

TEXAS ALCOHOLIC BEVERAGE COMMISSION
COMMISSION MEETING
MONDAY, APRIL 23, 2001

The Texas Alcoholic Beverage Commission met on this date in Room 185 at 5806 Mesa Drive, Austin, Travis County, Texas. Members present: Allan Shivers, Jr., Chairman and Gail Madden, Member. Staff present: Randy Yarbrough, Assistant Administrator; Lou Bright, General Counsel; Jeannene Fox, Director of License & Compliance; Greg Hamilton, Chief of Enforcement; Denise Hudson, Director of Resource Management and Jay Webster, Director of Information Resources. Present to receive certificate of service: Rafael Vital, San Antonio Compliance. Also present: Penny McLeskey, Lehman McLeskey.

The agenda follows:

1:30 p.m. - Call to order.

1. Recognition of agency employees with 20 or more years of service.
2. Approval of minutes of March 12, 2001 and March 19, 2001 meetings; discussion, comment, possible vote.
3. Administrator's report:
 - a. discussion of staff reports;
 - b. recognitions of achievement; and
 - c. discussion of management controls.
4. Fiscal stewardship of agency; discussion, comment, possible vote.
5. Public comment.

Announcement of executive session:

6. The commission will meet in executive session under the authority of §551.074 of the Government Code to discuss hiring an administrator, consider applications and interview applicants for the administrator's position.

Continue open meeting.

7. Take action, including a vote if appropriate, on topics listed for discussion under executive session.
8. Adjourn.

The meeting was called to order at 1:33 p.m. by Chairman Shivers.

MR. SHIVERS: I call this meeting of the Texas Alcoholic Beverage Commission to order on Monday, April 23, 2001. It is one thirty-three in the afternoon.

The first item of business is recognition of employees who have been with the agency 20 years or more. This month we have two.

Juan Villarreal from the Laredo Port of Entry has been with us for 30 years. He is not with us today, but his certificate has been forwarded to him. He joined the TABC on April 1, 1971 as a tax collector in the Laredo Port of Entry. He was promoted to Tax Collector II in 1984 and became assistant supervisor in 1986. In December 1990, Juan was promoted to supervisor of the Laredo Port of Entry. During his career with the TABC, Juan has continually been recognized as a hardworking individual who motivates his employees to go the extra mile. We congratulate Juan on his 30 years of service to the State of Texas and the TABC.

Rafael Vital, a compliance officer in our San Antonio office, originally joined the TABC in 1976. During the reorganization period of the agency's auditing division, he left for a period of time and worked at the Lottery Commission. However, in March 1999, he returned to the agency. We congratulate you on your years and, if you will come up here, we have a certificate for you.

MR. VITAL: Thank you.

MR. SHIVERS: Rafael, if you would like to stay and watch Ms. Madden and I bumble our way through here, you are welcome to, but if you need to get back to San Antonio, don't let us keep you.

Approval of the minutes of the March 12th and March 19th meetings. They have been sent to the commission. Are there any changes?

MS. MADDEN: No.

MR. SHIVERS: Do I have a motion to approve them?

MS. MADDEN: I so move.

MR. SHIVERS: Second. All in favor? Aye.

MS. MADDEN: Aye.

MR. SHIVERS: Administrator's report?

MR. YARBROUGH: Mr. Chairman and Ms. Madden, we just want to briefly go over a couple of things this afternoon to recognize some of the things that are going on.

In a moment I'm going to ask Chief Hamilton if he will go over our spring break activities and give you a final breakdown of what we had happen during spring break and how that worked out this year.

I did want too just briefly go over some of the things that we've been doing. Most of our time, obviously, has been spent at the capitol working on issues relating to legislation.

We have been addressing the problems that we've had in licenses and permits. This last weekend we had, I believe, 15 or so employees from various divisions that have been pitching in to work overtime to get caught up with the backlog, especially on the renewal of licenses and permits.

