

## MEETING OF THE TEXAS WORKFORCE COMMISSION

**DATE** 

MARCH 28, 2023

1 Tuesday, March 28, 2023 2 CHAIRMAN DANIEL: Good morning, everyone. 3 This meeting is called to order. Mr. Trobman, has anyone signed 4 up for public comment? 5 MR. TROBMAN: No, sir. 6 CHAIRMAN DANIEL: Thank you, sir. Good 7 morning, Ms. Miller. 8 MS. MILLER: Good morning. 9 CHAIRMAN DANIEL: Thank you. That brings us 10 to the end of Agenda Items 3 through 7. We'll take a short 11 recess. 12 CHAIRMAN DANIEL: All right, let's do Agenda 13 Item 8, Internal Audit Charter. 14 ASHLEY SAGEBIEL: Good morning, chairman, 15 commissioners. For the record, Ashley Sagebiel, director of 16 internal audit. The Internal Audit Charter is a formal document 17 that defines the internal audit activities, purpose, authority, and responsibility. This document should be reviewed and revised 18 19 periodically to ensure all information is up to date and 20 accurate. Today I'm here to present the Internal Audit Charter 21 as discussed with your offices for consideration and approval. 22 CHAIRMAN DANIEL: Any comments or questions? 23 COMMISSIONER DEMERSON: None here. 24 COMMISSIONER TREVIÑO: None here. 25 CHAIRMAN DANIEL: Is there a motion?

1 COMMISSIONER DEMERSON: Chairman, I move 2 that we approve the Internal Audit Charter as recommended today 3 by staff. 4 COMMISSIONER TREVIÑO: I second the motion. 5 CHAIRMAN DANIEL: It's been moved and 6 seconded, and we're unanimous. Thank you. 7 ASHLEY SAGEBIEL: Thank you. 8 CHAIRMAN DANIEL: This is Agenda Item 9, 9 Postsecondary Education Services for Vocational Rehabilitation 10 Customers. 11 RIKKA WEINTRAUB: Good morning, Chairman 12 Daniel, Commissioner Demerson, Commissioner Treviño, and Mr. 13 Serna. For the record, Rikka Weintraub, Vocational 14 Rehabilitation Division. Postsecondary education services in the 15 vocational rehabilitation program include but are not limited to 16 assistance with tuition, fees, books, and supplies. The VR 17 program supports postsecondary education services across the 18 continuum of occupations and credentials, certificates or 19 degrees as appropriate for the VR customer, and to assist the 20 customer in achieving a quality employment outcome. Currently VR 21 staff calculates the amount that may be paid toward the cost of 22 tuition, fees, books, and supplies based on maximum rates. The 23 issue is that not all public in-state schools are set at or 24 below these rates. Similarly, the maximum rates for books and

supplies do not always cover the total cost, and extra steps are

required to obtain an exception. Removing maximum rate requirements for public training institutions in Texas and for books and supplies has been cited as a way to address administrative inefficiencies and enhance opportunities for customers. Taking into account the impact to the program, this morning staff seeks direction on amending the current policy for postsecondary education services including to pay the amount published by the institution for in-state tuition and required fees at public training institutions in Texas after financial aid and any required customer contributions are applied, and to pay the entire amount for required books and course-related supplies if these are not already included in the cost of tuition and fees. Commissioners, before closing I do want to note that the program has the financial ability to absorb any associated fiscal impact related to these decision points. That concludes my remarks and I'm happy to answer any questions.

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CHAIRMAN DANIEL: Any comments or questions?

COMMISSIONER DEMERSON: None here.

COMMISSIONER TREVIÑO: None here.

CHAIRMAN DANIEL: Is there a motion?

COMMISSIONER DEMERSON: I move that we

approve amendments to the current policy for postsecondary education services for vocational rehabilitation customers as described in the discussion paper and recommended today by staff.

COMMISSIONER TREVIÑO: I second the motion.

