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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING
TUESDAY, MAY 3, 2016

BE IT REMEMBERED THAT at 9:00 a.m. on
Tuesday, the 3rd day of May, 2016, the above-entitled matter
came on for hearing at the Texas Workforce Commission, TWC
Building, 101 East 15th Street, Room 244, Austin, Texas,
before ANDRES ALCANTAR, Chairman; JULIAN ALVAREZ and RUTH R.
HUGHS, Commissioners

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AGENDA ITEM NO. 5

Discussion, Consideration and Possible Action
Regarding Higher Level Appeals in Wage Claim Cases Listed on
the Texas Workforce Commission Docket 18.

The Commission considered and took action on
all wage claim cases listed on Docket 18.

AGENDA ITEM NO. 6

Discussion, Consideration and Possible Action
Regarding Higher Level Appeals in Unemployment Compensation
Cases Listed on the Texas Workforce Commission Docket 18.

The Commission considered and took action on
all unemployment compensation cases listed on Docket 18.

AGENDA ITEM NO. 7

CHAIRMAN ALCANTAR: Good morning, everyone.
We are back in session. Jewell, do we have anybody signed
up for public comment?

MS. PATRICIO: Yes, Mr. Chairman, I believe
we do have one person for public comment. Susanna had that
page.

CHAIRMAN ALCANTAR: Okay.

MR. TEMPLE: I think the gentleman left.

COMM. HUGHS: He might've just stepped out.

CHAIRMAN ALCANTAR: Okay. We --

MR. TEMPLE: He signed up, but I think he
left.

1 CHAIRMAN ALCANTAR: Okay. We can always come
2 back to public comment if he returns.

3 AGENDA ITEM NO. 8

4 CHAIRMAN ALCANTAR: Item 8. Discussion,
5 Consideration and Possible Action Regarding Fiscal Years
6 2017-2021 Strategic Plan Budget Structure Elements,
7 Including the Strategy and Performance Measures.

8 COMM. HUGHS: No public comment.

9 CHAIRMAN ALCANTAR: No public comment? Okay.

10 CHAIRMAN ALCANTAR: Susanna?

11 MS. CUTRONE: Commissioners, good morning.
12 Our individual who was signed up for public comment has
13 decided to withdraw for today.

14 CHAIRMAN ALCANTAR: All right, thank you.
15 Appreciate that, Susanna.

16 And Assessment of Advisory Committees, Randy
17 Townsend and Adam Leonard. Good morning.

18 MR. TOWNSEND: Good morning, Chairman,
19 Commissioners. For the record Randy Townsend, Chief
20 Financial Officer. Commissioners, as part of the strategic
21 planning process, one of the things that all agencies are
22 required to do is take a look at their budget and strategy
23 structure and make recommendations to the Legislative Budget
24 Board staff and the Governor's office budget staff. And
25 including performance measures is the portion that Adam will

1 -- will address briefly this morning.

2 And then in addition, when you have advisory
3 committees, an agency is also -- is required to also submit
4 an assessment of its advisory committee -- committees and --
5 and so what I'd like to do this morning is -- is just lay
6 out for you briefly those elements that we're -- we're
7 required to do as part of that strategic planning process.
8 There's some pretty aggressive due dates on the -- for
9 example, on the advisory committee assessments, we owe some
10 information over by May 6th. And then for the strategy
11 structure, we have an -- an additional week, May 13th. But
12 with the timing of our Commission meetings, we need to bring
13 that to you this morning.

14 I -- I'll first start with the stra -- budget
15 structure and strategy structure. I've been through this I
16 believe with you and your -- your -- some of your staff in
17 your offices. I had looked at some various options early
18 on. After we'd received the instructions, it -- it appeared
19 that we needed to take the approach to -- to maintain or
20 improve the transparency of our current budget structures
21 that probably result -- would result in very few changes
22 with what we've seen in the -- in the past -- the current
23 biennium.