We met with the comptroller last week. We think in terms of how our revenue is calculated by them that everything is going to be taken care of, but because we are uncertain on that money that may be held in suspense until we issue the licenses, we are trying to get as caught up as possible by the end of the summer so we can get all of our renewals issued and that will insure that our revenue is cleared. We did have a good productive meeting for about an hour and a half, two hours, last week with Denise and Jeannene, Lou and I and Charlie Kerr with all of the revenue people at the Comptroller's Office in talking about our surcharges, talking about how they calculate revenues for our appropriation as well as our general revenues, as I mentioned, those in suspense until we issue permits.

It was productive. We found out there are two or three different divisions over there that are all involved in the process. All of them looking at different pieces of the puzzle, and I don't think for any time they had all been together in the same room and were able to discuss the TABC and our business. Jeannene coordinated this meeting and was responsible for getting all of them together as well as our staff. I think it was productive, especially for them. Even though we may tend to agree to disagree on

some issues, it helped us an awful lot to have a better understanding of how they handle revenue and all the different revenues we get. It will help us as we move forward into the next biennium.

MR. SHIVERS: Do you feel they have a better idea of the overall picture of how this agency operates?

MR. YARBROUGH: In terms of the revenue process, I think so. They do have a better understanding of the different sources of revenues that we get and where they come in. I think, as we've discussed somewhat, whether the legislature acts or not on doing away with the surcharges, we have a better understanding of it, and that might be a project that we are going to spend the biennium working with the comptroller on if a bill doesn't pass to see if we can come up with a solution to that to get off the surcharges and get onto a revenue stream that is not quite as cumbersome or complex.

MS. MADDEN: Did I hear you say that we are going to be caught up with our renewals at the end of the summer?

MR. YARBROUGH: Not completely, but we will be much further ahead than what we were afraid we were going to be. Jeannene, you want to elaborate on that?

MS. FOX: Basically, when we started our appropriation process - most of you were at our hearings - we testified we were basically three months behind. Right now, we are one month behind in everything except mixed beverage and private club renewals, and those are about a month and a half. So, we have made great progress. This Saturday, we actually processed 1,300 renewals which is a huge amount. It's amazing what you can do on a day when there's no phone calls, no interruptions and you can just do your work.

The real challenge now will be in getting all those printed because all of our data entry staff who has all the training and knowledge to go in and print and update all those files, all of them but two people are brand new. So, there's a lot of training and learning time that we have to overcome because some of that gets rather complex when we get into the complex business entities. You really have to know what you are doing to get it in right and

get it coded properly. I think we are making great inroads.

MS. MADDEN: I think that's fabulous because you don't even have the full amount of FTE's, do you?

MS. FOX: That is correct. Most of that time we were about nine FTE's short, then we got down to five and six. Right now, we are approximately three short. We averaged about six short that whole time.

MR. SHIVERS: Have you noticed any more interest in working for this agency in recent months? A year ago we were losing a lot of people to the local economy. Given the layoffs in the local economy, is there any more interest in working for the state?

MS. FOX: I think my answer would probably be no. I say that because we recently hired a young lady who worked with us one week before she went to the Department of Health because they are going to pay her more to do the same type of duties - two or three hundred dollars more.

MR. SHIVERS: That's another state agency.

MS. FOX: Economy? I haven't seen myself and noticed, just for the licensing applications, any more applicants than what we had before.

MR. SHIVERS: Jay, do you see anything in information services?

MR. WEBSTER: Mr. Shivers, we've just recently had some turnover so we haven't put a posting out to test this new market with the dot.com downturn here in Austin. I suspect for information technology there will be some improvements in that area. We've yet to see it because we've not yet tested the market.

