

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
TEXAS WORKFORCE COMMISSION  
AUSTIN, TEXAS

PUBLIC MEETING )  
FOR THE TEXAS )  
WORKFORCE COMMISSION )

COMMISSION MEETING  
TUESDAY, MARCH 12, 2019

BE IT REMEMBERED THAT at 8:30 a.m. on  
Tuesday, the 12th day of March, 2019, the above-entitled  
matter came on for hearing at the Texas Workforce  
Commission, TWC Building, 101 East 15<sup>th</sup> Street, Room 244,  
Austin, Texas, before RUTH R. HUGHS, Chair; JULIAN ALVAREZ  
and ROBERT D. THOMAS, Commissioners.

TABLE OF CONTENTS

1		
2		PAGE
3	PROCEEDINGS, TUESDAY, MARCH 12, 2019	
4	AGENDA ITEM NO. 1 .....	3
	Chair Hughs	
5	AGENDA ITEM NO. 2 .....	3
	Les Trobman	
6	AGENDA ITEM NO. 3 .....	5
7	Sherri Miller	
8	AGENDA ITEM NO. 4 .....	6
	Jennifer Turner	
9	AGENDA ITEM NO. 5 .....	6
10	Jennifer Turner	
11	AGENDA ITEM NO. 6 .....	6
	Sherri Miller	
12	AGENDA ITEM NO. 7 .....	6
13	Sherri Miller	
14	AGENDA ITEM NO. 8 .....	7
	Randy Townsend & Chris Nelson	
15	AGENDA ITEM NO. 9 .....	7
16	Ed Serna and Howard Joseph	
17	AGENDA ITEM NO. 10.....	8
	Cam Bell and Courtney Arbour	
18	AGENDA ITEM NO. 11.....	14
19	Jason Vaden	
20	AGENDA ITEM NO. 12.....	17
	Jennifer Troke and Courtney Arbour	
21	AGENDA ITEM NO. 16.....	18
22	Tom McCarty	
23	AGENDA ITEM NO. 17.....	19
	Larry Temple	
24		
25	REPORTER'S CERTIFICATE.....	25

P R O C E E D I N G S

TUESDAY, MARCH 12, 2019

(8:30 a.m.)

AGENDA ITEM NO. 1

CHAIR HUGHS: Good morning. This meeting is called to order.

AGENDA ITEM NO. 2

CHAIR HUGHS: Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: We do. Good morning. We have Annie Barrins (ph).

CHAIR HUGHS: Good morning. If you could please state your name for the record and limit your comments to three minutes. Thank you, and thanks for joining us this morning.

MS. BARRINS: I'm Annie Barrins, and my employer was Convergys, and the contract was with Google. And there's some definitely retaliatory behavior going on with them claiming that I had misconduct, because I went two levels above -- I went above -- I went to my res lead, nothing was done, I went to my team lead, nothing was done, I went to the operations manager, nothing was done. Saying that the team lead had an anger management question, and also I beg that you re-read the transcripts, because as I asked the, I don't know, person who was negotiating the

1 hearing, I said: Look, you know, Convergys, my team lead and  
2 the HR manager are just lying left and right. Are there no  
3 consequences for their committing perjury on several points?

4 My team lead was Eric -- and a different one  
5 had the anger management issue -- but he said that I read  
6 the info from the tracking info on the delivery company and  
7 then offered the customer a delivery company's direct  
8 contact info for follow up, as I was trained to do and  
9 directed to do. He also said that we, as Google, provide  
10 shipping, which we don't. We have third-parties that do  
11 that, and I had to explain that because they were lying  
12 again.

13 The HR manager made personal character  
14 attacks on me and the person who was negotiating the hearing  
15 didn't say anything about that, and that was completely out  
16 of line. I had a witness who backed up my testimony and  
17 then in the second hearing that I called my team lead, Eric,  
18 said that I never read the info and I hung up on the  
19 customer, and then he said that we didn't do the delivering.

20 Basically I would beg that you listen to the  
21 tapes again, or the CD -- I have them with me -- and you  
22 will see for yourselves that the Convergys HR representative  
23 and the team lead, Eric, were both lying and they committed  
24 perjury on several occasions, and my witness supported that  
25 I was definitely following procedure.

