

6 MR. CLOWE: Present.

7 MR. POLUNSKY: Commissioner Steen.

8 MR. STEEN: Present.

9 MR. POLUNSKY: Let the record reflect  
10 that I am present.

11 The Texas Public Safety Commission is  
12 now convened in accordance with Chapter 551 of the  
13 Texas Government Code, the Open Meetings Act. During  
14 this meeting, the Commission will be conducting  
15 business from the agenda posted in the Texas Register.  
16 A quorum of the commission is present and the meeting  
17 is now declared open. It is 10:40 a.m.

18 The first item of business is the  
19 approval of the minutes.

20 MS. BARTH: So moved.

21 MR. STEEN: Mr. Chairman, there are two  
22 sets. Can we take them one at a time or both?

23 MR. POLUNSKY: You can do either one.

24 MR. STEEN: What do you -- Commissioner  
25 Barth.

1 MS. BARTH: I'd rather take them both.

2 MR. STEEN: All right. Second.

3 MR. POLUNSKY: All right. It has been  
4 moved by Commissioner Barth and seconded by  
5 Commissioner Steen that both sets of minutes that have  
6 been submitted to the Public Safety Commission be  
7 approved as submitted.

8 Is there any discussion?

9 MR. STEEN: And, Mr. Chairman, that's  
10 April 16th, 2009 and then May 6th, 2009.

11 MR. POLUNSKY: That's correct. Let the  
12 record reflect that, please.

13 Any discussion?

14 There is no discussion. All in favor,  
15 please say aye. Any against, no. Motion passes.

16 At this time I would like to turn the  
17 meeting over to Colonel Beckworth to recognize several  
18 of our troopers who were involved in a very heroic  
19 action at the State Capitol a week or two ago that I  
20 think we should all be very proud of and I would like  
21 him to make a public declaration, an explanation, of  
22 what took place and take the opportunity to recognize  
23 those troopers who are here this morning.

24 MR. BECKWORTH: Thank you, Mr. Chairman,  
25 Commissioners. I would like to take this opportunity,

1 first of all, to invite these three individuals to the  
2 front of the podium: Trooper Edwin Carpenter, Trooper  
3 Antonio Rico, and Trooper Diane Riojas. Would y'all  
4 please come to the front of the podium here please, if  
5 you would.

6 (Troopers came to the front.)

7 MR. BECKWORTH: Thank you very much. If  
8 you would, just kind of -- right there would be fine.

9 On May the 12th of 2009 at approximately  
10 10:00 p.m., Representative Edmund Kuempel was found by  
11 Ms. Jennifer Irby slumped over in the corner of the  
12 elevator at the Capitol. Knowing that she wouldn't be  
13 able to locate a trooper on the first floor, Ms. Irby  
14 moved the elevator to the first floor. Ms. Irby  
15 located Trooper Edwin Carpenter, who called for  
16 assistance on his radio and also ensured that 911 was  
17 called. Trooper Carpenter found Representative Kuempel  
18 unconscious and unresponsive. He immediately began  
19 attending to him. Representative John Zerwas, who is a  
20 physician, also was summoned and assisted Trooper  
21 Carpenter. A short time later, Trooper Antonio Rico  
22 and Trooper Diane Riojas arrived with an automated  
23 external defibrillator. Representative Kuempel was  
24 moved from the elevator by the troopers to the elevator  
25 foyer.

1                   The troopers, after finding no pulse,  
2 began performing chest compression and rescue  
3 breathing. Representative Kuempel remained unconscious  
4 with no pulse. The troopers attached the defibrillator  
5 and began to administer shocks to Representative  
6 Kuempel's body. After several shocks, continued chest  
7 compression, and rescue breathing, the troopers were  
8 able to get a pulse and erratic breathing. Trooper  
9 Rico, Carpenter, and Riojas continued with their  
10 lifesaving efforts for approximately 15 minutes until  
11 emergency personnel arrived. Representative Kuempel  
12 was transported to the hospital and continues to  
13 improve each day.

14                   Trooper Carpenter, Trooper Antonio Rico,  
15 and Trooper Diane Riojas persevered with judgment and  
16 poise in the performance of their duties during a  
17 difficult and stressful situation and provided  
18 Representative Kuempel with the necessary medical  
19 attention that saved his life. I am honored today to  
20 publicly recognize these individuals before you for all  
21 of their work that they have done in this effort. We  
22 are scheduling an award presentation on the House floor  
23 on Wednesday with these three individuals along with  
24 Ms. Irby, Ms. Kirby, and also Representative Zerwas,  
25 and that's going to happen on Wednesday either morning

1 or afternoon, but I wanted to come before you today and  
2 publicly recognize these individuals for the work that  
3 they did.

4 I was actually at the Capitol when this  
5 happened. I stood over them while they performed this,  
6 and Representative Kuempel was blue, purple in the face  
7 and he had no pulse and they worked and worked and  
8 worked with about eight shocks to his body with that  
9 defibrillator to finally get a pulse and get him  
10 breathing, and once the EMS arrived, they had to  
11 continue shocking him to keep him sustained, and I  
12 think they did a commendable job and we want to  
13 recognize them. Would you please join me in a round of  
14 applause.

15 (Applause)

16 MR. BECKWORTH: I'd also like to  
17 recognize -- Captain, would you come up and would you  
18 come up?

19 Lieutenant, is he back there?

20 Y'all come up to the front here just a  
21 moment.

22 These two individuals run the Capitol  
23 operations every day, and right now they are in one of  
24 the busiest times of their lives in trying to manage  
25 all the legislatures who are in session there. They

1 have demonstrated their professionalism doing an  
2 outstanding job in ensuring that we provide protection  
3 and address all the issues that are related to the  
4 Capitol. They are there 24 hours a day as the  
5 operation goes. The other night, the captain showed up  
6 and went to the hospital with Representative Kuempel,  
7 stayed there with him, made arrangements to get his  
8 daughter in from the Waco area, and they just stepped  
9 up and did what they needed to do, and I want to  
10 publicly thank them for the work that y'all do down  
11 there, and continue your work.

12 (Applause)

13 MR. POLUNSKY: I would like to reiterate  
14 what Colonel Beckworth just stated, and that is,  
15 without any question, these three troopers at the back  
16 of the room saved Representative Kuempel's life.  
17 There's no if's, and's, or but's about it, but for  
18 them, he would not have made it that night, so we  
19 cannot thank them enough.

20 I would also like to make the point,  
21 however, that their actions on that evening are  
22 representative of -- and we all know that, or pretty  
23 much everyone in this rooms understands, that their  
24 actions are representative of what our troopers do on a  
25 day-to-day basis throughout the State of Texas.

1 There's probably a day that doesn't go by when one of  
2 our troopers doesn't save a life or save someone from  
3 serious injury or prevents a situation that would  
4 result in serious injury or death in some manner. This  
5 was a very public example of what our people do, and I  
6 am happy that the general public and certainly the  
7 members of the legislature could see firsthand how  
8 professionally trained and how competent our people  
9 are, but we have 8,000 people out in the field and they  
10 do these type of actions every day as well, so I don't  
11 want to lose sight of them, but certainly today and  
12 next week, and I'm sure when you have an opportunity to  
13 personally speak with Representative Kuempel, you will  
14 hear lots of good things because you did a very  
15 wonderful thing that evening.

16                   So, again, on behalf of the Public  
17 Safety Commission, we would like to thank you for your  
18 professional conduct and quick thinking and actions  
19 that saved something from being a very catastrophic  
20 event into what now probably will end up being a very  
21 happy event, so thank you for being here and thank you  
22 for your service to the department and to the State of  
23 the Texas, and we really cannot tell you strongly  
24 enough how proud we are to have you as members of the  
25 Texas Department of Public Safety. Thank you.

1                   Anything else from anyone? Thank you.

2                   The next item on the agenda is Public  
3 Comment. Is there anyone here who would like to  
4 address the Public Safety Commission at this time?

5                   MR. DICKSON: Mr. Chairman.

6                   MR. POLUNSKY: Mr. Dickson.

7                   MR. DICKSON: Good morning, Mr. Chairman  
8 and commissioners and Colonel Beckworth, counsel. My  
9 name is Don Dickson and I'm an attorney at the Parker  
10 Law Firm in Austin and a representative of the Texas  
11 State Trooper's Association. I wasn't going to speak  
12 this morning, but in view of the commendations offered  
13 for Troopers Riojas and Carpenter and Rico, I wanted to  
14 say just a brief word about our Capitol Troopers.

15                   These guys have taken a lot of abuse  
16 over the years, some of it good natured and some of it  
17 not so good natured, about back in the day when they  
18 attended a shorter academy, back in the day, even  
19 before that, when they belonged to the General Services  
20 Administration. There's a tendency that I found over  
21 the last more than a decade of some officers in the  
22 Highway Patrol particularly to sort of look down their  
23 nose at the Capitol Troopers. And the reason I mention  
24 this is because, to me, the most compelling two words  
25 in the Deloitte Study were that we are one DPS, and I

1 personally get a little tired of hearing this  
2 condescending toward the Capitol troopers.

3           These are outstanding men and woman who  
4 do a remarkable job for this department under sometimes  
5 very pressurized circumstances, and I've heard every  
6 joke in the world about giving directions to the gift  
7 shop and the laboratories, but on May 12th, I think  
8 that these three troopers and their supervisors  
9 demonstrated that, not only do they have a difficult  
10 job that is performed under pressure-packed situations,  
11 but they are outstanding ambassadors for this  
12 department to the tens of thousands of people who visit  
13 the Texas Capitol during session and in the interim.  
14 And I would direct this comment not so much at the  
15 Commission but to the rest of the department, that this  
16 is one DPS, and I hope that the other 3600 officers in  
17 this department will recognize the Capitol Troopers as  
18 being entirely their equal in everything that they do.  
19 Thanks.

20           MR. POLUNSKY: Thank you, Mr. Dickson.  
21 And we certainly concur that this is one DPS, one  
22 family. And as time goes by, I've -- just in the short  
23 period of time that I've been on the Commission, I  
24 think I've seen a merger, so to speak, or an  
25 acceptance of -- a further acceptance of the Capitol

1 Police Division, or the former Capitol Police Division,  
2 into the department, and this is just one more reason  
3 why, you know, that should be the case, because these  
4 are professional people who show their worth every day.  
5 And I think I speak for the Commission and hopefully  
6 the department, and we certainly are committed to  
7 having this one family that has no distinction as to  
8 how you got here or, you know, what you're initial  
9 background was as long as you're doing your job, doing  
10 it in a professional manner and bringing honor to the  
11 department, and that's what we're interested in.

12 Thank you for your comment.

13 Is there anybody else here who would  
14 like to make a comment at this time?

15 All right. Thank you.

16 Next item is New Business. The first  
17 item would be: Discussion and possible action  
18 regarding the procurement of an information management  
19 intrusion detection system.

20 Chief Lane.

21 MR. LANE: Brian Lane, Chief Information  
22 Management Services. Good morning, Mr. Chairman,  
23 Commissioners, Colonel.

24 Mr. Chairman, as you know, we were  
25 inflicted with the Conflinker Worm, which is a

1 malicious software, on April 14th of this year. It  
2 impacted more than 3,000 of our systems and took us  
3 about two and a half weeks to fully eradicate.  
4 Conflinker is one of thousands of malicious software  
5 programs, viruses, and worms that are on the internet  
6 and are available to be downloaded by different devices  
7 that impact the security of our data and the ability to  
8 run our business systems.

9           A solution that exists today within our  
10 agency, because it's on loan, is an intrusion  
11 prevention system that's working in concert currently  
12 with a vulnerability identification system. So what an  
13 intrusion prevention system is, is it tracks the  
14 network activity and has filters and identifies  
15 malicious activity and blocks it for you based on the  
16 directions that you give it. A vulnerability  
17 identification system is a device that scans our  
18 network PC's and devices and looks for vulnerabilities  
19 and blocks those vulnerabilities or reports them in an  
20 actionable report. The IPS, which is an intrusion  
21 prevention system, and the vulnerability identification  
22 system are working in concert together to give us  
23 realtime ability to protect our network, our data, and  
24 a lot of critical information systems that we run on a  
25 day-to-day basis.

1                   During the Conflinker outbreak, multiple  
2 vendors came forward and loaned us hardware and  
3 resources to manage the solution, which is the  
4 intrusion prevention system and vulnerability  
5 identification system. We are protected today by those  
6 systems, and I respectfully request permission to move  
7 forward in the procurement of these systems to ensure  
8 that, long term, the agency has protections that we  
9 need to protect against the viruses and malicious  
10 software that are out there today. It's a foundation  
11 for us. It is not a silver bullet. It is not  
12 something that will fix everything, but it definitely  
13 puts us decades of where we were on April 13th, when  
14 we -- the day before we were infected by the virus.

15                   I'm happy to answer any questions for  
16 you at this point.

17                   MR. POLUNSKY: Questions?

18                   Mr. Clowe? Or, I'm sorry, Ms. Barth?

19                   MR. CLOWE: Is this the AT&T?

20                   MS. BARTH: It is.

21                   MR. POLUNSKY: Ms. Barth.

22                   MS. BARTH: What would be the argument  
23 to own equipment versus lease equipment?

24                   MR. LANE: One argument, Commissioner  
25 Barth, would be capital versus operating dollars and

1 the availability of those two dollars. From a leasing  
2 perspective, we are afforded some opportunities to  
3 maintain updates on that equipment to ensure that the  
4 equipment, if we contracted in this manner, we'll  
5 receive the latest devices when they're released within  
6 certain time frames, et cetera. The owned equipment  
7 really comes down to at this point a capital dollar  
8 expenditure versus an operating dollar expenditure, and  
9 I would defer to Chief Ybarra on that specifically.

10 MS. BARTH: Well, I would like -- in  
11 this case, my own personal preference is -- and, you  
12 know, I hate saying this out loud, so to speak, is  
13 that -- but I'm going to, is that I don't want finances  
14 capital versus operating. When I think about owning  
15 equipment, which continually changes in some cases by  
16 the hour, it seems to me that we would want to figure  
17 out how we could lease this equipment to make sure that  
18 we are availed the opportunity to get the latest  
19 technology as it gets pushed down.

20 You know, what worries me -- because I  
21 have plenty of this in my own office sitting on the  
22 side -- is equipment that's, you know, one year old  
23 that no longer handles whatever may come about, so I  
24 would really like to think we could look towards, you  
25 know, the lease option, if this is the way we want to

1 go with respect to these devices, so that we could  
2 afford ourselves the latest and greatest, so to speak.

3 Chief Ybarra?

4 MR. LANE: Commissioner Barth, as Chief  
5 Ybarra is coming up, an intrusion prevention system  
6 uses a filtering technology that you update on the fly,  
7 so it's not necessarily, you need a new piece of  
8 hardware to protect against a virus that has not been  
9 written today, but you --

10 MS. BARTH: Are we -- are you thinking  
11 we're going to buy any hardware?

12 MR. LANE: Am I thinking -- lease or  
13 buy, yes, ma'am, we will do one or the other.

14 MS. BARTH: Okay.

15 MR. YBARRA: At this point, based on  
16 discussions with DIR, we could go either way. We have  
17 found some capital dollars, but in no way do we want to  
18 limit ensuring that we get the best product all of the  
19 time, so...

20 MS. BARTH: Okay. I would really like  
21 to look towards leasing equipment as opposed to owning  
22 equipment. I just -- I worry about six months or a  
23 year from now, maybe it's not the hardware but maybe  
24 it's a portion of the hardware or something of the  
25 sort.

1 MR. LANE: Right, understood.

2 MR. CLOWE: So what are you asking the  
3 Commission for at this time?

4 MR. LANE: Commissioner Clowe, I'm  
5 asking for your permission to move forward with  
6 contract negotiations that we've already entered into  
7 with At&T, who has provided us a service up to this  
8 date of managing and tracking the hardware that we have  
9 on loan, and as well as, we're in conversations with  
10 the Chief of the Department of Informational Resources  
11 regarding contracting through them.