CHAIRMAN DANIEL: It's been moved and

seconded, and we're unanimous. Thank you. Agenda Item 10, Member

Reappointments to the Purchasing from People with Disabilities

5 Advisory Committee.

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JUAN GARCIA: Good morning, commissioners, Mr. Serna. Juan Garcia with the Voc Rehab Division. This morning for your consideration and possible action we have two member reappointments to the Purchasing from People with Disabilities Advisory Committee. Members on the committee may be appointed up to two four-year terms. The two members up for reappointment completed their first four-year term in February and are interested in serving a second term. The members are Mr. James Meehan who is one of four CRP representatives on the committee, and Ms. Monica Mishaw who is one of four advocates for people with disabilities on the committee. If reappointed, their second term will end in February of 2027. Staff recommends the reappointment of Mr. James Meehan and Ms. Monica Mishaw to a second four-term on the Purchasing from People with Disabilities Advisory Committee as presented in the discussion paper. With that I can answer any questions you might have.

CHAIRMAN DANIEL: Any comments or questions?

COMMISSIONER DEMERSON: One, just let them know we appreciate their interest in being reappointed.

JUAN GARCIA: Yes, sir.

1 COMMISSIONER TREVIÑO: Yes, and I agree with 2 Commissioner Demerson. Appreciate all their service. 3 CHAIRMAN DANIEL: Is there a motion? 4 COMMISSIONER DEMERSON: I move that we 5 approve the reappointment of James Meehan and Monica Mishaw to 6 the Purchasing from People with Disabilities program Advisory 7 Committee for terms expiring February 2027 as recommended today 8 by staff. 9 COMMISSIONER TREVIÑO: I second the motion. 10 CHAIRMAN DANIEL: It's been moved and 11 seconded, and we're unanimous. Thank you. 12 JUAN GARCIA: Thank you. 13 CHAIRMAN DANIEL: This is Agenda Item 11, 14 Fiscal Year 2023 Funding Allocations to Local Workforce 15 Development Areas for the SNAP Employment and Training Program. 16 CHRIS NELSON: Good morning, chairman, 17 commissioners, Mr. Serna. For the record, Chris Nelson, chief 18 financial officer. This morning you have before you a FY23 19 supplemental allocation for SNAP E&T funds. A few weeks ago, the 20 food and nutrition service notified TWC through HHSC that TWC 21 would not be eligible for SNAP able-bodied adult funding in 22 FY23. The TWC estimated 3.4 million in ABAWD funding would be 23 made available in FY23. In light of this decision, TWC has 24 identified 600,000 of recaptured SNAP E&T general revenue funds 25 that can be used to match available SNAP E&T 50/50 federal funds

1 to bring in another 600,000 in funds. This morning TWC is 2 proposing to allocate another 1.2 million to the workforce areas 3 based on the same methodology and factors used for the FY2023 4 SNAP allocation. That concludes my remarks and I'd be happy to 5 answer any questions. CHAIRMAN DANIEL: Any comments or questions? 6 COMMISSIONER DEMERSON: None here. 7 COMMISSIONER TREVIÑO: None here. 8 9 CHAIRMAN DANIEL: Is there a motion? COMMISSIONER DEMERSON: Chairman, I move to 10 11 adopt the additional Fiscal Year 2023 funding allocations to 12 local Workforce Development areas for the Supplemental 13 Nutritional Assistance Program employment and training program 14 as recommended today by staff. 15 COMMISSIONER TREVIÑO: I second the motion. 16 CHAIRMAN DANIEL: It's been moved and 17 seconded, and we're unanimous. This is Agenda Item 12, Program 18 Year 2023 and Fiscal Year 2024 Planning Estimates. 19 CHRIS NELSON: Again, for the record, Chris 20 Nelson, chief financial officer. This morning you also have 21 before you the FY24, PY, Program Year 23 planning estimates 22 prepared in accordance with the methodology described in Chapter 23 800. Where we have updated factor data, it includes the updated 24 factor data. The adult education planning estimate amounts