MR. YARBROUGH: That was going to bring me to the next thing, that we still do have the turnover. The latest has been primarily, though, from retirements. We've had three people announce their retirements in the last week to 10 days - a lieutenant in Abilene, then we've had the young lady who has worked over 20 years doing our data entry in our cash receipts as well as our secretary/receptionist/anchor in

our Dallas office, Shirley Miller, who has really helped us up there and seen a lot of change over the years. We are going to miss those people. Not only filling the positions, but finding the quality of people that we've had in the past, is going to be the challenge that's continually ahead of us. I think sometimes you may be able to get bodies but replacing that knowledge is going to be the challenge.

Greg, you want to give us a report on spring break?

MR. HAMILTON: Chairman Shivers, Commissioner Madden, a couple of weeks ago I reported what we were doing down at South Padre Island. Unfortunately, I reported that we had eight fatalities from students that were leaving from spring break, not actually on the Island. Fortunately, I can say that since my report we didn't have any more fatalities dealing with spring break.

We wrote a little over 2,200 citations which is more than we've ever written. One of the reasons, I would say, is that we had a grant from the Governor's Office that enabled us to saturate the area with law enforcement agents from TABC. Also, we partnered up with other local law enforcement agencies.

We made three administrative cases down there over a three-week period. I talked with my lieutenant, Trey Rusk, and he believes it's because of our pro-active approach that we took prior to spring break meeting with all the retailers. He believes there was representation from almost all of the retailers there from South Padre Island, Port Isabel and along the area going down to Brownsville.

They had a meeting over at the South Padre Island Convention Center - and this is something that's been happening over the last two or three years - where they meet with the retailers and talk about problems that they have had in the past and ways to deal with them. They also are there to answer questions from the retailers on what to be looking out for. We do a little semi-training with the retailers that attend, and they go back and train their employees.

We made three administrative cases. Some of that was dealing with

retailers allowing lewd conduct on their premises. They had the wet t-shirt contests, and we've had some of their managers that encouraged the girls to take off all of their clothes, take pictures of them, and that's where those cases are coming from.

MS. MADDEN: That's terrible.

MR. SHIVERS: How does the fatality rate compare with past year's?

MR. HAMILTON: Last year, I think, we had one. The three or four years prior to that it was zero.

MR. SHIVERS: Why eight this year if we saturated the area with law enforcement?

MR. HAMILTON: Once again, those fatalities did not occur on South Padre Island. They occurred on the highways where the individuals were going back to their perspective residence. They were kids that were leaving from spring break or had attended spring break.

MS. FOX: I think there were quite a few in the cars, weren't there?

MR. HAMILTON: Right.

MS. FOX: It was not eight separate crashes.

MR. HAMILTON: There were probably about three fatalities...

MR. SHIVERS: Three incidents with eight fatalities?

MR. HAMILTON: Right. Three incidents with eight fatalities. One of the fatalities was four individuals killed in one crash. There was no alcohol involved in that particular crash. It was speed and fatigue.

MS. MADDEN: Was that the one from Dallas?

MR. HAMILTON: I think they were from Plano.

MS. MADDEN: That's terrible.

MR. SHIVERS: What about Galveston?

MR. HAMILTON: In Galveston, during spring break, we had no reports of any problems down there. Another area is Port Aransas, but we've received a call from the city manager for the last three years that has asked us to not send as many agents as we have been sending because it's more of a family atmosphere down there.

MR. SHIVERS: We don't want to curtail the family atmosphere by having too many agents?

MR. HAMILTON: Speaking with the lieutenant from that particular area, he is asking for next year that we do put people down there. They had a problem in Port Aransas where...

MR. SHIVERS: Is that Victoria's district?

MR. HAMILTON: Corpus Christi. We had reports where Port Aransas PD went to quell a semi-riot and he was pelted with beer cans and beer bottles out there. TABC was called on the scene and they assisted DPS and Port Aransas PD in stopping that semi-riot from occurring.

MR. SHIVERS: You said we didn't have any incidents in Galveston?

MR. HAMILTON: None reported.

MR. SHIVERS: There is a fairly-well publicized rape on Crystal Beach in Galveston, I understand. Are you familiar with it?

MR. HAMILTON: I've heard that.