12 MR. CLOWE: And based where you were  
13 now, what's the term and the cost of this?

14 MR. LANE: Based on where we are now,  
15 sir, where we are today, we're looking at around a  
16 \$700,000 a year managed service contract with options  
17 to obviously add hardware to that or remove hardware.

18 MR. CLOWE: \$700,000 a year?

19 MR. LANE: Yes, sir.

20 MR. CLOWE: For what term?

21 MR. LANE: A three year term with two  
22 year renewal, but we're early on in the discussions,  
23 sir.

24 MR. CLOWE: And if this progresses to  
25 action and a contract to sign, is it cancelable?



1 the agenda up on the screen? Somebody? I'm just  
2 asking you, you're the closest one.

3 MR. LANE: Commissioner Steen, the  
4 action --

5 MS. BARTH: Before we go forward, Mr.  
6 Platt, do we have the ability to discuss the specifics  
7 on these devices in closed session?

8 MR. PLATT: We do under 551.076.

9 MS. BARTH: I would like to defer  
10 further discussion until we've had a chance to talk  
11 through the details here, if you believe we can do this  
12 in Executive Session.

13 MR. PLATT: For security devices and  
14 systems, we can include computers.

15 MS. BARTH: Would that be okay?

16 MR. POLUNSKY: Is that acceptable? Is  
17 that acceptable with the balance of the Commission?

18 All right. Chief Lane, we're going to  
19 defer any action on this until after the Executive  
20 Session.

21 MR. LANE: Thank you.

22 MR. POLUNSKY: Oscar, since you're up  
23 here, explain to me what our relationship is with DIR.  
24 Do we have any type of contractual relationship with  
25 them?

1                   MR. YBARRA: Actually, by statute, we're  
2 required to go through them for certain types of  
3 devices. If they're not able to provide the IT  
4 equipment and the services, then they'll allow us to go  
5 on our own, but that's -- House Bill 1516 is what  
6 generated this particular relationship.

7                   MR. POLUNSKY: All right. But we have  
8 no contractual relationship with them?

9                   MR. YBARRA: Only if we get into a  
10 specific contractual relationship. In this case, for  
11 example, for these services where we do an arranged  
12 contract with them for these services, as they would be  
13 leasing the equipment from the vendors, whichever  
14 vendor it would be. Based on discussions we had  
15 yesterday, we would be in a contract with them, but  
16 right now, there's no general broad contract other than  
17 this statute that exists today that I'm aware of, sir.

18                   MR. POLUNSKY: All right. Correct me if  
19 I'm wrong, but it's my understanding that, historically  
20 speaking, DIR has not been utilized or there has not  
21 been a lot of input from DIR on our information systems  
22 here, and this has been somewhat of a closed shop in  
23 the sense that DPS did not want to bring others in.  
24 That's kind of a --

25                   MR. LANE: Yes, sir. That's correct.

1 The agency made the decision at the time that House  
2 Bill 1516 was in the House under consideration that we  
3 felt there was too much risk to the agency based on the  
4 model that DIR was bringing forward as part of the  
5 managed services through the -- what ultimately was the  
6 IBM contract, so we were ultimately excluded from data  
7 service consolidation, or data center consolidation, so  
8 we have been enclosed to DIR in the last two years  
9 using their contracting vehicle that's called Go  
10 Direct, which allows us to purchase software contracts.  
11 We've engaged them on dozens of contracts to purchase  
12 hardware and software, but engaging them for strategic  
13 thought processes and alignment of the agency's  
14 information technology, we have not done.

15 MR. POLUNSKY: Do you believe that may  
16 have been a mistake?

17 MR. LANE: Yes, I do not believe joining  
18 the data center consolidation or not joining the data  
19 center consolidation was a mistake. We historically --  
20 now that House Bill 1516 enacted that consolidation, we  
21 have seen some significant challenges with that  
22 contract with IBM, in my opinion. I feel that at  
23 different points, we've heard that the Attorney  
24 General's Offices lost data that was managed by the  
25 contractor. There are -- they worked through the

1 initial start-up challenges that you see with any  
2 managed service. Today is the data center  
3 consolidation an option for us? I don't know enough  
4 about it, Chairman Polunsky, of their performance at  
5 this point to answer you directly that, yes, it would  
6 be or no, it wouldn't be.

7 MR. POLUNSKY: All right. But it's my  
8 understanding that they would like to discuss the  
9 possibility of entering into agreements where they  
10 provide consulting and other services that might be  
11 of --

12 MR. LANE: Yes.

13 MR. POLUNSKY: -- advantage or  
14 assistance?

15 MR. LANE: Yes, sir. And specifically  
16 around security, we have had those discussions in the  
17 last two weeks regarding DIR managing that contract  
18 service with, I think, AT&T, but we would be in an  
19 interagency contract with DIR and they would be  
20 providing those services to monitor and watch our  
21 networks and help us standardize on our security  
22 structure, if you will.

23 MR. POLUNSKY: All right. And that has  
24 movement?

25 MR. LANE: Yes, it does. Yes, it does.

1                   MR. POLUNSKY: All right. Well, I'm  
2 very interested in how that progresses, so I would like  
3 to have an ongoing report, certainly to the Commission  
4 at our meetings, but also intermittently to  
5 Commissioner Barth and Commissioner Clowe, who are  
6 involved in our IT oversight.

7                   MR. LANE: Yes, sir.

8                   MR. POLUNSKY: All right. Well, we will  
9 defer action on this until after Executive Session.

10                  The next item: Report, discussion, and  
11 possible action regarding the after action report on  
12 computer virus containment.

13                  Chief Lane.

14                  MR. LANE: Mr. Chairman, Commissioners,  
15 I provided you an after action report last week  
16 regarding the activities that occurred during and after  
17 the conflikter Worm infection. I'm happy to answer any  
18 questions you may have about the report.

19                  I think the highlights of the report, of  
20 our infection on April 14th, 2009 was a total of 3,049  
21 systems that were infected with conflikter. On  
22 April 28th, 2009, after 48 hours of not having a  
23 Conflikter infection, we declared ourselves fully  
24 eradicated. During that time, with the help of  
25 multiple organizations, including DIR and literally a

1       slew of vendors that came in and provided us free  
2       services and free technology, we were able to contain  
3       the Conflikter Virus and eradicate it from your system.

4                As the report states and as we spoke to  
5       earlier, we are now leveraging loaned equipment and  
6       loaned free management resources with this new security  
7       that we have that's protecting us, and we receive  
8       hourly reports and we make updates throughout the day.

9                So that concludes my overview.  If you  
10       have specific questions, I'd be happy to answer them.

11               MR. POLUNSKY:  Are there questions?

12               MR. CLOWE:  I have questions but I'd  
13       rather ask them in Executive Session if the same rule  
14       applies relative to confidential issues that have to do  
15       with security.

16               MR. PLATT:  It does as to  
17       vulnerabilities that would need to be assessed in terms  
18       of security facets to be put in place, and I've met  
19       with Chief Lane prior to the meeting to discuss that,  
20       so I think it's appropriate.

21               MR. POLUNSKY:  All right, we'll do that.

22               Mr. Steen.

23               MR. STEEN:  Chief Lane, you said  
24       April 14th was the date of the infection with the  
25       conflikter Worm and then April 28th it was declared

1 fully eradicated?

2 MR. LANE: Yes, sir.

3 MR. STEEN: So we have a two-week  
4 period?

5 MR. LANE: Yes, sir.

6 MR. STEEN: How do you feel about that  
7 time period for having addressed this problem?

8 MR. LANE: Commissioner Steen, that's  
9 way too long. However, I will tell you that it was  
10 nothing short of heroic efforts and, as I reported to  
11 you, more than 9,800 IMS hours alone, not even  
12 including the hours that were put in by our vendors and  
13 our partners over in Texas Highway Patrol and others  
14 that were helping us. It was every bit of effort and  
15 everything we could do to accomplish this. We were  
16 vulnerable. We did not have in place the patches and  
17 the antivirus software on the systems that should have  
18 been in place. So during that time, as you know, sir,  
19 we disconnected our sister agencies to avoid infecting  
20 them as well, and that two-week period included some  
21 reconnecting them to get back to normal business  
22 processing.

23 MR. STEEN: Well, I just want to say, I  
24 appreciate your reports that you make to us, and I know  
25 that you worked very, very hard on this and I commend

1       you for that.

2                   MR. LANE: Thank you very much.

3                   MR. STEEN: And I also want to highlight  
4       one of the sentences in your executive summary where  
5       you said that the Department of Public Safety is  
6       confident that no customer or public data was exposed  
7       or compromised during the incident, as the Conflinker  
8       Worm did not attack the agency's data, rather its  
9       ability to access that day.

10                  MR. LANE: Yes, sir.

11                  MR. STEEN: Thank you very much.

12                  MR. LANE: Thank you.

13                  MS. BARTH: I have one question.

14                  MR. POLUNSKY: Yes, Commissioner Barth.

15                  MS. BARTH: What is our policy on thumb  
16       drives?

17                  MR. LANE: Our policy on thumb drives  
18       during the Conflinker outbreak was 100 percent --

19                  MS. BARTH: Today.

20                  MR. LANE: -- unavailable.

21                  Today our policy on thumb drives,  
22       because of the antivirus software that we have updated  
23       and implemented on the machines, are business use only.  
24       When you insert a thumb drive into a machine today  
25       versus April 14th, that drive is scanned before -- it's

1 scanned when you access it, so it is searched. The  
2 drive is scanned with the antivirus software that looks  
3 for viruses and then eradicates them if it finds them.

4 MS. BARTH: So if we have an employee  
5 that inserts a thumb drive and it has something else on  
6 there besides business use, the computers will now  
7 recognize it and not allow it to run? Is that --

8 MR. LANE: No, ma'am. If an employee  
9 inserts a thumb drive that's infected with a virus, it  
10 will catch that virus. However, if they have family  
11 photos on their thumb drive, I'm not aware of a  
12 technology that can determine what's business or not,  
13 so --

14 MS. BARTH: So it will just recognize if  
15 there's a virus it's come across?

16 MR. LANE: Yes, ma'am.

17 MS. BARTH: Okay. And let me ask you  
18 this question: Is the incscription such that it -- you  
19 know, it's an updated virus whatever the latest and  
20 greatest of the next 30 seconds that comes out? Is  
21 that how this works?

22 MR. LANE: Yes, ma'am. So the way the  
23 system on an individual PC works is, when there is a  
24 request back to McAfee many times throughout the day to  
25 get the latest virus signature file, a virus signature

1 file has unique identifiers for a signature a virus  
2 leaves when it's on your machine, so that's  
3 automatically downloaded. The end user has no action  
4 that they need to take, and then that file is used.

5           However, I think, Commissioner Barth,  
6 you may -- I may understand where you're heading with  
7 this. If the antivirus organizations are not aware of  
8 a virus, which is often referred to as a Day Zero  
9 Virus, it could get into our systems because the  
10 antivirus software is not aware of it and it can infect  
11 us. That's the danger of nonbusiness use USB devices.

12           MS. BARTH: But we have this policy.  
13 Have we've communicated it and are we continually  
14 communicating it? So that if someone puts a thumb  
15 drive in, one of our employees, and there is -- we  
16 would now be able to recognize to the computer if it  
17 had a -- if it --

18           MR. LANE: Yes, absolutely. With  
19 leveraging a forensic expert, we are able to recognize,  
20 for instance, when the virus entered our system, which  
21 was at 8:40 a.m., on April 14th. We went all the way  
22 down to the actual ultimate thumb drive, which was sent  
23 to the United States Computer Emergency Response Team  
24 to evaluate.

25           MS. BARTH: And are there other agencies

1 around -- outside of, let's say -- I think it's the FBI  
2 and the CIA that don't let any of those thumb drives  
3 in. Are there other agencies that are stopping  
4 complete thumb drive use?

5 MR. LANE: Yes, ma'am, there are. I can  
6 get you a list of these.

7 MS. BARTH: I think it would be real  
8 helpful to see who else is no longer permitting. You  
9 know, I mean, I know that's how people work now.  
10 That's how I work. Okay? But I think we have to be  
11 very cognizant of the potential of bringing down a  
12 system that way.

13 MR. LANE: Commissioner Barth, in  
14 recognizing thumb drives, but also iPhones, our phones  
15 that we carry, they all have potential for infecting us  
16 if they were connected to another computer at home or  
17 wherever it's not properly protected.

18 MS. BARTH: Thanks.

19 MR. POLUNSKY: Are there questions for  
20 Chief Lane?

21 All right, thank you. We will call you  
22 back.

23 MR. LANE: Thank you, sir.

24 MR. POLUNSKY: Thank you.

25 The next item is: Discussion and

1 possible action regarding overtime and compensatory  
2 time policies for department employees.

3 Commissioner Brown and Ms. Logan.

4 MS. BROWN: Ms. Logan and I are  
5 continuing to review DPS's policies and the policies  
6 and data for comparable agencies. As we're continuing  
7 to compile that information to evaluate our own  
8 policies, we'd like to defer discussion until a later  
9 meeting date. We think that would be right for when we  
10 have more information.

11 MR. POLUNSKY: Okay. Would you like to  
12 put this on the June agenda or just let me know?

13 MS. BROWN: I'll let you know.

14 MR. POLUNSKY: Okay. Thank you.

15 MR. CLOWE: Mr. Chairman?

16 MR. POLUNSKY: Yes, sir.

17 MR. CLOWE: In regard to that,  
18 Commissioner Brown, as part of your study, would you  
19 educate the Commission on how the Department of Public  
20 Safety relates to the FSLA -- FLSA requirements for  
21 overtime and how the history has then created this  
22 agency's policies regarding awarding comp time and then  
23 paying overtime? I've had that discussion with a  
24 number of troopers and there seems to be an  
25 understanding and clarity that's required there, and if

1 you'd make that part of your effort, I would really  
2 appreciate it.

3 MS. BROWN: I certainly will. I  
4 certainly will. We'll make that part of the report.

5 MR. CLOWE: Great. Thank you very much.

6 MR. POLUNSKY: Anything else on that  
7 issue topic?

8 The next item: Discussion and possible  
9 action on year-end repair and rehabilitation projects.

10 Colonel Beckworth and Chief Ybarra.

11 MR. BECKWORTH: Mr. Chairman and  
12 Commissioners, Chief Ybarra is going to put on the  
13 screen a maintenance repair chart for projects for  
14 2009. You have expressed your concerns about our  
15 inability to address maintenance repair projects on  
16 different properties across the agency across the  
17 State, and we were afforded a little over \$2.6 million  
18 for current appropriations for deferred maintenance,  
19 and we're working on projects as we speak to address  
20 those issues.

21 MR. CLOWE: Colonel, I can't read that.

22 MS. BARTH: Page one.

23 MR. BECKWORTH: Page one in your  
24 document.

25 MR. CLOWE: Before Commissioner Steen

1 looks at it, I want whoever made that up to understand,  
2 we've got to have bigger print.

3 MR. YBARRA: Yes, sir.

4 MR. POLUNSKY: Who is in charge of  
5 putting this together?

6 MR. YBARRA: We did, sir. We tried to  
7 get it on one page. We weren't sure how it was going  
8 to show up and it didn't work out.

9 MR. POLUNSKY: That's obvious, but can  
10 we put a little more thought into this in the future  
11 and make sure that the agenda is on the screen when we  
12 walk in here and that it's coordinated through the  
13 process of the meeting as we go forward, and when these  
14 issues come up, they're readable and so on and so  
15 forth?

16 MR. YBARRA: Yes, sir.

17 MR. POLUNSKY: Thank you.

18 MR. BECKWORTH: Mr. Chairman,  
19 continuing, we have, as I said, funds appropriated for  
20 deferred maintenance of \$2,650,000 and we're currently  
21 moving forward on different projects across the State  
22 and addressing those and we prioritized those  
23 particular needs. What we have the ability to do is  
24 identify funds associated with our general  
25 appropriation Article 9 account in the amount of

1       \$662,500, which is 25 percent above those particular  
2       funds of \$2.6 million. We have the ability to increase  
3       those particular projects, maintenance projects. What  
4       we're asking you to consider is allowing us to spend  
5       \$640,000 on these 12 projects that we've identified  
6       that are critical issues that we face today, and we  
7       would do this with seized funds dollars. And if our  
8       budget at the end of the year shows a plus, then we  
9       would not use the seized fund dollars for that but we'd  
10      use our basic general budget to pay for these projects,  
11      but we're asking your permission to allow us to spend  
12      up to \$640,000 for these particular projects.