represent the planning estimate allotments recently provided by

1 the Department of Education which go into effect July 1, 2023, when the contract year starts. We have not received the WIOA 2 3 planning estimates at this time. So all remaining programs in 4 the planning estimate amounts reflect the current budgetary 5 amounts available for the FY24 allocations. As we build the 2024 6 operating budget this summer, we will bring forward the final 7 allocations for the remaining programs. At this time these 8 amounts are just informational only, and we plan on placing 9 these on our website for the boards. That concludes my remarks 10 and I'd be happy to answer any questions. 11 CHAIRMAN DANIEL: Any comments or questions? 12 COMMISSIONER DEMERSON: None from me. 13 COMMISSIONER TREVIÑO: None here. 14 CHAIRMAN DANIEL: Thank you. 15 CHRIS NELSON: Thank you. 16 CHAIRMAN DANIEL: This is Agenda Item 13, 17 Redistribution of Adult Education and Literacy Funds. 18 MAHALIA BALDINI: Good morning, Chairman 19 Daniel, Commissioner Demerson, Commissioner Treviño, and Mr. 20 Serna. For the record, Mahalia Baldini with Workforce 21 Development Division. This morning we have for your 22 consideration an opportunity to redistribute approximately 23 \$2,575,800 in available Adult Education and Literacy funds to 24 six grant recipients who are currently meeting or exceeding

staff-identified expenditure and performance benchmarks. As part

1 of receiving these additional dollars, we are also recommending additional enrollment targets be added to the receiving 2 3 grantees' contract and performance measures for Program Year 22-4 23. The amounts of the available funds, the individual amounts 5 being proposed for redistribution to select grantees and the 6 additional targets associated with the available funds are all 7 outlined in your notebook materials. I'm happy to answer any 8 questions that you may have. 9 CHAIRMAN DANIEL: Comments or questions? 10 COMMISSIONER DEMERSON: None here. COMMISSIONER TREVIÑO: None here. 11 12 CHAIRMAN DANIEL: Is there a motion? 13 COMMISSIONER DEMERSON: Chairman, I move 14 that we approve the redistribution of available funds to Adult 15 Education and Literacy grant recipients and the adjustment of 16 the Program Year 2022 through 2023 grant recipients' performance 17 targets as described in the discussion paper and recommended 18 today by staff. COMMISSIONER TREVIÑO: I second the motion. 19 20 CHAIRMAN DANIEL: It's been moved and 21 seconded, and we're unanimous. 22 MAHALIA BALDINI: Thank you. 23 CHAIRMAN DANIEL: This is Agenda Item 14, 24 RESEA State Plan for 2023 for Submission to the U.S. Department 25 of Labor.

DAWN CRONIN: Good morning, chairman, commissioners, Mr. Serna. For the record, my name is Dawn Cronin with the Workforce Division. For your consideration this morning I have the Reemployment Services and Eligibility Assessment or RESEA state plan. This plan will also serve as the agency's grant application to fund the RESEA program for federal Fiscal Year 23 which is our Board Contract Year 24. The updates for the plan include the anticipation of a 20.9-million-dollar allocation for the next program year. This is 20 percent over the current year funding allocation from RESEA so the funding continues to grow as the program grows. DOL funding priorities for 23 included in the plan update address the states growing their RESEA program, hiring permanent staff and extending program services to more UI claimants, providing more intensive RESEA services to claimants with subsequent meetings, case management services, building evidence to support through evaluation and research studies that demonstrate programs and services have an effective impact on employment outcomes, and then automating processes. For this plan year, DOL has added a new requirement that 25 percent of the funding allocated to states have to be directed toward services that have a demonstrated positive impact on employment outcomes. They call this the causal rating, the high or moderate, and the percentage of funding associated with this requirement is going to increase. For 2023, the percent is 25. For Fiscal Year, federal

