

# TCEQ Interoffice Memorandum

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**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:** July 31, 2015

**Caption:** **Docket No. 2015-0830-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 list of gifts and donations including 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. 2015-0830-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. 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 accordance with Chapter 575 of the Government Code.

Issued this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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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**

# Third Party Reimbursed Expenses Report

(Report Create Date: Tuesday, July 14, 2015)

Date Range: 04/27/2015 to 07/14/2015

Record Count: 13

Reimbursing Organization	Traveler Name	Dates of Travel	Destination	Purpose of Trip	Total Reimbursed																			
The Association of State and Territorial Solid Waste Management Officials	VALDEZ, OMAR	05/26/2015 - 05/29/2015	Washington D. C., DC	Will travel to Washington D.C. to represent Texas as a member of the Removals Focus Group in the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) to begin work on their 2015 project. The Focus Group will also meet with EPA staff to discuss this project as well as other issues related to Removals and Emergency Response.	\$1,674.22																			
						<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Reimbursed Expense Description</th> <th style="text-align: right;">Reimbursed Amount</th> </tr> </thead> <tbody> <tr> <td>AIRFARE</td> <td style="text-align: right;">\$842.50</td> </tr> <tr> <td>LODGING</td> <td style="text-align: right;">\$524.42</td> </tr> <tr> <td>MEALS</td> <td style="text-align: right;">\$213.00</td> </tr> <tr> <td>MILEAGE</td> <td style="text-align: right;">\$25.30</td> </tr> <tr> <td>PARKING</td> <td style="text-align: right;">\$21.00</td> </tr> <tr> <td>TAXI</td> <td style="text-align: right;">\$48.00</td> </tr> </tbody> </table>					Reimbursed Expense Description	Reimbursed Amount	AIRFARE	\$842.50	LODGING	\$524.42	MEALS	\$213.00	MILEAGE	\$25.30	PARKING	\$21.00	TAXI	\$48.00
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						TAXI	\$48.00																	
						Nuclear Regulatory Commission (NRC)	FLANDERS, GEHAN	05/10/2015 - 05/15/2015	Oak Ridge, TN	<p>Gehan Flanders will travel via commercial air line to Oak Ridge, Tennessee to attend the Nuclear Regulatory Commission (NRC) Agreement States Environmental Monitoring (H-111)(STC-15-013)training. Ms. Flanders will be requesting rental car and gas to be reimbursed by Texas Commission on Environmental Quality (TCEQ) due to the location of facility where training will take place and public transportation does not meet her needs. The NRC (3rd party funds) will cover the costs including registration, air fare, lodging, meal expenses and miscellaneous expenses, however, they will not cover the expense of rental car or gas. The Division will cover these expenses.</p>	\$1,486.85													



Interstate Technology Regulatory Council	POWER, ABIGAIL	06/01/2015 - 06/04/2015	Charleston, SC	<p>To participate in the Interstate Technology Regulatory Council (ITRC), Geophysical Classification for Munitions Response (GCMR) team meeting. The team will be finalizing their position paper, technical guidance and training for geophysical classification of munitions. This will help fulfill obligations under the Defense State Memorandum of Agreement grant. Information from this meeting will be shared with other program managers of Department of Defense sites as well as private and commercial range clean up sites.</p>	\$1,246.60
Gulf of Mexico Alliance	CPHER, ROBIN	06/15/2015 - 06/19/2015	Biloxi, MS	<p>Reimbursed Expense</p> <p>Description</p> <p>Amount</p> <p>AIRFARE \$397.19</p> <p>BAGGAGE \$50.00</p> <p>LODGING \$538.41</p> <p>MEALS \$178.00</p> <p>TAXI \$83.00</p>	\$1,231.05
				<p>Reimbursed Expense</p> <p>Description</p> <p>Amount</p> <p>AIRFARE \$730.20</p> <p>MEALS \$155.71</p> <p>PARKING \$35.00</p> <p>RENTAL CAR \$310.14</p>	
				<p>Reimbursed Expense</p> <p>Description</p> <p>Amount</p> <p>AIRFARE \$476.01</p> <p>LODGING \$281.37</p> <p>MEALS \$45.10</p>	
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Interstate Technology Regulatory Council	KELLY, SEAN	06/28/2015 - 07/01/2015	Albuquerque, NM	<p>Sean Kelly will participate in the Interstate Technology Regulatory Council's Petroleum Vapor Intrusion 2-day classroom training dry run "practice" event on June 29 &amp; 30, 2015 in Albuquerque, New Mexico. Participants are expected to attend 8:00am-5:30pm. Travel on Sunday before the training and on Wednesday after the training are required due to available flights and attendance requirements.</p>	\$822.48

American Water Works Association (AWWA)	DIEHL, ALICIA	04/27/2015 - 04/29/2015	Grapevine, TX	PUBLIC TRANSPORTATION	\$20.00
American Water Works Association (AWWA) is holding a facilitated work group discussion on the topic of maintaining a disinfectant residual in community water system distribution systems.					\$691.29
<b>Reimbursed Expense Description</b>					<b>Reimbursed Amount</b>
LODGING					\$382.84
MEALS					\$29.00
RENTAL CAR					\$279.45

**Exhibit “C”**

**Executive Director’s Approval Memorandum**

# TCEQ Interoffice 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   
Office of Legal Services

**Date:** July 31, 2015

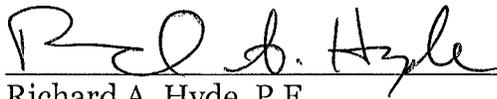
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Before the Commission can acknowledge the acceptance of gifts and donations with a value of \$500 or more listed in Exhibit "B," the gifts must be accepted by the agency.

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: 7/27/15