24 The only changes this morning on the budget
25 structure that I would be proposing would be a couple

1 things. One is to essentially move up in the budget
2 structure the Goal D strategies dealing with vocational
3 rehabilitation. There's a -- there's a document in your --
4 in your materials that I had sent around to you that would
5 show you the movement of those pre-strategies in Goal D
6 relating to the vocational rehabilitation program and Blind
7 Business Enterprises of Texas and the Business Enterprises
8 of Texas trust fund, to move that up in the strategy
9 structure under objective A.2. So in other words, insert it
10 in between existing Workforce Development objective and the
11 Business Services objective and to renumber the strategies
12 that follow so essentially just a renumbering for the most
13 part in -- in that regard.

14 And then the other two strategies in the Goal
15 D -- the recommendation would be -- one of -- one of those
16 strategies relates essentially to our indirect strategies
17 and to essentially propose to merge that in with our
18 existing C strategies for indirect administration, central
19 administration information resources and the other support
20 operations just to -- to -- to make that more integrated
21 into --

22 CHAIRMAN ALCANTAR: What page is that?

23 MR. TOWNSEND: That would be on the -- the --
24 you would see that on page 5. It's currently strategy
25 D.2.1 --

1 CHAIRMAN ALCANTAR: Okay.

2 MR. TOWNSEND: -- on page 5 of 5 of the -- of
3 that side-by-side document. And that would just move that
4 into the existing C.1.1 and 1.2 and 1.3 strategies.

5 And then the final recommendation along the
6 line -- the lines of Goal D is to take that Program Support
7 Other, which, Commissioners, for the most part includes an
8 interagency rider as it relates to transferring the Older
9 Blind Grant Independent Living Services into -- or
10 transferring that to the -- through an interagency contract
11 to the Health and Human Services Commission about eight and
12 a half million. And the other piece of that strategy was
13 something the legislature just didn't have the opportunity
14 to integrate into the -- the current strategy structure and
15 that is the Criss Cole Center and so that would just go into
16 the what's being proposed as strategy A.2.1. That's the
17 vocational rehabilitation strategy, where that's currently
18 exists now in -- in today's DARS' strategy structure.

19 So that's the -- probably the -- the biggest
20 changes as far as realignment of strategies. And then I had
21 included in the document some updating to the -- you know,
22 we've had the -- the -- the Workforce Innovation Opportunity
23 Act pass since we've approved the strategy structure so
24 replacing the Workforce Investment Act language where that's
25 appropriate and just some other general cleanup with some of

1 the descriptions.

2 And then there was also a recommendation from
3 the -- from Workforce and Adult Ed dealing with the language
4 on strategy A.1.9 -- this is on page 2 -- just to update
5 that wording of the -- of the language for that strategy so
6 the description for that strategy. Other than that, it's --
7 it's pretty straightforward I think in terms of some of the
8 -- you know, just some general cleanup of the -- of the --
9 of the -- of the strategies.

10 And let's see if you have any questions about
11 the staff recommendations in -- in terms of budget
12 structure.

13 CHAIRMAN ALCANTAR: Commissioners, any
14 questions?

15 COMM. HUGHS: No.

16 MR. TOWNSEND: Okay. I'll then move to --
17 well, let me just go ahead and let Adam talk to you about
18 the measures, and I'll get to the advisory committees after
19 that --

20 CHAIRMAN ALCANTAR: All right.

21 MR. TOWNSEND: -- because it kind of fits in
22 with the budget structure, so I'm going to let Adam --

23 CHAIRMAN ALCANTAR: Thank you, Randy. Good
24 morning, Adam.

25 MR. LEONARD: Good morning, Commissioners.

1 As we have briefed over the last several weeks, we have
2 quite a few recommendations for changes in the existing
3 performance measures, but they primarily fall into two
4 categories. The first is replacing the old TWIC common
5 measures with new WIOA-based TWIC common measures. So we
6 helped them make some changes to their formal measure
7 structure back in the December-January period and now would
8 make those part of our LBB measures here.

9 The second set of changes is driven by
10 consolidating the vocational rehabilitation measures that
11 existed separate for blind and general VR into a set of
12 integrated measures for us to report.