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   Fiscal Year 25 and 26, it will increase to 40 percent, and then
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   from federal Fiscal Year 27 and on it will be 50 percent so half
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   of the funding will have to be supported by evidence. Staff is
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   seeking approval of the state's RESEA plan update for this
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   Program Year to DOL. It is due April 4th, and I'm happy to answer
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   any questions you might have.
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                         CHAIRMAN DANIEL: Any comments or questions?
                         COMMISSIONER DEMERSON: Now what was that
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   rating you mentioned?
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                         DAWN CRONIN: I'm sorry?
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                         COMMISSIONER DEMERSON: What was that rating
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   you mentioned? A cost rating or-I couldn't hear.
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                         DAWN CRONIN: Causal rating.
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                         COMMISSIONER DEMERSON: Causal rating, OK.
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                         DAWN CRONIN: Evidence supported research
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   evaluation that the services and interventions that are being
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   provided through this program have a positive impact on outcomes
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   meaning they're getting the claimants back reattached to the
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   workforce quicker.
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                         COMMISSIONER DEMERSON: OK, got it. Thank
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   you.
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                         DAWN CRONIN: Sure.
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                         COMMISSIONER DEMERSON: No other.
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                         COMMISSIONER TREVIÑO: No questions.
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                         CHAIRMAN DANIEL: Is there a motion?
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                         COMMISSIONER DEMERSON: I move that we
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   approve the 2023 Reemployment Services and Eligibility
   Assessment State Plan for submission to the U.S. Department of
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   Labor as recommended today by staff.
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                         COMMISSIONER TREVIÑO: I second the motion.
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   seconded, and we're unanimous.
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                         DAWN CRONIN: Great. Thank you.
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                         CHAIRMAN DANIEL: This is Agenda Item 15,
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   Youth Robotics Request for Applications initiative.
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                         SANDRA WILLIAMS: Good morning, Chair
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   Daniel, commissioners, Mr. Serna. For the record, Sandra
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   Williams, Workforce Development Division. On July 5, 2022, 2.1
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   million dollars was approved for the youth robotics initiative.
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   On December 15th, an RFA was put out for that initiative. It is
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   RFA 3202300097. We did have more applicants apply than we had
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    funds for, and the additional funds that we are requesting today
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   so that we can make all four of those applicants whole is
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   $235,830 which will bring the total for this initiative to
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   2,335,830, and I'm happy to answer any questions.
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                         CHAIRMAN DANIEL: Any comments or questions?
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                         COMMISSIONER DEMERSON: Outstanding
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   initiatives with the youth robotics.
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                         SANDRA WILLIAMS: Excuse me?
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1 COMMISSIONER DEMERSON: Outstanding 2 initiatives with the youth robotics programs. These are pretty 3 neat initiatives. 4 SANDRA WILLIAMS: Yes, they are. 5 COMMISSIONER TREVIÑO: No questions or 6 comments. 7 CHAIRMAN DANIEL: I have a couple questions. 8 SANDRA WILLIAMS: OK. 9 CHAIRMAN DANIEL: So, how have the other 10 youth programs prepared-performed during the year? Did they 11 overspend? Underspend? What are we seeing here? 12 SANDRA WILLIAMS: Currently we have eight 13 youth initiatives, and we have as of-we budgeted \$465,000-14 4,650,000, and we have currently committed 386,250. Overall, we 15 are expended 91.7 percent. 16 CHAIRMAN DANIEL: So close but not all of 17 them spent everything that they had. 18 SANDRA WILLIAMS: Correct. 19 CHAIRMAN DANIEL: Let me request that staff 20 put together a proposal for the commission to consider to 21 combine all the youth programs into one pool of money. Take the 22 programs that we already have-I'm not asking you to delete or 23 create-delete a program or create a new program. Take the ones 24 we have, put them as one budget item for us to look at so that

when we get ready to do our budgets later this year that we can

consider putting those in a program so that that money can move. Let's say youth robotics needed a little extra money and let's say another program wasn't as popular this year, that you would have the authority as staff to not have to bring that back here but you could just move that money among youth programs as you saw fit. So whatever that looks like, however you think that works best, my goal here is to get all the youth programs in one budget item-it's an internal thing. We can do whatever we want here, and that-take the programs that we already have. You might want to enumerate those, and then they're assigned kind of a budget amount now but what I'm thinking of is if there's four million dollars available or whatever it is, that anything that's in that box could use that money, and you guys could move that back and forth. We might set initial allocations. You might want to set initial allocations but we're never going to be able to control performance. Sometimes they're going to be more popular, some years they might be less popular. Until we reach the point where we're spending 100 percent consistently, I think I would just like to maybe see a proposal that would let us see some flexibility and let you guys be able to move money to kind of deal of kind of what's going on with the marketplace. So if you could do that and bring that back, that would be really, really helpful.

SANDRA WILLIAMS: Yes, sir.

