

## TEXAS HISTORICAL COMMISSION

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### AGENDA EXECUTIVE COMMITTEE

Videoconference meeting

October 27, 2020

3:15 p.m.

*(or upon adjournment of the Historic Sites committee, whichever occurs later)*

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Pursuant to the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act due to the Coronavirus (COVID-19), the October 27, 2020 meeting of the Executive Committee will be held by videoconference as authorized under Texas Government Code section 551.127. Zoom meeting access link (registration required): <http://bit.ly/octcommittees> or audio only access via telephone at 1-346-248-7799; Webinar ID: 999 5778 8643

Agenda and meeting materials will be available at [www.thc.texas.gov/teleconferences](http://www.thc.texas.gov/teleconferences) after October 19, 2020. The members may discuss and/or take action on any of the items listed in the agenda.

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1. Call to Order
  - A. Committee member introductions
  - B. Establish quorum
  - C. Recognize and/or excuse absences
2. Consider approval of Executive Committee meeting minutes
  - A. June 16, 2020
  - B. August 17, 2020
3. Consider re-adoption of Title 13, Texas Administrative Code, Part 2, Ch 21 (History Programs); Ch 24 (Restricted Cultural Resource Info); Ch 28, Historic Shipwrecks; and Ch 29 (Management/Care of Artifacts & Collections) without change as published in the July 10, 2020 issue of the *Texas Register* (45 TexReg 4803) (Item 6.6)
4. Internal Audit Program (Item 6.7) – *Miller*
  - A. Consider approval of Annual Internal Audit Plan FY2021
  - B. Internal Audit Annual Report FY 2020
5. Confirm re-appointments to the Board of Trustees of the Friends of THC (item 15.2) – *Zutshi*
6. Consider approval of the Project Fundraising Priorities list requiring private funds in excess of \$50,000 for FY 2021 (item 15.3) – *Zutshi*
7. Consider approval of supplemental funding for previously awarded Texas Preservation Trust Fund Grant Program projects (item 15.4)- *Graham*
8. Consider approval of funding recommendations for the Texas Preservation Trust Fund Grant Program for Fiscal Year 2021 (item 15.5) – *Graham*

*NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Esther Brickley at (512) 463-5768 at least four (4) business days prior to the meeting so that appropriate arrangements can be made.*

## TEXAS HISTORICAL COMMISSION

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### MINUTES EXECUTIVE COMMITTEE

Videoconference meeting

June 16, 2020

4:15 p.m.

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*Note: For the full text of action items, please contact the Texas Historical Commission at P.O. Box 12276, Austin, TX 78711 or call 512.463.6100.*

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#### 1. Call to Order

The meeting of the Texas Historical Commission (THC) Executive Committee was called to order by Chairman John Nau at 4:24 p.m. on June 16, 2020. He announced the meeting had been posted to the *Texas Register* and was being conducted as a videoconference meeting as authorized under Texas Government Code section 551.127 and pursuant to the Governor's executive order to avoid gatherings of more than ten and the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act.

#### A. Committee member introductions

Committee members present included:

|                          |                       |
|--------------------------|-----------------------|
| Chairman John Nau        | member Earl Broussard |
| Vice-Chairman John Crain | member Daisy White    |
| Secretary Pete Peterson  |                       |

#### B. Establish quorum

Chairman Nau reported a quorum was present and declared the meeting open.

#### C. Recognize and/or excuse absences

All members were present, and no absences were recorded.

#### 2. Consider approval of the May 22, 2020 executive committee meeting minutes

Commissioner Pete Peterson moved, Commissioner Daisy White seconded, and the commission voted unanimously to approve the minutes from May 22, 2020 executive committee meeting.

#### 3. Consider approval of intent to review and consider for re-adoption, revision or repeal, the following chapters in Title 13 of the Texas Administrative Code, Part 2: Ch 21 (History Programs); Ch 24 (Restricted Cultural Resource Info); Ch 28, Historic Shipwrecks; and Ch 29 (Management/Care of Artifacts & Collections for publication in the *Texas Register*)

THC Executive Director Mark Wolfe stated the agency reviews its rules every four years to consider them for re-adoption, revision or repeal. If approved for publication to the *Texas Register*, Wolfe reported the rules for Chapters 21, 24, 28 and 29 would be reviewed over the next few months and staff would determine if the rules should be re-adopted, revised, or repealed. Commissioner John Crain moved, Commissioner Daisy White seconded, and the committee voted unanimously to send forward to the commission the recommendation to approve the THC's intent to review and consider for re-adoption, revision or repeal, Chapters Ch 21 (History Programs); Ch 24 (Restricted Cultural Resource Info); Ch 28, Historic Shipwrecks; and Ch 29 (Management/Care of Artifacts & Collections for publication in the *Texas Register*)

#### **4. Consider approval of the THC Strategic Plan FY 2021-2025**

Wolfe reported the Strategic Plan identified a 5-year vision and direction for the agency and served as the framework for internal operations for objectives, strategies, and performance measures and the budget. He explained that the THC would submit its final plan to the Governor's Office of Budget, Planning and Policy and the Legislative Budget Board June 1, 2020. He noted the Strategic Plan had to be submitted prior to the next Commission meeting, and it was requested that the Executive Committee approve the THC Strategic Plan for FY 2021-2025 to meet the June 1, 2020 submission deadline. Commissioner Pete Peterson moved, Commissioner White seconded, and the committee unanimously voted to send forward to the commission their recommendation to approve the THC Strategic Plan for FY 2021-2025.

#### **5. Consider approval of the MOA with the Friends of the Governor's Mansion (FGM)**

Wolfe reported the THC was required to perform certain duties relating to the contents of the Texas Governor's Mansion. He noted the partnership with the FGM was created to assist in the preservation and maintenance of the Governor's Mansion and the purpose of the Memorandum of Agreement (MOA) was to establish the relationship between the two entities and to delineate the responsibilities of each party with respect to the contents of the Governor's Mansion. Wolfe further explained that the current agreement was due to expire on July 31, 2020. Commissioner White moved, Commissioner Peterson seconded, and the committee voted unanimously to send forward to the commission the recommendation to approve the renewal of the MOA between the THC and the FGM and to authorize the executive director to sign the agreement on behalf of the THC.

#### **6. Consider approval of the MOA with the THC Friends**

Wolfe reported the Friends of the Texas Historical Commission (FTHC) was a Texas nonprofit corporation, organized exclusively to assist the THC in the preservation of historic sites, buildings, works of art or of cultural value, documents, papers, artifacts, etc., to protect and preserve the state's historic and prehistoric resources for the use, education, enjoyment, and economic benefit of present and future generations. Wolfe praised the work of the FTHC and expressed his appreciation for their efforts. In closing, he noted the current agreement between the THC and the FTHC was slated to expire on August 31, 2020 and the renewed MOA would be effective September 1, 2020 through August 31, 2025. Chairman John Nau moved, Commissioner White seconded, and the committee voted unanimously to send forward to the commission, the recommendation to accept the edits and approve the MOA between the THC and the FTHC and to authorize the executive director to sign the agreement on behalf of the THC.

#### **7. Consider approval of easement renewal with Texas Eastern Transmission, LP (San Jacinto SHS)**

Wolfe reported the easement renewal agreement had been presented to the committee at the previous meeting but several questions regarding the renewal were raised that required additional information. He explained that he was now personally satisfied with the additional information provided and was comfortable with terms of the agreement. Chairman Nau explained that the agreement had been in place with the Texas Parks and Wildlife Department for several years prior to the site transfer to THC. He confirmed that the terms of the agreement and amount of financial compensation were standard practice. Additionally, he reported the language regarding the safety & liability issues were also in alignment with the language used by the National Park Service. Commissioner Peterson moved, Commissioner White seconded, and the committee voted unanimously to send forward to the commission, the recommendation to approve the easement renewal for the pipeline with Texas Eastern Transmission, LP, as outlined in the proposed agreement. Discussion followed regarding the possibility of acquiring a parcel of land just to the south of the San Jacinto SHS through various opportunities.

#### **8. Consider delegation of authority to the Executive Committee to approve the Legislative Appropriations Request for FY 2022-2023**

Wolfe reported the Legislative Appropriations Request (LAR) for the 2022-23 biennium was the agency's budget request to the Texas Legislature. He explained that the LAR contains the actual expenditures from the previous year (2019), the estimated expenditures from the current year (2020), budgeted expenditures for the coming year (2021), and the requested budget for the coming biennium (FY 2022-2023). Wolfe noted that agencies, including THC, are also able to request additional funding for agency initiatives, known as exceptional items. He further reported that the LAR Policy letter and submission schedule was expected to be released in mid-late June 2020 with an expected due date to the Legislative Budget Board (LBB) on approximately August 3, 2020. Since that timeframe fell in between THC quarterly meetings, Wolfe stated that delegation of authority to the Executive committee was warranted for approval of the LAR to facilitate the timely submission. Chairman Nau reported that all agencies had been requested to identify five percent of general revenue to be returned to the state. He thanked the agency leadership for their ability to identify various options to arrive at the five percent sum. Commissioner Crain moved, Commissioner White seconded, and the committee voted unanimously to send forward to the commission, the recommendation to delegate authority to the Executive Committee to approve the Legislative Appropriations Request (LAR) for FY 2022-23. Any final adjustments necessary before submission of the LAR to the Legislature may be made by the Executive Director with the approve of the Chairman.

#### **9. Information technology update**

Deputy Executive Director of Administration Alvin Miller reported the Information Technology (IT) department continued to work on the refresh of staff computers and getting the newly acquired sites connected to the THC network. Additionally, he thanked the IT staff for the outstanding job in assisting the staff with their teleworking needs during the COVID-19 pandemic.

#### **10. Human Resources Update**

Miller stated he had no update to report.

#### **11. Committee Chairman's Report**

Chairman Nau gave an update on the "Restore our Parks" initiative underway in Washington D.C. He noted the bill could be the largest park bill in the history of the national parks. As part of that initiative, he stated there was also a sister infrastructure bill that would be debated toward the end of the month. He reported that Wolfe, the Advisory Council on Historic Preservation and the State Historic Preservation Officers had been providing their input and the THC could potentially be affected with additional work. He explained that the bill would provide funding for national parks and infrastructure improvements. At the state level, he noted that heritage sites and Certified Local Governments would benefit from this bill if passed.

#### **12. Adjournment**

On the motion of the chair and without objection, the committee adjourned at 5:09 p.m.

9. Consider approval of Hurricane Harvey Emergency Supplemental Historic Preservation Fund grant awards to alternate grant projects (item 15.6) – *Graham*
10. Consider approval of recommendations for 2020 Texas Historical Commission Preservation Awards (item 15.7) – *Sadnick*
11. Consider approval of filing authorization of proposed new rule to TAC, Title 13, Part 2, Chapter 26, section 26.28 related to the Removal of Designations for Privately or Publicly Owned Landmarks for first publication and public comment in the *Texas Register* (item 15.8) – *Wolfe/Jones*
12. Information technology update – *Miller*
13. Human Resources Update – *Miller*
14. Committee Chairman's Report
  - A. Ongoing Projects; and
  - B. Updates and Upcoming Events
15. Adjourn

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## TEXAS HISTORICAL COMMISSION

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### MINUTES EXECUTIVE COMMITTEE Videoconference Meeting August 17, 2020 2 p.m.

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*Note: For the full text of action items, please contact the Texas Historical Commission at P.O. Box 12276, Austin, TX 78711 or call 512.463.6100.*

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#### **1. Call to Order**

The meeting of the Texas Historical Commission (THC) Executive Committee was called to order by Chairman John Nau at 4:24 p.m. on June 16, 2020. He announced the meeting had been posted to the Texas Register and was being conducted as a videoconference meeting as authorized under Texas Government Code section 551.127 and pursuant to the Governor's executive order to avoid gatherings of more than ten and the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act.

#### **A. Committee member introductions**

Committee members present included:

|                          |                       |
|--------------------------|-----------------------|
| Chairman John Nau        | member Earl Broussard |
| Vice-Chairman John Crain | member Daisy White    |
| Secretary Pete Peterson  |                       |

#### **B. Establish quorum**

Chairman Nau reported a quorum was present and declared the meeting open.

#### **C. Recognize and/or excuse absences**

All members were present, and no absences were recorded.