13                   The projects include things like, we  
14      have an air-conditioning system up in the Dallas area  
15      that every year it fails and we have two or three  
16      air-conditioners where our chillers are beginning to  
17      fail us and we want to try to repair and replace those.  
18      We have water going into the regional office building  
19      in Houston, which is a building that's probably eight  
20      to ten years old. On the second floor of that  
21      building, when it rains, water is all in there and the  
22      employees have to move out of the area. So we want to  
23      try to work those particular situations. We have  
24      carpet that's loose and torn in Region Four in Midland,  
25      and we have several issues that we want to try to

1 address. We have some underground storage tanks out in  
2 the field where we have a gasoline problem that we need  
3 to repair those tanks or either remove them or destroy  
4 them because of TCEQ requirements.

5 So we're trying to address some of these  
6 things that are critical as we move forward, therefore,  
7 we'd like your permission to utilize \$640,000 worth of  
8 seized funds for that purpose.

9 MR. POLUNSKY: Colonel Beckworth, could  
10 you give us a brief summary of the law with respect to  
11 how seized funds can be utilized?

12 MR. BECKWORTH: Yes, sir.

13 MR. POLUNSKY: It is my understanding  
14 that seized funds are to be utilized for equipment. Is  
15 that --

16 MR. BECKWORTH: No, that's incorrect.

17 MR. POLUNSKY: Okay.

18 MR. BECKWORTH: It can be used for  
19 training, equipment. What we have to be careful on is  
20 building projects and things of that nature. I mean,  
21 things like a building facility or something. But for  
22 training and equipment, those are the key things that  
23 we can use it for. Anything associated with law  
24 enforcement, which has allowed us to be able to address  
25 some of our IT issues relating to TDEx and all of that.

1 But, yes, sir, if can definitely be used for equipment  
2 and training.

3 MR. POLUNSKY: And in your mind,  
4 repairing or replacing carpet is equipment?

5 MR. BECKWORTH: Yes, sir. As long as  
6 it's not a permanent structure that we are addressing,  
7 we can repair and replace those items in that  
8 particular facility. It falls in that category.

9 I can get you a document that lays out  
10 all of the things that are identified. The federal  
11 guidelines are pretty open and let us know exactly what  
12 we can and cannot do as related to seized funds, and I  
13 will provide you that documentation if you'd like.

14 MR. POLUNSKY: I would like to see it.

15 MR. STEEN: Colonel, are you pretty  
16 familiar with all these projects?

17 MR. BECKWORTH: Yes, sir.

18 MR. STEEN: And, you know, it's just a  
19 summary so I'm sure there's an explanation, but upon  
20 looking at the Florence, it says fire line clearing  
21 along fence line, \$80,000. That strikes me as a big  
22 number for --

23 MR. BECKWORTH: Yes, sir.

24 MR. STEEN: Can you explain that to me?

25 MR. BECKWORTH: Yeah. You know we have

1 about 1,000 acres of property at the Florence facility  
2 out there the weeds will grow up on the edge of that,  
3 and we had a fire several months ago that actually got  
4 out and onto the property out there and we want to try  
5 to minimize the impact of that by not creating an  
6 environment from DPS to the other neighbors out there  
7 because of all the weeds growing up and the tall grass  
8 that's growing up on our property, so we want to try to  
9 go out and get this particular area cut down so we  
10 don't have those issues with the neighbors out there.

11 MR. STEEN: And how are you figuring  
12 that that's going to cost \$80,000?

13 MR. BECKWORTH: Well, I'm not sure. I  
14 think we got a cost estimate from our building program  
15 people. I'll have to get information on exactly the  
16 cost that -- what they identified to reach that amount,  
17 but I think that's the projected cost based on the bids  
18 they got from different vendors that do that type of  
19 work.

20 MR. STEEN: Okay.

21 MR. POLUNSKY: Further discussion?

22 MS. BARTH: Given we approve this,  
23 what's going to be the balance in the seized funds?

24 MR. BECKWORTH: I could not get you the  
25 exact information right now. I will tell you, based on

1 the discussion I had with you earlier, you authorized  
2 and approved some things. The other things that's kind  
3 of in a posturing position, if we have to replace an  
4 aircraft, a helicopter, this time around out of those  
5 funds. Based on the legislative information in there,  
6 there's another helicopter for our Longview operation  
7 that can come out of those funds. The funds get could  
8 get down to about \$3 million if we process all these  
9 items out of that. And, as you know, we can't predict  
10 exactly how soon those funds will replace themselves  
11 because we don't have that kind of control on how the  
12 funds are being processed back into it.

13 MS. BARTH: I mean, I think, you know, I  
14 don't have a problem with this, I'd just like to see  
15 the cash flow projection on the seized funds so we have  
16 some idea of where we are.

17 MR. BECKWORTH: I can probably provide  
18 that to you.

19 MR. YBARRA: The current cash balance  
20 available is a little over \$15 million right now.

21 MS. BARTH: What have we approved,  
22 though, against that?

23 MR. YBARRA: That would be your  
24 generators to be permanent and the --

25 MS. BARTH: And how much was that?

1                   MR. YBARRA: That was around half a  
2 million dollars, but that's already included in the  
3 balance I gave you.

4                   MS. BARTH: Okay. So net of all the  
5 projects we've approved was at --

6                   MR. YBARRA: A little over \$15 million.

7                   MS. BARTH: Okay. Thank you.

8                   MR. STEEN: Colonel, since you presented  
9 this to us, could you get me information on two of  
10 these things, the carpet and that fire lane?

11                   MR. BECKWORTH: I'll get that  
12 information to you, sir.

13                   MR. STEEN: Thank you, sir.

14                   MR. POLUNSKY: I will be anxiously  
15 awaiting the relevant rules, regulations, statutes,  
16 whatever, that govern this.

17                   I will state briefly, Colonel Beckworth,  
18 that, at least in my mind, if these seized funds -- and  
19 I think going back to the beginning, even though this  
20 may have been modified since, that those funds were  
21 originally designed to basically buy hard law  
22 enforcement equipment to augment the equipment that the  
23 various law enforcement agencies were unable to  
24 purchase. You and I had a brief discussion, for  
25 example, of possibly augmenting or filling in whatever

1 hole there might be on the request for the 450 black  
2 and whites that now may be 300 and that might be a use  
3 for seized funds. I believe that Commissioner Barth  
4 also has some thoughts that may be the seized funds  
5 could be used for IT equipment if that's necessary.

6 I just think that we might want to be  
7 looking at what our philosophical direction in the  
8 future would be on how those funds -- what the  
9 priorities should be on those funds. I'm not  
10 minimizing that old carpet is not -- it shouldn't be  
11 replaced, but I'm not quite sure that rises to the top  
12 of my list, so it's something I think we'd like -- or  
13 at least I would like to see us discuss in the future.

14 MR. BECKWORTH: Okay. I'll get you that  
15 documentation the first of next week.

16 MR. POLUNSKY: Further discussion on  
17 this?

18 MR. STEEN: Mr. Chairman, are we -- it  
19 says "possible." Are we supposed to take action on  
20 this?

21 MR. BECKWORTH: Yes, sir. We're  
22 requesting your permission to move forward.

23 MR. STEEN: I'd just make a comment.  
24 And we're presented this in summary form, but, Colonel,  
25 it would be helpful if we could have some backup to

1 this. Because now you're involving the Commission in  
2 approving some of these items and some of them I'd like  
3 to have more information on. I don't know if we need  
4 to do them today or not, but just based on the summary  
5 and the dollar amounts and there's a lot of, you know,  
6 we maybe have to learn about them, but some of these  
7 look awfully high for what we're doing.

8 MR. BECKWORTH: I can provide you all of  
9 the supporting documents, Commissioner.

10 MR. YBARRA: Oscar Ybarra, Chief  
11 Finance.

12 One of the things we're looking now is,  
13 by the end of the fiscal year, as the Colonel  
14 mentioned, that we have 25 percent of what we call  
15 wiggle room in our cap for these particular items,  
16 so --

17 MR. CLOWE: Why don't you call it  
18 transferabilities.

19 MR. YBARRA: Actually, in this case,  
20 it's not transferabilities. It's -- you got 25 --  
21 well, are you talking about where the money is coming  
22 from?

23 MR. CLOWE: No. I'm just talking about  
24 not calling it wiggle room.

25 MR. POLUNSKY: Yeah, I think that this

1 wiggle room has gotten us in trouble actually over at  
2 the legislature on other issues.

3 MR. YBARRA: Well, actually Article 9  
4 of -- this is -- we're talking capital, not  
5 transferrability. Article 9 of the General  
6 Appropriations Act allows agencies to spend up to the  
7 capital budget limit that they have in that particular  
8 capital item and 25 percent above that. That's what  
9 the Colonel is talking about. So if you have a \$2  
10 million project, you could spend \$250,000 above that.

11 Because the commission was so interested  
12 in repairs and rehabilitation and one of our  
13 exceptional items, which we did get some deferred -- we  
14 did get some deferred -- we did get some to repair that  
15 in the next biennium, we felt obligated to bring that  
16 to your attention again because this was an issue last  
17 time around this time and you all were very interested  
18 in this issue, so that's why we brought it to your  
19 attention.

20 MR. POLUNSKY: Mr. Steen, do you have  
21 any thoughts on this as to how you would like to  
22 proceed?

23 MR. STEEN: Well, and I don't want to be  
24 inundated with paperwork, but I just would like a bit  
25 more information before I vote on something like this.

1                   MR. YBARRA:  If I may offer, maybe  
2                   contingent on the information that we provide you being  
3                   satisfactory to the Commission based on, "I have no  
4                   problem."

5                   MR. STEEN:  So you're saying we need to  
6                   do it today?

7                   MR. YBARRA:  We have about three or four  
8                   months left in the year to procure some of these  
9                   things.

10                  MR. POLUNSKY:  Well, what would be the  
11                  downside in not doing it today?  Anything?

12                  MR. YBARRA:  The downside would be, we  
13                  have that much less time to try to procure it for the  
14                  current fiscal year, which would mean we'd lose 30 days  
15                  to even start negotiating and trying to procure the  
16                  services of some of these vendors or working with the  
17                  Texas Facilities Commission on some of these items.

18                  MS. BROWN:  I'm not comfortable giving  
19                  consent pending.  I'd rather do it today or wait, but  
20                  I'm not comfortable with the concept of giving a yes  
21                  contingent on me going back and saying no later.  I  
22                  don't like that idea.  I would be more comfortable  
23                  to --

24                  MR. POLUNSKY:  I'm not even sure that  
25                  idea works.

1 MS. BROWN: These are some big numbers.  
2 I'd like to see some documentation too before I make a  
3 decision.

4 MS. BARTH: Did you say how the numbers  
5 got put together? Maybe that would be the first step.  
6 Are these numbers our numbers or are they vendor  
7 numbers? Where do these numbers come from?

8 MS. FULENWIDER: Sandra Fulenwider,  
9 Assistant Chief of Administration.  
10 Commissioner, these numbers are based on  
11 our best guess in most cases. On some of these, we do  
12 have some bids that we received in previous years and  
13 we've just kind of upped the price taken to current  
14 conditions, but, generally, they're just budgetary  
15 estimates.

16 MR. POLUNSKY: Well, that may be one  
17 more reason to defer action on this. Anybody have a  
18 problem with deferring action?

19 MS. BARTH: I just want to understand.  
20 Is this a use-or-lose situation? Tell me -- tell me --  
21 I just want to make sure I understand with respect to  
22 deferring. Does it mean that we --

23 MR. YBARRA: It could be that we lose  
24 some capabilities because we lose the time to procure  
25 it under the current fiscal year under the 25 percent

1 concept.

2 MS. BARTH: Okay.

3 MR. STEEN: But if you defer it to the  
4 next meeting -- if we defer it to the next meeting then  
5 we've still got two months left?

6 MS. FULENWIDER: Most of these projects  
7 would not be able to be completed in that time, sir.

8 MR. STEEN: Do they have to be completed  
9 at the end of the fiscal year?

10 MR. YBARRA: They need to be encumbered  
11 in order for us to use the current fiscal year.

12 MR. STEEN: You just need to sign the  
13 contract within the fiscal year?

14 MR. YBARRA: You have to use the current  
15 cap dollar, cap available.

16 MS. BROWN: So the contract doesn't have  
17 to be completed and performed upon, completely  
18 finished?

19 MR. YBARRA: Correct, in most of these  
20 case.

21 MS. BROWN: Well, are there any cases in  
22 which everything has to be completed and finished by  
23 the time the fiscal year is over? Because that's the  
24 one thing that I can think would make a difference in  
25 whether we have to pull the trigger on this today or

1 not. That's something we need to know. Can you find  
2 that out?

3 MR. YBARRA: Yes, ma'am.

4 MR. CLOWE: And do all these require an  
5 RFE or an RFQ?

6 MS. FULENWIDER: No. Some of these will  
7 be -- like on the carpet replacement, we can go to  
8 TXMAS contracts for those, but for the  
9 air-conditioning, we would have to go out to bid.

10 MR. CLOWE: How about for the repairs to  
11 the building to Galveston?

12 MS. FULENWIDER: We are working in TFC  
13 on that project right now, sir. They will be heading  
14 up that project.

15 MR. STEEN: Mr. Chairman, I have a  
16 suggestion. It seems like you've got some questions,  
17 Chief, about these, and so maybe we could move on in  
18 the agenda. We're going to go into Executive Session  
19 and it would give him time to check on a few of these  
20 things and we can come back to it later.

21 MR. POLUNSKY: That will work.

22 MR. YBARRA: Yes, sir.

23 MR. POLUNSKY: Okay. That's one more  
24 item we will defer until after Executive Session.  
25 Thank you.

1                   The next item is the approval of grant  
2 application of Psychological Services Bureau for Other  
3 Victim Assistance Grants.

4                   MS. FULMER: Mr. Chairman, Valerie  
5 Fulmer. I am chief of Administration.

6                   This is a fairly routine item. The  
7 Other Victim Assistance Grant is something we apply to  
8 the Attorney General's Office for and they require, as  
9 a routine procedural matter, that any grant of this  
10 type be approved by the governing body of the State  
11 agency that's applying. We've got a copy of the grant  
12 application in your packet.

13                   We have Melissa Atwood, who is our  
14 Victim Services coordinator and who is responsible for  
15 this grant, and she can answer any specific questions  
16 that you might have about the grant.

17                   MR. POLUNSKY: Would somebody like to  
18 question Ms. Atwood on this?

19                   MR. CLOWE: I'd like to hear her comment  
20 on it and give us a description of it so we can better  
21 understand it.

22                   MR. POLUNSKY: Ms. Atwood, would you  
23 come forward?

24                   MS. ATWOOD: Good morning. Melissa  
25 Atwood, Victim Services Director.

1                   We've been receiving this funding since  
2                   2005, and the purpose of the funding is to provide  
3                   direct victim assistance and also victim-oriented  
4                   training to law enforcement. This grant funds halftime  
5                   six positions in regions, two, four and six.

6                   What makes our program unique is, we  
7                   obviously extend our services, not only to DPS  
8                   vehicular crime and violent crime cases, but also to  
9                   smaller jurisdictions that do not have law enforcement  
10                  based victim assistance.

11                  MR. POLUNSKY: Mr. Clowe, do you have --

12                  MR. CLOWE: I want to say to you that --  
13                  you and I had a discussion about this at the memorial  
14                  service last week and I met some of the people that are  
15                  involved in this. I think this is a very, very  
16                  important activity. It's a special part of the DPS.  
17                  I've seen this in action and I think it's a great  
18                  thing.