MR. SHIVERS: Nearly twenty people watching it, a video tape exists somewhere of the incident.

MR. HAMILTON: I don't have any particulars on that issue. That was during spring break?

MR. SHIVERS: Or just after...

MR. YARBROUGH: I think the reports that I've seen were in the paper, and we weren't involved in that in any way. I don't know that we've been called in by the local PD or county on that. The only thing I've seen is the same thing the chief has and that's the newspaper accounts.

MR. SHIVERS: Tell me about the case in Bryan/College Station where the police have a tape of a minor drinking to excess - alcohol poisoning or something.

MR. HAMILTON: Yes, sir. That was an incident...it wasn't the Dixie Chicken...

MR. SHIVERS: I believe it was the Dixie Chicken.

MR. HAMILTON: It was one of the popular places there in Bryan. This occurred about a year and a half or two years ago where the local law enforcement had gotten a report where one of the kids had died from alcohol poisoning from the parents, and the local law enforcement agency went in and got a video...the officer was wired and he went in there and he was talking with the bartender and the bartender gave him details on serving to this minor.

MR. SHIVERS: The one I'm referring to is a more recent case.

MR. YARBROUGH: If memory serves me right, it was not the Dixie Chicken but it's another one. It reflected activities that have gone on in Bryan/College Station. We've got a cancellation case against the establishment. We settled similar type of violations, not involving necessarily any one individual, on Dixie Chicken and one other establishment with an agreement that they would adhere to seller-training policies as well as a number of other things or any violations of a continuing nature in those clubs they would automatically be closed down. There was some publicity from that. We met with the family of the young man who died. They agreed to the settlement as well, and we feel like we have their attention as well as a hammer over those other clubs to clean up their act or they are going to be facing the same result of having to close.

MR. SHIVERS: There was an article in the Houston paper about a week ago where the police discovered the existence of a video tape about some sort of initiation

or hazing or 20-year-old birthday party where a kid was encouraged to drink and he died or almost died...

MR. YARBROUGH: That's something new. I'm not aware of it.

MR. SHIVERS: In reviewing the tape of that they also discovered a rape that was on that tape that occurred last summer.

MS. FOX: That was in the paper last week, wasn't it?

MR. SHIVERS: Yes.

MR. HAMILTON: I'm not aware of that one.

MR. YARBROUGH: I'm not either.

MR. SHIVERS: Okay.

I understand we are being asked by the Governor's Office to consider administering a 600,000 dollar grant. Is that correct?

MR. YARBROUGH: We've been contacted by the Criminal Justice Division of the Governor's Office to consider taking over the administration of the OJJDP grant program for enforcement of underage drinking laws. They called again this morning and asked if we could schedule a meeting for Friday morning to explore the possibility of that. They are contacting various agencies for different funds that they administer to see if they can get them closer to the agencies that are actually involved in the utilization of those funds.

Of course, the two issues that we want answered is do we have the manpower or the accounting capability that we can handle the oversight of that as well as would that preclude us from being able to use any of those funds, because we've been able to take advantage of a number of those grants and wouldn't want to do away with our ability and flexibility to apply for grants under those programs. If we can work those out, we think we may be favorably inclined to doing that.

The first meeting they asked us to sit in on is just an exploratory meeting. Just before we came in here I noticed on my desk we had just been delivered a package of information that I have not had a chance to look at yet. We don't know if this will be one time through the upcoming year or if this will be an ongoing continuous type of relationship. All of those things, I hope after Friday, we can explain a little more thoroughly as to what all would be entailed and what the expectations of the Governor's Office would be.

Chief Hamilton has met in Washington with congressmen along with the National Liquor Law Enforcement Association to encourage making sure that these funds get to the right places. We've had a great working relationship with the Governor's Office as well as with TxDOT on making sure that enforcement of alcohol laws and underage enforcement gets to the TABC and local law enforcement to do those jobs. In some states, they have not been as fortunate, and they go to a department who funnels them into other things that have been counterproductive. The chief has been instrumental in trying to encourage that.

