

TO: Board Members

THROUGH: Jeff Walker, Executive Administrator
Les Trobman, General Counsel

FROM: Kendal Payne, Assistant General Counsel

DATE: May 19, 2016

SUBJECT: Consideration and acknowledgment of gifts and donations of \$500 or more in value given to the Texas Water Development Board in accordance with Chapter 575 of the Texas Government Code

ACTION REQUESTED

Consideration and acknowledgment of gifts and donations of \$500 or more in value given to the Texas Water Development Board in accordance with Chapter 575 of the Texas Government Code.

BACKGROUND

Chapter 575 of the Government Code gives specific direction to state agencies regarding the acceptance of gifts and donations. Chapter 575 requires that the Board 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. 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" is a list of gifts and donations including all travel expenses paid for by a third party organization. The Executive Administrator's approval memorandum is attached as Exhibit "C."

RECOMMENDATION

Acknowledge the acceptance of gifts and donations of \$500 or more in value given to the Texas Water Development Board in accordance with Chapter 575 of the Texas Government Code.

Attachments: Exhibit A-Texas Government Code Chapter 575
Exhibit B-List of Gifts and Donations of \$500 or more
Exhibit C-Executive Administrator's approval memorandum

Our Mission : **Board Members**

To provide leadership, information, education, and support for planning, financial assistance, and outreach for the conservation and responsible development of water for Texas :
: Bech Bruun, Chairman | Kathleen Jackson, Member | Peter Lake, Member
:
:
:

Exhibit A

Chapter 575 of the Texas Government Code

GOVERNMENT CODE
TITLE 5. OPEN GOVERNMENT; ETHICS
SUBTITLE B. ETHICS
CHAPTER 575. ACCEPTANCE OF GIFT BY STATE AGENCY

Sec. 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, Sec. 1, eff. Sept. 1, 1997.

Sec. 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, Sec. 1, eff. Sept. 1, 1997.

Sec. 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, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 143, Sec. 1, eff. Sept. 1, 1999.

Sec. 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, Sec. 1, eff. Sept. 1, 1997.

Sec. 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, Sec. 1, eff. Sept. 1, 1997.

Exhibit B

List of Gifts and Donations of \$500 or more

Reimbursing organization	TWDB Staff	Date Range	Location	Purpose	Total
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North American Society of Trenchless Technology (NASTT)	COOK, MICHAEL	March 20 - 23, 2016	Dallas, Texas	Attendance NASTT technical sessions and meet with exhibitors of trenchless equipment and technology	\$1,438.00
				Reimbursed Expense Description	Reimbursed Amount
				LODGING	\$588.00
				REGISTRATION	\$850.00

Western States Water Council	FERNANDO, NELUN	April 28 - 30, 2016	College Park, Maryland	Attend the National Oceanic and Atmospheric Administration/Western States Water Council workshop on "Advancing sub-seasonal to seasonal precipitation forecasting for Western water management"	\$693.00
				Reimbursed Expense Description	Reimbursed Amount
				AIRLINE	\$693.00

Exhibit C

Executive Administrator's Approval Memorandum

Texas Water Development Board

P.O. Box 13231, 1700 N. Congress Ave.
Austin, TX 78711-3231, www.twdb.texas.gov
Phone (512) 463-7847, Fax (512) 475-2053

TO: Darrell Nichols, Assistant Executive Administrator
FROM: Les Trobman, General Counsel ✓
DATE: May 12, 2016
SUBJECT: Gifts and Donations to the Agency

Chapter 575 of the Texas Government Code gives specific direction to state agencies regarding the acceptance of gifts and donations. Chapter 575 provides that the Board 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. Chapter 575 further states the name of the donor, the 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 Texas Government Code is attached as Attachment A.

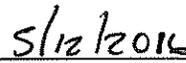
Before the Board can acknowledge acceptance of gifts and donations with a value of \$500 or more identified in Exhibit B, the gifts must be accepted by the agency.

Documentation of all gifts and donations during the covered time period is attached as Exhibit B. Please note the gifts and donations with a value of \$500 or more are highlighted; these highlighted gifts and donations will be presented to the Board. 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 gifts and donations. It is recommended you sign this form and accept the gifts and donations.

I acknowledge and accept the gifts and donations identified in Exhibit B, on behalf of the Texas Water Development Board.



Darrell Nichols
Assistant Executive Administrator



Date

Attachments:

- A- Texas Government Code Chapter 575
- B- Gifts and Donations
- C- Declaration of Third Party Reimbursement forms

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