19                  MR. POLUNSKY: Mr. Steen?

20                  MR. STEEN: I move to approve.

21                  MS. BARTH: Second.

22                  MR. POLUNSKY: All right. There's a  
23                  motion on the floor made by Commissioner Steen and  
24                  seconded by Commissioner Barth for approval. Is there  
25                  a discussion on the motion?

1                   MR. PLATT: Mr. Chairman, Stuart Platt,  
2                   General Counsel.

3                   One of the provisions quantified to the  
4                   Attorney General is that, when you support this motion  
5                   with a resolution or a motion, that you also designate  
6                   an individual to apply for, accept, reject, or  
7                   terminate the agreement. In this case, we would  
8                   recommend that be Colonel Beckworth, and so I would ask  
9                   that that would be a part of the resolution or motion  
10                  here today.

11                  MR. POLUNSKY: All right. Thank you,  
12                  Mr. Platt.

13                  Would you like to restate your motion?

14                  MR. STEEN: Well, Mr. Chairman, just to  
15                  clarify, in our -- and, once again, I wish this was up  
16                  there, but in our book, we have a resolution of  
17                  governing body and that's what we're adopting now. And  
18                  is there a need, Mr. Chairman, to read that in the  
19                  record or --

20                  MR. PLATT: I think you could read it or  
21                  I can read it for you.

22                  MR. STEEN: Would you do it? It's not  
23                  that long. And then would you add what you suggested?

24                  MR. PLATT: The application number is  
25                  00177-101251, whereas, the Texas Department of Public

1 Safety, as an applicant, wishes to apply to the Austin  
2 Attorney General Crime Victim Services Division for a  
3 grant program for Other Victim Assistance Grant.

4 Whereas, the Public Safety Commission, as the governing  
5 body, has considered and supports the application filed  
6 with the order to be filed with the Austin Attorney  
7 General. Whereas, the Texas Department of Public  
8 Safety wishes to designates Lamar Beckworth to give him  
9 the power to apply for, accept, reject, alter, or  
10 terminate the grant with the Office of the Attorney  
11 General Crime Victim Services Division and the  
12 authority to sign all grant adjustment requests,  
13 inventory reports, progress reports, financial reports,  
14 or other official documents related to the grant on  
15 behalf of grantee. Now, therefore, be it resolved,  
16 this governing body approves the submission of the  
17 application to the Office of the Attorney General Crime  
18 Victims Services Division as well as the designation of  
19 Lamar Beckworth as the authorized division.

20 MR. STEEN: Thank you, Mr. Platt.

21 That's my motion, Mr. Chairman.

22 MR. POLUNSKY: Okay. And you're second?

23 MS. BARTH: I'll second that.

24 MR. POLUNSKY: Motion by Commissioner

25 Steen, seconded by Commissioner Barth. Discussion?

1 All those in favor, please say aye. Any  
2 against, no. Motion passes.

3 The Commission now adjourns to Executive  
4 Session, which is closed to the public in accordance  
5 with the Texas Government Code, Sections 551.071 and  
6 551.074.

7 There is no need for anyone to leave the  
8 room. The public safety commission will be moving to  
9 one of the side rooms.

10 (Executive Session)

11 MR. POLUNSKY: The public Safety  
12 Commission is now reconvened and a quorum is present.  
13 The time is 3:30 p.m.

14 We will go back to item four: New  
15 business; discussion and possible action regarding the  
16 procurement of an information management intrusion and  
17 detection system.

18 Chief Lane.

19 MR. LANE: Brian Lane, Chief IMS.

20 MR. POLUNSKY: Mr. Clowe, do you have a  
21 recommendation?

22 MR. CLOWE: No, sir. I had asked  
23 earlier if the chief was going to brief us at a later  
24 time when he had a firm proposal.

25 MR. LANE: Yes, sir.

1                   MR. CLOWE: And he said he would. He  
2 has no firm proposal at this time, if I understand  
3 correctly.

4                   MR. LANE: That's correct.

5                   MR. POLUNSKY: So let me go back. Would  
6 you like to have this decision delegated to a committee  
7 that you would serve on?

8                   MR. CLOWE: Yes. Yes. If you would  
9 allow Commissioner Barth and I myself to have authority  
10 to approve that contract when Chief Lane finalizes it,  
11 we would be happy to act in that capacity as you have,  
12 and the Commissioners have done, in the case of DL  
13 expenditures. If that's your pleasure.

14                   MR. STEEN: Mr. Chairman, I'll make a  
15 motion to do that.

16                   MR. POLUNSKY: And, Mr. Platt, that is  
17 acceptable?

18                   MR. PLATT: That is acceptable in this  
19 particular instance. The policy established regarding  
20 constraints on contract review is a Commission policy,  
21 so you can act and delegate that.

22                   MS. BARTH: I'll second that.

23                   MR. POLUNSKY: All right. There's a  
24 motion that has been made by Commissioner steen and  
25 seconded by Commissioner Brown that a committee be

1       formed and that committee will consist of Commissioner  
2       Clowe and Commissioner Barth and they will work with  
3       Chief Lane and have the authority delegated to them to  
4       make the decision as to what will be acceptable as far  
5       as the Information Management and Intrusion Detection  
6       System and have all the authority that the Commission  
7       would have had in this matter.

8                       Is that your thought, Mr. Steen and  
9       Mr. Clowe?

10                      MR. CLOEW:  Yes, sir.

11                      MR. STEEN:  Mr. chairman, I think my  
12       thought on this is, rather than wait until we have  
13       another Commission meeting, that we want to expedite  
14       this and this is the way to do it.

15                      MR. POLUNSKY:  Okay.  Any further  
16       discussion?

17                      There is no further discussion.  All in  
18       favor, please say aye.  Any against, no.  Motion  
19       passes.

20                      So you will be working with these two  
21       commissioners, Chief Lane, and they have the authority  
22       to approve a plan that you come forth with.

23                      MR. LANE:  Understood, and thank you.

24                      MR. POLUNSKY:  The next item would be:  
25       Report, discussion, and possible action regarding the

1 action report on computer virus containment.

2 Chief Lane as well.

3 MR. LANE: Did we have a follow-up on  
4 this item we spoke to earlier?

5 MR. POLUNSKY: You have given us a  
6 briefing. Is there any discussion that needs to be  
7 accomplished here in open session?

8 That's it. Thank you.

9 MR. LANE: Thank you.

10 MR. POLUNSKY: The next item will be:  
11 Discussion and possible action on year-end repair and  
12 rehabilitation projects.

13 Chief Ybarra.

14 MR. YBARRA: Oscar Ybarra, Chief of  
15 Finance.

16 I've provided you with some documents  
17 and I can put them on the screen but the green sheet is  
18 still not legible. I just tried to put it up there.

19 MR. STEEN: Chief, is this different  
20 from what you gave us earlier today?

21 MR. YBARRA: No, sir, but it's separated  
22 strategically by capital and service.

23 MR. STEEN: What's the reason for not  
24 putting it on the screen? Maybe you can get somebody  
25 to do it for you.

1                   MR. YBARRA: It would probably be faster  
2 if I did it myself.

3                   I think the capital items that we're  
4 trying to take advantage of, the 25 percent cap space,  
5 would be really the items that would be -- that would  
6 be crucial to try to procure before the end of the  
7 fiscal year to take advantage of this option. I  
8 believe if we're allowed to proceed with the bidding  
9 process with these particular items and starting  
10 immediately getting specs for these items that, by the  
11 July Commission Meeting, we would have actual bids for  
12 these items and you could see the costs of what  
13 these -- what the actual costs of these items would be.  
14 At that point, you all would determine whether you want  
15 to move forward and approve with the seized funds.  
16 That is an option.

17                   MS. BARTH: Let me ask you one quick  
18 question on the Galveston \$120,000. Is there insurance  
19 money out there we'll be able to -- I mean, why should  
20 we be any different than anybody else who has had a  
21 building damaged in Galveston?

22                   MR. YBARRA: We're self-insured, the  
23 State, we should be self-insured, and because we're  
24 self-insured, the federal government does not  
25 replenish.

1 MS. BARTH: Okay.

2 MR. STEEN: Chief, tell me again what  
3 you're suggesting now as an option.

4 MR. YBARRA: We will proceed with  
5 bidding these projects out. We will not award without  
6 your approval. We hope to have these available by the  
7 July Commission meeting. That would be cutting it  
8 really, really, close.

9 MR. STEEN: Whereas, opposed to these  
10 estimates, you'd have like real numbers?

11 MR. YBARRA: You would have hard --

12 MR. STEEN: And then at that point,  
13 you're asking us to agree to that?

14 MR. YBARRA: That's correct. And we  
15 could award immediately after, but that's cutting it  
16 pretty close. But after many discussions, we feel we  
17 can accomplish most of this.

18 MR. STEEN: Mr. Chairman, do you want a  
19 motion or do we --

20 MR. POLUNSKY: I don't think we need to  
21 do anything on it.

22 MR. YBARRA: No. We would just proceed  
23 and we're going to get you some numbers.

24 MS. BROWN: I guess I'm not clear.  
25 What's cutting it close?

1 MR. YBARRA: The being able to encumber  
2 these costs in the current year for these capital --  
3 the green sheet for these capital. If we don't  
4 encumber it this year, then we lose the 25 percent  
5 capability.

6 MS. BROWN: Got you. And you mean by  
7 the end of -- you're talking about --

8 MR. YBARRA: August 31st, 2009.

9 MS. BROWN: Okay.

10 MR. POLUNSKY: Let me digress for one  
11 second. Back to Galveston. Let me ask a question to  
12 Chief Colley and get a quick answer.

13 Any money anywhere for this?

14 MR. COLLEY: Jack Colley, Chief  
15 Emergency Management Division.

16 I can research it if there's public  
17 assistance damage to public property is eligible.

18 MR. POLUNSKY: Would you please do so?

19 MR. COLLEY: I can check that out.

20 MR. POLUNSKY: Okay. We will address  
21 this in July.

22 MR. YBARRA: Yes, sir.

23 MR. POLUNSKY: Move to Ongoing Business;  
24 reports, discussion, deliberation and possible action  
25 regarding the following: Procurement of a project

1 management contract to implement organizational changes  
2 and planning regarding the development and  
3 administration of the project management plan.

4 Commissioner Clowe.

5 MR. CLOWE: Mr. Chairman and  
6 Commissioners, there is a project management workshop  
7 planned for June the 17th to begin at 10:30 a.m. in  
8 this room. And I'm not quite sure who's being asked to  
9 attend that meeting. I would assume the Colonel and  
10 you are working on that and will coordinate that. And  
11 that constitutes my report.

12 MR. POLUNSKY: Okay. Any questions of  
13 Commissioner Clowe?

14 MR. STEEN: Thank you for that concise  
15 report.

16 MR. CLOWE: It's my pleasure.

17 MR. POLUNSKY: Department organization  
18 structure.

19 Colonel Beckworth.

20 MR. BECKWORTH: Mr. Chairman,  
21 Commissioners, in lieu of the project management  
22 workshop, we're going to remain partial to wait until  
23 we have that particular meeting to identify the  
24 priorities outlined by that meeting to address the  
25 organizational movement for the agency.

1 MR. CLOWE: Concise and more concise.

2 MR. POLUNSKY: And a wise decision, too.

3 Thank you, Colonel Beckworth.

4 Internal audit services contract.

5 Mr. Walker.

6 MR. WALKER: Farrell Walker, Director of  
7 Audit and Inspection.

8 Deloitte is proceeding very well with  
9 the work that they've been charged to do. I suspect  
10 that they're about 80 percent completed in the  
11 fieldwork at this point. We should have a draft of the  
12 audit reports about the 5th. We may slide a few days  
13 due to the loss of time as a result of the Swine Flu  
14 issues that Emergency Management had to deal with for  
15 awhile, but they're hoping to get that report to us as  
16 outlined, which would be June 5th.

17 MR. POLUNSKY: Are there questions of  
18 Mr. Walker? Thank you.

19 Next would be the implementation of  
20 Driver's License Reengineering, New driver's License  
21 System, and options regarding implementation, including  
22 consideration of current key contract relationships and  
23 possible expedited contracting processes during the  
24 implementation phase.

25 Chief Brown.

1 MS. JUDY BROWN: Judy Brown, Chief of  
2 Driver's License Division.

3 We are operational in Garland. We had  
4 difficulty as we were installing the equipment in  
5 Garland and began to come up live. We have resolved  
6 all of the issues that were related to those  
7 difficulties. We've been operational in Garland and  
8 having a very good success. The employees are very  
9 accepting of the new application and they enjoy the  
10 abilities that it offers to them.

11 Our schedule is -- we delayed our rolled  
12 out schedule we had. Based on your request, we had  
13 looked at an expedited rollout schedule. Because of  
14 the difficulties that we encountered in Garland, we  
15 delayed moving forward with that expedited schedule  
16 until we get a couple of more rollout offices on and  
17 know that the resolution in Garland is a permanent fix  
18 to the problems that we encountered there.

19 Our schedule today, we will install the  
20 Capitol Office next week and come up live on Friday  
21 morning. We will do that without any downtime at that  
22 office at all. And then the following week, we will  
23 install the North Lamar Office, and once we have those  
24 up and they're operational, then we feel like that we  
25 can go back to that schedule and look at that expedited

1 schedule according to your initial request. We will  
2 provide you a full schedule. We should be able to  
3 provide you a full schedule at your next commission  
4 meeting.

5 MR. POLUNSKY: Thank you. Are there  
6 questions?

7 MS. BARTH: I do.

8 MR. POLUNSKY: Commissioner Barth.

9 MS. BARTH: How long do we estimate it  
10 takes under the current DL from the time you are at the  
11 window until the time you process and then --

12 MS. JUDY BROWN: Processing time?

13 MS. BARTH: Yeah. And then how long  
14 with the new system?

15 MS. JUDY BROWN: I would tell you, based  
16 on what I personally watched -- and we haven't timed  
17 either system in a while, Commissioner Barth, but I  
18 would tell you, based on the time that I left Garland,  
19 which was the end of day one, they were processing at  
20 exactly -- I mean, within seconds of what we're  
21 processing on the old system. It's a matter of -- you  
22 know, there was some slowdown in the beginning. Those  
23 personnel that were -- had significant amounts of  
24 previous training -- and, again, in Garland, we didn't  
25 have the opportunity to do the full 16 hours of

1 training that we had scheduled, and so those that had  
2 had previous training in Austin were more knowledgeable  
3 on the system, so they were processing applicants as  
4 fast as we are on the --

5 MS. BARTH: Okay. On the old system,  
6 what would you say the processing time was projected to  
7 be?

8 MS. JUDY BROWN: It's dependent upon  
9 transaction, so I would tell you, based on a straight  
10 renewal or a duplicate transaction where there's normal  
11 change in the --

12 MS. BARTH: How about if you had a  
13 16-year-old go for their license yesterday? You just  
14 know I have these kids who just keep coming up.

15 MS. JUDY BROWN: You know, I really  
16 should look your records up before -- I really should  
17 check those things out.

18 You know, I would tell you that an  
19 average time to process a 16-year-old should be about  
20 ten minutes.

21 MS. BARTH: And what do we think it's  
22 going to be going forward?

23 MS. JUDY BROWN: I would think that  
24 there is going to be time cut off of that process when  
25 the people are familiar with the new system.

1 MS. BARTH: Is there some -- I mean,  
2 when Bearing Point put the whole thing together, now,  
3 did they -- is there some, you know, statistic out  
4 there or representation we're going to take a ten  
5 minute to five minute or seven minute to four minute?  
6 I mean --

7 MS. BOLINE: In our contract, there's  
8 not.

9 MS. BARTH: Okay.

10 MS. BOLINE: We do have some timings  
11 that we've done throughout testing, and a typical  
12 renewal process time would be three to five minutes.  
13 We did see slowdown with the parent calls. Because  
14 there's more of a line incurred with any of the  
15 technicians being able to process through the new  
16 system the parent requirements. That in itself I think  
17 will get better as time goes by.