#### **2. Consider pre-authorization to amend contract 808-19-00360, if and as necessary, with Phoenix I Restoration and Construction and increase the contract amount by up to \$75,000 for construction services to complete the project at the French Legation State Historic Site**

Chairman Nau called on THC Deputy Executive Director of Administration Alvin Miller to provide the background on this item. Miller explained that work associated with the contract between the THC and Phoenix I Restoration and Construction was scheduled to be completed in September 2020 however, delays due to weather and COVID-19 supplier and labor issues had extended the anticipated contract completion. He noted that the agency was requesting pre-authorization for a \$75,000 amendment for contingencies, which would allow the staff to respond in a timely fashion to any issues that may arise during the final stages of construction and extension of the contract through November 30, 2020 to address delays beyond the contractor's control. Questions and discussion ensued regarding the flexibility of the proposed motion. Deputy Executive Director of Historic Sites Joseph Bell described numerous change orders that had been identified in the amount of approximately \$50,000 that needed to be addressed prior to the THC October 27-28, 2020 quarterly meeting due to unforeseen conditions and obstacles. He also expressed his confidence that no further substantial issues would arise since the project was 90% complete. Additionally, Bell clarified that the proposed contract amendment included an extension of the contract completion date through November 30, 2020. Discussion followed regarding

the amount of contingency funds above the expected encumbrance of \$50,000. Commissioner Earl Broussard moved, Commission John Crain seconded, and the committee voted unanimously to approve the pre-authorization to amend contract 808-19-00360, if and as necessary, with Phoenix I Restoration and Construction increasing the contract amount by up to \$75,000; delegate authorization of any increase above \$50,000 to Chairman Nau and Executive Director Mark Wolfe; and extend the contract through November 30, 2020, for construction services to complete the project at the French Legation State Historic Site.

**3. Consider approval of amendment to contract 808-18-0652 with Hutson Gallagher, Inc., to extend the contract through November 30, 2020, for architectural and engineering services to complete the project at the French Legation State Historic Site**

Bell reported the work associated with the contract between the THC and Hutson Gallagher, Inc. was scheduled to be completed in September 2020 however, delays due to weather and COVID-19 supplier and labor issues with the primary construction contractor have extended the anticipated contract completion to November 2020 for architectural and engineering services and project oversight. Bell explained that the agency was requesting extension of the contract with Hutson Gallagher Inc. through November 30, 2020 to address delays beyond the construction contractor's control to complete architectural and engineering services. Questions and discussion ensued regarding the staff's confidence that the November 30, 2020 date was ample time to complete the project. Bell noted that Hutson Gallagher, Inc. and Phoenix I Restoration and Construction were working in tandem and assured the committee that the proposed date extension was sufficient. Commissioner Broussard moved, Commissioner Daisy White seconded, and the committee voted unanimously to approve an amendment to contract 808-18-0652 with Hutson Gallagher, Inc. to extend the contract through November 30, 2020, for architectural and engineering services to complete the project at the French Legation State Historic Site.

**4. Discussion and possible action regarding the Historic Buildings and Structures Antiquities Permit related to removal of a monument at the Tarrant County Courthouse, Fort Worth, Tarrant County**

At 3:45 p.m., Chairman Nau called the meeting into executive session pursuant to section 551.072 to consult with its lawyers on legal matters related to agenda item 4.

Following an executive session during the August 17, 2020 THC executive committee meeting, Chairman Nau reconvened the meeting in open session at 4:22 p.m. He announced that no action was taken during the executive session and no further action or discussion was warranted.

**5. Consider approval of the Legislative Appropriations Request for FY 2022-2023**

Wolfe reported the Legislative Appropriations Request (LAR) contains the actual expenditures from the previous year (2019), the estimated expenditures from the current year (2020), budgeted expenditures for the coming year (2021), and the requested budget for the coming biennium (FY 2022-2023). He stated that the LAR for the 2022-23 biennium was the agency's budget request to the Texas Legislature and was due to the Legislative Budget Board (LBB) on approximately August 3, 2020 however, THC still had not received its instructions on how to proceed with its budget request. He explained that those instructions included a base budget and agencies, including THC, are also able to request additional funding for agency initiatives, known as exceptional items. Additionally, Wolfe reported that the agency had submitted three options to arrive at the mandated five percent budget reduction and had not received an answer on which option could be used. He also stated that the list before them (Exhibit #1) was in order of staff's priorities and he hoped to get clarification from the committee members regarding their thoughts on priorities and how best to pare the list down. Lengthy discussion ensued regarding line by line items and their priorities including capital projects; deferred maintenance; full time equivalents; ongoing program funding; operational projects including vehicle replacement; and new projects and

programs. Questions and discussion were held regarding the state's collections management. Further discussion followed regarding additional legislative issues including an allocation for park roads; a rider for the tax credit fee collection; agency computer refresh; revising various codes within the Texas Administrative Code; and garnering spending authority from mitigation settlements. The committee directed Wolfe to revise the list based on the committee discussions both in prioritization and dollar amount. Vice-Chairman John Crain moved, Commissioner Earl Broussard seconded, and the committee voted unanimously to approve the Legislative Appropriations Request for FY 2022-23. Any final adjustments necessary before submission of the LAR to the Legislature may be made by the Executive Director with the approval of the Chairman.

#### **6. Executive Director's Report**

Wolfe reported that a number of THC State Historic Sites (SHS) were closed due to COVID-19 related contact. He stated that the evocations at the San Felipe de Austin SHS were underway and invited commissioners to visit the site if the opportunity arose. He noted that a new roof was being installed at Monument Hill SHS and the French Legation SHS renovation was nearing completion. In closing, he reported the deadline for three interim reports due to the House Culture Recreation and Tourism committee was extended by 30 days. Vice-Chairman Crain reported that a committee comprised of members of the THC and the Texas State Historical Association had recommended that the State Historian Mr. Monty Montgomery be re-appointed for a second term.

#### **7. Committee Chairman's Report**

Chairman Nau invited commissioners to join him on September 18, 2020 for a tour of the San Felipe de Austin SHS. Regarding the San Jacinto Battlefield SHS, Chairman Nau reported on various avenues being sought to purchase property adjacent to the site and possibly to even accept it as a donation. He noted that several commissioners were discussing the possibility of adding a travel app to the agency and funding options were being sought. In closing, Chairman Nau reported the Levi Jordan Advisory Committee had met and expressed his appreciation of the broad knowledge base the members had on Texas' pre-civil war slavery.

#### **8. Adjourn**

On the motion of the chair and without objection, the committee adjourned at 4:41 p.m.

## TEXAS HISTORICAL COMMISSION

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### Item 6.6

Texas Historical Commission  
Quarterly Meeting  
October 28, 2020

**Consider re-adoption of Title 13, Texas Administrative Code, Part 2, Ch 21 (History Programs); Ch 24 (Restricted Cultural Resource Info); Ch 28, Historic Shipwrecks; and Ch 29 (Management/Care of Artifacts & Collections) without change as published in the July 10, 2020 issue of the *Texas Register* (45 TexReg 4803)**

#### **Background:**

The Texas Government Code, §2001.039, establishes a four-year rule review cycle for all state agency rules, including THC rules. The Texas Historical Commission (THC) filed notice of the proposed rule review of Texas Administrative Code (TAC), Title 13, Part 2, Ch 21 (History Programs); Ch 24 (Restricted Cultural Resource Info); Ch 28, Historic Shipwrecks; and Ch 29 (Management/Care of Artifacts & Collections) with the *Texas Register* following the June 17, 2020 quarterly meeting. The official comment period began with publication of the notice of proposed review in the *Texas Register*. The filing of the notice of proposed review soliciting comments as to whether the reason for adoption continues to exist does not preclude any amendments that may be proposed at different dates through a separate rulemaking process.

If authorized by the commission, the THC will file the notice of re-adoption following the October 28, 2020 meeting. The notice of re-adoption and conclusion of the rule review will state that the THC finds the reasons for re-adopting the above-mentioned rules of the TAC continue to exist.

The THC received no comments regarding the rule review.

#### **Suggested motion:**

Move to approve the re-adoption of Title 13, Texas Administrative Code, Part 2, Ch 21 (History Programs); Ch 24 (Restricted Cultural Resource Info); Ch 28, Historic Shipwrecks; and Ch 29 (Management/Care of Artifacts & Collections) without changes as published in the July 10, 2020 issue of the *Texas Register* (45 TexReg 4803) and conclude the rule review of the above-mentioned chapters.

## TEXAS HISTORICAL COMMISSION

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### Rule Review Adoption Preamble

The Texas Historical Commission (hereafter referred to as the Commission) readopts Texas Administrative Code, Title 13, Part 2, for Chapter 21 (History Programs); Chapter 24 (Restricted Cultural Resource Info); Chapter 28, Historic Shipwrecks; and Chapter 29 (Management/Care of Artifacts & Collections) as part of its rule review process.

This rule review was completed pursuant to Texas Government Code, § 2001.039. The commission has assessed whether the reason(s) for adopting or re-adopting these chapters continues to exist. The notice of a proposed rule review was published in the July 10, 2020 issue of the Texas Register (45 TexReg 4803).

The commission received no comments related to the review of the above-noted chapters.

The commission finds that the reasons for initially adopting these rules continue to exist and re-adopts Chapter 21; Chapter 24; Chapter 28; and Chapter 29 in accordance with the requirements of Texas Government Code, § 2001.039.

This concludes the review of 13 TAC Chapter 21; 24; 28; and 29.

TRD – 202002693

Mark Wolfe  
Executive Director  
Texas Historical Commission  
Proposed review filed February 23, 2018

# REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

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## Proposed Rule Reviews

Texas Historical Commission

### Title 13, Part 2

The Texas Historical Commission files this notice of intent to review and consider for re-adoption, revision or repeal, repeal all rules in the following chapters of the Texas Administrative Code, Title 13, Part 2, Texas Historical Commission:

Chapter 21, History Programs

Chapter 24, Restricted Cultural Resource Information

Chapter 28, Historic Shipwrecks

Chapter 29, Management and Care of Artifacts and Collections

Pursuant to Texas Government Code 2001.039, the Texas Historical Commission will assess whether the reason(s) for initially adopting these rules continue to exist. The rules will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current general provisions in the governance of the Commission and/or whether it is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedures Act).

The Commission will accept written comments received on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*. Comments as to whether the reasons for initially adopting these rules continue to exist may be submitted to Esther Brickley, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276, or by email to [esther.brickley@thc.texas.gov](mailto:esther.brickley@thc.texas.gov). Any proposed changes to the rules as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202002693

Mark Wolfe

Executive Director

Texas Historical Commission

Filed: July 1, 2020

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## Adopted Rule Reviews

Texas Optometry Board

### Title 22, Part 14

The Texas Optometry Board readopts without change Texas Administrative Code, Title 22, Chapters 271, 272, 273, and 275, pursuant to the Texas Government Code, §2001.039. The agency proposed the review of the chapters in the March 6, 2020, issue of the *Texas Register* (45 TexReg 1722). After reviewing the rules in Chapters 271, 272, 273, and 275, the agency finds that the reasons for initially adopting the rules continue to exist and readopts the rules. No comments were received.

The agency has proposed an amendment to 22 TAC §273.10 to remove an outdated section. The agency has adopted changes to 22 TAC §275.2 during the review process.

The following rules in Chapter 271 are being readopted: §271.1, Definitions; §271.2, Applications; §271.3, Jurisprudence Examination Administration; §271.5, Licensure without Examination; §271.6, National Board Examination; and §271.7, Criminal History Evaluation Letters.

The following rules in Chapter 272 are being readopted: §272.1, Open Records; §272.2, Historically Underutilized Businesses; and §272.3, Contract and Purchasing Procedures.

The following rules in Chapter 273 are being readopted: §273.1, Surrender of License; §273.2, Use of Name of Retired or Deceased Optometrist; §273.3, Contact Lenses as Prize or Premium; §273.4, Fees (Not Refundable); §273.5, Clinical Instruction and Practice Limited License for Clinical Faculty; §273.6, Licenses for a Limited Period; §273.7, Inactive Licenses and Retired License for Volunteer Charity Care; §273.8, Renewal of License; §273.9, Public Interest Information; §273.10, Licensee Compliance with Payment Obligations; §273.11, Public Participation in Meetings; §273.12, Profile Information; §273.13, Contract or Employment with Community Health Centers; and §273.14, License Applications for Military Service Member, Military Veteran, and Military Spouse.

The following rules in Chapter 275 are being readopted: §275.1, General Requirements; and §275.2, Required Education.

This concludes the review of Chapters 271, 272, 273, and 275.

