

**Texas Commission On Environmental Quality
AGENDA ITEM REQUEST**

AGENDA REQUESTED: April 20, 2011

DATE OF REQUEST: March 21, 2011

**NAME & NUMBER OF PERSON TO CONTACT REGARDING
CHANGES TO THIS REQUEST, IF NEEDED: Barbara Mayer at 239-
4739**

CAPTION: Docket No. 2011-0428-MIS. Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts by certain state agencies. [Elizabeth West]

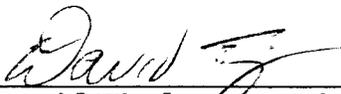
Chief Clerk must send Notice of Application/Hearing:

Type of Matter:

County:

Uncontested:

Contested:



**David Timberger, Director
General Law Division**

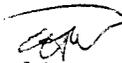
CHIEF CLERKS OFFICE

2011 APR - 1 AM 11:00

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TCEQ Interoffice Memorandum

To: Mark R. Vickery, P.G.
Executive Director

From: Elizabeth West, Senior Attorney 
Contracts, employment Law and Ethics
General Law Division

David Timberger, Director 
General Law Division

Stephanie Bergeron Perdue, Deputy Director 
Office of Legal Services

Date: March 24, 2011

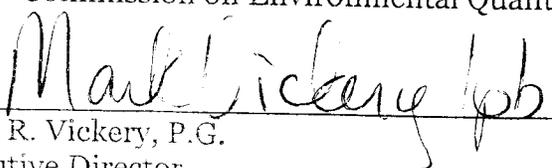
Caption: **Docket No. 2011-0428-MIS.** Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts and donations by certain agencies.

Chapter 575 of the Government Code gives some specific direction to state agencies regarding the acceptance of gifts and donations. Chapter 575 provides that the Commission must acknowledge the acceptance of all gifts of money or property with a value of \$500 or more in an open meeting no later than the 90th day after the date the gift is accepted. Chapter 575 further states the name of the donor, a description of the gift or donation, and a statement of the purpose of the gift or donation must be recorded in the minutes. Chapter 575 of the Government Code is attached as Exhibit "A."

Before the Commission can acknowledge the acceptance of gifts and donations with a value of \$500 or more listed in Exhibit "B", the gifts must be accepted by the agency.

A list of gifts and donations is attached as Exhibit "B." A Declaration of Third Party Reimbursement form is submitted for each gift or donation listed in Exhibit "B." The Declaration of Third Party Reimbursement forms are attached as Exhibit "C." Your signature below is needed to "accept" the aforementioned and referenced exhibits. We recommend you sign this form and accept the gifts.

I acknowledge and accept the gifts listed in Exhibit "B", on behalf of the Texas Commission on Environmental Quality.



Mark R. Vickery, P.G.
Executive Director

Date: 4-1-11

Exhibit "A"

Chapter 575 of the Government Code

CHAPTER 575. ACCEPTANCE OF GIFT BY STATE AGENCY

§ 575.001. Definitions

In this chapter:

(1) "Gift" means a donation of money or property.

(2) "State agency" means a board, commission, council, committee, department, office, agency, or other governmental entity in the executive or judicial branch of state government. The term does not include an institution of higher education as defined by Section 61.003, Education Code.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

§ 575.002. Gifts of \$500 or More

This chapter applies only to a gift that has a value of \$500 or more.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

§ 575.003. Acceptance of Gift by State Agency Governing Board

A state agency that has a governing board may accept a gift only if the agency has the authority to accept the gift and a majority of the board, in an open meeting, acknowledges the acceptance of the gift not later than the 90th day after the date the gift is accepted.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 143, § 1, eff. Sept. 1, 1999.

§ 575.004. Record of Gift

A state agency that accepts a gift must record the name of the donor, a description of the gift, and a statement of the purpose of the gift in:

(1) the minutes of the governing board of the agency; or

(2) appropriate agency records, if the agency does not have a governing board.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

§ 575.005. Acceptance of Gift From Party to Contested Case Prohibited

A state agency may not accept a gift from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final under Section 2001.144. In this section, "contested case" has the meaning assigned by Section 2001.003.

Added by Acts 1997, 75th Leg., ch. 336, § 1, eff. Sept. 1, 1997.

