

TCEQ Interoffice Memorandum

To: Commissioners
Richard A. Hyde, P.E., Executive Director

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

David Timberger, Director
General Law Division 

Caroline M. Sweeney, Deputy Director
Office of Legal Services 

Date: April 24, 2015

Caption: **Docket No. 2015-0316-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."

Exhibit "B" contains the lists of gifts and donations and includes two spreadsheets. The first spreadsheet records the non-travel related gifts and donations. The second contains all travel expenses paid for by a third party organization. The Executive Director's approval memorandum is attached as Exhibit "C."

Attachments

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; TCEQ Docket No. 2015-0316-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, The list of gifts and donations submitted for acknowledgment is attached as Exhibit "B." 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 "B" in accordance with Chapter 575 of the Government Code.

Issued this the _____ day of _____, _____.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Bryan W. Shaw, Ph.D., P.E., Chairman

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

Gifts via Memoranda

Third Party	Gift-Donation-Waiver	Location	Value of Gift
Sunoco LP	Waive booth fee for Sunoco LP Convenience Store & Food Trade Show. Date of event: 2/18/-2/19/15.	Houston	\$1,500.00
Greater Houston Retailers Assoc.	Waive booth fee for Greater Houston Retailers Association Trade show. Date of event: 3/10/-3/11/2015.	Houston	\$1,500.00

Third Party Reimbursed Expenses Report

(Report Create Date: Tuesday, April 21, 2015)

Date Range: 01/21/2015 to 04/21/2015

Record Count: 12

Organization	Name	Date	Location	Event/Activity	Reimbursed Expense Description	Reimbursed Amount
National Water Quality Monitoring Council	DVOBSKY, CHARLES	02/09/2015 - 02/13/2015	Boise, ID	National Water Quality Monitoring Council Winter Meeting		\$1,411.00
					AIRFARE	\$726.80
					BAGGAGE	\$50.00
					LODGING	\$332.00
					MEALS	\$208.00
					MILEAGE	\$19.04
					TAXI	\$43.16
Central States Air Planning Association (CenSARA)	PENDLETON, KATHRYN	03/02/2015 - 03/04/2015	Research Triangle Park, NC	Participation in the EPA Regional Haze Meeting will allow Ms. Pendleton to represent Texas' perspective on the ideas and technical needs on topics related to the EPA's planned Regional Haze Rule (RHR) revisions and guidance. These ideas and feedback will be used to develop options for the EPA to consider.		\$627.04
Harvard Business School	BAKER, CHRISTOPHER	03/11/2015 - 03/13/2015	Boston, MA	Commissioner Baker will participate in an energy leadership summit at the Harvard Business School.		\$578.36
					AIRFARE	\$418.20
					LODGING	\$208.84
American Petroleum Institute	HURLEY, TERESA	03/18/2015 - 03/19/2015	Addison, TX	Participate in meeting of the American Petroleum Institute (API) Committee on Evaporation Loss Estimation (CELE). Active participation in the Conference will help the agency to improve relationships with other environmental professionals and ensure TCEQ's perspective is heard and considered.		\$375.00
					LODGING	\$476.80
					MEALS	\$17.99
					MISCELLANEOUS	\$7.95
					PARKING	\$21.00
					PUBLIC TRANSPORTATION	\$54.68
						\$375.00
				REGISTRATION FEES		\$375.00

Exhibit "C"

Executive Director's Approval Memorandum

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To: Richard A. Hyde, P.E.
Executive Director

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

David Timberger, Director 
General Law Division

Caroline M. Sweeney, Deputy Director 
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Date: April 24, 2015

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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." 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.



Richard A. Hyde, P.E.

Executive Director

Date: 4/23/15