TRD-202002658

Chris Kloeris

Executive Director

Texas Optometry Board

Filed: June 29, 2020

TEXAS HISTORICAL COMMISSION

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**Item 6.7**  
Texas Historical Commission  
Quarterly Meeting  
October 27-28, 2020

**Consider approval of FY2021 Annual Internal Audit Plan**

**Background:**

Chapter 2102 of the Government Code requires the internal audit plan be risk-based and include areas identified through a risk assessment process. The attached document presents the proposed fiscal year 2021 Internal Audit Plan for review and approval in accordance with the Texas Internal Auditing Act.

The annual audit plan was developed using a risk assessment framework. Agency sources for potential engagement and auditable activities were identified; agency risk factors were examined using a weighted average risk measurement scoring system; risk assessment results were evaluated; and the audits based on the risk measurement score were prioritized. The engagements selected were based on the quantified risk priorities and the agency's risk strategy.

**Suggested Motion:**

Move to approve the FY2021 Annual Internal Audit Plan.



**TEXAS HISTORICAL COMMISSION**  
*real places telling real stories*

# **TEXAS HISTORICAL COMMISSION FY 2021 ANNUAL INTERNAL AUDIT PLAN**

As Prepared by  
McConnell & Jones LLP



**McCONNELL & JONES LLP**  
CERTIFIED PUBLIC ACCOUNTANTS

## Table of Contents

| Section   | Page Number |
|---|-------------|
| <i>1.0 Compliance with Texas Government Code, Section 2102.015: Posting the Audit Plan and Annual Report on the Internet.....</i> | <i>2</i>    |
| <i>2.0 Purpose .....</i>  | <i>2</i>    |
| <i>3.0 Risk Assessment.....</i>   | <i>2</i>    |
| <i>4.0 Fiscal Year 2021 Annual Internal Audit Plan.....</i>   | <i>3</i>    |
| <i>5.0 Significant Interim Changes .....</i>  | <i>4</i>    |



July 20, 2021

The Honorable Greg Abbott, Governor  
Members of the Legislative Budget Board  
Members of the Sunset Advisory Commission  
Internal Audit Coordinator, State Auditor

Dear Ladies and Gentlemen:

Attached is the FY 2021 Annual Internal Audit Plan for the Texas Historical Commission (THC). McConnell & Jones LLP (MJ). The Annual Internal Audit Plan will enable the THC to comply with the Texas Internal Auditing Act, Texas Government Code Chapter 2102 as amended by House Bill 2485 during the 78th Legislature and House Bill 16 during the 83rd Legislature. MJ will execute this Annual Internal Audit Plan in accordance with The Texas Internal Auditing Act, The Institute of Internal Auditors' (IIA) International Standards for the Professional Practice of Internal Auditing, the IIA's Code of Ethics, and Generally Accepted Government Auditing Standards (GAGAS).

Please contact Odysseus Lanier at 713.968.1603 or Commissioner John H. Nau, III at 512.463.5767 if you should have any questions about this audit plan.

Sincerely,

Odysseus Lanier, CPA  
Partner

## **1.0 COMPLIANCE WITH TEXAS GOVERNMENT CODE, SECTION 2102.015: POSTING THE AUDIT PLAN AND ANNUAL REPORT ON THE INTERNET**

Texas Government Code, Section 2102.015, requires state agencies and institutions of higher education to post agency internal audit plans and internal audit annual reports to the agency's internet website within 30 days of approval. Texas Government Code, Section 2102.015, also requires agencies to update the posting on the website to include a detailed summary of any weaknesses, deficiencies, wrongdoings, or other concerns raised by the audit plan or annual report and include a summary of the actions taken by the agency to address the issues raised.

In accordance with requirements of Texas Government Code, Section 2102.015, MJ will provide the required internal audit plan, internal audit annual report and any other required internal audit information to the Texas Historical Commission's Deputy Executive Director who will ensure the information is posted to the THC's website.

## **2.0 PURPOSE**

The purpose of this document is to communicate the annual risk-based audit plan as approved by the Texas Historical Commission Commissioners, the methodology used to develop the annual audit plan, the timing and resource requirements necessary to complete the audit plan, and the communication of audit results and any significant interim changes to the annual audit plan.

The Annual Internal Audit Plan was developed based on a prioritization of the audit universe using the results of the risk assessment and input from the THC leadership team. Using our risk assessment framework, we identified the organizational sources for potential engagements and auditable activities; examined organizational risk factors; and prioritized the audits based on the risk rating. The engagements selected were based on the quantified risk priorities and the organization's risk strategy.

## **3.0 RISK ASSESSMENT**

Risk is defined as the possibility of an event occurring that will have an impact on the achievement of objectives. Risk is measured in terms of impact and likelihood. An organization's risk exposure is determined through the identification of risks and evaluating the impact on operations and likelihood of occurrence.

Risk assessments identify an organization's exposure to business disruptions and barriers to achieving the organization's strategic goals. They serve as a tool to focus limited resources to perform evaluations of controls that are in place to limit the exposure.

In accordance with Texas Internal Auditing Act and The Institute of Internal Auditors (IIA) Standard 2010.A1, this internal audit plan is based on a documented risk assessment and input of the THC leadership team. Our assessment evaluated risk exposures relating to the THC's governance, operations, and information systems regarding the reliability and integrity of financial and operational information; effectiveness and efficiency of operations; safeguarding of assets; and compliance with laws, regulations, policies and procedures, and contracts.

The types of risk exposure relevant to the THC are:

---

- **Financial Exposure:** Financial exposure exists whenever an audit area is susceptible to errors or defalcations that affect the general ledger and financial statements or the integrity and safekeeping of agency assets, regardless of the financial statement impact.
- **Compliance Exposure:** Compliance exposure exists whenever an event in an audit area could cause the agency to fail to comply with regulations mandated by state or federal authorities, irrespective of whether financial exposure exists.
- **Information Exposure:** An information exposure exists whenever there is information of a sensitive or confidential nature, which could be altered, destroyed, or misused.
- **Efficiency Exposure:** An efficiency exposure exists whenever agency resources are not being utilized in an effective or efficient manner.
- **Human Resource Exposure:** A human resource exposure exists whenever an area is managing human resources in a way, which is contrary to agency policy.
- **Environmental Exposure:** An environmental exposure exists whenever internal or external factors pose a threat to the stability and efficiency of an audit area. Examples of factors that affect environmental exposure are:
  - Recent changes in key personnel
  - Changing economic conditions
  - Time elapsed since last audit
  - Pressures on management to meet objectives
  - Past audit findings and quality of internal control
- **Public Service Exposure:** A public service exposure exists whenever an event in an audit area could jeopardize existing public services or new public services.
- **Reputational Exposure:** A reputational exposures exists whenever an event in the audit area could jeopardize the reputation of the agency and stakeholder trust.

MJ discussed the risk exposures with the THC leadership team.

#### 4.0 FISCAL YEAR 2021 ANNUAL INTERNAL AUDIT PLAN

MJ will conduct two audits, follow-up on prior audit findings, update the risk assessment, prepare the FY 2022 Annual Internal Audit Plan and prepare the FY 2021 Annual Internal Audit Report in accordance with the Texas Internal Auditing Act. These activities are estimated to require **225 hours** for a total annual budget not to exceed \$25,610. The planned audits, timing and estimated hours are summarized in the table below.

**FY 2020 Annual Internal Audit Plan Activities**

| <b>Audit Activity #</b> | <b>Description</b>  | <b>Risk Rating</b> | <b>Estimated Timing</b> | <b>Estimated Hours</b> |
|-------------------------|---|--------------------|-------------------------|------------------------|
| 1                       | National Register and State Antiquities Landmark Designation Processes<br><ul style="list-style-type: none"> <li>✓ Application procedures and processes</li> <li>✓ Review procedures and processes</li> <li>✓ Decision and appeal procedures and processes</li> <li>✓ Monitoring procedures and processes</li> </ul>      | High               | October 2020            | 100                    |
| 2                       | Texas Historic Preservation Tax Credit Program<br><ul style="list-style-type: none"> <li>✓ Application procedures and processes</li> <li>✓ Approval procedures and processes for allocating funds</li> <li>✓ Reporting procedures and processes during the life of the project</li> <li>✓ Accounting for funds</li> </ul> | High               | February 2021           | 86                     |
| 3                       | Follow-Up on Prior Audit Findings   | Compliance         | March 2021              | 25                     |
| 4                       | Update Risk Assessment  | Compliance         | July 2021               | 8                      |
| 5                       | Annual Audit Plan   | Compliance         | July 2021               | 3                      |
| 6                       | Annual Audit Report   | Compliance         | August 2021             | 1                      |
| 7                       | Audit Communications, Committee Meetings, Project Management  | N/A                | All Year                | 2                      |
| <b>Total</b>            |   |                    |                         | <b>225</b>             |

**5.0 SIGNIFICANT INTERIM CHANGES**

Interim changes to the annual internal audit plan may occur from time to time due to changes in management direction, objectives, business risks, timing of initiatives, and staff availability. In accordance with IIA Performance Standard 2020, MJ will communicate any significant changes of the audit plan to THC executive management and present these changes to the THC's Commissioners for review and approval. Notification of significant changes to the Internal Audit Plan approved by the THC Commissioners will be submitted to the State Auditor's Office.

This annual audit plan was approved by the THC Commissioners.

# INTERNAL AUDIT ANNUAL REPORT FISCAL YEAR 2020



**TEXAS HISTORICAL COMMISSION**  
*real places telling real stories*



Prepared By:



**McCONNELL & JONES LLP**  
CERTIFIED PUBLIC ACCOUNTANTS

## TABLE OF CONTENTS

| Section  | Page Number |
|--|-------------|
| <i>I. COMPLIANCE WITH TEXAS GOVERNMENT CODE, SECTION 2102.015: POSTING THE AUDIT PLAN AND ANNUAL REPORT ON THE INTERNET.....</i> | <i>2</i>    |
| <i>II. FISCAL YEAR 2020 INTERNAL AUDIT PLAN STATUS .....</i>   | <i>2</i>    |
| <i>III. CONSULTING SERVICES AND NON-AUDIT SERVICES COMPLETED.....</i>  | <i>3</i>    |
| <i>IV. EXTERNAL QUALITY ASSURANCE REVIEW (PEER REVIEW) .....</i>   | <i>3</i>    |
| <i>V. INTERNAL AUDIT PLAN FISCAL YEAR 2021.....</i>  | <i>5</i>    |
| <i>VI. EXTERNAL AUDIT SERVICES PROCURED IN FISCAL YEAR 2020.....</i>   | <i>5</i>    |
| <i>VII. REPORTING SUSPECTED FRAUD AND ABUSE.....</i>   | <i>6</i>    |
| <i>VIII. SIGNIFICANT INTERIM CHANGES.....</i>  | <i>6</i>    |
| <i>IX. REPORT DISTRIBUTION.....</i>  | <i>7</i>    |



The Honorable Greg Abbott, Governor  
Members of the Legislative Budget Board  
Members of the Sunset Advisory Commission  
Internal Audit Coordinator, State Auditor

Dear Ladies and Gentlemen:

Attached is the FY 2020 Internal Audit Annual Report for the Texas Historical Commission (THC). This report is submitted in accordance with the Texas Internal Auditing Act requirement for state agency internal auditors to prepare and distribute an annual report (Government Code, Chapter 2102). THC engaged McConnell & Jones LLP (MJ) to provide internal audit services to the agency in accordance with The Texas Internal Auditing Act. MJ submits this FY 2020 Annual Internal Audit Report on behalf of the THC Commissioners.

The Texas Internal Auditing Act requires agencies to file an annual report on their internal audit activities and the internal audit reports prepared for their governing board. The purpose of the Internal Audit Annual Report is to provide information on the assurance services, consulting services, and other activities of the internal audit function. In addition, the Internal Audit Annual Report assists oversight agencies in their planning and coordination efforts. According to Texas Government Code, Sections 2102.009 and 2102.0091, the FY 2020 Internal Audit Annual Report is due November 1, 2020.

Please contact Odysseus Lanier at 713.968.1603 or Chairman John L. Nau, III at 512.463.5767 if you should have any questions about this audit report.

Sincerely,

Odysseus Lanier, CPA  
Partner

## I. COMPLIANCE WITH TEXAS GOVERNMENT CODE, SECTION 2102.015: POSTING THE AUDIT PLAN AND ANNUAL REPORT ON THE INTERNET

Texas Government Code, Section 2102.015, requires state agencies and institutions of higher education to post agency internal audit plans and internal audit annual reports to the agency's internet website within 30 days of approval. Texas Government Code, Section 2102.015, also requires agencies to update the posting on the website to include a detailed summary of any weaknesses, deficiencies, wrongdoings, or other concerns raised by the audit plan or annual report and include a summary of the actions taken by the agency to address the issues raised.