Exhibit "B"

List of Gifts and Donations

**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
DECLARATION OF THIRD PARTY REIMBURSEMENT**

Dec. 2010 through March 2011

Over \$500.00

REIMBURSING ORGANIZATION	TRAVELERS NAME	DATES OF TRAVEL	DESTINATION	PURPOSE OF TRIP	REIMBURSED	REIMBURSED TOTAL
ASTSWMO-Association of State & Territorial Solid Waste Management Officials	Valdez, Omar	10/26-10/28/10	Bethesda, MD	Employee presented at the Annual ASTSWMO Conference.	Public Transport: \$76.00 Airfare: \$289.40 Meals: \$213.00 Lodging: \$715.29	\$1,293.69
ASTSWMO-Association of State & Territorial Solid Waste Management Officials	Valdez, Omar	11/08-11/10/10	Washington, D.C.	Employee represented Texas and EPA Region 6 states at Removals Focus Group annual meeting.	Public Transport: \$76.00 Airfare: \$563.40 Meals: \$213.00 Lodging: \$414.50	\$1,266.90
Environmental Protection Agency (EPA)	Rubinstein, Carlos	11/15-11/17/10	New Orleans, LA	Attend NAC/GAC Committee Meeting	Public Transport: \$66.00 Airfare: \$556.55 Meals: \$177.50 Lodging: \$378.00 Parking: \$60.00 Personal Mileage: \$28.00 Tolls: \$14.00 Hotel Tax: \$53.14	\$1,333.19
Totals:					\$3,893.78	3893.78

Exhibit "C"

**Declaration of Third Party Reimbursement Forms for
Supporting Documentation**

DECLARATION OF THIRD-PARTY REIMBURSEMENT

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit, MC 181 or fax to 239-6768.

(1) Employee's Name: Omar Valdez

(2) Dates of Travel: October 26-28, 2010

(3) Destination: Bethesda, Maryland

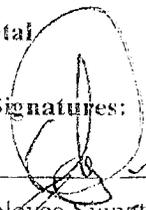
(4) Purpose: Employee presented at the Annual ASTSWMO Conference.

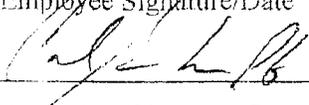
(5) Reimbursing Organization: ASTSWMO

(6) Itemized Expenses:

Description	Total	Additional Comments
Fares:	\$	
Public Transportation	\$ 76.00	
Rental Car	\$	
Air	\$ 289.40	
Meals	\$ 213.00	
Lodging	\$ 715.29	
Parking	\$	
Other:		
Business Telephone Calls	\$	
Personal Vehicle Mileage	\$	
Seminar Registration/Fees	\$	
Misc. (Describe under comments)	\$	
Grand Total	\$ 1293.69	

Approval Signatures:

(7)  12/17/10
Employee Signature/Date

(8)  12/20/10
Supervisor Signature/Date

The employee-supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

DECLARATION OF THIRD-PARTY REIMBURSEMENT

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit, MC 181 or fax to 239-6768.

(1) Employee's Name: Omar Valdez

(2) Dates of Travel: November 8-10, 2010

(3) Destination: Washington, D.C.

(4) Purpose: Employee represented Texas and EPA Region 6 states at Removals Focus Group annual meeting.

(5) Reimbursing Organization: ASTSWMO

(6) Itemized Expenses:

Description	Total	Additional Comments
Fares:	\$	
Public Transportation	\$ 76.00	
Rental Car:	\$	
Air:	\$ 563.40	
Meals	\$ 213.00	
Lodging	\$ 414.50	
Parking	\$	
Other:		
Business Telephone Calls	\$	
Personal Vehicle Mileage	\$	
Seminar Registration/Fees	\$	
Misc. (Describe under comments)	\$	
Grand Total	\$ 1266.90	

Approval Signatures:

(7)  12/17/10

Employee Signature/Date

(8)  12/20/10

Supervisor Signature/Date

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- (1) Employee's Name: Carlos Rubinstein
- (2) Dates of Travel: November 15-17, 2010
- (3) Destination: New Orleans, Louisiana
- (4) Purpose: Attend NAC/GAC COMMITTEE MEETING
- (5) Reimbursing Organization: Environmental Protection Agency (EPA)

(6) Itemized Expenses:

Description	Total	Additional Comments
Fares:		
Public Transportation	\$ 66.00	
Rental Car	\$	
Air	\$ 556.55	
Meals	\$ 177.50	
Lodging	\$ 378.00	
Parking	\$ 60.00	
Other:		
Business Telephone Calls	\$	
Personal Vehicle Mileage	\$ 28.00	
Seminar Registration/Fees	\$	
Misc. (Describe under comments)	\$ 14.00	Tolls
	53.14	Hotel Tax
Grand Total	\$ 1333.19	

Approval Signatures:

(7)  12/14/10
Employee Signature/Date

(8) _____
Supervisor Signature/Date

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10 DEC 15 PM 02:23 TCEQFAD

TCEQ Interoffice Memorandum

To: Commissioners
Mark R. Vickery, P.G.
Executive Director

From: Elizabeth West, Senior Attorney 
Contracts, Employment Law and Ethics
General Law Division

David Timberger, Director 
General Law Division

Stephanie Bergeron Perdue, Deputy Director 
Office of Legal Services

DATE: **March 24, 2011**

Caption: **Docket No. 2011-0428-MIS.** Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with-Chapter 575 of the Government Code, concerning acceptance of gifts and donations by certain agencies.

Chapter 575 of the Government Code gives some specific direction to state agencies regarding the acceptance of gifts and donations. Chapter 575 of the Government Code provides that the Commission must acknowledge the acceptance of all gifts of money or property with a value of \$500 or more in an open meeting no later than the 90th day after the date the gift is accepted. Chapter 575 of the Government Code further states the name of the donor, a description of the gift or donation, and a statement of the purpose of the gift or donation must be recorded in the minutes. Chapter 575 of the Government Code is attached as Exhibit "A."

A list of gifts and donations is attached as Exhibit "B." A Declaration of Third Party Reimbursement form is submitted for each gift or donation listed in Exhibit "B." The Declaration of Third Party Reimbursement forms are attached as Exhibit "C." The Executive Director's approval memorandum is attached as Exhibit "D."

Attachments

Exhibit "A"

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§ 575.001. Definitions

In this chapter

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Dec. 2010 through March 2011

Over \$500.00

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Totals:					\$3,893.78	3893.78

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(1) Employee's Name: Omar Valdez

(2) Dates of Travel: October 26-28, 2010

(3) Destination: Bethesda, Maryland

(4) Purpose: Employee presented at the Annual ASTSWMO Conference.

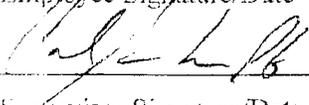
(5) Reimbursing Organization: ASTSWMO

(6) Itemized Expenses:

Description	Total	Additional Comments
Fares:	\$	
Public Transportation	\$ 76.00	
Rental Car	\$	
Air	\$ 289.40	
Meals	\$ 213.00	
Lodging	\$ 715.29	
Parking	\$	
Other:		
Business Telephone Calls	\$	
Personal Vehicle Mileage	\$	
Seminar Registration/Fees	\$	
Misc. (Describe under comments)	\$	
Grand Total	\$ 1293.69	

Approval Signatures:

(7)  12/17/10
Employee Signature/Date

(8)  12/20/10
Supervisor Signature/Date

The employee/supervisor signatures certify that the information provided is true and correct and the amount shown on the form is the (total) amount received from the reimbursing source.

DECLARATION OF THIRD-PARTY REIMBURSEMENT

After the trip is taken, it is the employee's responsibility to file for reimbursement from the reimbursing organization. Upon receipt of payment from the Third-Party, this form is to be completed and forwarded to the Travel Unit, MC 181 or fax to 239-6768.

(1) Employee's Name: Omar Valdez

(2) Dates of Travel: November 8-10, 2010

(3) Destination: Washington, D.C.

(4) Purpose: Employee represented Texas and EPA Region 6 states at Removals Focus Group annual meeting.

(5) Reimbursing Organization: ASTSWMO

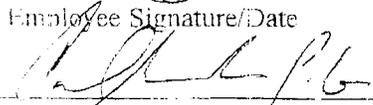
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Description	Total	Additional Comments
Fares:	\$ _____	_____
Public Transportation	\$ 76.00	_____
Rental Car	\$ _____	_____
Air	\$ 563.40	_____
Meals	\$ 213.00	_____
Lodging	\$ 414.50	_____
Parking	\$ _____	_____
Other:		
Business Telephone Calls	\$ _____	_____
Personal Vehicle Mileage	\$ _____	_____
Seminar Registration/Fees	\$ _____	_____
Misc. (Describe under comments)	\$ _____	_____
Grand Total	\$ 1266.90	_____