18 Was this in the Garland Office?

19 MS. BARTH: No. This was in the Town  
20 Horst, the old one. That's why I was asking. I  
21 mean --

22 MS. BOLINE: Yeah, because a parent call  
23 process is not a pleasant thing to go through.

24 MS. BARTH: I might argue, but the  
25 gentleman next to me who was renewing was having the

1 trouble that I was, okay, and mine actually was in the  
2 ten minute side but his was probably a little bit  
3 longer, which sort of struck me because it was a  
4 renewal.

5 MS. JUDY BROWN: That would be  
6 interesting to me. I mean, a renewal of the DEL takes  
7 a little bit longer, you know, depending on if you're  
8 adding endorsements or maintaining hazardous materials  
9 endorsement. There's all kinds of fluctuating factors.  
10 And the thing to take into consideration, too, you  
11 know, what we said in the contract is, you cannot  
12 increase our processing time, you cannot take us to a  
13 lengthier processing time. However, in the  
14 application, we added a number of additional factors to  
15 increase security, increase the documentation, increase  
16 the things that we don't collect on the old system  
17 today, and so again, we're collecting more, we're  
18 making the system more efficient, we're giving  
19 ourselves more opportunities from a management  
20 perspective, but yet, it should not increase the  
21 processing time at all.

22 MS. BARTH: I mean, the processing time  
23 for my 16-year-old hit right there. For the gentleman  
24 next to me, it was surprising on a renewable that it  
25 took so long, because I was sort of timing both to see.

1 I figured he'd get out before me. So okay.

2 So we don't have anything in our  
3 contract that specifically says we're going from -- I  
4 would urge us to put some matrix in place down the road  
5 that we could see, you know, more training, more time,  
6 and we could, you know, have some goals out there.

7 MS. JUDY BROWN: One of the projects  
8 that I have outlined as we get the system rolled out is  
9 to do some significant timings and to do a cost per  
10 license. It's been years since we've been able to run  
11 all the way through from the time somebody walks into  
12 the office until the time the license is received and  
13 what is the actual cost of that license, and so we've  
14 got that in our plans for the fall.

15 MS. BARTH: Okay. That's all I have.

16 THE MR. POLUNSKY: Any other questions?

17 MS. BOLINE: My name is Linda Boline,  
18 Project Manager for the Driver's License Division.

19 MR. CLOWE: I'm told that the new  
20 driver's license doesn't read on the in-car computers.  
21 Is that correct?

22 MS. BOLINE: Are you speaking of the  
23 format, the messages? It does. They're having trouble  
24 interpreting the way that the new format is. And,  
25 honestly, it is -- from what we had experienced with

1 the questions we have had are that it -- they're trying  
2 to put together the record, as they've had to do in the  
3 past, and they don't have to do that anymore. It is a  
4 very straightforward record. We have -- this was  
5 brought to our attention not only through some e-mails  
6 that we were receiving but we've had a conversation  
7 with Colonel Beckworth and Chief Baker. We have  
8 already had one training session with the Regional  
9 Communication Operator supervisors; that has gone very  
10 well. I will say too, for history purposes, that they  
11 were very helpful in providing the information that  
12 needed to be given in a message for in-car and for all  
13 communication operators.

14 One of the things that we tried -- that  
15 was most important to us was to let the officer on the  
16 side of the road know when and if a person had the  
17 eligibility to drive or not, and therefore, we said  
18 eligible and not eligible. And as clear as that seems  
19 to us and to the communication operator supervisors  
20 that provided us the information as well as some  
21 troopers, that seems to be causing a little more  
22 difficulty than we ever expected. I will also tell you  
23 that we did parallel messages returns for -- we did  
24 that five test and then we did four hours. The day we  
25 implemented, we had the parallel messages going out

1 from the Legacy System and the new system. We did not  
2 have one question, and it wasn't until we really cut  
3 them off of the old system that it was -- the questions  
4 started coming in.

5                   So we're doing all we can now to get  
6 them to feel comfortable. We've encouraged anybody and  
7 everybody to e-mail us. And I've been honestly very  
8 pleased with the e-mails that we've gotten because a  
9 lot of them have asked for confirmation on their  
10 interpretations, and they've all been dead on. So I  
11 think it's just a little bit of changed management  
12 going on here and encouraging to let go of the old  
13 system. And I think within a short amount of time, we  
14 will be able to -- they'll be able to read it even  
15 better and like it better than their Legacy System.

16                   MR. CLOWE: Okay. Update me on that if  
17 you have any continuing problems; would you please?

18                   MS. BOLINE: Yes.

19                   MS. JUDY BROWN: The last item that I'll  
20 refer to with reference to this particular project, as  
21 we made the migration over and we encountered the virus  
22 and we had some downtime on the computers and the  
23 inability to FTP our files to our vendors, we've got  
24 ourselves in a backlog with regards to license mailing.  
25 We are -- at the end of today, we should be at a 23-day

1 mailing cycle. Now, the public has become to expect  
2 us, and we have, over the last five or six years, been  
3 able to manage a mailing cycle of about seven days from  
4 the day somebody is in the office. So we are receiving  
5 escalated calls, escalated questions with regards to  
6 those backlogs. We are still within the confines of  
7 the receipt period that we offer both on the online  
8 transaction and the in-office transaction.

9           We are working considerable hours of  
10 overtime. We have the machine that actually puts the  
11 licenses in the envelopes. We have operators at that  
12 machine for 21 hours a day. If you will recall, we  
13 requested and have not been provided money in our  
14 exceptional item request list for replacement of that  
15 machine because it is at end of life and we are having  
16 several hours of dead time a day. If we weren't at  
17 capacity of 21 hours a day being staffed, we wouldn't  
18 be able to keep up at all. But we are staying on top  
19 of it and we hope we'll have that backlog completely  
20 worked out back to the seven days by the time we're  
21 here next month.

22           MS. BARTH: I have one turning 15  
23 July the 5th.

24           MS. JUDY BROWN: I would love to make  
25 you a VIP appointment, Commissioner Barth.

1 MS. BARTH: Oh, no. I like just going  
2 in. I like going in.

3 MR. POLUNSKY: We will do VIP  
4 appointments.

5 Okay. Why don't we just have you stay  
6 here, Chief Brown, and we'll go to the: Update report,  
7 discussion and possible action to develop an approach  
8 for transforming the administration of the Driver's  
9 License Division into a civilian model.

10 MS. JUDY BROWN: As I expect each of you  
11 to be aware, we originally laid out a proposal for  
12 y'all that included 264 FTE's that would provide  
13 management supervision administrative support for our  
14 driver's license offices. As the exceptional budget  
15 process and the exceptional item list, it's worked it's  
16 way through the legislature. We were originally  
17 reduced to 223 personnel for those supervisory  
18 positions, and then most recently, we reduced to 160 of  
19 them, and so we are working through the second  
20 reduction to reduce the number of personnel that we had  
21 thought would be most efficient, reducing that number  
22 down to the 160 FTE's. That appears to be what the  
23 legislature is going to offer to me.

24 We are re-working the job descriptions  
25 based on the new skill set that's in the new

1 requirements for civilians. We have all but one of  
2 those completed and I would expect that we will be able  
3 to -- once we finalize that 160 number, we'll be able  
4 to get those jobs posted towards the end of next week.

5           The commissioned personnel, both THP and  
6 CLE have posted positions. Those applications have  
7 been received and both of those divisions are in the  
8 process of going through those applications. I would  
9 expect notification to my commissioned personnel within  
10 the next week or two to let them know which ones of  
11 those personnel would be selected for which positions.  
12 In addition, CLE has posted the testing notice for the  
13 fraud sergeant investigators. That testing will occur  
14 on July the 15th and then the interviews for those  
15 positions will be later in August.

16           So I would expect that by September 1,  
17 we will have a real good feel for exactly how the  
18 division will look from a civilian perspective. We  
19 have commitment both from CLE and THP to work with us  
20 as much as possible, to leave me with some level of  
21 support as we're training these civilians, getting them  
22 hired and getting trained. So as we get to the fall,  
23 then we'll have a better picture of what we have left,  
24 what may need to be looked at with regards to the next  
25 two years as we work through the transition and then

1 we'll also have that commitment to training and  
2 supervision of the civilians.

3 MR. POLUNSKY: Are there questions?

4 Thank you.

5 Next item: Update, discussion, and  
6 possible action regarding the recruitment policy  
7 committee.

8 Commissioner Brown.

9 MS. BROWN: This past week we held our  
10 first training and recruiting committee meeting and  
11 outlined the goals and expectations for each committee,  
12 so I would like to delay further discussion and  
13 possible action to a future meeting when I'll have a  
14 little more to report. But that is up and rolling and  
15 we have our goals and we're going to get going.

16 MR. POLUNSKY: Great. That's good to  
17 hear. Thank you.

18 Next item: Discussion and possible  
19 action regarding the ongoing Sunset Review  
20 recommendations and other legislation affecting the  
21 Department and the Public Safety Commission.

22 Chief Kelley.

23 MR. KELLEY: Good afternoon. I'm  
24 Michael Kelley, the Chief of Government Relations, and  
25 I'm going to give you an update on the legislation

1 that's currently before the -- that affects DPS,  
2 including Sunset bills we've asked for and requested as  
3 an agency, and then I'm just going to tie in with Chief  
4 Ybarra the budget. He and I can discuss that with you  
5 at one time.

6           What I'd like to do is go through and  
7 show you the bills that we're tracking and where we are  
8 on Sunset. This gives you the number of bills that  
9 we've been tracking by division. As you can see, each  
10 division is assigned bills based on how it would -- if  
11 the bill would have impact upon them if enacted into  
12 law. These are the numbers that I send you on Friday  
13 to give you an idea of where we are and what we're  
14 doing on this.

15           The way this is handled, the divisions  
16 each will analyze and look at the bills. General  
17 Counsel will help look and assign to make sure that  
18 somebody is tracking the bill and that we're prepared  
19 to give testimony, if needed, on the bill when it comes  
20 up in committee. You can look on this chart and you  
21 can see the increase in the number of bills filed  
22 versus the number of the ones tracked. This session  
23 we've had a huge increase in the number of bills that  
24 were filed and so, therefore, we're obviously doing a  
25 little bit more work to keep up with what bills might

1       affect us.

2                       Okay. We've so far had 610 fiscal notes  
3       requested by the Legislative Budget Board. Of those,  
4       we've got 609 completed. This was as of this morning.  
5       234 bills would have at least some fiscal impact if  
6       enacted into law and 375 would not. So it's really  
7       important that we do go through here -- and I know our  
8       divisions are doing a good job. The Office of Audit  
9       Inspection will coordinate to make sure the divisions  
10      look at each bill to make sure that, if there's fiscal  
11      impact, we do note that in there and that we work with  
12      the LTD to make sure that we get the funding and  
13      authority that we need so we don't have any unfunded  
14      mandates by the time this session is over.

15                      I want to give you a little overview on  
16      our office. Janie Smith is here. Just so y'all  
17      understand, when the office -- last year, you guys  
18      allowed me to hire two more persons in order to expand,  
19      so Janie became a legislative liaison when I moved up  
20      to the Chief of Government Relations, and her job is  
21      coordinating the Transportation Homeland Security  
22      issues and monitoring and overseeing the day-to-day  
23      office operations. Ronda Trumble, she used to work for  
24      CLE. Her job is to cover the criminal justice policy  
25      and criminal jurisprudence policy; she had done that

1 over here with CLE. And she also helps down at the  
2 Capitol and she serves as my assistant. Sarah, who is  
3 playing Vanna White over here, is the -- she is really  
4 the bread and butter of what we do to keep this agency  
5 in good footing with the legislature. She's the one  
6 who is in that office every day talking to the  
7 lawmakers and staff when their constituents are upset  
8 about an issue or they need help. Were we not doing  
9 that function, there's no way we would get the support  
10 we get down at the legislature. So we've got to always  
11 remember that it's vital that we have a person that's  
12 coordinating, cutting through the red tape, getting  
13 answers for these lawmakers, and then, in turn, we know  
14 they'll work with us.

15 On the next slide, it shows you an idea  
16 of the amount of casework we deal with. And these are  
17 the actual cases that -- where we actually had to write  
18 it up and send it to a division for help. That's not  
19 the ones we already knew the answer and we talked them  
20 through it. These are the cases where we actually had  
21 to send it to a division and get assistance.

22 The next slide will show you a  
23 constituent case form. That's a form that we created  
24 that we could track what legislative requests were  
25 coming in, get it to the divisions, the divisions then

1 can decide how best to answer it. And then we do this  
2 electronically so that we can follow up to make sure  
3 that each legislative office got an answer and what was  
4 the answer in case they have any follow-up. This works  
5 effectively because we're able to send it by  
6 electronically to the division's coordinators, and each  
7 of the divisions and special sections has one person  
8 designated as the legislative constituent coordinator.

9 Another role of our office is to create  
10 the state official identification card. This is only  
11 issued to state officials who are in office and they're  
12 issued for a two-year biennial period, so that's in  
13 case if somebody is out of office after that two years,  
14 we will then want the -- that card will no longer be  
15 valid. We re-issue it when the next biennium starts.  
16 So we just issued the batch for this biennium recently.  
17 The lawmakers get one that has a photograph on it  
18 because they are allowed, under statute and under the  
19 Constitution, not to be detained, apprehended, or  
20 arrested in certain events whenever the legislature is  
21 in session when they're going to and from session, and  
22 that's why they're afforded the identification card  
23 account with the photo on it. If a staff member or a  
24 non-elected official would like this card, we will  
25 produce it for them. We will put their driver's

1 license number on it and they would have to utilize  
2 that with a photograph. And what we found is that it's  
3 also helpful when they're trying to get the State break  
4 when they're on travel, that it is used as a form of  
5 identification. Hotels will accept this card, since it  
6 is issued by DPS through my office, for them to be able  
7 to be recognized as a State official.

8           The Friday Workgroup consists of the  
9 Office of Audit Inspection, Office of General Counsel,  
10 and the Government Relations Office working together  
11 with the division coordinators every Friday to be able  
12 to give you an update on where we are in the process of  
13 monitoring and tracking legislation. It's also a way  
14 for us to get feedback. Are we doing a good job on  
15 fiscal notes? Are we doing a good job on monitoring  
16 the bills at the committee? Are we hearing anything in  
17 our division that your division might need to know  
18 about what's going on downtown? And I think the thing  
19 that we've seen over the last years that's improved and  
20 helped the agency's communication is having these  
21 Friday meetings with the divisions there and these main  
22 legislative coordination offices. This has really  
23 improved the amount of coordination that we have going  
24 on with regard to legislation and work done at the  
25 Capitol.

1           The roll of the General Counsel is to  
2     ensure that any bill that comes in that may have impact  
3     on DPS is assigned in telecon to a coordinator of the  
4     division where that might be impacted, and that's when  
5     we start getting the bill analyses. They will then  
6     make sure the division produces any type of analysis  
7     describing what the bill would do, how the impact might  
8     be, how it might impact our agency if enacted.

9           The coordination of the Office of Audit  
10    Inspection is to make sure that the divisions are  
11    analyzing and providing a fiscal note that matches up  
12    with the bill, again, to make sure that we don't have  
13    any unintended consequences, have any unfunded mandates  
14    by not properly tracking. And to make it clear, the  
15    goal of this office is not to actually do the fiscal  
16    notes, their job is to make sure the division is right  
17    and that they're properly sent over to the legislative  
18    budget board.

19           This line is just -- I put it in there  
20    just to show the -- I think the coordination we have  
21    with the divisions is the key to the success we have at  
22    the legislature. The legislative success is not about  
23    my office or me or anyone at the -- even at  
24    headquarters alone working at the Capitol, it's about a  
25    team process. It's Chairman Polunsky coming in and

1 asking this weekend, "Can we make sure we get that pay  
2 raise? Can we make sure that we get the amendments to  
3 our Sunset bill?" And then following up, where we had  
4 the divisions actually follow up after he went and  
5 asked so that we can make sure all the way up to the  
6 minute what we're doing right now on our Sunset bill,  
7 making sure the amendments are proper, and we worked  
8 all the way to the end with Chief Ybarra and his staff  
9 to get every penny we could in the appropriations  
10 process.