In accordance with requirements of Texas Government Code, Section 2102.015, McConnell & Jones LLP (MJ) will ensure the required Annual Internal Audit Plan, Internal Audit Annual Report and any other required internal audit information is provided to the Texas Historical Commission for posting to their website.

## II. FISCAL YEAR 2020 INTERNAL AUDIT PLAN STATUS

McConnell & Jones LLP prepared the Fiscal Year 2020 Annual Internal Audit plan based on a comprehensive risk assessment which was approved by the THC commissioners. There were no deviations from the approved audit plan. The chart below reflects the status of the approved Internal Audit Plan as of August 31, 2020.

### Fiscal Year 2020 Internal Audit Plan Status

| # | Description  | Report Number   | Report Date    | Report Title                              | Audit Status |
|---|--|---|----------------|---|--------------|
| 1 | National Register and State Antiquities Landmark Designation Processes | Audits Postponed to FY 2021 and replaced with Historic Sites Retail Operation Processes Advisory Review |                |   |              |
| 2 | Texas Historic Preservation Tax Credit Program                         |   |                |   |              |
| 3 | Historic Sites Division Retail Operations                              | 20-001  | March 19, 2020 | Historic Sites Division Retail Operations | Completed    |
| 4 | Update Annual Risk Assessment & Audit Plan                             | N/A   | N/A            | N/A                                       | Completed    |
| 5 | Internal Audit Annual Report   | N/A   | N/A            | N/A                                       | Completed    |
| 6 | Audit Communications, Project Management                               | N/A   | N/A            | N/A                                       | On-going     |

## Deviations from FY 2020 Annual Internal Audit Plan

Internal audit postponed the two audits that were scheduled for FY 2020 until FY 2021. Agency leadership requested that we replace these audits with a consulting and advisory review of the agency's historic sites retail operations.

### III. CONSULTING SERVICES AND NON-AUDIT SERVICES COMPLETED

Internal Audit performed a consulting and advisory services engagement to evaluate the Historical Sites Division (HSD) retail operations. Eight historic sites were transferred from the Texas Parks and Wildlife Department and one was transferred from Blinn College to THC on September 1, 2019. These transferred sites represented 69 percent of the total visitors to all sites and 27 percent of the total admission fees for the first quarter FY 2020. While the historic site staff also transferred to THC, there were no additional positions authorized for THC to provide back-office administrative support for these sites.

This engagement focused on providing an independent assessment of HSD's current retail operations to identify root causes of current challenges and provide recommendations for moving towards the next level in their retail operations.

We concluded that HSD has established a solid foundation for retail operations and generally, historic site managers embrace the concept of operating retail as museum stores instead of gift shops. The systemic cause of current challenges faced by HSD in their retail operations can be attributed primarily due to the inventory system and not having staff dedicated to retail support operations. We identified six areas to address which should facilitate the agency's vision for museum stores. These are:

1. Back-Office Support Staffing Model
2. Point-of-Sale (POS) System
3. Inventory Management
4. Internal Procurement Processes
5. Budgeting
6. Monitoring Metrics

### IV. EXTERNAL QUALITY ASSURANCE REVIEW (PEER REVIEW)

MJ has been a member of the AICPA since 1987 and is subject to the AICPA's peer review process every three years. Our commitment to quality is underscored by the fact that, in our four most recent peer reviews, we have consistently received an unqualified opinion in external peer review reports on the quality of our accounting and auditing practice by the AICPA. After a thorough review of our procedures and work practices, which include reviews of our nonprofit, governmental, and commercial engagements, the reviewers concluded that MJ complies with the stringent quality control standards established by the American Institute of Certified Public Accountants. We provide a copy of our most recent peer review letter below.

**Opinion**

In our opinion, the system of quality control for the accounting and auditing practice of **McConnell & Jones, LLP**, applicable to engagements not subject to PCAOB permanent inspection, in effect for the year ended June 30, 2017, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. **McConnell & Jones, LLP** has received a peer review rating of *pass*.

*Turner, Skoe & Company, LLP*

Turner, Skoe & Company, LLP

*Your Vision Our Focus*



**Report on the Firm's System of Quality Control**

January 31, 2018

To the Partners of  
**McConnell & Jones, LLP**  
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of **McConnell & Jones, LLP** (the Firm), applicable to engagements not subject to PCAOB permanent inspection, in effect for the year ended June 30, 2017. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at [www.aicpa.org/peerreview](http://www.aicpa.org/peerreview). The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

**Firm's Responsibility**

The Firm is responsible for designing a system of quality control and complying with it to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The Firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

**Peer Reviewer's Responsibility**

Our responsibility is to express an opinion on the design of the system of quality control and the Firm's compliance therewith based on our review.

**Required Selections and Considerations**

Engagements selected for review included engagements performed under Government Auditing Standards, including a compliance audit under the Single Audit Act; audits of employee benefit plans and an audit of a non-carrying broker-dealer.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the Firm, if applicable, in determining the nature and extent of our procedures.

Turner, Skoe & Company, LLP  
Accountants and Consultants  
12700 Park Central Drive, Suite 1400  
Dallas, Texas 75219

Telephone: 972-339-1660 / Fax: 972-339-1665  
Toll Free: 877-833-4393  
Web Site: [turnerskoe.com](http://turnerskoe.com)



## V. INTERNAL AUDIT PLAN FISCAL YEAR 2021

MJ developed the Fiscal Year 2021 Annual Internal Audit Plan based on results of the annual risk assessment. Our assessment evaluated risk exposures relating to the THC's governance, operations, and information systems regarding the reliability and integrity of financial and operational information; effectiveness and efficiency of operations; safeguarding of assets; and compliance with laws, regulations, and contracts.

MJ will conduct two audits, conduct follow-up activities related to prior audit findings, update the risk assessment, prepare the Fiscal Year 2022 Annual Internal Audit plan and prepare the Fiscal Year 2021 Annual Internal Audit Report in accordance with the Texas Internal Auditing Act. These activities are estimated to require **225 hours**. The planned audits, timing and estimated hours are summarized in the table below.

Contract management activities are not included in this audit plan. We performed an internal audit of information technology in FY 2019 and followed-up on recommendations in FY 2020. Additionally, we have not excluded high-risk areas that have not been audited within the previous five years from this audit plan.

### Fiscal Year 2021 Annual Internal Audit Plan Activities

| Audit Activity # | Description  | Risk Rating | Estimated Timing | Estimated Hours |
|------------------|--|-------------|------------------|-----------------|
| 1                | National Register and State Antiquities Landmark Designation Processes | High        | October 2020     | 100             |
| 2                | Texas Historic Preservation Tax Credit Program                         | High        | February 2021    | 86              |
| 3                | Follow-Up on Prior Audit Findings                                      | Compliance  | March 2021       | 25              |
| 4                | Update Risk Assessment   | Compliance  | July 2021        | 8               |
| 5                | Annual Audit Plan  | Compliance  | July 2021        | 3               |
| 6                | Annual Audit Report  | Compliance  | August 2021      | 1               |
| 7                | Audit Communications, Committee Meetings, Project Management           | N/A         | All Year         | 2               |
|                  | <b>Total</b>   |             |                  | <b>225</b>      |

## VI. EXTERNAL AUDIT SERVICES PROCURED IN FISCAL YEAR 2020

External audit services procured in fiscal year 2020 consisted of internal audit services necessary to execute THC's internal audit plan.

## VII. REPORTING SUSPECTED FRAUD AND ABUSE

Texas Historical Commission has implemented measures to comply with Article IX, Section 7.10, the General Appropriations Act (81st Legislature) and Texas Government Code, Section 321.022. These measures include, but are not limited to, the following:

- The Texas Historical Commission included a link to the State Auditor's Office website for fraud reporting at the footer of the Texas Historical Commission website.
- The THC's Fraud Prevention Policy also includes information on how to report any known, alleged or suspected fraud or other illegal activities at the THC to management within the agency or directly to the State Auditor's Office.

## VIII. SIGNIFICANT INTERIM CHANGES

Interim changes to the annual audit plan may occur from time to time due to changes in management direction, objectives, business risks, timing of initiatives, and staff availability. In accordance with IIA Performance Standard 2020, MJ will communicate any significant changes of the audit plan to THC's executive management and present these changes to the THC Commissioners for review and approval. Notification of significant changes to the Internal Audit Plan approved by the Audit Committee will be submitted to the State Auditor's Office.

This annual internal audit report was provided to the THC Commissioners.

## **IX. REPORT DISTRIBUTION**

This report is being distributed to the following individuals.

### **Texas Historical Commission Members**

Mr. John Nau, III, Chair  
Mr. Earl Broussard, Jr.  
Mr. Jim Bruseth  
Ms. Monica Burdette  
Mr. John W. Crain  
Mr. Garrett Donnelly  
Ms. Renee Dutia  
Ms. Lilia Garcia  
Mr. David Gravelle  
Mr. Wallace B. Jefferson  
Ms. Laurie Limbacher  
Ms. Catherine McKnight  
Mr. Tom Perini  
Mr. Gilbert E. Peterson  
Ms. Daisy Sloan White

### **Texas Historical Commission**

Mr. Mark Wolfe, Executive Director  
Mr. Alvin Miller, Deputy Executive Director

### **Oversight Agencies**

Governor's Office of Budget Planning and Policy  
Legislative Budget Board  
Internal Audit Coordinator, State Auditor's Office

## TEXAS HISTORICAL COMMISSION

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**Item 15.2**  
Texas Historical Commission  
Quarterly Meeting  
October 27 & 28, 2020

### **Confirm re-appointments to Board of Trustees of the Friends of the Texas Historical Commission**

#### **Background:**

The Friends of the Texas Historical Commission (Friends) is a nonprofit 501 (c) (3) organization dedicated to supporting the historic preservation programs of the THC. The Friends was formed in 1996 to assist the THC in the protection, preservation, and promotion of the state's rich heritage, and in educating Texas citizens about their shared legacy. Through the Friends, the THC has raised more than \$12 million to support programs such as the *Belle Shipwreck Project*, the Red River War Battle Sites Project, the excavation of La Salle's Fort St. Louis, the Texas in World War II Initiative, the THC Diversity Internships, the Texas Civil War Monuments Fund, and most recently the San Felipe de Austin State Historic Site Museum. A board of trustees, including the executive director of the Texas Historical Commission, oversees the Friends.

Trustees are appointed for three-year terms and are selected to provide preservation, operational and investment advice to the organization and to ensure that the activities of the organization support the preservation efforts of the THC.

The Friends board appoints all trustees by following the nomination process as outlined in their governance documents. In order to facilitate a close working relationship, the Commission confirms at least one more than half of the Trustees who serve as "Commission Trustees". The remaining Trustees serve as "Corporate Trustees". The current Board of Trustees includes fourteen (14) Commission appointees, and six (6) Corporate appointees. Please see the attached "*Trustees Term of Service FY 2021-2023*".

#### **Suggested Motion**

Move to confirm the re-appointment of Sarita Armstrong Hixon, Harriet Latimer, MariBen Ramsey, and Dianne Duncan Tucker as Commission Trustees of the Friends of the Texas Historical Commission for another three-year term (FY 2021-2023).

#### **CLASS III (2023)**

Sarita Armstrong Hixon (re-appointment)

Harriet Latimer (re-appointment)

MariBen Ramsey (re-appointment)

Dianne Duncan Tucker (re-appointment)



**Trustee Terms of Service  
FY 2021-2023  
(September 1, 2020 – August 31, 2023)**

**Class I (Term Expires August 31, 2021)**

Peggy Cope Bailey – Commission  
Donna Carter – Commission  
Sehila Mota Casper – Commission  
Rowena Houghton Dasch – Corporate  
John Mayfield – Corporate  
Julian Read – Commission  
Sally Anne Schmidt – Corporate  
Brian Shivers – Commission

**Class II (Term Expires August 31, 2022)**

Jane Cook Barnhill – Commission  
Lareatha Clay – Commission  
Terry Colley – Corporate  
Michael Hurd – Corporate  
Bonnie McKee – Commission  
Larry Oaks – Commission  
Welcome Wilson, Jr. – Commission

**Class III (Term Expires August 31, 2023)**

Sarah Zenaida Gould – Corporate  
Sarita Armstrong Hixon – Commission  
Harriet Latimer – Commission  
MariBen Ramsey – Commission  
Dianne Duncan Tucker – Commission

**THC Commission Liaisons**

Monica P. Burdette  
John W. Crain  
John L. Nau, III

**Advisory Board**

Killis Almond  
Diane Bumpas  
Harold Courson  
Mary Stripling Duncan  
Stuart Gleichenhaus  
Albert "Boo" Hausser

Ann Lewis Lawrence  
Lynn McBee  
Joan McLeod  
Robert Oliver  
Gay Ratliff

## TEXAS HISTORICAL COMMISSION

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**Item 15.3**  
Texas Historical Commission  
Quarterly Meeting  
October 27 & 28, 2020

### **Review and approve projects requiring private funds in excess of \$50,000 for FY 2021**

#### **Background**

In accordance with the Memorandum of Understanding between the Texas Historical Commission and the Friends of THC projects exceeding \$50,000 requiring funding from the Friends must be approved by a vote of the Commission or by a vote of the Executive Committee of the Commission.