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                         CHAIRMAN DANIEL: All right. Any other
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   comments or questions?
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                         COMMISSIONER DEMERSON: None here.
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                         COMMISSIONER TREVIÑO: None here.
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                          CHAIRMAN DANIEL: Is there a motion?
                         COMMISSIONER DEMERSON: I move that we
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   approve increasing the amount of the TANF reserve funds in the
   Fiscal Year 2023 operating budget from the 2.1 million dollars
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   to $2,335,830 to fully fund the youth robotics initiative grant
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   recipients as recommended today by staff.
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                         COMMISSIONER TREVIÑO: I second the motion.
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                         CHAIRMAN DANIEL: It's been moved and
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   seconded, and we're unanimous. Thank you.
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                         SANDRA WILLIAMS: Thank you.
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                         CHAIRMAN DANIEL: This is Agenda Item 18,
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   Board Nominations.
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                         CHERIE DUDLEY: Good morning, chairman,
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   commissioners, and Mr. Serna. For the record, Cherie Dudley with
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   Workforce Development. Today for your consideration we have
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   Workforce Board nominations for Capital Area, Concho Valley,
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   Golden Crescent, Middle Rio Grande, Coastal Bend, West Central
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   Texas, and Southeast Texas. Staff recommends approval on the
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   presented nominees, and I'm here to answer questions you may
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   have.
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CHAIRMAN DANIEL: Any comments or questions?

1 COMMISSIONER DEMERSON: None here. 2 COMMISSIONER TREVIÑO: None here. 3 CHAIRMAN DANIEL: Is there a motion? 4 COMMISSIONER DEMERSON: I move that approve 5 the local Workforce Development board member nominees presented today for the following: Workforce Solutions Capital Area, 6 7 Concho Valley, Golden Crescent, Middle Rio Grande, Coastal Bend, 8 West Central Texas, and Southeast Texas. 9 COMMISSIONER TREVIÑO: I think there might 10 be a typo on one of the board noms. Instead of Central Texas, 11 it's West Central Texas. Is that correct? 12 CHERIE DUDLEY: West Central Texas. 13 COMMISSIONER TREVIÑO: OK. I second the 14 motion. 15 CHAIRMAN DANIEL: It's been moved and 16 seconded, and we're unanimous. Thank you. 17 CHERIE DUDLEY: Thank you. 18 CHAIRMAN DANIEL: All right. I have observed 19 that Michael Britt has a tie on so we must have a legislative 20 report today. 21 MR. SERNA: Today we do. 22 MICHAEL BRITT: Good morning, Mr. Chairman, 23 commissioners, and Mr. Serna. For the record, Michael Britt, 24 Governmental Relations. GR is monitoring several federal 25 hearings this week. This morning at 10 a.m., the U.S. House

Appropriations Subcommittee on Labor, Health and Human Services, and Education is holding a hearing on the Fiscal Year 2024 budget request for the Department of Health and Human Services. Also, this morning at 10:15 a.m., the U.S. House Education and Workforce Committee is holding a hearing titled Unleashing America's Opportunities for Hiring and Employment. Tomorrow at 10:30 a.m., the U.S. Senate Homeland Security and Government Affairs Committee is holding a hearing to markup pending legislation before the committee, and at 2 p.m. tomorrow the U.S. House Ways and Means Subcommittee on Work and Welfare is holding a hearing titled Restoring Work Requirements to Lift Americans Out of Poverty. Finally, on Thursday at 9:30, the U.S. House Ways and Means Subcommittee on Economic Opportunity will be holding a hearing to markup pending legislation as well. Regarding the Texas Legislature, yesterday the Senate Committee on Finance held a hearing to adopt work group recommendations for Senate Bill 1, the General Appropriations Act including those for Article 7 which includes TWC. The committee adopted all TWC exceptional item and capital budget requests with only two modifications. TWC's exceptional item request for increased funding for preapprenticeship pathways and additional funding for the Skills Development Fund were both adopted at a funding level of 50 percent of TWC's original request. The House Appropriations Committee adopted their subcommittee recommendations last week for the House version of the budget,

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and the House adopted all TWC exceptional items and capital budget requests without modification. The House is expected to take up the budget first, and they are expected to consider House Bill 1 on the House floor sometime next week. This concludes my remarks and I'm happy to answer any questions you have.

CHAIRMAN DANIEL: Any comments or questions?

COMMISSIONER DEMERSON: None here.

COMMISSIONER TREVIÑO: None here.