11                   It goes all the way out to the field  
12 where we have your local captains, lieutenants,  
13 sergeants, troopers. Those persons that interact with  
14 lawmakers, they make this agency when it comes to  
15 legislatively. Because lawmakers aren't going to trust  
16 everything we say in Austin, they want to know how it  
17 impacts their district. And so I will say, without a  
18 doubt, this teamwork and cooperation we have within the  
19 divisions all the way down from the highest level, the  
20 chairman, down to the newest trooper really is helping  
21 us this legislative session. I think it's giving us a  
22 better working relationship with the lawmakers.

23                   An update on House Bill 2730, the Sunset  
24 bill. It went through the House after 18 long arduous  
25 weeks, and in one week, it's going through the Senate

1 and we're going to try and get it out tomorrow on the  
2 Senate floor. We're still waiting to see if it's going  
3 to be tomorrow. If not, they're looking at Sunday to  
4 do this.

5           The end of the Senate rules, only those  
6 amendments that were considered in the Senate  
7 committee, that set committee on government  
8 organization that met two days ago, only those 23  
9 amendments that were brought up are eligible to be  
10 considered on the Senate floor, so we have an idea now  
11 which amendments are going to be brought up and  
12 potential amendments to those amendments. So that's  
13 what we've been working on even in -- again, up to the  
14 minute and making sure that the lawmakers know what  
15 amendments we think are good, which ones we might have  
16 problems with, and then working on amendments to clean  
17 those up.

18           One of those amendments that we worked  
19 closely with -- and Stuart has been going down with me  
20 night and day to work on redrafting and cleaning up  
21 some of this language. And where's Duncan?

22           You've been back there at headquarters  
23 night and day drafting everything we tell you and you  
24 draft it, so thank you.

25           But we are getting -- for example, the

1 provision is saying -- the qualifications of the  
2 director, there was a provision in the House that said  
3 they must have five years of law enforcement experience  
4 immediately before. We've expressed a concern about  
5 how that would harm our ability to -- it would decrease  
6 the number of candidates. We feel that's not a  
7 positive move on the Deloitte side. We've got the  
8 Senate to understand, and even a lot of the House  
9 members who voted on it now see why they don't want  
10 that to be in there. The Office of Inspector  
11 General -- Representative Kolkhorst wanted that in  
12 there and we're working with her on language to make  
13 sure that there's a separation between the  
14 administration investigative arm and the criminal  
15 investigative arm. So there's things like that that  
16 we're really just tweaking, but I'm happy to say  
17 there's nothing really controversial on this bill that  
18 would bog me down at this point and I don't foresee a  
19 problem getting it through the Senate and then on into  
20 a conference committee by next week. Obviously we've  
21 got one week left to get it through conference. One  
22 week from today is the deadline, and I think we will be  
23 able to get this through.

24                   And these are just some pictures of the  
25 work we were doing. We can go to the next slide too.

1 You'll see our fearless leader sitting there acting  
2 interested in what Tommy Merritt is saying. And then  
3 the next slide shows Colonel Beckworth up there trying  
4 to impress Chairman Merritt. The next slide is the  
5 Senate Transportation Homeland Security. It just kind  
6 of gives you an idea of the interaction we do. That's  
7 one of our oversight committees. The last slide I  
8 borrowed from a presentation Judy had. And it just  
9 shows the unintended consequences sometimes, that we  
10 have citizens come forth with concerns, they bring it  
11 to the legislature, and sometimes the lawmakers always  
12 tend to try and interpret things differently and it  
13 ends up being completely different than what we wanted.  
14 And that's the reason why it's so important, again,  
15 that we continue through the end watching every bill  
16 that goes through, keeping an eye and making sure we  
17 don't get some unintended consequence in the end.

18 So with that, I would like to add one  
19 last thing. We've worked with the chairman. You had  
20 voted in August to name this Building A in our  
21 headquarters campus after Colonel Davis, and there was  
22 a question how would we would be able to do that  
23 legally. Duncan was able to work with Stuart and we  
24 determined that a concurrent resolution would be in  
25 order, so we were able to add to our request list House

1 Current Resolution 222. Representative Driver has got  
2 it coming up on the House Resolution's calendar  
3 tomorrow and then, after that, Senate Whitmire said he  
4 would pick it up. Those are the same individuals we  
5 asked to carry the concurrent resolution to honor  
6 Colonel Davis when he retired as well. So we believe  
7 we'll be able to get that through as well to allow us  
8 to fulfill the wish that you had to name that building  
9 after him.

10 That's all I have on the legislative  
11 side, but I didn't know if you wanted to go straight  
12 into the budget or if you want me to wait until Oscar  
13 comes up.

14 MR. POLUNSKY: Why don't you have Oscar  
15 come up and let's get into that.

16 By the way, I have seen Chief Kelley in  
17 action very closely here for the last actually few  
18 months and he's quite dedicated. And I'm happy we're  
19 not paying you by the hour. There's been lots of  
20 times --

21 MR. KELLEY: I was going to ask  
22 Commissioner Brown to go up there when --

23 MS. BROWN: Yeah, how much comp time  
24 have you billed for?

25 MR. STEEN: Mr. Chairman, I want to say

1 to Chief Kelley, that was an outstanding presentation.  
2 I know there's nobody busier than you and your staff  
3 this time of year and it really impresses me that you  
4 took the time to put this together for us, and thanks  
5 for that. That's what I'd like to see more of. You're  
6 sort of the gold standard now.

7 MR. KELLEY: Thank you.

8 MR. YBARRA: Oscar Ybarra, Chief of  
9 Finance. It's hard to follow that.

10 Okay. This information is based on my  
11 staff listening to the internet -- or listening to the  
12 conference committee on the Internet, communications  
13 with Chief Kelley, Colonel Beckworth, some legislative  
14 staff. This document was sent out to the Commission  
15 earlier this week but has since changed due to  
16 additional information being provided to my staff.  
17 This is the agency's side-by-side exceptional item  
18 list. We've excluded some of the items that have not  
19 received any consideration up to this point, which  
20 would be the majority of our facilities and polygraph  
21 examining board and Real ID. What I'll trying to do is  
22 go over the items to kind of familiarize the Commission  
23 as to what we requested originally.

24 Item number one, critical personnel  
25 needs; additional personnel. We requested FTE's for

1 the agency to properly staff each division to support  
2 the agency as a whole. That initial request was a  
3 little over \$46 million. A recent conference committee  
4 has identified that 65 FTE's have been approved at  
5 about \$6.4 million. Earlier this week, we sent out a  
6 side-by-side for commissioned officer compensation.  
7 The original request was at the State Auditor's level  
8 at \$48.8 million for Schedule C. The Senate had  
9 originally approved \$19.2 million. And we originally  
10 heard in that conference committee, it would be  
11 \$24 million for a Schedule C and assumed that was for  
12 DPS, but we have since received clarification from  
13 legislative staff that the dollar amount dedicated for  
14 DPS is about \$19.2 million, and that's roughly half of  
15 what the State Auditor recommended. I think the  
16 largest increase in that particular schedule is a  
17 captain level at 20 years of about 9.1 percent.

18 Item 1C, noncommissioned compensation.  
19 If you'll recall, that was dealing with the driver's  
20 license technicians and customer service  
21 representatives. Prime analysts in the criminal law  
22 enforcement and information management services were  
23 noncommissioned compensation pay raises for those  
24 individuals. We had activity up until the end but,  
25 unfortunately, at this conference, we didn't see any

1 dollars for that particular item.

2                   And then the staff recruitment, which  
3 was our dollars to provide -- well, provide advertising  
4 dollars for the agency to help with our recruiting  
5 effort. At one point, when we were listening to the  
6 conference committee, we had thought that had been  
7 eliminated, but we have informed recently that that has  
8 been included, so that's available. \$504,000, that's  
9 the annual amount.

10                   Item No. two everybody is aware of,  
11 information technology. And I will say that every  
12 person in this agency has been identified through the  
13 IT piece of how important to our agency. I know the  
14 Mr. Chairman was in some late night meetings, even on  
15 the weekends, with myself and the director and Michael  
16 Kelley identifying to key legislators the importance of  
17 this item. We originally went in at \$70.4 million and  
18 the agency was appropriated about \$44.6 million at this  
19 point, which I believe those dollars, and I'll have  
20 refer back to IMS, will help the agency to move forward  
21 in fiscal year ten and 11 to take the agency into a new  
22 era of technology and communication.

23                   The operating shortfall, we initially  
24 had \$27 million in there. There was electricity  
25 dollars in there for existing buildings and in new

1 buildings that we were awarded in 2008 and 2009. We  
2 were unsuccessful in obtaining those dollars, but we  
3 were able to get \$10 million in deferred maintenance  
4 for some of our existing buildings.

5           And then we have the restructure of the  
6 driver's license division. This item has received a  
7 lot of attention. We did start with a significant  
8 dollar amount for all three of these areas, one being  
9 going from the customer -- from a civilian to a -- from  
10 a civil -- from a commissioned to civilian management.  
11 That particular item, the legislature has increased our  
12 FTE's by 160. The original request was 264. To the  
13 best of my knowledge, we had also requested to transfer  
14 223 FTE's from that division into the Texas Highway  
15 Patrol. At one time, we were concerned that they had  
16 reduced the number of commissioned officers in the  
17 state based on some of the negotiations, but to the  
18 best of my knowledge, that hasn't happened. The agency  
19 is going to have to kind of work with the \$15 million  
20 to make that work. And we're still trying to get  
21 clarification on the strategy behind the \$15 million.  
22 We'll have to wait and see how the bill is printed and  
23 see if there's any guidance in there.

24           As far as item number five, additional  
25 patrol vehicles, the Commission had approved an

1 exceptional item for 450 vehicles along with operating  
2 dollars. The conference committee approved 300  
3 vehicles at \$18 million, and that dollar does include  
4 operating costs.

5           Border security, another item that has  
6 received a lot of attention. We originally requested  
7 118 additional FTE's at a little over \$24 million. The  
8 Senate did approve a plan for 66 FTE's at \$85 million,  
9 but conferences since then changed that to 72 FTE's,  
10 which consists of 56 troopers, ten rangers, and some  
11 crime analysts for a crime lab in Laredo, at \$55  
12 million.

13           One of the things that -- one of the  
14 other items is TDEx, which is the item that tracks  
15 criminal activity in this database. This is a \$29  
16 million item that we asked for, for three FTE's. That  
17 item included operating dollars and capital. At one  
18 time, the House had approved only the capital at around  
19 \$16 million, and the agency, through negotiations,  
20 identified that we were better off being awarded the  
21 operating dollars because we felt we'd be better  
22 successful at trying to get federal dollars for the  
23 actual equipment. The conference committee listened,  
24 and the \$12.4 million would cover the operating costs  
25 for TDEx for the next nine years.

1           The driving track was approved in both  
2 Houses at two and a half million, which is half of what  
3 we originally requested, with 11 FTE's.

4           The division of emergency management, we  
5 requested 73 FTE's and close to \$14 million. At one  
6 time, there was activity in the House, with no activity  
7 in the Senate. The \$3.6 million that's reflected by  
8 conference is for some state for Lufkin and San  
9 Antonio, if I'm not mistaken, but those dollars are  
10 appropriated through existing funds of the agency.  
11 There's no additional dollars for that; there's  
12 authority only.

13           There's additional activity here in the  
14 bottom regarding the border funding mechanism, which is  
15 a crime lab in Laredo. There's \$800,000 for operating  
16 for the crime lab and personnel and \$6.1 million for  
17 GeoBonds and there's dollars for Texas Task Force Two  
18 of \$1.4 million. This task force is out of Dallas and  
19 there will be training out of Dallas, which would  
20 benefit the border when they're called out to the  
21 border for assistance. There was also operating  
22 dollars out of border provided for the Longview  
23 helicopter.

24           Mr. Chairman, I will tell you that --  
25 Commissioners, I will tell you that, if you excluded

1 the facilities that we requested, the training academy,  
2 some of the facilities throughout the state, the Real  
3 ID piece and all that, our exceptional items totaled  
4 about \$373 million. This particular packet, if this  
5 moves forward, is roughly a little over \$184 million,  
6 which is about 49.24 percent of our requests.

7 Do you want to add anything to that?

8 MR. KELLEY: I just want to say that the  
9 process changed hourly. And, again, Mr. Chairman, I  
10 appreciate you coming in at the last minute. I know  
11 the pay raise was -- there was word about zeroing it  
12 out. We went in and explained why it was important.  
13 There was questions about IT. We met that Sunday,  
14 Colonel Beckworth, remember, as we drag in at 7:00 on a  
15 Sunday and just to wait for Richard Raymond to come  
16 back so we can explain to him why this IT piece,  
17 which -- what we found is, there's certain items that  
18 we need but they just don't get these lawmakers  
19 re-elected. You can't go home and say, "Hey, I got DPS  
20 their IT," and attract any attention. You can say, "I  
21 got patrol cars," and that means something different.  
22 So we had to go the extra of explaining to  
23 Representative Raymond and Senator Hinojosa why that IT  
24 should not be cut.

25 And then we got called in what we

1 thought was going to be a Sunset meeting a week ago  
2 today but it was a, "Oh, by the way, we're cutting your  
3 IT 100 percent unless you can tell us where else to  
4 cut," and then it was a matter of negotiating to try to  
5 keep that in there. So, luckily we had some good, hard  
6 numbers we could work with. Oscar and his staff had  
7 already worked some numbers up. Obviously Colonel  
8 Beckworth is very knowledgeable on the budget. And we  
9 just sat there and tried to find a way to cut back on  
10 other areas to ensure we kept that IT piece in there.  
11 And then the Chairperson came in on Sunday and  
12 threatened to break kneecaps if they didn't fund the IT  
13 piece. So I will say it was a good team effort. I  
14 think we were lucky in the end, when they were trying  
15 to cut back on that, that we were able to get that  
16 through.

17           And I do think it's important to note  
18 that we need to keep moving forward here and start  
19 getting ready for the next LAR. We have to show very  
20 clearly where we spent these dollars, be very  
21 transparent about showing where we spent these dollars,  
22 and explaining where our needs really are so that we  
23 can continue forward and start -- the budget in two  
24 years that we asked for, we start asking for today by  
25 showing what we're doing with the money we've got now

1 and where our shortfalls are. So this is just an end  
2 of a cycle. Just because the session ends, doesn't  
3 mean the budget process is over for us.

4 MR. POLUNSKY: Questions? Comments?  
5 Great job.

6 MS. BROWN: Just one question: Where's  
7 the photo of the offer you can't refuse, the kneecaps?

8 MR. KELLEY: It's classified.

9 MR. POLUNSKY: What he meant to say is,  
10 I was looking at their kneecaps.

11 MR. YBARRA: As soon as we get any  
12 additional information, we'll get it out to you.

13 MR. POLUNSKY: Thank you for your time  
14 and effort.

15 Next item: Discussion and possible  
16 action regarding review and reconsideration of physical  
17 readiness standards for commissioned officers of the  
18 department.

19 Chief Fulmer.

20 MS. FULMER: Good afternoon. Again,  
21 Valerie Fulmer, Chief of the Administration Division.

22 The PRT working group continues to meet,  
23 as I think I mentioned last month. This week we had a  
24 reassessment of one of our job task scenarios. One of  
25 the few remaining issues with the PRT appears to be the

1 job task scenario wherein they're pushing a vehicle.  
2 The surface is not completely level and that is the  
3 exact surface on which the test was verified  
4 originally, or validated originally. However, we are  
5 looking at doing it on a level surface and revalidating  
6 the time. We had a control group come up in and test  
7 on the current surface and test on a completely level  
8 surface. The vendor who did the original study and the  
9 original validation came down and observed, and we did  
10 it under sort of strict controls, and they are going to  
11 provide us with a reassessment of the time requirement  
12 on a level service, and we expect to get that back to  
13 you next week. And we continue to work on the wellness  
14 class and we expect to be able to begin those sometime  
15 in June.