The attached list of projects (*attachment provided for your review*) was developed by the Friends of the Texas Historical Commission, with input from, and consultation with, the division directors of each THC division, as well as with final review by the Executive Director of the THC. Upon approval by the Commission, this list of projects requiring private funds in excess of \$50,000 will be approved by the Board of the Friends of the THC at their quarterly board meeting on October 30, 2020.

#### **Suggested Motions**

Move to approve projects as presented and to request that the Friends proceed with fundraising.

**FRIENDS OF THE TEXAS HISTORICAL COMMISSION**  
**PROJECT FUNDING PRIORITIES FY 2021 - FINAL Presented for Approval by the Commission (10.2020)**

| Notes:  |            |  |                  |             |   |
|---|------------|--|------------------|-------------|---|
| 1. Friends fundraising priorities are categorized into three focus areas - Capital, Education, and Stewardship          |            |  |                  |             |   |
| 2. Projects marked with a plus sign (+) were approved in previous fiscal years, but have amended (increased) \$ goals.  |            |  |                  |             |   |
| 2. Projects marked with a minus sign (-) were approved in previous fiscal years, but have amended (decreased) \$ goals. |            |  |                  |             |   |
| Project name  | Division   | Project Description  | Fundraising Goal | FY          | Notes   |
| <b>Priority 1</b>   |            |  |                  |             |   |
| Texas Archeology Stewardship Network( <i>Stewardship</i> )(-)   | Archeology | Ongoing training/workshops for the TASN  | \$3,000          | 2021        | \$3,500 raised in FY 2018. The balance will provide funding for the program for 5 years.    |
| Mobile Apps ( <i>Education</i> ) ( <i>new</i> )   | COMM/CHD   | Development of a mobile app for heritage tourism   | \$150,000        | 2021        | Details TBD   |
| Real Places Conference ( <i>Education</i> ) (-)   | CHD        | Conference underwriting  | \$40,000         | 2021        | verbal commitment from Phoenix 1 for title sponsorship                                      |
| THC Awards Banquet ( <i>Education</i> )   | HPD        | THC Awards   |                  |             |   |
| Eisenhower Birthplace ( <i>Capital</i> ) (+)  | HS         | Capital Improvements - Monument, landscape design, and upgrades (Phase I)  | \$1,089,986      | 2021 - 2022 | Fundraising ongoing, with \$90,000 raised.  |
| Caddo Mounds - Visitor Center Phase II ( <i>Capital</i> ) ( <i>new</i> )  | HS         | Construction of Phase II (education building) of the Caddo Mounds SHS visitor center and outdoor educational infrastructure; match for \$2.5 million in state appropriations | \$2,500,000      | 2021 - 2023 | Numbers may be revised following detailed design development and business plan development. |
| Caddo Mounds ( <i>Program and Planning</i> )  | HS         | Construction of the Caddo Grass House; Community engagement for planning   | \$100,000        | 2021 - 2023 |   |
| French Legation ( <i>Capital</i> ) (-)  | HS         | Restoration of Legation House and grounds  | \$50,000         | 2021        | Funds to cover the gap for the completion of the Carriage House/Visitor center project.     |
| French Legation ( <i>Education</i> ) ( <i>new</i> )   | HS         | Exhibition materials, interpretive components  | \$80,000         | 2021 - 2022 |   |
| Levi Jordan Plantation Museum ( <i>Capital</i> )  | HSD        | Capital Improvements and interpretation over the next 3-5 years  | TBD              | 2021-2023   | <b>Moved to Priority 1</b> ; Begin campaign feasibility analysis in FY 2021                 |
| San Jacinto Monument - Museum Addition ( <i>Planning</i> ) ( <i>new</i> )   | HSD        | Feasibility study  | TBD              | 2021-2023   |   |

**FRIENDS OF THE TEXAS HISTORICAL COMMISSION**  
**PROJECT FUNDING PRIORITIES FY 2021 - FINAL Presented for Approval by the Commission (10.2020)**

| <b>Project name</b>  | <b>Division</b> | <b>Project Description</b>   | <b>Fundraising Goal</b> | <b>FY</b>   | <b>Notes</b>  |
|--|-----------------|--|-------------------------|-------------|---|
| Ft. Griffin - Longhorn Herd <i>(Capital)</i>                           | HS              | Land/easement acquisition (~2,000 acres) for effective management of the THC longhorn herd at Ft. Griffin                | \$2,000,000             | TBD         |   |
| <b>Priority 2</b>  |                 |  |                         |             |   |
| Old Socorro Mission <i>(Capital)</i>                                   | Archeology      | Land acquisition and development plan  | \$600,000               | 2021        |   |
| Courthouse Stewardship Workshops <i>(Stewardship)</i>                  | Architecture    | Two regional and one statewide workshop  | \$20,000                | 2021        | Request submitted to TLTA - pending approval  |
| First Lady's Tour <i>(Education) (+)</i>                               | CHD             | Main Street Tour   | \$25,000                | 2021        | Funded primarily by IBAT, but may need support for FY 2021  |
| DowntownTX - Phase II <i>(Program expansion) (new)</i>                 | CHD             | Software improvements and enhancements   | \$35,000                | 2021-2022   | There continue to be ongoing needs for software improvements and enhancements, though expect them to be more modest next year, perhaps in the \$30,000-50,000 range. Given what could be tight overall funding, this could move up to Priority 2. This amount would be mostly technology but it could include some additional legal/business needs we may have.   |
| Archeological Stewards and Staff Research Fund <i>(Program) (new)</i>  | Archeology      | A grant program for Stewards to support on-site research   | \$20,000                | 2021 - 2022 | Provide grant funding to TASN stewards for on-site research, like chronometric dating, or materials analysis. Also provide additional funding for regional review staff for research.   |
| Cemetery Support Fund <i>(Program) (new)</i>                           | Archeology      | Grant program to assist private landowners with preservation of prehistoric and abandoned or lost cemeteries.            | ??                      | 2021 - 2022 | To fund a grant program to assist private landowners with preservation efforts for prehistoric and abandoned or lost cemeteries, including recording, protecting and possibly for exhumation. The changes to the Health and Safety Code has created tension between landowners and their interest groups and archeologists, and developing a program that could provide resources might be a way to mitigate the anxiety and lack of trust. |
| THC Education Program <i>(Program) (new)</i>                           | HPD             | A comprehensive Education Program that provides funding for K-12, post-secondary, and professional development programs. | \$37,000                | 2021-2022   | \$9,000 for Youth Education (virtual summer camps and content development); \$10,000 for 3rd party e-learning platform for K-12 education; and \$17,200 for Museum Services Webinars program  |
| Dialogue as Interpretive Strategy - ICOSOC Training <i>(Education)</i> | HSD             | Contract with the ICOSOC for 3-4 trainings per year for site and other staff across the agency                           | \$50,000                | 2021-2023   | \$15,000 per year for 3 trainings for 25 staff each.  |
| Sam Bell Maxey House <i>(planning)</i>                                 | HS              | Cultural Landscape Plan and implementation   | \$75,000                | 2021-2023   | <b>Moved to Priority 2</b>  |

**FRIENDS OF THE TEXAS HISTORICAL COMMISSION**  
**PROJECT FUNDING PRIORITIES FY 2021 - FINAL Presented for Approval by the Commission (10.2020)**

| Project name  | Division | Project Description  | Fundraising Goal | FY          | Notes   |
|---|----------|--|------------------|-------------|---|
| San Jacinto Monument ( <i>Education</i> )                     | HSD      | Interpretive Masterplan and Cultural Landscape Plan  | \$180,000        | 2021-2023   |   |
| Port Isabel ( <i>Capital</i> )                                | HSD      | Lighthouse lens (3rd order), plus base, lamp, shipping and installation  | \$150,000        | 2021        |   |
| Collections Care Project ( <i>Program</i> )                   | HSD      | Expand emergency response and salvage capabilities at all regional collections repositories for THC, and institute environmental and condition monitoring for all collections stored at THC historic Sites and THC Curatorial Facility for Artifact Research. Includes software, equipment, and remote monitoring. | \$250,000        | 2021-2023   |   |
| Digital Collections Archives ( <i>Education</i> )             | HSD      | Expanding the capabilities of the existing Digital Collections Database to enable all collections to be digitally inventoried, as well as make collection information "web ready". Cost will include part time staff, equipment, software, operating costs, etc. Focused primarily on archeological sites.         | \$225,000        | 2020-2022   |   |
| <b>Priority 3</b>   |          |  |                  |             |   |
| Monument Hill and Kreische Brewery ( <i>Capital</i> )         | HS       | Architectural restoration; stabilization of the ruins; interpretive masterplan for the ruins   | TBD              | 2021 - 2023 |   |
| Palmito Ranch Viewing Tower ( <i>capital</i> ) ( <i>new</i> ) | HS       |  | ??               | 2021 - 2023 |   |
| Port Isabel ( <i>Program</i> ) ( <i>new</i> )                 | HS       | Exhibits refresh and lighting in exhibit space   | \$85,000         | 2021 - 2023 |   |
| Collections Storage Facility ( <i>capital</i> )               | HS       | Permanent THC collections facility   | TBD              | TBD         |   |
| THC Digital Archives ( <i>Education &amp; Stewardship</i> )   | THC      | A complete management system for all THC owned images, videos, oral histories, etc.  | \$200,000        | TBD         | Alvin's input - need to define scope, identify requirements, archival standards, etc. |

**FRIENDS OF THE TEXAS HISTORICAL COMMISSION**  
**PROJECT FUNDING PRIORITIES FY 2021 - FINAL Presented for Approval by the Commission (10.2020)**

| <b>Project name</b>  | <b>Division</b>        | <b>Project Description</b>                                       | <b>Fundraising Goal</b> | <b>FY</b> | <b>Notes</b>                |
|--|------------------------|--|-------------------------|-----------|-----------------------------|
| <b>Friends Fundraising - PRIORITY 1</b>  |                        |  |                         |           |                             |
| Preservation Scholars Program ( <i>Education</i> )   | Friends - Restricted   | Stipend for at least six interns for FY 2021                     | \$32,500                | 2021      | Per FTTHC 2021 Draft Budget |
| Friends Unrestricted Fundraising ( <i>Gen Operating</i> )  | Friends - Unrestricted | Unrestricted \$\$ from the Spirit of Texas program.              | \$32,500                | 2021      | Per FTTHC 2021 Draft Budget |
| FTTHC Fundraiser/Unrestricted fundraising from foundations & Corporations ( <i>Gen Operating</i> ) | Friends - Unrestricted | Unrestricted funds   | \$18,500                | 2021      | Per FTTHC 2021 Draft Budget |
| Development Seminars ( <i>Education</i> )  | Friends - Unrestricted | One annual seminar at RP, and two field seminars hosted by FTTHC | \$1,500                 | 2021      | Per FTTHC 2021 Draft Budget |

## TEXAS HISTORICAL COMMISSION

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### Item 15.4

Texas Historical Commission  
October Quarterly Meeting  
October 27-28, 2020

### Consider approval of supplemental funding for previously awarded Texas Preservation Trust Fund Grant Program projects

#### **Background:**

On June 5, 2020, the City of Carrizo Springs (Dimmit County) returned their FY 2018 grant funds of \$30,000 after they decided to demolish the old firehouse instead of proceeding with a phased restoration project. Casa Ronquillo in San Elizario (El Paso County) is the last architecture project to complete in the FY 2018 grant round. Due to the large scope of work (see attached), the County of El Paso can utilize additional funding for the project. THC staff is recommending a supplemental award of \$24,000 to the County of El Paso for the Casa Ronquillo project. The County of El Paso originally received a grant award of \$30,000 and this will bring their total grant award to \$54,000. The remaining \$6,000 from the return of the Carrizo Springs Firehouse grant was awarded to the FY 2018 Preserve America Youth Summit heritage education grant project. Conservation Legacy initially requested \$40,000 and the THC awarded \$20,000. As per the FY 2018 TPTF grant award motion page, the Commission gave authorization to the Executive Director to award returned grant funds to grant recipients where the grant amount originally requested was reduced to a lesser amount.