13 A couple things just to mention about them
14 are that in all these cases, we would be proposing that
15 these be new measures not amendments of old measures to make
16 it less likely that someone would attempt to combine data
17 from the old standards with the new and present a trend that
18 isn't really meaningful. So we'll provide the Governor's
19 office and the LBB with historic data using the new
20 standards so that you can get a meaningful trend across
21 time.

22 The second thing is is that to some degree
23 elements of the new TWIC common measures may need to be
24 tweaked a little bit as the WIOA final regulations and
25 reporting specs become final over the next few months. They

1 aren't done yet, and so we've anticipated where we think
2 they're going in a few areas, but we may need to make a few
3 modifications there as we work with the LBB and the
4 Governor's office to finalize these over the next month.

5 And then finally, I wanted to mention that
6 when we were putting together the recommendations for
7 changes, in the individual documents with the individual
8 definitions at the very top, it references what strategy or
9 goal or where the measures lie, and if the Commission were
10 to adopt the recommendations Randy laid out earlier to move
11 the VR measures up and renumber others, we'd need to make
12 some technical corrections consistent with that in our final
13 submission. I'm happy to answer any questions you might
14 have.

15 CHAIRMAN ALCANTAR: Do we have any questions?

16 COMM. HUGHS: No.

17 COMM. ALVAREZ: No questions.

18 MR. TOWNSEND: Chairman and Commissioners,
19 I'll -- I'll wrap up by going over the -- briefly the
20 advisory committee assessments. I -- I did send those --
21 some information around using the template that we're --
22 we're required to submit the information on.

23 CHAIRMAN ALCANTAR: Hey, Larry, can I borrow
24 your glasses?

25 COMM. HUGHS: Yeah, I know. I have the --

1 MR. TOWNSEND: I know.

2 COMM. HUGHS: I had to get a pair just for
3 this occasion.

4 MR. TOWNSEND: I wish that was our form. I
5 would've been able to make some changes there --

6 CHAIRMAN ALCANTAR: No, I'm good.

7 MR. TOWNSEND: -- perhaps made it ease --
8 more easily readable. So I do apologize for that. We are
9 required to send that. That's a template that's in the
10 Strategic Plan Instructions that we are required to submit
11 over to the LBB and the Governor's office in the format
12 they're asking for it there.

13 We have -- I submitted to you yesterday the
14 four committees that we had identified. I -- unfortunately,
15 I'd left off one committee, and that's the Adult AEL
16 Advisory Committee. We will be get -- we're getting that
17 document pulled together and we'll get that around to
18 your -- to your offices here in the next day or so. The --
19 the committees that we currently have or the real -- we'll
20 actually some -- a couple of these we'll be getting starting
21 in September with the transition of the -- of the voc rehab
22 program, so we don't actually have these advisory committees
23 in today's TWC world.

24 But the Rehabilitation Council of Texas which
25 is -- as I understand, is a federally mandated committee --

1 advisory committee. And then there's the -- little
2 confusing on this part, but there's the Elective Committee
3 of Managers which is apparently also referred to as the
4 State Committee of Blind Vendors, so we've completed
5 assessments with the help of the -- the DARS staff on this
6 to complete that -- the information because we don't have
7 this information at this point for those two committees.
8 But those are both, as I understand it, federally required
9 advisory committees for the State to have.

10 There's also a committee that I think just
11 met, the JET Advisory Committee, the Jobs and Education for
12 Texans Advisory Committee, that just met. And so we've
13 completed the form for that committee as well. And then the
14 -- the fourth committee that I have provided information is
15 also a fairly new committee for us, and that's the
16 Purchasing from People with Disabilities Advisory Committee.
17 It wasn't actually established in 2015. And -- and I
18 believe -- I'm not sure how many meetings we've had on that
19 one just yet, but I know the nominations have come before
20 the Commission.