CHAIRMAN DANIEL: Thank you very much. An

executive director's report.

MR. SERNA: Two items today, commissioners. First, it was pointed out to me and I thought I would make sure that you all were aware that next week is recognized as Week of the Young Child started by the National Association for the Education of Young Children 50 years ago, and this recognizes the importance of early childhood, families, and the professionals that are providing that work to young children. Since we are engaged in child care and a lot of other activity, I thought I would at least point that out to the commissioners. And then second, I did want to point out that our own CFO, Chris Nelson, will be seeking to fill a vacant position on the ERS Board of Trustees. I guess we don't have enough work for him to do that he is volunteering to do other things. I think he would be very qualified for that and wanted to at least recognize him

for taking on this responsibility. It's very important to all state employees considering that the board of trustees oversees the retirement fund as well as healthcare benefits so we want to support him in that effort both in getting him on the ballot and then when the elections come up some time late spring, early summer, getting him on that board, and that concludes all my remarks.

CHAIRMAN DANIEL: You used the word volunteered in lieu of the word peer pressured. I thought that was a curious choice of words. I did.

MR. SERNA: Or voluntold.

tell him myself a little bit. I see that thing come every year to vote for the ERS board. I've generally been satisfied with the performance of my various retirement accounts, and I've never actually voted in that election so I'll be a first-time voter. I'm looking forward to just the different campaign swag and different receptions that Chris will be hosting around the building over the coming weeks as he approaches this campaign.

MR. SERNA: We do have another volunteer, Mary York, to sort of be his informal or formal campaign manager.

CHAIRMAN DANIEL: So why is Mary already chanting four more years back there. I don't know-that's bold.

That's kind of exciting to have somebody we know over there on the ERS board.

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MR. SERNA: Right. He's got some stiff competition but I think he is probably the most qualified candidate.

CHAIRMAN DANIEL: Well, campaign hard. You probably should try to visit with at least 50 percent of all the ERS employees in the state in person preferably. Phone won't work. Don't rely on your campaign manager to get you across the line. It takes hard work. Retail-it takes retail politics to get it done. Any other comments or questions? I do have one more thing before we move to general comments. Mr. Serna, could you ask staff-I know we have a teacher externship program, and sort of getting out ahead of kind of our budgeting process and understanding what resources are available to us, would you ask staff to put together a proposal to expand—what it might look like to expand our teacher externship program for the commission to consider? I would hope to have kind of a robust discussion here unless for some reason we all agree on it but I would like to see us expand the amount of funding available, and then for us to consider putting in place some—a little more structured kind of program components that would specify like the minimum amount of time that a teacher externship should occur, what follow-on should occur relative to both the teacher and the students, and then specifically what future commitments that

teacher externship might hold for both the employer who is participating and the teachers who participated in that program so that it doesn't just end with a week or two-week or six-weeklong externship but this actually carries some sort of partnership into the future so we can continue to place students. I have observed some very successful teacher externships in this state, particularly with CTE teachers, high school CTE teachers where I think we are 100 percent improving the way the state's curricula in more than one CTE program are being delivered, and I have observed firsthand exactly how much that is increasing the employability of students who have participated in that CTE program, and that is really a very tangible kind of clue to TWC as to how our programs can work, how they can work moving forward into the future, and I just want us to in an organized way explore what an expansion may or may not look like. We may not decide that we want to do that but I at least want us to have the option of understanding something that I think observably has been working well for both students and teachers and particularly employers who are trying to hire those teachers. I mean we're talking wages for young people coming out of high school that can be, you know, 20, 22, 25 dollars an hour. That's pretty significant in the marketplace and given our shortage of people with particularly trade skills, this is something I think we should at least talk about,

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explore, understand, and then we'll decide the best way to move
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   forward on that.
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                          MR. SERNA: We'll do that. Yes, sir.
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                          CHAIRMAN DANIEL: Any other order of
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   business to come before the commission?
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                          COMMISSIONER TREVIÑO: None here.
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                          CHAIRMAN DANIEL: Is there a motion to
   adjourn?
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                          COMMISSIONER DEMERSON: So, moved.
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                          COMMISSIONER TREVIÑO: I second the motion
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   to adjourn.
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                          CHAIRMAN DANIEL: And I vote aye. We are
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