1                   And seeing that I have previously been  
2 certified in first aid and CPR, we had a woman claiming that  
3 she needed something, I don't know, like Epsom salt for her  
4 mother and she spent, like, an hour or two on the phone with  
5 us and I did tell her if it was an emergency she was welcome  
6 to go to the store, and they called that misconduct. But if  
7 she real -- it was an emergency and her elderly mother  
8 needed something that she could get from the store, I would  
9 think that a reasonable person would say: Okay, my mother  
10 needs medical supplies, I should go to the store. I offered  
11 her the best help that I could. I went above and beyond for  
12 her, and they're calling that misconduct. I did everything  
13 by the book even though they went over Google's code of  
14 conduct, where they didn't go over Convergys' code of  
15 conduct, and I did question Google's code of conduct several  
16 times because there were several mistakes and they just  
17 said: Oh, just sign it. So, I did, and here I am.

18                   CHAIR HUGHS: Thank you for your comments.  
19 Are there any other public comments at this time?

20                   MR. TROBMAN: Nope, that's all.

21                   CHAIR HUGHS: Yeah, okay. All right, then I  
22 will turn the meeting over to Commissioner Thomas to preside  
23 over agenda items 3 through 7.

24                   AGENDA ITEM NO. 3

25                   Discussion, Consideration and Possible Action

1 Regarding Whether to Assume Continuing Jurisdiction on  
2 Unemployment Compensation Cases, Wage Claim Cases, and/or  
3 Tax Liability Cases and Reconsideration of Unemployment  
4 Compensation Cases, Wage Claim Cases, and/or Tax Liability  
5 Cases, if Any.

6 No Discussion.

7 AGENDA ITEM NO. 4

8 Discussion, Consideration and Possible Action  
9 Regarding Tax Liability Cases Listed on the Texas Workforce  
10 Commission Docket 11.

11 The Commission considered and took action on  
12 all tax liability cases listed on Docket 11.

13 AGENDA ITEM NO. 5

14 Discussion, Consideration and Possible Action  
15 Regarding Fair Housing Cases listed on the Texas Workforce  
16 Commission Docket 11.

17 No Discussion.

18 AGENDA ITEM NO. 6

19 Discussion, Consideration and Possible Action  
20 Regarding Higher Level Appeals in Wage Claim Cases Listed on  
21 the Texas Workforce Commission Docket 11.

22 The Commission considered and took action on  
23 all wage claim cases listed on Docket 11.

24 AGENDA ITEM NO. 7

25 Discussion, Consideration and Possible Action

1 Regarding Higher Level Appeals in Unemployment Compensation  
2 Cases Listed on the Texas Workforce Commission Docket 11.

3 The Commission considered and took action on  
4 all unemployment compensation cases listed on Docket 11.

5 AGENDA ITEM NO. 8

6 CHAIR HUGHS: All right, we are back on the  
7 record. There is nothing for item number 8.

8 AGENDA ITEM NO. 9

9 CHAIR HUGHS: Item 10, Discussion,  
10 Consideration and Possible Action Regarding Acknowledgement  
11 of the Donation made to the Texas Workforce Commission in  
12 Accordance with Sections 301.021 and 352.005 of the Texas  
13 Labor Code and Chapter 575 of the Texas Government Code.

14 MR. TROBMAN: Good morning. For the record,  
15 Les Trobman, General Council. We're giving this donation to  
16 you for consideration. This is a donation from a Mr. T. J.,  
17 looks like a Kumar (ph), on behalf of his father, and the  
18 amount for your consideration is \$4000. We recommend  
19 acknowledgement and acceptance of the \$4000 donation on  
20 behalf of his father to the Workforce Commission Vocational  
21 Rehabilitation Services for assisting in the customers who  
22 are blind and/or visually impaired.

23 CHAIR HUGHS: Commissioners, do you have any  
24 comments or questions?

25 COMM. THOMAS: Other than to be very thankful

1 for the gift and the thoughtfulness and the recognition of  
2 the outstanding work that our staff do that make people feel  
3 appreciative and wanting to show that.