Approval Signatures:

(7)  12/17/10

Employee Signature/Date

(8)  12/20/10

Supervisor Signature/Date

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(1) Employee's Name: Carlos Rubinstein

(2) Dates of Travel: November 15-17, 2010

(3) Destination: New Orleans, Louisiana

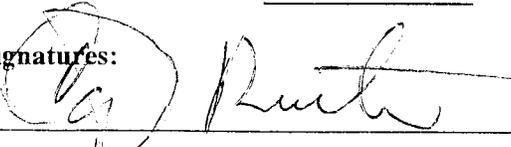
(4) Purpose: Attend NAC/GAC COMMITTEE MEETING

(5) Reimbursing Organization: Environmental Protection Agency (EPA)

(6) Itemized Expenses:

Description	Total	Additional Comments
Fares:		
Public Transportation	\$ 66.00	
Rental Car	\$	
Air	\$ 556.55	
Meals	\$ 177.50	
Lodging	\$ 378.00	
Parking	\$ 60.00	
Other:		
Business Telephone Calls	\$	
Personal Vehicle Mileage	\$ 28.00	
Seminar Registration/Fees	\$	
Misc. (Describe under comments)	\$ 14.00	Tolls
	53.14	Hotel Tax
Grand Total	\$ 1333.19	

Approval Signatures:

(7)  12/14/10
Employee Signature/Date

(8) _____
Supervisor Signature/Date

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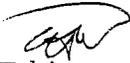
10 DEC 15 PM 02:23 TCEQ/FAD

Exhibit "D"

Executive Director's Approval Memorandum

TCEQ Interoffice Memorandum

To: Mark R. Vickery, P.G.
Executive Director

From: Elizabeth West, Senior Attorney 
Contracts, employment Law and Ethics
General Law Division

David Timberger, Director 
General Law Division

Stephanie Bergeron Perdue, Deputy Director 
Office of Legal Services

Date: March 24, 2011

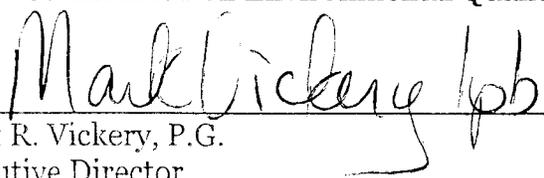
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Before the Commission can acknowledge the acceptance of gifts and donations with a value of \$500 or more listed in Exhibit "B", the gifts must be accepted by the agency.

A list of gifts and donations is attached as Exhibit "B." A Declaration of Third Party Reimbursement form is submitted for each gift or donation listed in Exhibit "B." The Declaration of Third Party Reimbursement forms are attached as Exhibit "C." Your signature below is needed to "accept" the aforementioned and referenced exhibits. We recommend you sign this form and accept the gifts.

I acknowledge and accept the gifts listed in Exhibit "B", on behalf of the Texas Commission on Environmental Quality.



Mark R. Vickery, P.G.
Executive Director

Date: 4-1-11

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



A RESOLUTION Regarding acceptance of gifts and donations in accordance with Chapter 575 of the Government Code concerning acceptance of gifts and donations by certain state agencies;
2011-0428-MIS.

WHEREAS, Chapter 575 of the Government Code provides that a majority of the Commission must acknowledge the acceptance of all gifts of money or property with a value of \$500.00 or more in an open meeting no later than the 90th day after the date the gift is accepted.

WHEREAS, a list of gifts and donations submitted for acknowledgment is attached as Exhibit "A." The gifts have been accepted by the Executive Director. The list includes a description and amount of each gift or donation with a value of \$500.00 or more, the donor's name, and a statement regarding the purpose of each gift or donation in accordance with Section 575.004 of Chapter 575.

NOW, THEREFORE BE IT RESOLVED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that the Commission acknowledges acceptance of the gifts and donations listed in Exhibit "A" in accordance with Chapter 575 of the Government Code.

Issued this the ____ day of _____, 2011

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D., Chairman

Exhibit A

**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
DECLARATION OF THIRD PARTY REIMBURSEMENT**

Dec 2010 through March 2011

Over \$500.00

REIMBURSING ORGANIZATION	TRAVELERS NAME	DATES OF TRAVEL	DESTINATION	PURPOSE OF TRIP	REIMBURSED	REIMBURSED TOTAL
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Totals:					\$3,893.78	3893.78