21 And then, like I said, the advise -- the
22 Adult Education and Literacy Committee I believe you made
23 some nominees back in December of last year on this. But,
24 as far as I know, those are the five advisory committees we
25 would need to send the assessment over to the LBB and the

1 Governor's office consistent with the strategic plan
2 structures.

3 CHAIRMAN ALCANTAR: Do you have any
4 questions, Commissioners?

5 COMM. HUGHS: No.

6 COMM. ALVAREZ: No questions.

7 CHAIRMAN ALCANTAR: Commissioner Hughs --
8 Commissioner Alvarez?

9 COMM. ALVAREZ: No questions.

10 CHAIRMAN ALCANTAR: Do we -- do we need a
11 motion on this?

12 MR. TOWNSEND: I -- I believe just to make
13 sure that we're approved to send the information --
14 requested information over.

15 COMM. HUGHS: Right. Okay. I move that we
16 approve the staff's recommendations regarding fiscal years
17 2017-2021 Strategic Plan budget structure elements including
18 strategy and performance measure changes and assessments of
19 advisory committees as requested and including the addition
20 that I know you'll be adding on.

21 COMM. ALVAREZ: I would also like to add that
22 although we are eliminating the target measures for TAA
23 customers served, it is important that we continue
24 monitoring. I understand we have no control over whether a
25 business has been impacted by foreign trade. But when they

1 are, it is our responsibility to ensure that the laid-off
2 employees coming into the Workforce system are provided
3 services and that we are on track, but I agree as well.

4 CHAIRMAN ALCANTAR: We are unanimous. Thank
5 you.

6 MR. TOWNSEND: Thank you, Commissioners.

7 AGENDA ITEM NO. 9

8 CHAIRMAN ALCANTAR: Item 9. Discussion,
9 Consideration and Possible Action Regarding Statewide
10 Initiatives Funded with WIOA, TANF or AEL or Other State
11 Level Funds. We have nothing on that today.

12 AGENDA ITEM NO. 10

13 CHAIRMAN ALCANTAR: Item 10. Discussion,
14 Consideration and Possible Action Regarding Comments for
15 Submission in Response to the March 24, 2016 Department of
16 Agriculture Rule Proposal Concerning SNAP; Employment and
17 Training Program Monitoring, David Johnson. Good morning,
18 David.

19 MR. JOHNSON: Good morning, Mr. Chairman,
20 Commissioners, Mr. Temple. For the record my name is David
21 Johnson with Operational Insight. For your consideration
22 today are the proposed comments on the interim SNAP E&T
23 rule. The purpose of the rule is to set WIOA-based meas --
24 measures for the SNAP E&T program.

25 We certainly support evaluation of the

1 effectiveness of our services, but we have concerns
2 regarding how the measures are implemented in this rule.
3 We've detailed these concerns to your offices over the past
4 couple of weeks and a copy of the proposed letter with
5 comments is in your notebooks. Since the notebooks were
6 printed, we corrected three non-substantive typographical
7 errors in the version of the letter I have here.

8 Today we're asking for your approval of the
9 letter and comments as proposed with the ability to make
10 non-substantive technical edits as needed. These comments
11 are due to be submitted by May 23rd to Food and Nutrition
12 Services. If the Commission approves these comments, we'll
13 ask for each of your signatures at the end of the work
14 sessions today on the letter I have here and I will upload
15 them later on this afternoon. The -- that concludes my
16 prepared remarks, and I'm happy to answer any questions you
17 might have.

18 CHAIRMAN ALCANTAR: Any questions?

19 COMM. ALVAREZ: No.

20 CHAIRMAN ALCANTAR: Commissioner Hughs?

21 COMM. HUGHS: I move that we approve the
22 draft comments and direct staff to submit those comments to
23 the Department of Agriculture Food and Nutrition Services
24 rec -- as recommended.

25 COMM. ALVAREZ: I second that.

1 CHAIRMAN ALCANTAR: It is unanimous. Thank
2 you, David.

3 MR. JOHNSON: Thank you.

4 AGENDA ITEM NO. 11

5 CHAIRMAN ALCANTAR: Item 11. Discussion,
6 Consideration and Possible Action Regarding Evaluation
7 Criteria and Performance Minimums for Eligible Training
8 Providers Under WIOA, Jason. Good morning.