4 MS. BERMAN: Yes sir, so I  
5 have a motion?

6 COMM. ALVAREZ: I move that we acknowledge  
7 and accept the \$4000 donation from, whoa, T. J. Kumar on  
8 behalf of his father to the Texas Workforce Commission  
9 Vocational Rehabilitation Services.

10 COMM. THOMAS: Second.

11 CHAIR HUGHS: We are unanimous. Thank you.

12 AGENDA ITEM NO. 10

13 CHAIR HUGHS: Item 10, Discussion,  
14 Consideration and Possible Action Regarding Workforce Awards  
15 for 2019 and Subsequent Years. Is that indefinitely?

16 MR. O'BRIEN: That is indefinitely. Yes.

17 CHAIR HUGHS: Okay.

18 Mr. O'BRIEN: All right. Well, good morning,  
19 commissioners, and Mr. Serna. For the record, my name is  
20 Reed O'Brien, Workforce Division. And just so you are  
21 aware, I will be seeking direction on two decision points.

22 On January 29, 2019 the commission approved  
23 the awards and reward amounts to be presented at this year's  
24 workforce conference, and future workforce conferences.  
25 During that meeting the commission requested staff to



1 develop an award that recognizes board for their  
2 achievements in developing and expanding registered  
3 partnership programs within their local workforce  
4 development areas.

5           Staff has developed a nomination-based award  
6 called the Registered Partnership Expansion Award, and  
7 that's to be presented to up to three boards in the amount  
8 of \$100,000 each as outlined in the discussion paper.

9           Also, on January 29th the commission approved  
10 the measures for two awards; the Workforce Innovation and  
11 Opportunity Act Career Pathways Award, and the AEL Best in  
12 the Class Performance Quality Improvement Award. Winners  
13 for both of those awards will be determined by performance  
14 data. The recommended weights to the performance measures  
15 are outlines in your discussion paper.

16           At this time staff seeks direction on the  
17 first of two decision points, and would the commission like  
18 to address those two decision points as separate votes?

19           CHAIR HUGHS: If that's easier for staff, we  
20 and proceed that way.

21           MR. O'BRIEN: Okay, thank you. First, staff  
22 seeks direction on establishing the new board award, the  
23 Registered Partnership Expansion Award, to be presented to  
24 up to three boards in the amount of \$100,000 each in  
25 recognition of a board's achievements in developing and

1 expanding registered apprenticeship programs in their  
2 workforce areas. And that's to be presented at the 2019  
3 Texas Workforce Conference and future workforce conferences.  
4 I'll be happy to answer any questions.

5 CHAIR HUGHS: Commissioners, do you have any  
6 questions or comments? Okay. I have one before we vote,  
7 and that is that I am supportive of the award. I  
8 particularly like the word expansion, because I do think  
9 otherwise we're handing out an award to the larger employer  
10 boards that have registered apprenticeships already. And  
11 so, the fact that we'll expand the program, I think is the  
12 point of the award, and I'm supportive of that.

13 I am concerned when I look at the award  
14 amounts for other awards, that there is a large disparity.  
15 And, no, we're not trying to in any way incentivize, say,  
16 this over foster care youth or higher ability or many of the  
17 other awards, AEL, et cetera. So, I'm a little worried  
18 about the large disparity and the amount of money. And so,  
19 I would support this for 2019, but I would ask that we  
20 really look at 2020 to make sure that our award amounts are  
21 in parody.

22 But with that, if anyone has a vote they'd  
23 like to put on the record, we can entertain that now.

24 MR. ALVAREZ: I'd like to put a vote.

25 CHAIR HUGHS: I'll say on the record. For

1 example, we have awards where three awards have a total of  
2 \$100,000; 50, 30 and 20. But for apprenticeships we have  
3 100, 100 and 100, and that's the only area where I have  
4 concern. Certainly, support the effort.

5           COMM. THOMAS: I support the effort, and I  
6 believe that it's critical, but I do appreciate what the  
7 chair is saying. I'd like to -- maybe it would just be  
8 appropriate, appropriate and since I'm the new guy still, I  
9 get to say that for a while. Right? If maybe I could just  
10 have a briefing on the analysis of how those tiers are  
11 established in a different context.