I think the Governor's Office feels the same way here. They want to get it as closely and as much money down to the level where it can do the most good as possible. We look forward to meeting with them on Friday and getting more information.

MR. SHIVERS: Number one, I think it's a compliment to all of you for the improvement you've made in the reputation of this agency that the Governor's Office would even consider TABC to administer these funds. Ten years ago, they wouldn't have even thought of considering it.

MR. YARBROUGH: I think they may have been fearful of it 10 years ago.

MR. SHIVERS: I think you all ought to feel complimented that they would even ask us to think about it, and we ought to do everything we can to see if we can't work it out so we can do that.

MR. YARBROUGH: We should have a report for you sometime after Friday as quick as possible as to what comes out of those meetings.

MR. HAMILTON: I think it's important to note that it is 360,000 dollars, is the amount of money that comes from the Office of Juvenile Justice, which each state will be receiving due to Congressman Byrd from West Virginia. There will be a 400,000 dollar discretionary fund that only 10 states will be able to get, so there's a possibility it will be about 760,000 dollars.

MR. SHIVERS: Good.

MS. MADDEN: Let's just make sure we are going to be eligible.

MR. YARBROUGH: The chief is encouraging them very much that we should be one of those states.

MR. SHIVERS: Absolutely. Thanks. Anything else?

MR. YARBROUGH: If it's your will we can move right on into the fiscal stewardship, and I'll ask Denise if she could go over the performance measures and how we are doing on that since we are halfway through the year and give us a status of our standing.

MS. HUDSON: We looked at the eight key measures, and we are attaining five of them. There are three that are outside the allowable ranges. One of those is the number of inspections. We are just a tad below on that one. That's due to educational projects going on this time of year. The other two that we are over is the average cost of inspections, and that has to do with our performance target that was not adjusted when we were given some increases for salaries in this current biennium.

The other one we are over on is the number of alcoholic beverages and cigarette packages that are being stamped.

MR. SHIVERS: The increase in the cost per inspection is due to the increase in salaries?

MS. HUDSON: Yes, sir, that's part of it, and another part of it was the change in the financing method of the cars. We went from the lease payments to purchasing cars.

MS. MADDEN: The number of inspections made that went down because of our

educational initiatives, is that a trend? Does that always happen or is this just one of those years...

MS. HUDSON: They do more while the students are in school, and then we will have less educational efforts during the summer when the students are not in school. It's kind of a seasonal...

MS. MADDEN: It's every spring?

MS. HUDSON: Right.

MR. YARBROUGH: That's been our experience. We will obviously make up some of that. We don't do a whole lot of educational efforts in the summertime when the only kids around are the ones in summer school, other than the power camps that we can count some of those. Greg?

MR. HAMILTON: Also, now that the *Shattered Dreams* has been going on, that takes a little bit of our agents' time. More and more schools are vying to get that brought to them.

MR. MADDEN: I think you and I have talked about this. On MSNBC they were talking about this program called *Every Fifteen Minutes* that goes on in California. I was looking at it and was thinking this looks like *Shattered Dreams*. I was talking to Mr. Hamilton about it and he said that's where we got the idea for *Shattered Dreams*. Maybe we can get some coverage for our *Shattered Dreams* because these people were really into it on MSNBC. They thought it was a fabulous program.

MR. HAMILTON: We just did a *Shattered Dreams* at Commissioner Steen's daughter's school...

MS. MADDEN: That's great.

MR. HAMILTON: ...in San Antonio. I would like to send out praises to the San Antonio district office for putting on the program. It went real well.

MR. YARBROUGH: We think our program probably has surpassed the Chico Police

Department's original program, but we do give them credit for initiating that...doing that, I believe, under a grant from the California ABC and similar to what we've been doing, working with local groups and community law enforcement.

The other thing that we just sent out last week, our new agents which will increase the number of inspections. They had their graduation after six long weeks of being tortured and pushed and pulled and getting through liquor school. We are very proud of this latest class, and I think they were very excited to get out of the classroom and on the streets.