9 MR. VADEN: Good morning, Commissioners.
10 Jason Vaden, Workforce Development Division. The Workforce
11 and Innovation -- the Workforce Innovation and Opportunity
12 Act requires that states must establish eligibility
13 criteria, information gathering requirements and procedures
14 related to the eligibility of training providers to receive
15 WIOA funding. Eligible training providers that were
16 certified prior to July 22nd, 2015, were grandfathered in
17 through June 30th of 2016. In order to continue enrolling
18 WIOA funded participants, grandfathered providers must be
19 recertified in accordance with WIOA's eligibility
20 provisions.

21 These grandfathered providers are currently
22 providing TWC and Workforce Board staff with the necessary
23 information to be recertified. However, staff have
24 identified three issues with the current performance
25 expectations and how they'll be provide -- applied to

1 training providers during the recertification process and
2 during initial eligibility reviews.

3 First, the definition of entered employment
4 needs to be defined to align with WIOA. Second, training
5 providers currently don't have a way to report verifiable
6 aggregate wage data to use in measuring a program's average
7 wage at placement. And then third, in some cases, the
8 provider has reported the required student data but because
9 of the reporting lag, staff don't have enough mature data
10 for the reporting period to make an eligibility
11 determination.

12 This morning staff recommends adopting the
13 following changes to the current training provider
14 performance expectations: A definition of entered
15 employment defined as unsubsidized employment during the
16 second quarter after exit which is consistent with WIOA and
17 to temporarily remove the performance expectation regarding
18 the average wage at placement with the understanding that
19 staff will work to develop a mechanism to evaluate earnings'
20 outcomes in the future.

21 Staff also recommends retaining the
22 performance minimums as approved by the Commission on August
23 11, 2015, which are at least 60 percent of all program
24 participants complete and at least 60 percent of all program
25 participants enter employment. Additionally, staff

1 recommends that there -- if there is insufficient data in
2 the most recent mature year of results, staff would use the
3 hierarchy as set forth in the meeting materials.

4 And then finally, staff recommends that all
5 grandfathered providers that are currently being recertified
6 using these evaluation criteria and performance expectations
7 be recertified for a one-year period. Staff will recommend
8 further modifications to the evaluation criteria for initial
9 and continued eligibility later in calendar year 2016 before
10 that one-year recertification ends.

11 And I'm happy to answer any questions you may
12 have.

13 CHAIRMAN ALCANTAR: Any questions?
14 Commissioner Hughs?

15 COMM. HUGHS: I move that we approve staff's
16 recommendations regarding evaluation criteria and
17 performance minimums for eligible training providers under
18 the Workforce Innovation and Opportunity Act.

19 COMM. ALVAREZ: I second that.

20 CHAIRMAN ALCANTAR: It is unanimous. Thank
21 you.

22 AGENDA ITEM NO. 12

23 CHAIRMAN ALCANTAR: Item 12. Discussion,
24 Consideration and Possible Action Regarding the Application
25 for Texas Rising Star National Accreditation Recognition,

1 Patricia. Good morning.

2 MS. MARTINEZ: Good morning, Commissioner --
3 excuse me -- Chairman and Commissioners. For the record
4 Patricia Martinez, Workforce Development Division. This
5 morning -- this morning we bring forward for your
6 consideration a discussion paper for the Texas Rising Star
7 accreditation recognition application process. Under the
8 Texas Workforce Commission current TRS guidelines providers
9 with national accreditations recognized by TWC are initially
10 certified at a star level aligned to their criteria without
11 a full TRS assessment.

12 TWC identified a need for an established
13 standard process by which national accreditation entities
14 would be evaluated for TWC recognition as a TRS provider.
15 The discussion paper outlines the detailed recommendations
16 briefed and includes minimum criteria for application,
17 eligibility and scoring.

18 In addition, staff recommends that
19 applications for recognized -- recognition -- excuse me --
20 be suspended until September 1st in order to ensure that the
21 new guidelines approved by the Commission have been
22 implemented. If approved, the TRS guidelines will be
23 updated to reflect this process. This concludes my
24 presentation, and I'm prepared to answer any questions.

25 CHAIRMAN ALCANTAR: Commissioner Hughs?

1 COMM. HUGHS: I move that we approve staff's
2 recommendations regarding the application for the Texas
3 Rising Star national accreditation recognition as requested.