16 That's all I have unless you have  
17 further questions.

18 MR. POLUNSKY: Questions?

19 Next item: Discussion and possible  
20 action regarding security measures for the department.

21 Chief Fulmer.

22 MS. FULMER: Yes. I met with the  
23 protective security adviser with Homeland Security this  
24 morning, who is going to be leaving the team. He is  
25 actually stationed in San Antonio but it's a Washington

1 State team that's going to come down and do the  
2 security assessment. They are going to be here June  
3 9th through the 11th, and we'll get an invitation out  
4 to all the commissioners, but they are going to do a  
5 debriefing when they're done with their site visit on  
6 June 11th in the afternoon, and we'll get you an exact  
7 time on that.

8                   They're going to be looking at both  
9 physical security of the campus, including, you know,  
10 trying to actually enclose the campus and fence it and  
11 gate it, and they'll be looking at the security of our  
12 different systems, you know, not just IT systems,  
13 looking at the HVAC system, the water, the electricity.  
14 So they'll be here for three days and then they will  
15 provide a more in depth written report approximately 60  
16 days after that.

17                   And that's all I have on that.

18                   MR. POLUNSKY: Are there questions?

19                   Thank you.

20                   Moving to reports, commission member  
21 reports and discussion. Are there any reports or  
22 discussion from any of the commission members?

23                   Next item, budget matters. Chief  
24 Ybarra.

25                   MR. YBARRA: Oscar Ybarra, Chief of

1 Finance.

2 Mr. Chairman, I've covered the  
3 side-by-side as far as our exceptional items are  
4 concerned. The other item I added to my report were  
5 our projections as of March 31st, 2009 for the agency  
6 as far as our budget is concerned. What I'll add to  
7 that particular document is, the divisions are holding  
8 steady as far as their spending and what's going to be  
9 available to cover some of our shortfalls. Our bottom  
10 line did drop about a million dollars, but that had a  
11 lot to do with the potential funding we were going to  
12 be utilizing for seized funds for TDEx. If you reduce  
13 that amount by \$2 million, that's what we foresee we're  
14 going to need to cover that expense.

15 And that concludes my report unless you  
16 have any questions regarding this information.

17 MR. POLUNSKY: Questions?

18 Thank you.

19 Audit and inspection. Mr. Walker.

20 MR. WALKER: Farrell Walker, Director of  
21 Audit Inspections.

22 Mr. Chairman, Commissioners, my report  
23 includes three audit reports and four completed  
24 inspection reports. Those reports include  
25 recommendations for improving operations or improving

1       accountability in those areas.

2                       In addition to my report, I'd like to  
3       tell you that our auditor prospect that I may have  
4       mentioned last month fell through so I have two audit  
5       vacancies. My intention will be to work with  
6       Commissioner Barth on our audit plan for 2010 and staff  
7       up accordingly. My hope is that we would have those  
8       auditors on board toward the end of August and early  
9       September.

10                      That concludes my report unless you have  
11       questions.

12                      MR. POLUNSKY: Thank you.

13                      Division status reports on activities  
14       and action taken. Administration, Chief Fulmer.

15                      MS. FULMER: Good afternoon again.  
16       There's a couple of things I'd like to draw the  
17       Commission's attention to. The Concealed Handgun  
18       Licensing Bureau continues to receive and increase in  
19       applications every month. In April we received 15,276  
20       applications and that is an all-time high, and the  
21       month before was an all-time high and the month before  
22       that was an all-time high, so we are doing our best to  
23       keep up with it. Chief Mueller is working on some  
24       ideas for streamlining. We may have to do another "all  
25       hands on deck" overtime project like we did last summer

1 in order to keep up with it, but we're watching it and  
2 we watch it each month and we're hoping that things  
3 don't get out of control quickly.

4 MR. CLOWE: What is the time of issuance  
5 now?

6 MS. FULMER: We are still -- in most  
7 cases, we are still at 60 days, however, as we get to  
8 these March and April ones, I imagine the time is going  
9 to increase on those because those are the ones that  
10 are being processed currently.

11 The other thing I'd like to point your  
12 attention to --

13 MR. STEEN: Chief, before you go on,  
14 what's your plan? It looks like this is not abating.  
15 What's your plan?

16 MS. FULMER: One of the plans is, we're  
17 hoping that this exceptional item with the additional  
18 personnel comes through. We do have additional  
19 personnel for Concealed Handgun Licensing in that. We  
20 have -- since the program began in 1996 we've had a  
21 stagnant amount of resource. The numbers have gone up  
22 exponentially and, in fact, our budget has decreased  
23 since the beginning of the program. We continue to use  
24 technology. We have an excellent vendor who is  
25 constantly working to automate more processes for us.

1 There are certain processes that simply can't be  
2 automated and we're hoping that some of the exceptional  
3 item folks that it looks like we're going to get are  
4 going to help us with that.

5 MR. STEEN: How soon do you think?

6 Assuming that we get them, how soon do you think?

7 MS. FULMER: It would be -- well, it be  
8 September 1st before we would be authorized to begin.  
9 We could actually do interviews before that and have  
10 those ready to come on board September 1st, and then we  
11 have, you know, somewhat of a training period, but a  
12 fairly brief training period, before we can get folks  
13 on board. We'll still have to continue to utilize the  
14 temporary resources that we have. I don't see that  
15 abating any time soon.

16 MR. STEEN: What was that you were  
17 referring to earlier about a concentrated effort?

18 MS. FULMER: Yes. Last summer we called  
19 on all of the divisions and had any of their folks who  
20 were interested in being trained on processing our  
21 applications, they came and did a dedicated overtime  
22 project. We required -- I believe it was the month of  
23 August. We required them to commit to specific days of  
24 overtime and to commit to being there every day, and in  
25 one month, we made a huge effort on the backlog and

1 nearly eradicated it at that point. And we've got -- a  
2 lot of those folks are still here and still know how to  
3 process those applications, so our hope is that -- and,  
4 obviously, that's going to be a resource constraint on  
5 how much overtime we can afford.

6 MR. STEEN: Thank you, Chief.

7 MS. BARTH: It seems to me we have  
8 unfilled positions towards the end of year, we could  
9 take those dollars to help eradicate this problem. Is  
10 that not --

11 MS. FULMER: I would be in favor of  
12 that.

13 MS. BARTH: Am I missing something here?

14 MR. YBARRA: I'm sorry?

15 MS. BARTH: Using dollars off of  
16 unfilled positions to move over to help Valerie with  
17 her concealed handgun problem.

18 MR. YBARRA: Actually, we've already  
19 done that with your approval. At the beginning of this  
20 year, to help pay for the temporaries and operating  
21 shortfalls, we transferred dollars over there.

22 MS. BARTH: Can we transfer more? It  
23 looks like we can.

24 MR. YBARRA: And we have been. They  
25 have actually accumulated additional spending due to

1 the temporary services and the division is covering  
2 itself at this point, but if additional dollars are  
3 needed, we would transfer to cover those expenditures.  
4 So if you need additional dollars, we would have to  
5 take a look at that to see how much more we need to see  
6 what the effect would be to the agency. If there's a  
7 shortfall in PSP right now, we've been covering it.

8 MS. BARTH: I guess my question is -- I  
9 mean, because I do think this is a valid complaint, is  
10 how long it takes to get these license out, and it  
11 looks like we need to do another one of those -- is  
12 that what I'm hearing, that we need another one of  
13 those --

14 MS. FULMER: I think we're going to get  
15 to that point very quickly.

16 MR. YBARRA: If you all are in favor of  
17 adding staff, temporary staff, or whatever you need to  
18 continue, we'll find the dollars to do it.

19 MR. POLUNSKY: I think that's her  
20 desire.

21 MS. FULMER: And we can look at what the  
22 cost was last August of the overtime project so that we  
23 can give them an idea of how much it's going to be.

24 MR. POLUNSKY: All right. Well, can you  
25 report back to Colonel Beckworth, who, in turn, can

1       advise Commissioner Barth as to what's taking place on  
2       that?

3                   MR. YBARRA:  Yes, sir.

4                   MS. BARTH:  Because I'm thinking about  
5       getting my concealed handgun license.

6                   MS. FULMER:  So I'll have to watch your  
7       records as well.  That seems to be the trend.  That  
8       seems to be what everybody wants to do right now, so  
9       that's why we're getting so many applications.

10                  MR. STEEN:  When you report this next  
11       month, I'd be interested in just seeing a graft on  
12       this, how this has gone up over time.

13                  MS. FULMER:  Certainly.  I'm not sure  
14       the screen is big enough for the graft to show how much  
15       it's increased, but we'll get that to you.

16                  Commissioner, if you think that's right,  
17       then you ought to see your local prosecutor's office in  
18       possession of firearm by felon.

19                  The other thing I wanted to draw your  
20       attention to was our recruiting efforts.  This week we  
21       have been in Michigan doing several different  
22       recruiting efforts.  We've had some very good response  
23       there and so we are sending a team in June to conduct  
24       application intake and testing, so we're going to have  
25       them up there for three or four days and see if we

1 can't get some new quality applicants from folks who  
2 are being laid off up there.

3 MR. STEEN: So the theory would be,  
4 you're going to areas with high unemployment?

5 MS. FULMER: Right. Right. And then  
6 letting them know that we have lots of openings in  
7 Texas, and, again, so far we're getting good response  
8 on that.

9 MR. CLOWE: You better teach them how to  
10 wear the hat.

11 MS. FULMER: And we're taking chips and  
12 Salsa with us.

13 One other thing I wanted to mention,  
14 obviously, it's been a continuing concern of the Chair  
15 of the beautification of our campus, and we have  
16 started working on that. It's a process, as some would  
17 say, but we had our first volunteer effort this month.  
18 Obviously, resources are an issue and so we put out a  
19 call for volunteers, and I was surprised at the amount  
20 of support that we got. We're looking at replacing a  
21 lot of things with drought tolerant native plants that  
22 aren't going to require a lot of maintenance because we  
23 don't have the resources to maintain something that  
24 takes a lot of effort. So we had a group get together  
25 earlier this week, and I'm not sure if you've had a

1 chance to look at the results yet. I do have a slide  
2 show that I would love to show you if the Commission  
3 has a few minutes to look at it.

4 MR. POLUNSKY: How long is it?

5 MS. FULMER: It's three minutes.

6 MR. POLUNSKY: Okay.

7 MS. FULMER: We'll do it very quickly.

8 Although, I think --

9 MR. POLUNSKY: So this is a step forward  
10 from removing the dead possum?

11 MS. FULMER: Exactly, we're moving  
12 forward. We're removing dead possums. We're actually  
13 putting things in place.

14 But I think someone sabotaged my slide  
15 show. I think it was Chief Clowe. Actually, I think  
16 somebody didn't like the idea of my thumb drive.

17 MR. CLOWE: It's not a thumb drive,  
18 that's what I was going to say.

19 MS. FULMER: This actually goes back to  
20 the Chairman's comments earlier today about one DPS and  
21 about being a team. They did pull together, even if  
22 it's just for things like putting plants in.

23 This isn't going to function so we'll  
24 save it for next month. Thank you.

25 MR. POLUNSKY: Well, I guess next month

1 you'll have more to show?

2 MS. FULMER: No, next month you won't  
3 want to see more than this, I don't think.

4 MS. BARTH: Chief, I noticed Chief  
5 Colley over there wanted an update on the generators.  
6 How are our generators coming?

7 MS. FULMER: PSP is handling the  
8 purchase of the permanent generators. The purchase of  
9 the temporary generators is being expedited, so we will  
10 be able to move temporary generators to Houston. If  
11 you'll recall, we had, I believe, four temporary  
12 generators in addition to the ones that are permanently  
13 affixed.

14 MS. BARTH: Will you be able to move  
15 them by hurricane season?

16 MS. FULMER: Will we be able to move  
17 them by hurricane season?

18 MR. MOKRY: They'll be delivered in five  
19 weeks.

20 MS. FULMER: They'll be delivered in  
21 five weeks, so not the beginning of hurricane season,  
22 but --

23 MS. BARTH: So when they're delivered in  
24 five weeks, does that mean they're -- you know, it's  
25 like a "plug and play" or is there something else that

1 happens along the way?

2 MS. FULMER: That they are put in place.

3 MS. BARTH: Super, thank you.

4 MR. POLUNSKY: Thank you, Chief.

5 Criminal law enforcement. Chief Ruocco.

6 MR. RUOCCO: Tom Ruocco, Criminal Law

7 Enforcement.

8 I wanted to bring up three areas, one  
9 being a DP recovery of a kidnapped child in Mexico and  
10 the effort of our narcotic sergeants, who basically --  
11 it's a show of where the public got together with law  
12 enforcement and different segments of government. In  
13 this case, this child was recognized as being at a  
14 place in Mexico by the citizens there who reported this  
15 to one of our narcotic service officers who used a cell  
16 phone and was able to get a picture and then sent it  
17 over to our PIA missing persons clearinghouse, who,  
18 together with the Mexican officials, recognized --  
19 identified the child as an eight year old kidnapped out  
20 of New York by noncustodial family members. Working  
21 with all the authorities, I guess the Rangers  
22 internally and different state police and the  
23 governments, the child was reunited with the family and  
24 the kidnapers were extradited back to the united  
25 States to face prosecution. I think that's one of

1 those success stories that, with everything else that's  
2 going on, that we don't see enough of.

3           The second one is, we had a meeting this  
4 month with the Austin area law enforcement agencies  
5 about putting in an executive committee to form a  
6 metropolitan fusion center within the state fusion  
7 center to help this Austin area. We're just right now  
8 participating in helping them set up an executive board  
9 so they can move on. Part of those discussions was our  
10 TDEx program and how we'd just like to share  
11 information and have all the databases talk, and also  
12 making them aware that, while they're contributing to  
13 TDEx, they actually don't know what they're putting in  
14 and they don't know what they can get out, so we're  
15 trying to organize what goes into TDEx and what comes  
16 out.

17           And the last, which is mentioned in the  
18 report, that I thought was significant was, our crime  
19 lab underwent a limited audit by the Department of  
20 Justice on the DNA Backlog and Reduction Program, and  
21 during that audit, the results came back, and while it  
22 was limited, it basically came back and said the report  
23 did not contain any recommendations, that the issues  
24 were closed and the findings were limited and they were  
25 two areas that we've already identified and corrected.

1                   Other than that, that's my report. Any  
2 questions?

3                   MR. POLUNSKY: Are there questions?

4                   Thank you. But will you stay after the  
5 meeting, I want to ask you a questions?

6                   MR. RUOCCO: Sure.

7                   THE MR. POLUNSKY: Driver's license,  
8 Chief Brown.

9                   MS. JUDY BROWN: Chief Brown, Chief of  
10 Driver's License.

11                   The only addition that I would provide  
12 to my report is a recent notification that we received  
13 from the Katy city officials. We have a very small  
14 office that's been provided to us in the VFW Hall at  
15 Katy and we are receiving notice that we are being  
16 evicted. They do not want to renew our lease. I  
17 expect we'll see some publicity over that. Katy is a  
18 growing population. Their complaint is that it's a  
19 growing population and they don't need our traffic  
20 there. We are getting with TFC and asking them to  
21 begin an immediate search for a location there. I will  
22 tell you that we've done that several times over the  
23 past three or four years and are unable to find space  
24 in that area, but we are moving forward with our search  
25 and asking TFC to do what they do to try to find some

1 property that we can afford. I can tell you that we  
2 have only been allocated in our budget \$900 a month for  
3 Katy and there's no way that we'll come anywhere close  
4 to getting property for that amount, so we'll have a  
5 budget application that we'll have to make decisions.  
6 But, again, knowing that that has the potential to  
7 become controversial, I wanted to make you aware.

8 That's all I've got.

9 MR. CLOWE: Home many employees in that  
10 office?

11 MS. JUDY BROWN: I think we have five  
12 issuing, probably two examiners. We probably have five  
13 to seven there.

14 That's an office that, I will tell you,  
15 is a very small office in the very back of the VFW Hall  
16 and it's very common to any other VFW hall I've seen,  
17 it's a large area that's not being used. That large  
18 area on any given time that I have been in there is  
19 full of our customers waiting, so it's really not  
20 adequate for what we do, but it will -- I'm very  
21 concerned about the complaint we'll receive when our  
22 lease expires if we have not found a facility to move  
23 to.

