

TEXAS TRANSPORTATION COMMISSION

NUECES County

MINUTE ORDER

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CORPUS CHRISTI District

This minute order considers a cash donation of \$71,500 from G&H Beach Development, Ltd. to the Texas Department of Transportation (department). This donation is a contribution toward the installation of a drainage structure within the state right-of-way along SH 361 in Port Aransas. The drainage structure will become state property and will be used for future SH 361 roadway improvement projects.

Transportation Code, §201.206, authorizes the department to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 60th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation 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.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the commission may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if it determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

The commission finds that the donation will further the department's responsibilities and that the donor is not a party to a contested case before the department and has not been a party to a contested case before the department during the last 30 days.

The commission also finds that the donor is not subject to department regulation or oversight, but they are a local affiliation of an organization that periodically makes donations to the department as a joint effort to keep Texas roadways clean. Nonetheless, the commission finds that this donation will not influence or reasonably appear to influence the department in the performance of its duties.

IT IS THEREFORE ORDERED by the commission that the estimated donation of \$71,500 from G&H Beach Development, Ltd. is accepted. The executive director or the executive director's designee is authorized to execute all necessary documents under 43 TAC §1.504 to effect the acceptance of the donation.

Submitted and reviewed by:

Bob Jack  
General Counsel

Recommended by:

M. W. Behrens  
Executive Director

**110706 SEP 28 06**

Minute      Date  
Number      Passed