4 COMM. ALVAREZ: I second that.

5 CHAIRMAN ALCANTAR: It is unanimous. Thank
6 you for the good work.

7 MS. MARTINEZ: Thank you.

8 AGENDA ITEM NO. 13

9 CHAIRMAN ALCANTAR: Item 13. Discussion,
10 Consideration and Possible Action Regarding the Approval of
11 Local Board Nominees, John Fuller. Good morning, John.

12 MR. FULLER: Good morning, Mr. Chairman,
13 Commissioners, Mr. Temple. For the record John Fuller,
14 Workforce Development Division. Commissioners, before you
15 today, you have nominees from Alamo, Deep East Texas,
16 Coastal Bend and Southeast Texas for your consideration.

17 CHAIRMAN ALCANTAR: Commissioner Hughs?

18 COMM. HUGHS: I move that we approve the
19 Workforce Development Board nominees for Workforce Solutions
20 Alamo, Deep East Texas, Coastal Bend and Southeast Texas as
21 recommended.

22 COMM. ALVAREZ: I agree with all those
23 stated.

24 CHAIRMAN ALCANTAR: We are unanimous. Thank
25 you, John.

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AGENDA ITEM NO. 14

CHAIRMAN ALCANTAR: Item 14. Discussion, Consideration and Possible Action Regarding Proposed or Enacted State or Federal Legislation, Tom McCarty.

MR. McCARTY: Good morning, Chairman Alcantar, Commissioner Hughs, Commissioner Alvarez. Tom McCarty, External Relations. I just wanted to let you know this morning that Aaron Demerson will be testifying before a joint hearing at the House Committee on Economic and Small Business Development and the House Committee on Public Education at 10:00 a.m. He'll -- his discussion will involve testifying on the skills development fund and the JET program and how they support career training and partnership. I'm available for any questions you may have.

CHAIRMAN ALCANTAR: All right. Any questions?

COMM. HUGHS: Thank you for the -- your testimony.

MR. McCARTY: All right, thank you.

COMM. ALVAREZ: Thank you, Tom.

AGENDA ITEM NO. 15

CHAIRMAN ALCANTAR: Item 15. Report and Update by the Executive Director. Good morning, Larry.

MR. TEMPLE: Good morning, Mr. Chairman, Commissioners. Nothing we really need to do. I want to

1 remind you we will finish up the DARS regional meetings next
2 week; Monday and Tuesday will be Midland and -- and Odessa.

3 And then later on in the month or early June
4 -- I'm not real sure when -- we -- here in Austin, there's a
5 combined managers meeting of all the field staff and all of
6 the managers and kind of a wrap up with them. So we'll --
7 we'll be having that. I think it's over at the Criss Cole
8 Center.

9 And other than that, the transition's
10 progressing nicely, and I think we're -- we're on target.
11 We still have a few interagency contracts that we're trying
12 to get out, but we're making progress.

13 CHAIRMAN ALCANTAR: And I want to thank -- we
14 extended the thank yous yesterday, but to the staff that Tom
15 and -- and his team who have been documenting these regional
16 planning meetings and -- and the interactions and
17 discussions there, I -- I thank for all their hard work.

18 AGENDA ITEM NO. 16

19 CHAIRMAN ALCANTAR: The Commissioners will be
20 going into Executive Session pursuant to Government Code
21 551.071(1) to discuss pending litigation regarding TWC-CRD
22 v. Ken Miller Enterprises.

23 (Off the record 9:48 a.m. to 9:56 a.m.)

24 AGENDA ITEM NO. 18

25 CHAIRMAN ALCANTAR: We are back in session.

1 It is 9:56. Do we have a motion to adjourn?

2 COMM. ALVAREZ: Yes.

3 COMM. HUGHS: I second.

4 CHAIRMAN ALCANTAR: We are adjourned. Thank
5 you.

6 (Proceedings concluded at 9:57 a.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, Kimberly C. McCright, Certified Vendor and Notary in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of May, 2016.

/s/ Kimberly C. McCright
Kimberly C. McCright
Certified Vendor and Notary Public

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