On August 23, 2020, the board of the First Church of Christ Scientist in Victoria returned their TPTF Hurricane Harvey emergency grant funds of \$30,000. The original project contact passed-away after the grant award and the remaining church board members had a difficult time administering the grant project and determining how the grant funds would be spent. The funding for the project was complex with the project receiving FEMA funds and a federal Hurricane Harvey Emergency Supplemental Historic Preservation Fund grant that was returned recently as well. The Mary Christian Burleson Homestead in Elgin (Bastrop County) is the last architecture project to complete in the FY 2018 TPTF Hurricane Harvey emergency grant round. Due to a larger scope of work than initially funded (see attached), the Mary Christian Burleson Homestead Foundation can utilize additional funding for the homestead project. THC staff is recommending a supplemental award of \$30,000 to the Mary Christian Burleson Homestead Foundation for the homestead project. The foundation originally received a grant award of \$30,000 and this will bring their total emergency grant award to \$60,000.

The Commission will consider the following supplemental funding:

#### **Suggested Motion:**

1. Move to approve a supplemental award of \$24,000 to the County of El Paso for the Casa Ronquillo project located in San Elizario, El Paso County, Texas.
2. Move to approve a supplemental award of \$30,000 to the Mary Christian Burleson Homestead Foundation for the homestead project located in Elgin, Bastrop County, Texas.

## TEXAS HISTORICAL COMMISSION

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**Project Name:** Casa Ronquillo

**Location:** San Elizario, El Paso County, Texas

**Re:** Expanded Scope of Work for the Texas Preservation Trust Fund Grant Program

**Total Project Cost:** \$124,906.50

The full restoration of Casa Ronquillo represents an ambitious and complex undertaking that will extend several months beyond the TPTF deadline of January 1, 2021. This restoration project has therefore been divided into two principal phases, and a portion of the first phase has been scoped out in such a way as to produce measurable, achievable outcomes by the January deadline. It is this first phase of the restoration project which comprises the exclusive focus of this TPTF application. Project budget included.

**Current funded scope of work includes:**

- Doors and windows
- Electrical
- Flooring
- Roof

**Expanded scope of work will include:**

- Adobe restoration (thermal and moisture protection)
- Masonry
- Wood (exterior and interior wood trim pieces)
- Other materials as needed, including finishes

**Phase 1 –Detailed Scope of Work:**

Renovate the existing Casa Ronquillo House using renovation materials and methods to closely resemble construction during this historical time-period. Renovation will focus on stabilizing the existing building structure both on the interior and exterior sides of the adobe walls and maintaining a weathertight, watertight envelope. The plaster skin and chicken wire will carefully be removed in sections to expose the existing adobe which will determine the condition of existing adobe material. All walls will then be repaired or rebuilt to insure a stable wall system. All existing roof members (*Vigas* and *Latillas*) will be revised, repaired as needed, and refinished to maintain a sound roof system. All window and doors are missing with remaining rough openings to be repaired and modified to accommodate new doors and windows. The existing roof (asphalt roof over mud and *canales*) will be repaired and modified to accommodate a new modified bitumen roof system to provide weathertight, water-tight conditions. New electrical and mechanical systems will be installed yet concealed as much as possible to maintain the historical aspects of the interior space. All interior and exterior wood trim pieces will be removed, repaired, or replaced to match existing and re-installed. Finally, after all repairs and systems are installed, a limestone plaster finish will be installed on both the inside and outside faces of the building.

RESTORATION OF CASA RONQUILLO  
COST ESTIMATE NO. 1

PROJECT RESTORATION OF  
CASA RONQUILLO-PHASE I  
LOCATION SAN ELIZARIO, TEXAS  
OWNER COUNTY OF EL PASO  
DATE 7/5/2017  
EST. NO. COST ESTIMATE NO. 1

TOTAL AREA 2024  
TOTAL COST \$266,618.34  
EST COST / S.F. \$131.73

Cost Estimate Note !

*The initial, grant-supported project phase to be completed by 8/31/19 is highlighted by a green color which totals \$124,906.50, and is a portion of the overall construction cost budget."*

COST SUMMARY

| CODE  | DIVISION                           | OVERALL COST / SF | GRANT MONEY COST/DIVISION | ESTIMATED    |
|---|------------------------------------|-------------------|---------------------------|--------------|
| 1100  | TOTAL GENERAL CONDITIONS           | \$25.05           | \$1,500.00                | \$50,710.00  |
| 2000  | TOTAL SITE WORK                    | \$1.33            | \$2,700.00                | \$2,700.00   |
| 3000  | TOTAL CONCRETE WORK                | \$0.32            | \$0.00                    | \$650.00     |
| 4000  | TOTAL MASONRY                      | \$10.84           | \$21,950.00               | \$21,950.00  |
| 5000  | TOTAL METALS                       | \$0.00            | \$0.00                    | \$0.00       |
| 6000  | TOTAL WOODS and PLASTICS           | \$7.36            | \$13,537.50               | \$14,887.50  |
| 7000  | TOTAL THERMAL /MOISTURE PROTECTION | \$17.38           | \$34,149.00               | \$35,174.00  |
| 8000  | TOTAL DOORS AND WINDOWS            | \$14.16           | \$28,250.00               | \$28,650.00  |
| 9000  | TOTAL FINISHES                     | \$17.23           | \$22,820.00               | \$34,875.00  |
| 10000   | TOTAL SPECIALTIES                  | \$0.00            | \$0.00                    | \$0.00       |
| 11000   | TOTAL EQUIPMENT                    | \$0.00            | \$0.00                    | \$0.00       |
| 12000   | TOTAL FURNISHINGS                  | \$0.00            | \$0.00                    | \$0.00       |
| 13000   | TOTAL SPECIAL CONSTRUCTION         | \$0.00            | \$0.00                    | \$0.00       |
| 14000   | TOTAL CONVEYING SYSTEMS            | \$0.00            | \$0.00                    | \$0.00       |
| 15000   | TOTAL MECHANICAL / PLUMBING        | \$8.99            | \$0.00                    | \$18,190.00  |
| 16000   | TOTAL ELECTRICAL AND DATA COM      | \$3.71            | \$0.00                    | \$7,500.00   |
| SUBTOTAL                                      |                                    |                   | \$124,906.50              | \$215,286.50 |
| SALES TAX (EXEMPT)                            |                                    | 0.00%             |                           | \$0.00       |
| BUILDING PERMIT                               |                                    | 0.00%             |                           | \$0.00       |
| BUILDERS RISK & LIABILITY INSURANCE           |                                    | 0.35%             |                           | \$753.50     |
| GENERAL CONTRACTORS BOND                      |                                    | 2.00%             |                           | \$4,305.73   |
| SUBTOTAL                                      |                                    |                   |                           | \$220,345.73 |
| OFFICE OH AND PROFIT                          |                                    | 10.00%            |                           | \$22,034.57  |
| TOTAL ESTIMATED COST                          |                                    |                   |                           | \$242,380.31 |
| CONSTRUCTION CONTINGENCY                      |                                    | 10.00%            |                           | \$24,238.03  |
| FINAL CONSTRUCTION COST W/ CONTINGENCY 10.00% |                                    |                   |                           | \$266,618.34 |

## TEXAS HISTORICAL COMMISSION

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**Project Name:** Mary Christian Burleson Homestead

**Location:** Elgin, Bastrop County, Texas

**Re:** Expanded Scope of Work for the Texas Preservation Trust Fund Grant Program

**Total Project Cost:** \$60,000 (no match requirement for the TPTF Hurricane Harvey grant projects)

Significant structural damage was done by high winds due to Hurricane Harvey that have seriously undermined the structural integrity of the building, leaving it dangerous to continue restoration work. This project will repair that damage and reinforce the structural integrity so the full restoration project can continue.

At the time of the hurricane, the Mary Christian Burleson Preservation and Development Foundation (MCB Foundation) was implementing our Phase I Restoration with funding support from the THC Texas Preservation Trust Fund. That project involves raising the building 18" and replacing the foundation and underpinnings. Previously we had repaired the roof and replaced metal roofing to make the building watertight and more stable. The hurricane blew off roof panels and siding, broke rafters, and twisted the building causing a break in the center of the roof structure. The result is that the roof structure must be secured and part of it rebuilt to stabilize the building and allow continuation of our existing foundation replacement project. Updated project budget included.

**Current funded scope of work includes:**

- Racking/twisting of walls
- Repair/replace top wall plates as needed
- Reinforce/replace broken rafters and ceiling joists (this may entail a substantially new roof frame)
- Replace existing sheet metal roof with new corrugated sheet metal roof over salvaged/replaced lathing
- Replace missing or damaged siding on gables

**Expanded scope of work will include:**

- Cornice and eaves
- Porch floor
- Rebuild kitchen wall

Project work to be completed by December 31, 2020.

Mary Christian Burlison Homestead- Phase II  
Emergency Roof Repair Project

Budget 7/28/2020

|  |          |
|--|----------|
| General Requirements (20%)                         | \$7500   |
| Carpentry (cornice, kitchen wall, porch, )         | \$22,000 |
| Roofing  | \$12,000 |
| Painting   | \$3500   |
| Subtotal   | \$45,000 |
| Contractor's Overhead & Profit (10%) Subtotal      |          |
| Contingency (10%) Subtotal                         | \$4500   |
| A/E (includes reimbursables and completion report) | \$10,050 |
| Total  | \$60,000 |

## TEXAS HISTORICAL COMMISSION

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### Item 15.5

Texas Historical Commission  
October Quarterly Meeting  
October 27-28, 2020

### Consider approval of funding recommendations for the Texas Preservation Trust Fund Grant Program for Fiscal Year 2021

#### Background:

The Texas Historical Commission (THC) awards grants for preservation projects from the Texas Preservation Trust Fund (TPTF). The fund was created by the Texas Legislature in 1989 and is currently managed by the Texas Treasury Safekeeping Trust Company (Trust Company). The Trust Company's mission is to preserve and grow the State's financial resources by competitively managing and investing them in a prudent, ethical, innovate and cost-effect manner while focusing on client needs. The TPTF investment earnings are distributed as matching grants to qualified applicants for the acquisition, survey, restoration, preservation, planning, and heritage education activities leading to the preservation of historic properties and archeological sites/collections. Competitive grants are awarded on a one-to-one match basis and are paid as reimbursement of eligible expenses are incurred.

On February 7, the THC accepted 42 initial applications requesting over \$1.1 million in grant funds. The initial applications, of a two-step process, were reviewed and scored by interdisciplinary staff teams. A diverse group of endangered resources were represented including jails, museums, churches, water standpipe, a kiln site, archeology curatorial projects, and unique educational projects. The THC invited twenty-eight projects to the project proposal stage on April 7. On July 13, the THC received twenty-four project proposals (2 archeology, 4 heritage education, 18 architecture) to consider for grant funding. The project proposals were again reviewed by interdisciplinary staff teams in August and September. The amount of grant funds available is \$248,625.

The TPTF Advisory Board met on September 23 to review the project proposals with THC staff. A quorum of the board was present. The board approved the THC staff funding recommendations.

The TPTF Advisory Board recommended under the Alternate Projects that the LULAC Council #60 Clubhouse in Houston be moved to first alternate project and San Agustin Cathedral be moved to second alternate project. LULAC (League of United Latin American Citizens) was created in response to decades of anti-Mexican violence in the 1920s. Today, LULAC's mission is to advance the economic condition, educational attainment, political influence, housing, health, and civil rights of the Hispanic population. By the mid-1930s, LULAC had a strong presence in Houston. The organization initially met in temporary locations, but in 1955 they purchased Council 60's new clubhouse. From 1955 to 2013, the building served as the council's headquarters. On January 2018, based on LULAC's known national significance, the National Trust for Historic Preservation named LULAC Council 60 Clubhouse as its newest Texas project. Council 60, Inc. recently applied and received the City of Houston's Protected Landmark Designation. The organization plans to apply for state and national designations in the future.

## TEXAS HISTORICAL COMMISSION

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Due to the lack of these designations and that the building possesses more significance in association to historic events rather than architectural design, the project scored lower under the significance scoring criteria. San Agustin Cathedral in Laredo currently has two ongoing TPTF grant projects funded in FY 2018 and FY 2020. Work is not complete on either project. The FY 2021 project proposal under consideration was confusing with overlapping work proposed from the FY 2020 project. Based on staff review comments, the board suggested moving San Agustin Cathedral to alternate project #2 to give the Diocese of Laredo additional time to make progress on their two open projects.