12           MR. O'BRIEN: Yes, sir.

13           COMM. THOMAS: But otherwise I fully support  
14 this.

15           MR. O'BRIEN: Yes, sir.

16           CHAIR HUGHS: Okay. Do we have a motion?

17           COMM. ALVAREZ: Well, if it's okay, Madam  
18 Chairman, can we have Courtney come in? I mean, we've had  
19 numerous discussions, and on regarding this. And I also  
20 want to be able to expand on the where the rationale for the  
21 \$100,000 came from. Since we're not doing -- we're doing  
22 away with some other awards that are -- that were in  
23 existence. So, Courtney, if you may?

24           MS. ARBOUR: Sure. Good morning. Courtney  
25 Arbour, Workforce Division. The 100,000 for the three

1 awards was tailored after the Youth Inspiration Award, which  
2 is self-explanatory, and it is also three awards at \$100,000  
3 each. You all recently took an action to eliminate two of  
4 the awards and replace with some others, and in doing that  
5 you return \$120,000 to the statewide fund. So I just wanted  
6 to mention that, that 120 was returned to the fund, and then  
7 this would bring 300,000 into the picture for total award  
8 amounts.

9 I also wanted to mention something, Chair  
10 Hughs, to your earlier comment about indefinitely each year  
11 when the operating budget is presented to you all for a  
12 vote, these awards are a leg out, and you have an  
13 opportunity each year to consider the amounts for this and  
14 all of the other awards. So even if the -- if the amount is  
15 approved, regardless of the amount you approve today, you'll  
16 have an opportunity each year to consider the amounts for  
17 this and all of the other awards, so even if the -- if the  
18 amount is approved -- regardless of the amount you approve  
19 today you'll have an opportunity each year to consider  
20 whether you want to stick with that amount or change it for  
21 future years.

22 CHAIR HUGHS: Thank you for that  
23 clarification.

24 COMM. THOMAS: Thank you, Ed. In light of  
25 that clarification. Thank you, Commissioner Alvarez, that

1 helped a lot. I don't -- I don't want to belabor that, but  
2 I do think that as we looked going forwards the next  
3 budgeting cycle, just maybe at that time we have kind of a  
4 little bit deeper look at the -- at what I'll call the  
5 equity issue that the Chair has raised.

6 MR. SERNA: I'll make sure staff highlights  
7 that.

8 COMM. THOMAS: Thank you so much.

9 COMM. ALVAREZ: Madam Chair, if I may now  
10 have a motion? Make a motion.

11 CHAIR HUGHS: Yes, please.

12 COMM. ALVAREZ: Regarding the development of  
13 apprenticeship award, I move that we approve the Registered  
14 Apprenticeship Expansion Award to be presented up to the  
15 three boards in the amount of 100,000 each in recognition of  
16 the board's achievements in developing and expanding the  
17 registered apprenticeship programs in their workforce areas  
18 to be presented at the 2019 Texas Workforce Conference and  
19 future conferences -- workforce conferences.

20 COMM. THOMAS: I second that, Madam Chair.

21 CHAIR HUGHS: We are unanimous.

22 COMM. ALVAREZ: Thank you, Courtney.

23 MR. O'BRIEN: All right, Thank you,  
24 commissioners. And now for the second decision point.  
25 Staff now seeks direction on the second and final decision

1 point regarding the assignment of performance measure weight  
2 to two awards as outlined in the discussion paper. I'm  
3 happy to answer any questions on that.

4 CHAIR HUGHS: Commissioners, do you have any  
5 comments or questions on the weights? Is there a motion?

6 COMM. ALVAREZ: Regarding WIOA Career Pathway  
7 Awards, and AEL Best in Class, I move that we assign the  
8 weights and performance measures as described by staff to  
9 WIOA Career Pathways Award and Best in Class AEL Award.

