

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: October 30, 2015

Caption: **Docket No. 2015-1347-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 second spreadsheet records non-travel related gifts and donations. The Executive Director's approval memorandum is attached as Exhibit "C."

Attachments

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: Wednesday, October 21, 2015)

Date Range: 07/14/2015 to 10/21/2015

Record Count: 31

Reimbursing Organization	Traveler Name	Dates of Travel	Destination	Purpose of Trip	Total Reimbursed
U.S. Nuclear Regulatory Commission	WEGER, HANS	08/23/2015 - 08/28/2015	Boston, MA	Hans Weger of the Radioactive Materials Division substituted for Charles Maguire. He went to Boston, MA to attend and participate in the U.S. Nuclear Regulatory Commission (NRC) and Organization of Agreement States (OAS) Annual Meeting held on August 24-27, 2015 in Boston, MA at the Omni Parker House Hotel, 60 School Street, Boston, MA.	\$2,357.07
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$577.50
				LODGING	\$961.40
				MEALS	\$319.50
				MILEAGE	\$18.12
				PARKING	\$55.00
				REGISTRATION FEES	\$400.00
				TAXI	\$25.55

The NELAC Institute (TNI)	LANCASTER, KENNETH	07/12/2015 - 07/16/2015	Chicago, IL	Attend The NELAC Institute (TNI) Semiannual Meeting: Forum on Laboratory Accreditation for TNI members, accrediting states, laboratories, regulatory agencies, data users, and other organizations to discuss changes in environmental laboratory accreditation and future directions in policy that will have a national impact.	\$2,065.60
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$980.00
				LODGING	\$768.00
				MEALS	\$138.64
				MISCELLANEOUS	\$125.96
				PUBLIC TRANSPORTATION	\$53.00
ExchangeMonitor Publications & Forums	MAGUIRE, CHARLES	09/08/2015 - 09/11/2015	Summerlin, NV	Charles Maguire of the Radioactive Materials Division will travel to Summerlin, NV to attend and participate as a speaker at Exchange Monitor Publications & Forum's 9th Annual Radwaste Summit. The summit is focusing on the full spectrum of commercial and federal radioactive waste management, including U.S. DOE, DoD, EPA, Army Corps, utilities, disposal, treatment vendors and more. The Summit is scheduled for September 8-11, 2015. TCEQ paid for all travel, lodging, and meal expenses.	\$1,495.00
				Reimbursed Expense Description	Reimbursed Amount
				REGISTRATION FEES	\$1,495.00

Association of State Drinking Water Administrators (ASDWA)	SIMONS, DAVID	07/20/2015 - 07/23/2015	Cincinnati, OH	The sixth National Area-Wide Optimization Program (AWOP) Meeting sponsored by the Environmental Protection Agency (EPA) is designed to identify strategic activities to build, maintain, and strengthen quality Area Wide Optimization Programs and provide existing AWOP States and EPA Regions with an opportunity to meet and network with other AWOP participants. The conference will also provide a forum for discussing national AWOP priorities and technical topics.	\$1,384.52
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$661.20
				BAGGAGE	\$50.00
				LODGING	\$489.99
				MEALS	\$117.58
				TAXI	\$65.75
National Oceanic Atmospheric Administration	COPELAND, WESLEE	09/09/2015 - 09/12/2015	Baltimore, MD	To participate in the NOAA Air Quality Forecaster Focus Group Workshop.	\$1,375.01
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$420.01
				LODGING	\$647.49
				MEALS	\$183.51
				PARKING	\$44.00
				PUBLIC TRANSPORTATION	\$80.00

Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	LIVINGSTON, KRISTIAN	09/01/2015 - 09/04/2015	Chicago, IL	The Brownfields Team Leader (Richard Scharlach) and Grant Manager (Kristian Livingston) will be attending the 2015 Brownfields Conference to attend training that will provide useful strategies for meeting Brownfields Program challenges and requirements, program updates, and educational training opportunities to enhance Brownfields Programs. Attendance is a deliverable of the Brownfields Grant. Kristian's trip will be 100% funded by Association of State and Territorial Solid Waste Management Officials.	\$1,314.98
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$328.01
				LODGING	\$677.46
				MEALS	\$234.16
				PARKING	\$28.00
TAXI	\$47.35				
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	SMITH, MERRIE	08/10/2015 - 08/13/2015	Long Beach, CA	Bob Patton and Merrie Smith will travel to Long Beach, California August 10-13, 2015 to attend and participate in the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Conference for TCEQ. Benefit: Participation in the ASTSWMO Joint Hazardous Waste and Materials Management Program Managers Conference will allow Mr. Patton and Ms. Smith to enhance their skills so that knowledge gained from this event can be shared with agency staff upon their return. Funding: ASTSWMO will be reimbursing 100% of allowable costs for this travel event.	\$1,310.78
				Reimbursed Expense Description	Reimbursed Amount