### **Suggested Motion:**

1. Move to approve \$247,187.50 in funding recommendations for the Texas Preservation Trust Fund Grant Program for FY 2021 as per the attached table; and
2. Move to delegate authority to the Executive Director to award any funds returned or not utilized to fund the alternate projects as identified in the attached table in rank order. Funding for alternate projects will be capped at \$30,000.

**FY 2021 Texas Preservation Trust Fund Grant Program**  
**TPTF Advisory Board Funding Recommendations**  
*(A minimum score of 73 points or higher out of 110 total points is required to be considered for funding)*

| <b>Total grant funds available: \$248,625.00</b> |                        |   |                    |       |                      |                               |                      |
|--|------------------------|---|--------------------|-------|----------------------|-------------------------------|----------------------|
| Rank   | County                 | Project Name  | Grant Type         | Score | Funding Requested    | Funding Recommended           | Cumulative Total     |
| <b>ARCHEOLOGY</b>                                |                        |   |                    |       |                      |                               |                      |
| 1  | Bastrop & Lee Counties | Yegua Knobbs Kiln Site (41LE353)                          | Planning           | 92.5  | \$ 5,436.50          | \$ 5,436.50                   |                      |
| 2  | Donley                 | Harrison Greenbelt Site (41DY17)                          | Curatorial         | 92.3  | \$ 7,500.00          | \$ 7,500.00                   |                      |
| <b>Subtotal</b>                                  |                        |   |                    |       | <b>\$ 7,500.00</b>   | <b>\$ 12,936.50</b>           | <b>\$ 12,936.50</b>  |
| <b>HERITAGE EDUCATION</b>                        |                        |   |                    |       |                      |                               |                      |
| 1  | Regional               | Ancient Landscapes of South Texas                         | Education          | 96.0  | \$ 30,000.00         | \$ 30,000.00                  |                      |
| 2  | Statewide              | 2021-2022 Texas Preserve America Youth Summit             | Heritage Education | 95.0  | \$ 15,000.00         | \$ 15,000.00                  |                      |
| 3  | Hays/Central           | TXBox Education Outreach Material Development             | Heritage Education | 90.0  | \$ 16,951.00         | \$ 16,951.00                  |                      |
| <b>Subtotal</b>                                  |                        |   |                    |       | <b>\$ 61,951.00</b>  | <b>\$ 61,951.00</b>           | <b>\$ 74,887.50</b>  |
| <b>ARCHITECTURE</b>                              |                        |   |                    |       |                      |                               |                      |
| 1  | Zapata                 | Manuel Sanchez House                                      | Planning           | 92.3  | \$ 22,300.00         | \$ 22,300.00                  |                      |
| 2  | Bexar                  | Mission San Jose  | Planning           | 89.3  | \$ 30,000.00         | \$ 30,000.00                  |                      |
| 3  | Guadalupe              | Sebastopol House Museum                                   | Planning           | 86.7  | \$ 30,000.00         | \$ 30,000.00                  |                      |
| 4  | Leon                   | 1913 Leon County Jail                                     | Development        | 77.0  | \$ 30,000.00         | \$ 30,000.00                  |                      |
| 5  | Bowie                  | Draughton-Moore Ace of Clubs House                        | Development        | 76.7  | \$ 30,000.00         | \$ 30,000.00                  |                      |
| 6  | Williamson             | Dr. James Lee Dickey House Museum and Multipurpose Center | Development        | 75.7  | \$ 30,800.00         | \$ 30,000.00                  |                      |
| <b>Subtotal</b>                                  |                        |   |                    |       | <b>\$ 173,100.00</b> | <b>\$ 172,300.00</b>          | <b>\$ 247,187.50</b> |
| <b>TOTAL FUNDS RECOMMENDED</b>                   |                        |   |                    |       |                      | <b>\$ 247,187.50</b>          |                      |
| <b>ALTERNATE PROJECTS</b>                        |                        |   |                    |       |                      | <b>Remaining grant funds:</b> | <b>\$ 1,437.50</b>   |
| 1  | Harris                 | LULAC Council #60 Clubhouse                               | Development        | 74.3  | \$ 30,000.00         | \$ 30,000.00                  |                      |
| 2  | Webb                   | San Agustin Cathedral                                     | Development        | 75    | \$ 30,000.00         | \$ 30,000.00                  |                      |
| 3  | Newton                 | Addie J. and A.T. Odom Homestead                          | Development        | 73.7  | \$ 18,203.50         | \$ 18,203.50                  |                      |
| 4  | Austin                 | Historical Austin County Jail                             | Development        | 73.3  | \$ 30,000.00         | \$ 30,000.00                  |                      |
| <b>Total Alternate Projects</b>                  |                        |   |                    |       | <b>\$ 108,203.50</b> | <b>\$ 108,203.50</b>          |                      |
| <b>PROJECTS NOT RECOMMENDED FOR FUNDING</b>      |                        |   |                    |       |                      |                               |                      |
| <b>Heritage Education</b>                        |                        |   |                    |       |                      |                               |                      |
| 1  | Statewide              | Texas Private Lands Heritage Preservation Partnership     | Heritage Education | 80    | \$ 2,654.88          |                               |                      |
| <b>Architecture</b>                              |                        |   |                    |       |                      |                               |                      |
| 2  | Anderson               | Mt. Vernon AME Church                                     | Planning           | 71.7  | \$ 8,000.00          |                               |                      |
| 3  | Guadalupe              | Claiborne West Historical Home                            | Planning           | 71.3  | \$ 15,000.00         |                               |                      |
| 4  | Tarrant                | Eddleman McFarland House                                  | Development        | 69.0  | \$ 30,000.00         |                               |                      |
| 5  | Wichita                | Kell House Museum   | Development        | 68.7  | \$ 30,000.00         |                               |                      |
| 6  | Cameron                | Harlingen Hospital/Harlingen Arts and Heritage Museum     | Planning           | 67.7  | \$ 30,000.00         |                               |                      |
| 7  | Bell                   | Belton Water Standpipe                                    | Development        | 65.7  | \$ 48,000.00         |                               |                      |
| 8  | Gregg                  | Rucker-Campbell House                                     | Development        | 54.9  | \$ 20,000.00         |                               |                      |
| 9  | Bexar                  | Basilica of National Shrine of the Little Flower          | Planning           | 48.3  | \$ 30,000.00         |                               |                      |
| <b>Total not recommended:</b>                    |                        |   |                    |       | <b>\$ 213,654.88</b> |                               |                      |
| <b>Total Funds Requested:</b>                    |                        |   |                    |       | <b>\$ 564,409.38</b> |                               |                      |

## TEXAS HISTORICAL COMMISSION

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### Item 15.6

Texas Historical Commission  
October Quarterly Meeting  
October 27-28, 2020

### **Consider approval of Hurricane Harvey Emergency Supplemental Historic Preservation Fund grant award to alternate projects**

#### **Background:**

Congress appropriated \$50 million from the Historic Preservation Fund to address the impacts of Hurricanes Harvey, Irma, and Maria, which occurred in 2017. In August 2018, the Texas Historical Commission (THC) applied to the National Park Service to receive an apportionment of these funds to assist affected historic properties in Texas. Staff received official notice on March 8, 2019 of the successful grant award in the amount of \$12,318,047. In August of 2019, the NPS awarded THC an additional \$200,000 for a mid-century modern survey and elevation study, bringing the grant funding total to \$12,518,047.

The THC Commission awarded 39 projects in May and July 2019 for a total of \$8,373,401. In addition, eight projects were identified as alternate projects. The Commission reserved \$626,599 in grant funding for distribution to alternate project funding, program-required National Register nominations and possibly supplementing already awarded projects. As of August 2020, one of the approved projects, the First Church of Christ, Scientist, has withdrawn from the program. The project had been allocated \$224,329.

There is adequate reserve to fund two alternate projects. The first project on the alternate list, Fire Station #3, 1919 Houston Avenue, Houston, Harris County has submitted a letter of interest to move forward with grant-funded repair work. The second project on the alternate list, Ritz Theater, 715 N. Chaparral Street, Corpus Christi, Nueces County has been actively working on a preservation plan.

#### **Suggested Motions:**

- 1). Move to approve up to \$247,383.91 in funding from the Hurricanes Harvey, Irma and Maria Emergency Supplemental Historic Preservation Fund Grant program to Fire Station #3, 1919 Houston Avenue, Houston, Harris County.
- 2). Move to approve up to \$230,000 in funding from the Hurricanes Harvey, Irma and Maria Emergency Supplemental Historic Preservation Fund grant program to the Ritz Theater, 715 N. Chaparral Street, Corpus Christi, Nueces County.



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**Station 3, LLC**  
1919 Houston Avenue  
Houston, TX 77007

Lisa Hart  
Texas Historical Commission  
P.O.Box 12276, Austin, TX 78711-2276

Dear Lisa Hart,

26th September 2020

On behalf of Station 3, LLC we would like to inform you that we would still like to move forward with the Hurricane Harvey Grant proposal. Our scope for the updated proposal will be substantially the same as the original proposal.

We really appreciate your consideration and will work quickly and diligently to get you any documentation that you request.

Thank you very much for your time in this matter.

Best Regards,

**David Denenburg,**

Managing member, Station 3, LLC

**Station 3, LLC**



Dear Lisa Hart,

Thank you so much for reaching out to us regarding the National Park Service grant to address damage to the Ritz Theater, 715 N. Chaparral Street in Corpus Christi, Texas, that was inflicted by Hurricane Harvey. We have been able to make some repairs to the theatre roof since the initial grant application, however, there is still much work left to be done from damage inflicted by Hurricane Harvey.

We wish to accept funding and move the project forward. We would be happy to submit a revised scope of work and budget.

Thank you!

A handwritten signature in black ink that reads 'Monica M. Sawyer'.

Monica McLeod Sawyer  
President, CCPATCH

# TEXAS HISTORICAL COMMISSION

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**Item 15.7**  
**Texas Historical Commission**  
Quarterly Meeting  
October 27-28, 2020

## **Consider approval of recommendations for 2020 Texas Historical Commission Preservation Awards**

### **Background:**

The Texas Historical Commission (THC) offers awards to recognize worthy accomplishments and exemplary leadership in the preservation of Texas' heritage. Most awards are presented at the following year's Real Places Conference at a special awards banquet; this year, winners will be recognized virtually in lieu of an in-person event. The following recommendations for the 2020 awards are presented for the Commissioners' consideration.

### **Recommended motion:**

Move to approve THC Awards Committee recommendations as per the awards recommendations handout.

## TEXAS HISTORICAL COMMISSION

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Item 15.7  
Texas Historical Commission  
Quarterly Meeting  
October 27-28, 2020

**Recommended Nominees:** Each of the following awards requires different criteria and scoring procedures, as provided in the guidelines available through the THC website. The THC Awards Committee determined final recommendations to be brought before the Commission, based on input from THC staff.

### **Governor's Award for Historic Preservation**

Recommended Nominee: Community Historical Archaeology Project with Schools (CHAPS), University of Texas Rio Grande Valley

Founded in 2009, the Community Historical Archaeology Project with Schools (CHAPS) program has made a significant and lasting mark in historic preservation in South Texas. The CHAPS Program has enriched the knowledge of Texas history from Brownsville to Laredo. Teachers and students along this entire stretch of the Texas-Mexico border have benefitted from the workshops, lesson plans, lectures, and traveling exhibits and films which have been part of their education. Their work has illuminated the prehistoric natural forces that shaped the lives of Native Peoples over the past 12,000 years. A book on the Native Peoples of South Texas, scholarly articles, and educational projectile point posters are part of an initiative titled, "Ancient Landscapes of South Texas." Other projects include *A Porcion of Edinburg*, a project focusing on the few remaining family-owned farms in Edinburg; creation of the Rio Grande Valley Civil War Trail and the *War and Peace on the Rio Grande, 1861-1867* traveling exhibit; the *And Then the Soldiers Were Gone, Fort Ringgold and Rio Grande City* film; and work at the Palo Alto Battlefield National Historic Site and Fort Brown with the National Park Service. The UTRGV CHAPS program has made a significant and far reaching impact in South Texas.