MS. MADDEN: Is it kind of like boot camp?

MR. YARBROUGH: I think it was kind of an alcoholic beverage boot camp, both the physical side of it as well as the education because we held them down, put funnels in their ears and poured as much Alcoholic Beverage Code as we could into them as well as everything else they go through in an intensive six week...

MR. SHIVERS: Do you have to wake them up every 20 minutes?

MR. YARBROUGH: Pardon?

MR. SHIVERS: Do you have to wake them up every 20 minutes?

MR. YARBROUGH: We would put in physical exercise every 20 minutes to get the blood stirring again. That's correct.

MR. SHIVERS: I have to be shocked into consciousness when I try to read it from cover to cover.

MR. YARBROUGH: They all knew when they graduated the difference between a license and a permit and the three-tier system. We sent them on their way. They will be working in our field offices with our seasoned officers. We explained to them it will probably take five years before they begin to understand some of the complexities.

What was really refreshing is this class asked a lot of questions from the

very beginning, and part of that was because the increase the legislature gave us in staffing salaries for law enforcement the last two sessions obviously made a difference. I think the chief and I talked about this. We were able to hire people that had experience in local law enforcement. Several of them were sergeants, people who have supervisory experience that we had been unable to recruit before. This really, I think, gave us a little higher caliber, not to speak ill of any of the other people that we have, but we were able to recruit an outstanding class this time and we are proud of them. We think they are going to make an immediate impact and that also will help us on our performance measures.

MR. SHIVERS: I had a chance to meet them. They are a very impressive group of young men and women. I did listen in on a Q&A session and they were very complimentary of their training officers for treating them like adults as compared to some of the urban police departments where they had received their initial training. They didn't feel they had been treated with equal respect.

MR. YARBROUGH: It helps when they are already commissioned and we know what we are working with a little bit, rather than raw recruits that don't understand what the law enforcement field is really going to be like. Our trainers really did try to respect that. We are trying to strive to do better.

MR. SHIVERS: Chief Hamilton had me come out so they could see the elephant, so to speak.

MR. YARBROUGH: The other thing we had for our fiscal stewardship would be a brief legislative overview. We've been trying to keep you up-to-date weekly. To the best of my knowledge no bills have finally passed yet, although a number of them now have passed either the house or the senate. We will probably, after this week, be seeing house bills in the senate and vice versa. We won't be seeing any new bills come flying through at the last minute.

We do expect that most of the legislation recommended by the commission, a great amount of it, will pass. Most of it has been non-controversial and has already passed one chamber or the other most of the

time on local or consent calendars. So, we will have some of those clean ups done as well as those that did away with non-used licenses and permits. So, maybe we will cut a few pages out of the Alcoholic Beverage Code and streamline some of the other things and give us a little...

MR. SHIVERS: I doubt we will have a net decrease.

MR. YARBROUGH: So far, knock on wood, we haven't had any new permits forecasted. We are hoping we won't get any new ones this time, but it isn't over yet.

MR. SHIVERS: I will be surprised if our friends in the industry didn't find a few more pages to add.

MR. YARBROUGH: There may be a few more pages so we will see if it weighs any less after this session.

MR. SHIVERS: Denise, what's our average time per inspection?

MS. HUDSON: I think Greg has that.

MR. SHIVERS: Since the cost comparison is a little hard to make year-to-year as an efficiency measure.

MR. HAMILTON: One hour point 35.

MR. SHIVERS: What's the trend over past years?

MR. YARBROUGH: I think, from looking the other day, that has stayed pretty consistent. A lot of this is how we calculate the time out as opposed to punching a clock, how much time we actually spend in an establishment. Everyone is required to do time sheets to calculate out the total number of hours in their day and that has stayed pretty consistent over the last couple of years, if memory serves me right. Whether that is a true validation of the amount of time we actually spend in an establishment, I would think that may be part of going to it, to and from, probably 30 to 45 minutes in an establishment on an overall basis where we are dealing with the

owner of the establishment or the management when we are in there. That has stayed pretty consistent throughout a number of years.