24 MR. CLOWE: What are we paying now?

25 MS. JUDY BROWN: \$825 a month, I think.

1 We had a lot of controversial discussions, it was  
2 either the last session or the session before, they  
3 wanted to throw us out, the police department wanted to  
4 find space for us, the local representatives don't want  
5 us to leave. Actually, we were in what we call free  
6 space in that same VFW Hall but we were not paying for  
7 the space and the legislature allocated the \$900 a  
8 month for us to pay for that space, and even though we  
9 offered the opportunity for them to go up on our grant,  
10 they really don't want us in their facility, so we'll  
11 look for space.

12 MR. POLUNSKY: Thank you very much.

13 Emergency Management Division, Chief  
14 Colley.

15 MR. COLLEY: Mr. Chairman,  
16 Commissioners, Jack Colley, Chief of Emergency  
17 Management Division.

18 The 27th of April, we activated the  
19 highest level of activation, which is emergency  
20 division's level one for H1N1. It is a major  
21 separation conducted around the state, a very intense  
22 operation, in that, we had a lot of unknowns.  
23 Obviously, with this, the governor directed us to take  
24 all the measures necessary to protect the state. With  
25 that, we employed what's called the Strategic National

1 Stock Style of Antivirals. We're the only state that  
2 did that. It was a major operation to ensure that  
3 every citizen, all 22 million Texans, had access to  
4 antivirals if we needed them. The Texas Highway Patrol  
5 did an outstanding job coordinating that. As they  
6 always say, Texas is not rolled out. 224,000 square  
7 miles, we deployed in eight major locations around the  
8 state, established two stock piles. The amount of  
9 antivirals it classified, so I can't get into that, but  
10 just to say, it was a major, major logistic operation  
11 to do that to protect our citizens.

12 We're about to get the two major  
13 agencies, Park State Health Services and one we  
14 typically do not work with, and that's the Texas  
15 Education Agency, and that's because we got 4.5 million  
16 children in school, half a million faculty, over 1,036  
17 independent school districts, and probably 8,600  
18 campuses, so that was the target area. That was our  
19 risk analysis of where the greatest probable risk was.  
20 I think we closed close to almost 800 schools, and so  
21 that was all that. The bottom line was, we responded  
22 very well in a very short period of time and it was a  
23 very coordinated effort to do that.

24 Obviously, we face hurricane threat.  
25 That's the single greatest natural threat to the state,



1                   MR. POLUNSKY: Thank you, Chief Colley.

2           Are there questions?

3                   Texas Highway Patrol Division, Chief  
4           Baker.

5                   MR. BAKER: Good afternoon, Mr.  
6           Chairman, Commissioners. You have my report and I  
7           would like to just bring y'all up to speed on a project  
8           that we're working on in the Highway Division.

9                   Currently our seven regional recruiters  
10          are issued the standard black and white Crown Victoria  
11          police vehicle. When they pull up to a college campus  
12          to recruit, the college students don't know that  
13          they're there -- they don't know if they're there to  
14          serve an arrest warrant or try and hire somebody, so  
15          we're trying to get our regional recruiters on a level  
16          playing field with other agencies. Our plans are to  
17          put each of our regional recruiters in a Chevrolet  
18          Tahoe police vehicle and we're also going to address to  
19          pop those up a little bit and put on what's called a  
20          raft, and these are some examples of some rafts that  
21          we're looking at. This kind of gives you an idea of  
22          what our agency does by looking at the vehicle. And we  
23          hope that that will help us to be a little more  
24          successful in our recruiting campaign. Relatively  
25          inexpensive, about \$1,600 a vehicle. I thought it

1 would be a lot more expensive. I think it's an  
2 investment that will pay dividends.

3 And with that, I'll close and be glad to  
4 answer any questions.

5 MS. BROWN: Are you going to have a good  
6 sound system --

7 MR. BAKER: We're working on that.

8 MS. BROWN: -- with good music?

9 MR. BAKER: They like that music.

10 MR. POLUNSKY: Any questions?

11 MR. STEEN: Chief, an update on your  
12 crash activity report.

13 MR. BAKER: Yes, sir. On the last page  
14 of the report, during the month of April, we had a 3.5  
15 percent decrease in errors from May -- or, I'm sorry,  
16 from March.

17 MR. CLOWE: No injuries, no --

18 MR. BAKER: Thank God.

19 MR. STEEN: You're making progress,  
20 though?

21 MR. BAKER: Yes, sir.

22 MR. POLUNSKY: Thank you, Chief.

23 Texas Rangers Division, Chief Leal.

24 MR. LEAL: Tony Leal, Texas Rangers.

25 You have my regular report. I wanted to

1 point out two things. In continuing on the cold case  
2 squad we talked about last time, again, this time  
3 period between the last meeting and this one, out in  
4 the Midland, we solved another 20-year-old murder of a  
5 man whose car had been found at the Midland Airport in  
6 1988, and that was another one on those that's not a  
7 typical DNA hit. One of our Rangers of our Cold Case  
8 Squad started worked it from the -- taking all the  
9 reports that had been done by the Rangers and the  
10 police officers from before and started working that  
11 murder and found one suspect I think in Colorado and  
12 another one in another state and had a confession on  
13 one and some physical evidence on another and ended up  
14 with two indictments on another 20-year-old murder, so  
15 that's a positive thing.

16           And on another note similar to what  
17 Chief Ruocco was talking about, we really have I  
18 believe more than any time I've ever seen it in my  
19 career with DPS all of the divisions working together  
20 out there. And we had a four-year-old girl on May 12th  
21 that was playing outside with her 12-year-old little  
22 sister and a white male kidnapped her, and it was a  
23 real kidnapping. It's not, you know, family related or  
24 anything. He had tried to kidnap a little girl the  
25 night before and was unsuccessful in that kidnapping.

1 This time he assaulted this girl's 12-year-old sister  
2 but she was still able to get a partial plate off of  
3 that car that took her little sister. And when I say  
4 the old apartment, at that time, DIA, the CLE put out  
5 an Amber Alert through GM. GM was on the border so GM  
6 helped us with shutting down the border and getting  
7 that message out. Then they started the investigation,  
8 CLE narcotics Motor Vehicle Theft Intelligence and the  
9 Rangers did so. Highway patrol helped us with the road  
10 searches once we started identifying who we thought it  
11 was through a tip on the FBI line. It's a very rural  
12 area, so it's not like using the same investigative  
13 techniques you would in Houston or Dallas. It's a wide  
14 open space in this area.

15 So they started working it. As luck  
16 would have it, Captain Hearne and an FBI agent came  
17 upon a house where they had some information leading  
18 that this person may be living at from the description  
19 they had on the suspect, and as they were taking cover  
20 behind his vehicle, this guy comes out. So through the  
21 description they had -- he walked out I think to get a  
22 pack of cigarettes out of the car. Ranger -- or  
23 Captain Hearne got ahold of him and talked to him a  
24 little bit there outside the house, arrested him,  
25 kicked in the door of the house and found the little

1 girl on the bed handcuffed behind the back and on her  
2 feet, this four year old, and they were able to get her  
3 safely home to her parents. And then after that, the  
4 Administration Division helped us with the Victim  
5 Services responded and helped with the families  
6 involved and the child. So the whole department worked  
7 together on that and I think it came out in a very  
8 positive way. Other than that --

9 MR. STEEN: Chief, where did that occur?

10 MR. LEAL: Down in the Valley outside of  
11 McAllen.

12 MS. BROWN: I wanted to bring something  
13 up that I found really interesting in your report about  
14 the Texas Ranger forensic artist. That was really  
15 impressive. For everybody that didn't get the report,  
16 just a quick blurb, there was a 14-year-old girl  
17 walking to school and was abducted at gunpoint. And  
18 talk about a hero, she was able to remember all of her  
19 surroundings and give a very child-like picture of her  
20 attacker, and apparently a Ranger forensic artist was  
21 able to take that child's photo, or that child's  
22 drawing, and make it into something law enforcement  
23 could use and they found the bad guy.

24 MR. LEAL: And that's unusual. I  
25 started putting in what Suzanne is doing. I started

1 doing that a couple of meetings ago. She travels --  
2 there's not that many. There's one in Houston that --  
3 Suzanne teaches and works with the FBI Academy at the  
4 forensic academy in Tennessee. She travels all over  
5 the State of Texas helping the smaller departments that  
6 don't have those resources, and I have not found one  
7 month that I looked that she doesn't have a success  
8 with one of these cases somewhere in the state, so I  
9 started putting it in here for y'all.

10 MS. BROWN: Well, I thought that was  
11 really amazing, and if that doesn't show the amazing  
12 variety of skill that the Rangers have. I just commend  
13 you on that, that's really neat.

14 MR. LEAL: I don't draw very well.

15 MS. BROWN: Well, maybe she can re-draw  
16 it for you.

17 MR. LEAL: That's all I have.

18 MR. CLOWE: Chief Leal, I wanted to  
19 thank you for setting up a meeting earlier this week  
20 with one of the captains of the Rangers and captains of  
21 other divisions. And I want to tell you that the  
22 captain of the Rangers that I visited with made a  
23 comment that I think is exemplary of the kind of  
24 cooperation between the divisions that you mentioned.  
25 He said that he's been a Ranger, or has been with the

1 department 27 years, and he's seen more information now  
2 coming from Austin down to the troops than ever in the  
3 past, and I think that's very significant and very  
4 important. People out in the field need to know what's  
5 going on. And he praised you and the rangers for that  
6 activity.

7                   The second thing he said was a little  
8 suspect. He was telling me what a sharp dresser you  
9 are, and I don't know, chairman Polunsky and you are  
10 sort of my idols, you know, and I'm having a hard time  
11 making a decision here.

12                   MR. LEAL: It's all a matter of taste.

13                   MR. POLUNSKY: I yield. I yield. I'm  
14 not in your league.

15                   MS. BROWN: I don't want to hurt your  
16 feelings, but you don't win.

17                   MR. LEAL: Well, I'll say this also, on  
18 that information you're talking about, our new boss  
19 over there, that's the very first thing he told us, and  
20 that's important to me and I know it's important to the  
21 other chiefs and I know it's very important to him, so  
22 I know when I was a field captain, when I was a field  
23 sergeant, a field lieutenant, you really feel like  
24 you're a couple of months behind on decisions that are  
25 being made and it's not good for morale, and I think

1 all the chiefs are doing what they can to make sure we  
2 get that information to them as soon as possible.

3 MR. CLOWE: Great.

4 MR. LEAL: Thank y'all.

5 MS. BROWN: And take Allan with you next  
6 time you go shopping. He looks great.

7 MR. POLUNSKY: I need all the help I can  
8 get.

9 IMS, Chief Lane.

10 MR. LANE: Brian Lane, Chief IMS.

11 Good afternoon. I have nothing further  
12 to add in my report, but I did want to update you on  
13 something that we will be tracking over the weekend.  
14 The U.S. Marshal's office disconnected from other  
15 criminal justice agency computer systems today because  
16 of a virus they have. The external network at the  
17 FBI -- the external FBI network is also infected with  
18 this same virus. They have not identified as of this  
19 reading what virus they have, but they're taking  
20 proactive actions by disconnecting much like we did  
21 from our sister agencies last month. We'll track this  
22 using the Department of Information Resources, Bill  
23 Perez, the State computer information security officer,  
24 to ensure that we understand what this virus is and  
25 that we have the deployed resources on our network

1 configured to block that virus if it comes in, but it's  
2 something new that we haven't seen before, so I'll keep  
3 you updated if there's any change. If there's any  
4 infection, I'll let you know.

5 And that concludes my comments.

6 MR. POLUNSKY: Thank you, Chief. Are  
7 there questions? Thank you.

8 Next item on the agenda would be consent  
9 items. Is there a motion to discuss any items  
10 separately?

11 MS. BROWN: I wish to take up Item B,  
12 the Special Rangers, separately, but I will move that  
13 we approve Items A and C together at this time.

14 MR. CLOWE: Second.

15 MR. POLUNSKY: All right. It's been  
16 moved by Commissioner Brown and seconded by  
17 Commissioner Clowe that the Items contained in Sections  
18 A and C be approved. Is there discussion?

19 MR. STEEN: Colonel Beckworth, anything  
20 we ought to be concerned about in these areas? And I'm  
21 talking about 8A and 8C.

22 MR. BECKWORTH: No, sir, there are no  
23 issues or concerns about 8A and 8C. We would ask you  
24 to consent and authorize approval on those two items.

25 MR. STEEN: Okay.

1 MR. POLUNSKY: Any other discussion?

2 The question has been called. All in  
3 favor, please say aye. Any against, no. Motion  
4 passes.

5 MS. BROWN: As to Item B, I'd like to  
6 make the following motion: I move that the following  
7 persons be appointed as special Rangers and special  
8 Texas Rangers: Jerry Allen, James Cochran, Carlos  
9 Delarosa, Joseph Fedor, Charles Gunn, David Hammonds,  
10 Curtis Hollis, Dennis Land, Ronald Morris, Armando  
11 Siens, John Allen, Gary Tafer, and William Coffon.

12 MR. CLOWE: Second.

13 MR. POLUNSKY: It has been moved by  
14 Commissioner Brown and seconded by Commissioner Clowe  
15 that the names set out in her motion be appointed as  
16 either Special Rangers or Special Texas Rangers. Is  
17 there discussion on the motion?

18 There's no discussion. All in favor,  
19 please say aye. Any against no. Motion passes.

20 Do any of the commissioners have items  
21 that they would like to have included for future  
22 agendas?

23 Date for future meetings? Dorothy.

24 MS. WRIGHT: We have our workshop on  
25 June 16th and the third Thursday would be June 17th.

1                   MR. POLUNSKY: Does anybody have any  
2 issue with -- we've run the traps on June 18th.  
3 Correct? Everybody is -- and 17th as well? Everybody  
4 is okay on the 17th? Okay, then we'll set those two  
5 dates.

6                   MS. BARTH: The 16th and 17th right? Is  
7 it Wednesday and Thursday. Yes, it's Wednesday and  
8 Thursday, okay. Okay.

9                   MR. POLUNSKY: Okay?

10                  MR. CLOWE: The 17th and the 18th.

11                  MS. BARTH: Okay.

12                  MR. POLUNSKY: Okay. Anything else?

13                  MR. CLOWE: Move we adjourn.

14                  MR. STEEN: I've got a --

15                  MR. POLUNSKY: Commissioner Steen.

16                  MR. STEEN: There's two things that I  
17 want to -- in terms of Colonel Beckworth, I know we've  
18 come a long way on this, but, Colonel, I wanted to  
19 challenge you to make these meetings even more public  
20 friendly, and I was impressed with the presentation by  
21 Chief Kelley, and maybe if you could see about having  
22 more presentations along those lines.

23                  MR. BECKWORTH: Yes, sir, we'll do that.

24                  MR. STEEN: And then, secondly, just a  
25 personal point, I wanted to congratulate you on being a

1 new grandfather.

2 MR. BECKWORTH: Thank you very much. I  
3 look forward to it. Braelyn was born this past  
4 Wednesday at 7:54 a.m., She weighed eight pounds 13  
5 ounces, she was 21 inches long, and my wife has the car  
6 packed, so as soon as y'all get finished, I'm going to  
7 see.

8 MR. STEEN: Congratulations.

9 MR. BECKWORTH: Thank you very much.

10 MR. CLOWE: Drive carefully to Amarillo.

11 MR. BECKWORTH: Yes, sir, I will.

12 THE MR. POLUNSKY: The Public Safety  
13 Commission is now adjourned. The time is 5:03 p.m.

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1 THE STATE OF TEXAS )

2 COUNTY OF TRAVIS )

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5 I, Kim Furr, Certified Shorthand Reporter in and

6 for the State of Texas, do hereby certify that the

7 above and foregoing contains a true and correct

8 transcription of my stenographic notes taken in the

9 above-captioned cause at the Texas Public Safety

10 Commission meeting in Austin, Texas.

11

12

13 Witness my hand this 8th day of June, 2009.

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Kim Furr, CSR, RPR

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