				AIRFARE	\$323.70
				BAGGAGE	\$70.00
				LODGING	\$476.40
				MEALS	\$282.46
				MILEAGE	\$18.46
				PARKING	\$28.00
				TAXI	\$111.76
New England Interstate Water Pollution Control Commission	RESKE, DOUGLAS	09/13/2015 - 09/16/2015	Phoenix, AZ	TO PARTICIPATE IN THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION'S (NEIWPC) NATIONAL TANKS CONFERENCE	\$1,302.02
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$400.70
				BAGGAGE	\$50.00
				LODGING	\$357.03
				MEALS	\$249.88
				PARKING	\$88.00
				PUBLIC TRANSPORTATION	\$56.41
				REGISTRATION FEES	\$100.00
Environmental Council of States (ECOS)	KOCH, JURGEN	07/12/2015 - 07/14/2015	Washington, DC	Travel to Washington DC to attend Exchange Network as Network Technical Board State Co-Chair	\$1,237.00
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$637.00
				LODGING	\$600.00
Border Environment Cooperation Commission (BECC)	WONG, VICTOR	09/21/2015 - 09/23/2015	El Paso, TX	The objectives are to showcase the accomplishments of the program and reexamine the goals and the operations of the program.	\$1,097.40
				Reimbursed Expense	Reimbursed

				Description	Amount
				AIRFARE	\$881.20
				LODGING	\$216.20
Border Environment Cooperation Commission (BECC)	CLIFFORD, CLAUDIA	09/21/2015 - 09/23/2015	El Paso, TX	The objectives are to showcase the accomplishments of the program and reexamine the goals and the operation of the program.	\$1,091.20
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$875.00
				LODGING	\$216.20
Nuclear Regulatory Commission	MCELREATH, GREGORY	09/20/2015 - 09/25/2015	Sugar Land, TX	Greg McElreath will travel to Sugar Land, Texas via state agency car, departing Austin on 9/20/2015 and returning 9/25/2015, to attend the Nuclear Regulatory Commission (NRC) sponsored training on the Safety Aspects of Well Logging. By taking this training, Greg will gain knowledge regarding wells to further enhance his role as a Professional Engineer for the Underground Injection Control Permits Section.	\$1,078.95
				Reimbursed Expense Description	Reimbursed Amount
				LODGING	\$605.00
				MEALS	\$390.50
				TAX	\$83.45
New England Interstate Water Pollution Control Commission	MODAK, VICTORIA	09/13/2015 - 09/16/2015	Phoenix, AZ	Victoria Modak will attend the 25th National Tank Conference & Exposition being held at the Sheraton Phoenix Downtown Hotel in Phoenix, Arizona. All travel expenses will be reimbursed by New England Interstate Water Pollution Control Commission (NEIWPC).	\$1,077.23
				Reimbursed Expense Description	Reimbursed Amount

AIRFARE	\$330.20
BAGGAGE	\$50.00
LODGING	\$357.03
MEALS	\$213.00
PARKING	\$92.00
PUBLIC TRANSPORTATION	\$12.00
TAXI	\$23.00

Association of State and Territorial Solid Waste Management Officials.	PATTON JR, ROBERT	08/10/2015 - 08/13/2015	Long Beach, CA	Bob Patton and Merrie Smith will travel to Long Beach, California August 10-13, 2015 to attend and participate in the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Conference for TCEQ. Benefit: Participation in the ASTSWMO Joint Hazardous Waste and Materials Management Program Managers Conference will allow Mr. Patton and Ms. Smith to enhance their skills so that knowledge gained from this event can be shared with agency staff upon their return. Funding: ASTSWMO will be reimbursing 100% of allowable costs for this travel event.	\$988.52
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Reimbursed Expense Description	Reimbursed Amount
AIRFARE	\$204.00
LODGING	\$476.40
MEALS	\$207.76
MILEAGE	\$18.36
PARKING	\$42.00
TAXI	\$40.00

ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS (ASTSWMO)	THOMPSON, TODD	09/13/2015 - 09/16/2015	PHOENIX, AZ	TO PARTICIPATE IN THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION (NEIWPCC) NATIONAL TANKS CONFERENCE	\$904.83
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				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$178.00
				LODGING	\$357.00
				MEALS	\$202.65
				MISCELLANEOUS	\$80.00
				TAX	\$51.18
				TAXI	\$36.00
Association of State and Territorial Solid Waste Management Officials	PATTON JR, ROBERT	09/23/2015 - 09/24/2015	Washington, DC, DC	Robert Patton will travel to Washington, D.C. September 23-24, 2015 to attend the Association of State and Territorial Solid Waste Management Officials' (ASTSWMO) Definition of Solid Waste Training. Benefit: Participation in the ASTSWMO training will allow Mr. Patton to enhance his skills so that knowledge gained from this event can be shared with agency staff upon his return. Funding: ASTSWMO will be reimbursing 100% of allowable costs for this travel event.	\$817.36
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$384.00
				LODGING	\$222.00
				MEALS	\$142.00
				MILEAGE	\$18.36
				PARKING	\$16.00
				TAX	\$35.00
Nuclear Regulatory Commission (NRC)	BACHTEL, KAREN	08/03/2015 - 08/07/2015	Chattanooga, TN	Karen Bachtel will be traveling to Chattanooga, TN from August 3rd to August 7th for the Fundamental Health Physics (H-122) Blended Learning Course offered by the Nuclear Regulatory Commission (NRC).	\$762.76
				Reimbursed Expense Description	Reimbursed Amount

				LODGING	\$376.00
				MEALS	\$252.00
				MILEAGE	\$23.00
				PARKING	\$46.88
				TAX	\$64.88
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	WEHNER, ELEANOR	08/26/2015 - 08/27/2015	Arlington, VA	Attend a meeting with the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), Federal Facilities Subcommittee, EPA, Federal Facilities Restoration and Reuse Office on efforts to enhance public access to facility-specific information at the national level.	\$720.68
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$358.00
				LODGING	\$183.06
				MEALS	\$47.22
				MILEAGE	\$52.00
				MISCELLANEOUS	\$38.40
				PARKING	\$22.00
				TAXI	\$20.00
Central States Air Resource Agencies Association (CenSARA)	SMITH, JAMES	10/04/2015 - 10/07/2015	Chapel Hill, NC	To participate in the Community Modeling and Analysis System Conference. This annual conference is dedicated to presenting the latest research in photochemical grid model development, emissions inventory development, chemical mechanisms, mesoscale meteorology, model testing and evaluation, model uncertainty analysis, and related topics. Most of the modeling groups who use photochemical grid models in regulatory and scientific applications will be represented.	\$617.17
				Reimbursed Expense	Reimbursed

				Description	Amount
				AIRFARE	\$378.00
				LODGING	\$239.17
Border Environment Cooperation Commission (BECC)	NIEMEYER, STEPHEN	09/21/2015 - 09/23/2015	El Paso, TX	The objectives are to showcase the accomplishments of the program and reexamine the goals and the operations of the program.	\$595.70
				Reimbursed Expense Description	Reimbursed Amount
				AIRFARE	\$379.50
				LODGING	\$216.20

Gifts via Memoranda

Third Party	Gift-Donation-Waiver	Value of Gift	Date of Memo
Texas Parks & Wildlife Dept.	Use of Bastrop State Park and Refrectory building for a management retreat September 24, 2015	\$ 515.00	6/12/2015
HEB	Promotional items must be spent at any H-E-B to purchase gift cards & electronics as incentives to promote Take Care of Texas.	\$ 6,000.00	9/8/2015
Groundwater Protection Council	Tuition for attorney Diane Goss to attend the Groundwater Protection Council's 2015 Forum.	\$ 525.00	9/25/2015
Ft. Bend County Fair Assoc.	Waives the rental fee for the Ft. Bend County Fair Grounds, Club Room for a PST Workshop scheduled for Nov. 18, 2015.	\$ 400.00	10/8/2015

Exhibit "C"

Executive Director's Approval Memorandum

TCEQ Interoffice Memorandum

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: October 30, 2015

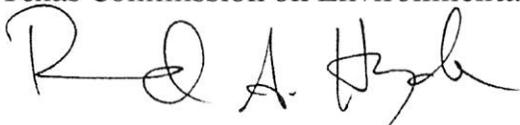
Caption: Docket No. 2015-1347-MIS: Consideration of gifts and donations of \$500.00 or more in value given to the TCEQ, submitted for approval in accordance with Chapter 575 of the Government Code, concerning acceptance of gifts and donations by certain agencies.

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." 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: 10/30/2015