10 COMM. THOMAS: Second.

11 CHAIR HUGHS: We are unanimous. Thank you,  
12 Reed.

13 MR. O'BRIEN: Okay, thank you, Chair Hughs.

14 AGENDA ITEM NO. 11

15 CHAIR HUGHS: All right. Item 11,  
16 Discussion, Consideration and Possible Action Regarding  
17 Administrative Penalties Pursuant to Section 61.053 of the  
18 Texas Labor Code.

19 MR. ROSS: Good morning Chair Hughs,  
20 commissioner, Mr. Serna. For the record, my name Chuck  
21 Ross, Deputy Director of Regulatory Integrity Division.

22 At the February 26th public meeting you all  
23 voted for staff to move forward with proposed rules as  
24 outlined in the policy content presented to you.  
25 Specifically amending chapter 821 to conform with statute by

1 clarifying that a wage claim may be withdrawn only when the  
2 order has not yet become final.

3           During that meeting staff also saw the second  
4 decision with respect to whether staff should pursue  
5 additional investigation and legal analysis with respect to  
6 a conditional bad faith penalty in instances where a wage  
7 order is final, and the employer has not paid the wages  
8 within a specified time frame. In such cases the penalty  
9 would be invoked, and the agency wouldn't pursue collection  
10 actions.

11           I am here today to clarify that the second  
12 vote at the February 26th meeting.

13           CHAIR HUGHES: Well, I understand there's a  
14 request to vote on the second portion again if anyone has  
15 any comments or questions they'd like to put it on record,  
16 or can take a vote. Yeah. I could tell you  
17 I will maintain my previous vote.

18           COMM. THOMAS: What was your previous vote?

19           CHAIR HUGHES: So, I voted in support of this.  
20 You might recall I had asked for OGC to get a memo  
21 clarifying on the requirement to have a wage claim penalty  
22 and they came back with an analysis that it's permissive and  
23 that they can evaluate these to determine whether the  
24 employer should, in fact, have a penalty invoked or not.  
25 And I think that allows for sufficient consideration of good

1 will and provides an opportunity for an employer to do the  
2 right thing. But also provides the opportunity to penalize  
3 the employer if they haven't. I mean, it's permissive, is  
4 what OGC came back with, and I support the rule as supported  
5 by staff.

6 But I understand that there may have been  
7 someone who voted differently that wanted to amend their  
8 vote, so it was asked to be brought back. Is that correct,  
9 Mr. Ross?

10 MR. ROSS: That's my understanding about  
11 that.

12 CHAIR HUGHS: Okay. So, with that, is there  
13 any -- is there a vote on the second portion of this matter?  
14 I guess do you want -- we'll just take the vote again.

15 MR. ROSS: Yes ma'am.

16 CHAIR HUGHS: Okay. Does anyone have a vote  
17 on the second part?

18 COMM. ALVAREZ: Madam Chair, so my vote on  
19 the second decision -- Chuck and thank you for being here.  
20 The current application of the Bad Faith Penalty Provisions  
21 assumes that the employer had an opportunity to comply with  
22 the payday loan, but instead, knowingly and recklessly  
23 disregarded the law. I can see no good reason to give such  
24 an employer further opportunity to avoid penalization. Such  
25 would encourage unscrupulous employers to see withholding of



1 wages in -- wages in bad faith as a vis -- viable strategy  
2 for managing labor cost and it will shift great pressure  
3 onto claimants who have rightful wage claims.

4 For these reasons I cannot agree to the  
5 pursuant of the development of the conditional application  
6 of the penalty as described in this concept.

7 COMM. THOMAS: I join Chair Hughs in her  
8 vote.

9 CHAIR HUGHS: Okay. Thank you.

10 AGENDA ITEM NO. 12

11 CHAIR HUGHS: Okay. Item 12, Discussion,  
12 Consideration and Possible Action Regarding Approval of  
13 Local Workforce Development Board Nominees.

14 MR. BELL: Good morning, Madam Chair,  
15 commissioners, Mr. Serna. Cameron Bell, Workforce  
16 Development Division. Before you for consideration and  
17 approval are Workforce Development Board Nomination for  
18 Workforce Solutions Lower Rio Grande Valley, Permian Basin,  
19 Rural Capital Area, and Texoma.