MR. HAMILTON: One other thing that you have to remember is that when we are dealing with complaints, and when we are in the West Texas area you might have a complaint over in this county and have to deal with a complaint...

MR. SHIVERS: I understand there is drive time.

MR. HAMILTON: Yes, sir.

MR. YARBROUGH: The last thing would be our West Texas Disaster Recovery and Operations Data Center. I will ask Denise or Jay to give us an update on that. I think we've about finalized our agreement with them and are now moving into the installation stage. Jay?

MR. WEBSTER: I'll make this short. As part of fiscal stewardship, one of the questions we like to ask is are we in compliance, satisfying our statutory requirements? In the 76th Legislature, they had an Article IX, Sec. 9-6.23 that requires state agencies to utilize the state-run data center. In compliance with that, we have been negotiating now for many months. In a matter of fact, it seems like it's been well over a year that we started that process and did not have what we would call reasonable costs type of agreements with them. Through continuing negotiation, and even up here until the last several months, we were finally able to hammer out and negotiate an agreement under the terms of this rider that an agency needs to have reasonable costs in evaluating its data center processes or a cost against what's out there at West Texas. Through due diligence and cost comparison we've come up with that number.

Where we are right now, we had our General Counsel Lou Bright review very detailed contractual schedules. It's in the hands of our purchasing people, and they have since finalized what our costs are going to be in those final schedules, and so forth, that the other party had to review and sign off on.

What that means is that on or around July 1st - I'm probably thinking more

the middle part of July or later - we will be in a position to actually migrate the hardware that we have in our data center here at headquarters out to San Angelo. In other words, we will stop processing on a Friday, put it on a truck, make sure that it gets out there in a few hours and then hook everything back up and be ready to go Monday morning. That's the real summarized plan. There's obviously a lot of detail and a lot of work up until that time.

Unless you have any questions, that's the nature of moving out to San Angelo.

MS. MADDEN: Is that going to lay the foundation for when we get our re-engineering project passed?

MR. WEBSTER: I would think that would be a very good foundation. Of course, Ms. Madden, you've had the opportunity to visit out there at West Texas to see that fine facility and what an opportunity we have to move our processing out there.

MS. MADDEN: That's right. Is our re-engineering project still on our wish list?

MS. FOX: I would say it's gone.

MS. MADDEN: Really? I drove all the way out to San Angelo to talk to those people.

MR. WEBSTER: You put forth an incredible amount of personal effort for that project.

MS. MADDEN: It didn't do any good.

MR. WEBSTER: I'll hold out hope for you.

MS. MADDEN: Thank you. We need to go back next year. Start earlier.

MR. SHIVERS: What's the problem on that?

MR. YARBROUGH: The funding, neither for ours nor any other agency, has been funded by the legislature. A number of agencies have asked. They have put them all on the back burner and said we just don't have

the luxury to have the resources to fund those this session.

MS. MADDEN: I just don't understand when you have a computer system that's 16 or 17 years old that they don't get that.

MR. SHIVERS: They get it. We're just not going to get it.

MS. MADDEN: You are right, Mr. Chairman.

MR. SHIVERS: Thank you. Anything else, Randy?

MR. YARBROUGH: I think that's all we have for today, sir.

MR. SHIVERS: Public comment? Hearing none, the commission will now go into a closed, executive session to discuss hiring an administrator pursuant to Texas Government Code, Section 551.074.

The commission convened in executive session at 2:08 p.m. and reconvened in open meeting at 2:36 p.m.

MR. SHIVERS: The commission meeting of April 23, 2001 is now back in open session. During executive session no votes were taken, no final decisions were made.

Do I have a motion to adjourn?

MS. MADDEN: I so move.

MR. SHIVERS: Second. We are adjourned at two thirty-six.