20 CHAIR HUGHS: Thank you. Are there -- is  
21 there any -- is there a question, or do we have a motion?

22 COMM. THOMAS: Motion to approve the addition  
23 of new board members in Workforce Solutions Lower Rio Grande  
24 Valley, Workforce Solutions Permian Basin, Workforce  
25 Solutions Rural Capital Area and Workforce Solutions Texoma.

1                   COMM. ALVAREZ: I'll second that.

2                   MR. BELL: Thank you.

3                   CHAIR HUGHS: Thank you, Mr. Bell.

4                                   AGENDA ITEM NO. 16

5                   CHAIR HUGHS: There is nothing for Items 13,  
6 14 and 15. That brings us to Item 16. Are there any items  
7 regarding enacted, proposed or considered federal or state  
8 legislation? Mr. Britt.

9                   MR. BRITT: Good morning Chair Hughs,  
10 commissioners, Mr. Serna. For the record, Michael Britt,  
11 Governmental Relations.

12                                   Yesterday President Trump released his budget  
13 recommendations for Fiscal Year 2020. The proposal calls  
14 for reducing regular non-defensive discretionary spending by  
15 9 percent from the current levels. For the Department of  
16 Labor the proposal provides for 1.2-billion in spending for  
17 Fiscal Year 2020, with a decrease of 9.7 percent from Fiscal  
18 Year 2019 enacted levels.

19                                   The proposal does include investment of 160-  
20 million in apprenticeship increased funding for the  
21 transition assistance program establishing an unemployment  
22 insurance solvency standard and a 1-million, one-time  
23 mandatory investment for states to build a supply of  
24 childcare and stimulate employer investment in childcare.

25                                   The complete summary of the President's

1 proposal has been provided to you all. Moving on to the  
2 Texas legislature, last Friday was a deadline to file bills  
3 for the 86<sup>th</sup> legislative session. Of the 15 legislative  
4 proposals adopted by the commission 10 have been filed this  
5 session. The proposals that have been filed are; the  
6 improved overpayment recovery, the reform of the payrolling  
7 rule, misclassification, emergency evacuation discrimination  
8 complaints, fair housing act amendments, consolidation of  
9 annual reports, earning statement requirement,  
10 redetermination by examiner, removal of the unconstitutional  
11 provisions of the Texas payday law, and wage claim  
12 confidentiality.

13 A complete listing of all the individual  
14 bills associated with these legislative proposals has been  
15 submitted to you all. This concludes my remarks and I'm  
16 happy to answer any questions you may have.

17 CHAIR HUGHS: Any questions? Okay? None?  
18 Thank you.

19 AGENDA ITEM NO. 17

20 CHAIR HUGHS: All right, and that brings us  
21 to Item 17, and are there any updates?

22 MR. McCARTY: Just a couple things. I would  
23 like to mention, and I know that you all probably know this,  
24 but I would like to mention that both the government  
25 relation staff and all the division staff have been working

1 very hard with regard to supporting the agency's efforts in  
2 the legislature. Both keeping us informed by activity, as  
3 well as covering hearings, providing this material in  
4 preparation of hearings, so I did want to point that out.  
5 And that goes all the way through the division staff that's  
6 getting the government relation staff the information that  
7 they need. So, they're all working very hard.

8 We were kind of bracing ourselves for a  
9 pretty high volume in bills on the last day of filing. It  
10 came in less than what we expected, but still a high number,  
11 and staff is diligently going through all of those very  
12 effectively.

13 The second thing is, it may seem like it's  
14 very far off, but I want to remind the commissioners that  
15 the Texas Science and Engineering fair hosted by Texas A&M  
16 University will be held March 29th and 30th, so just make  
17 sure that you all are aware of that. And other than that,  
18 anything else that you all need from me, I'll continue to be  
19 available to you.

20 CHAIR HUGHS: Thank you. Commissioners?  
21 Anything on that? Okay. Thank you. And Thank you for --  
22 no, go ahead.

23 COMM. THOMAS: I -- no. I was just making  
24 sure you were -- Ed, I would just like an updaters on the  
25 things that I asked to be referred to staff, and to add to

1 that, there are two programs that were transferred to us in  
2 recent years, the vocational rehab and purchasing from  
3 people with disabilities.

4 I understand these programs have different  
5 statutory frameworks and requirements, but they serve the  
6 same population and have the same overarching goal of  
7 helping connect individuals with disabilities to the  
8 workforce. If you, sir, could please look into developing a  
9 pilot program that would incorporate some services and  
10 resources from these two programs. I'd like to know what's  
11 possible and to hear back on the outcomes of the -- of any  
12 project in order to better inform decision making for these  
13 valuable programs in the future.

14 I know you've been working with my staff and  
15 having discussions on that, and we realize that per our  
16 commission-agreed process, that that should have been  
17 brought to you from the dais, so thank you for your help on  
18 that historically, but I wanted to make sure we communicated  
19 that, Chair Hughs, from the dais. So, you all are fully  
20 aware of that.

21 MR. SERNA: Yes, sir. We appreciate that,  
22 and we continue to work on that.

23 COMM. THOMAS: Thank you.

24 CHAIR HUGHS: Ed, something else I think is  
25 important for the benefit of the agency is that last week we

1 had a ruling from the Texas Court of Criminal Appeals  
2 regarding open meetings. It actually doesn't apply to our  
3 agency in the sense that it was regarding when less than a  
4 quorum meets, which for our purposes would be one of us  
5 speaking to ourselves. But, having said that, I think it's  
6 incredibly important to note legislations in past to address  
7 the part that was struck down. And more importantly, it's  
8 something that only the three of us have the benefit of, is  
9 that every appointee of the governor got a letter from the  
10 governor when that ruling was passed down.

11           And I want to share it with the agency,  
12 because it's so incredibly important in the integrity of the  
13 system that we have and the public transparency that we hold  
14 dear, and I think that the letter really highlights the  
15 governor's commitment to that as well. It says: Dear  
16 appointees and state agency heads. So, you may have  
17 received it as well, Mr. Serna. Texans place significant  
18 trust in their elected and appointed officials. With this  
19 trust comes the expectation that officials will conduct  
20 public business responsibly and in accordance with the law.

21           One such law is the Texas Open Meetings Act,  
22 which represents a commitment to the citizens of Texas that  
23 the public's business will be conducted out in the open.  
24 Texas has long been, and will continue to be, a leader in  
25 governmental transparency.

1                   Although the Texas Court of Criminal Appeals  
2 has today declared section 551.143 of the Texas Open  
3 Meetings Act unconstitutional, all other provisions of that  
4 statute remain valid and binding. Regardless of yesterday's  
5 ruling, my standard of expectation is for all agencies and  
6 boards to continue to follow the spirit of the law. You  
7 should not waver in your commitment to providing  
8 transparency in the work you perform for Texans at your  
9 respective governmental entities. Sincerely Governor Greg  
10 Abbot.

11                   And I just wanted the agency to have the  
12 benefit of that -- of that message that I know we all hold  
13 dear. So, thank you.

14                   MR. SERNA: Yes, Madam Chair.

15                   COMM. THOMAS: And I just want to tell Les,  
16 thank you for the clarification for me on that particular  
17 issue, but most importantly, thank you for the clarification  
18 of heling us, as commissioners, know that we are encouraged,  
19 and to communicate with each other on non-deliberation type.

20                   In other words, I really believe it's  
21 enhanced our relationship and my ability to even be in the  
22 room, which I initially didn't understand. So, I'm very,  
23 very thrilled and appreciative of you in your role in  
24 providing specific guidance and council to us on how this  
25 particularly worked and encouraging us to communicate to

1 make sure that we're effective and efficient in delivering  
2 our services to the State of Texas.

3 CHAIR HUGHS: Anyone else? Is there a  
4 motion?

5 COMM. ALVAREZ: I move that we adjourn.

6 COMM. THOMAS: Second.

7 CHAIR HUGHS: All right, we are unanimous.  
8 Thank you.

9 (Proceedings concluded at 9:23:08 a.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25C 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 10th day of April, 2019.

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

Verbatim Reporting & Transcription, LLC  
1322 Space Park Drive, Suite C165  
Houston, Texas 77058  
281.724.8600