### **Ruth Lester Lifetime Achievement Award**

Recommended Nominee: Lareatha Clay

Lareatha Clay's passion for historic preservation is evident in her decades of volunteer work to preserve Texas history and to promote preservation education. She has led efforts to preserve and promote Deep East Texas history, including the historic Shankleville Community and nomination of the A.T. and Addie Odom Homestead to the National Register. Her passion for historic preservation motivated her to apply to serve on the Texas Historical Commission, where she served from 2001-2007. Since then, she has served as a board member of the Friends of the THC where she continues to advocate for and support the THC's work, and to increase the diversity of voices in the Texas historical narrative. Passionate advocates like Ms. Clay are crucial to the successful preservation of Texas history. The Texas Historical Commission's mission is to preserve the real places telling the real stories of Texas; without Ms. Clay, many of these stories would remain unknown. Additionally, and just as notably, hers commitment to creating educational opportunities in the field of historic preservation has inspired Texans to become stewards of historic resources in their communities, to become advocates of historic preservation, and has inspired younger generations to pursue future careers in the field.

## TEXAS HISTORICAL COMMISSION

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### **John Ben Shepperd County Historical Commission Leadership Award**

Recommended Nominee: Sandy Fortenberry, Lubbock County

As chair of the Lubbock County Historical Commission since 2011, Sandy Fortenberry continually works as “manager, cheerleader, and collaborator” with her members to preserve the county’s history. Lubbock County has received a Distinguished Service Award during each year of her tenure, with the following work contributing to award: bylaws have been revamped and updated, she convinced the county officials to appoint a Historic Preservation Officer, historical markers in Lubbock County were resurveyed, and the county was significantly active in planning and participation in WWI commemoration activities. Lubbock County has widespread participation in the marker program and community marker dedications. Ms. Fortenberry initiated and maintains LCHC Facebook page, which has more than 5,000 followers. She and Lubbock CHC are long-time advocates of THC programs and services, continuing to provide quality preservation programming each year.

### **George Christian Outstanding Volunteer of the Year Award**

Recommended Nominee: John R. Dulin

Since he began working in the Rusk County Courthouse in 1978, John Dulin has devoted countless hours toward preservation of historical document, organizing the records housed in the Rusk County Historical Commission Research Center. He took historical marker applications, individual folders of information on cemeteries, families, churches, and communities, and, placing the original pages into archival sleeves, arranged them into notebooks alphabetically by category. He is indexing all the information in the office, including books, newspaper clippings, correspondence of RCHC Chairmen, as well as photographic files of churches and historical markers that he created. Other activities include copying Commissioners Court minute books, authorizing biographies and other articles about early county residents, and assisting in county surveys. Today, Mr. Dulin continues to expand the inventory of records.

### **John L. Nau, III Award for Excellence in Museums**

Recommended Nominee: Harrison County Historical Museum

Harrison County Historical Museum is a strong example of what an institution can do when it develops a plan, transforming itself into an exceptional small history museum. Adjustments were made along the way, like dividing the project into two phases, during the thirteen year process. The museum received two large grants from the Summerlee Foundation and from the Institute of Museum and Library Services (IMLS). The latter are known to be highly competitive and difficult to earn, and both speak to the caliber of the project. Additionally, part of the museum is located in the restored county courthouse; the THC has been working with the community for many years on the courthouse project. What the staff has achieved is impressive and something THC can truly hold up as an example of excellence in museums.

The Mayborn Museum’s new permanent exhibition, “Founding to Future: Bright Lights of Baylor University,” presents an energized, vibrant, and more historically complete look at the continuum of the Baylor story, including themes of Texas/Baylor History, University Founding, Tradition,

## TEXAS HISTORICAL COMMISSION

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Innovation, Christian Mission, Arts & Athletics, and a visitor-controlled digital timeline of important events. Using a centerpiece of professionally conserved historic furnishings, the experience grounds visitors in real history, provides space for flexible object rotation and social interaction, and promotes thoughtful engagement about what past and present ideals mean for the future.

### **Curtis D. Tunnell Lifetime Achievement Award in Archeology**

Recommended Nominee: Kay Hindes

Professional archeologist Kay Hindes has conducted cultural resources investigations for over 35 years, working with universities, cultural resources management firms, government agencies, and non-profit organizations to help protect the state's most irreplaceable cultural resources. Ms. Hindes began her career as a part of the team that discovered the location of the Mission Santa Cruz de San Sabá archeological site located in Menard County. Her achievement at the San Sabá site was followed by service as Co-Project Historian for the Presidio Nuestra Señora de Loreto de la Bahía site located in Victoria County. However, Ms. Hindes is best known as the City of San Antonio's first City Archeologist. On behalf of the city, she has managed significant archeological projects, including those in Plaza de Armas (Presidio San Antonio de Bédar), Hemisfair Park, Main Plaza, Brackenridge Park, and most recently, in Alamo Plaza. Ms. Hindes is also recognized as identifying the probable first site of Mission San Antonio de Valero (The Alamo) through historical research and archeological investigations. Her adept knowledge of the city's history, expertise in the region's archeological record, and passion make Ms. Hindes uniquely skilled at balancing archeological preservation and development in one of the fastest growing regions in the United States.

### **Anice B. Read Award of Excellence in Community Heritage Development**

Recommended Nominee: Linda McCalla, Georgetown

Linda McCalla was the first Main Street Manager for Georgetown when the community entered the program in the 1980s and is credited with laying the foundation for its long-term success. This would also include engagement with the award's namesake, Anice Read. While much of the foundation for the program was set at the time, Ms. McCalla's work and efforts in subsequent years made considerable impact, including recent downtown planning efforts where her involvement is credited with keeping historic preservation at the forefront of the planning. Her private work supplements her public roles and has supported downtown Georgetown and historic preservation.

### **Award of Excellence in Preserving History**

Recommended Nominees: Sons of the Republic of Texas, Sam Houston Chapter, and University of Texas at San Antonio Libraries Special Collections Department, *Kathryn Stoner O'Connor Mexican Manuscript Collection* digitization effort

The cataloging, preserving, and digitizing of the "Kathryn Stoner O'Connor Mexican Manuscript Collection" provides a window into the cultural, political, and social history of Mexico, all of which contributed to the foundational heart of yesterday's Coahuila y Tejas, the Republic of Texas, and the State of Texas today. This effort included the cataloging, preserving, and digitizing of over 5,400 printed and manuscript documents, periodicals, pamphlets, and broadsides written predominantly in Spanish as early as 1555 by or about Kings of Spain, two Emperors of Mexico, Popes, Viceroys of

## TEXAS HISTORICAL COMMISSION

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Mexico, and Presidents of both Mexico and the U.S. In addition, government documents, financial records, legal petitions, political and ecclesiastical decrees, wills and legal testaments, personal and business letters covering topics on government, politics, finances, work, religion, social status, marriage and family, and numerous other subjects of social and historical interest were also included in the collection. In 1976, The Sons of the Republic of Texas purchased this collection and later placed it in curatorship with the University of Texas at San Antonio Libraries' Special Collections Department. Through this partnership, approximately 80,000 items were made available online including the cataloging of 1,300 books and 198 rolls of microfilm. As of May 2019, the digitization effort was completed, but further work on the collection continues.

### **Award of Excellence in Historic Architecture**

Recommended Nominee: Dohn LaBiche, FAIA / LaBiche Architectural Group

The LaBiche Architectural Group, Inc, is a continuation of Steinman & Associates, founded in 1901 by Frederick William Steinman. In 2000, Dohn H. LaBiche, FAIA purchased the firm. Although not solely a preservation architect, Mr. LaBiche has been providing historical restoration services across Southeast Texas on a variety of projects for over 34 years, with six of these properties listed on the National Historic Register and the Texas Historical Register. Several recent projects, including the 30th Street Pump Station in Galveston, Rose Hill Manor in Port Arthur, and others, demonstrate high-quality preservation work.

### **Award of Excellence in Media Achievement**

Recommended Nominees: *The Open-Ended City: David Dillon on Texas Architecture*, edited by Kathryn E. Holliday

In 1980, David Dillon launched his career as an architectural critic with a provocative article that asked, "Why Is Dallas Architecture So Bad?" Over the next quarter century, he offered readers of the Dallas Morning News a vision of how good architecture and planning could improve quality of life, combatting the negative effects of urban sprawl, civic fragmentation, and rapacious real estate development. *The Open-Ended City* gathers more than sixty articles that showed readers why architecture matters and how it can enrich their lives, touching on the major themes that animated Dillon's writing: downtown redevelopment, suburban sprawl, arts and culture, historic preservation, and the necessity of aesthetic quality in architecture as a baseline for thriving communities. These articles are framed by editor Kathryn E. Holliday, who discusses how Dillon connected culture, commerce, history, and public life in ways that few columnists and reporters ever get the opportunity to do.

## TEXAS HISTORICAL COMMISSION

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**Item 15.8**  
Texas Historical Commission  
Quarterly Meeting  
October 27-28, 2020

**Consider approval of filing authorization of proposed new rule to TAC, Title 13, Part 2, Chapter 26, section 26.28 related to the Removal of Designations for Privately or Publicly Owned Landmarks for first publication and public comment in the *Texas Register***

**Background:**

The Texas Historical Commission proposes adding a new rule in Chapter 26 of the Texas Administrative Code, Part 2, Section 26.28 related to the Removal of Designations for Privately or Publicly Owned Landmarks.

The current rules administering the Antiquities Code of Texas do not provide a process to request delisting of State Antiquities Landmarks when the integrity or significance of a property has changed. The proposed rule creates a process for removal requests of State Antiquities Landmark designations by referral to the Antiquities Advisory Board and the Commission, with provisions for appropriate public notice and comment.

The first publication will take place after approval by the Commission. There is a 30-day public comment period following the publication, therefore changes approved by the Commission for this meeting will come back for final approval and second publication at the February 2021 meeting.

**Suggested Motion:**

Move to approve the filing authorization of the proposed new rule to TAC, Title 13, Part 2, Chapter 26, section 26.28 related to the Removal of Designations for Privately or Publicly Owned Landmarks for first publication and public comment in the *Texas Register*

**Texas Administrative Code**  
**Title 13 Cultural Resources**  
**Part 2 Texas Historical Commission**  
**Chapter 26 Practice and Procedure**  
**Subchapter F Removal of Designations**  
**Rule §26.28 Removal of Designations for Privately or Publicly Owned Landmarks**

PREAMBLE

The Texas Historical Commission (Commission) proposes new Subchapter F and rule §26.28, related to removal of designations for privately or publicly owned landmarks within Title 13, Part 2, Chapter 26 of the Texas Administrative Code.

Rule 26.28 creates a process for removal requests of State Antiquities Landmark designations by referral to the Antiquities Advisory Board and the Commission, with provisions for appropriate public notice and comment.

FISCAL NOTE. Mark Wolfe, Executive Director, has determined that for each of the first five-years the proposed amendments are in effect, there will not be a fiscal impact on state or local government as a result of enforcing or administering the new rule as proposed. Because the proposed new rule only clarifies the administration of duties already authorized under sections of the State Antiquities Code, Texas Government Code, Health and Safety Code, and Transportation Code, there will be no impact on state or local governments.

PUBLIC BENEFIT/COST NOTE. Mr. Wolfe has also determined that for the first five-year period the amended rules are in effect, the public benefit will be a more clearly defined process for administrative procedures and exercise of authority.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT. There are no anticipated economic costs to persons who are required to comply with the amendments to these rules, as proposed. There is no effect on local economy for the first five years that the proposed new section is in effect; therefore, no local employment impact statement is required under Texas Government Code, § 2001.022 and 2001.024(a)(6).

COSTS TO REGULATED PERSONS. The proposed new section does not impose a cost on regulated persons, including another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, § 2001.0045.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES. Mr. Wolfe has also determined that there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing this new rule and therefore no regulatory flexibility analysis, as specified in Texas Government Code § 2006.002, is required. The proposed new rule does not affect small businesses, micro-businesses, or rural communities because the new rule only clarifies the administrative procedures with which to carry out existing statutes.

GOVERNMENT GROWTH IMPACT STATEMENT. During the first five years that the amendments would be in effect, the proposed amendments: will not create or eliminate a government program; will not result in the addition or reduction of employees; will not require an increase or decrease in future legislative appropriations; will not lead to an increase or decrease in fees paid to a state agency; will not create a new regulation; will not repeal an existing regulation; and will not result in an increase or decrease in the number of individuals subject to the rule. During the first five years that the amendments would be in effect, the proposed amendments will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. The Commission has determined that no private real property interests are affected by this proposal and the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code, § 2007.043.

REQUEST FOR PUBLIC COMMENT. Comments on the proposed amendments may be submitted to Mark Wolfe, Executive Director, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY AND STATEMENT ON AUTHORITY. This new rule is proposed under the authority of Texas Government Code § 442.005(q), which provides the Commission with the authority to promulgate rules to reasonably affect the purposes of that chapter. This rule is also authorized under Texas Government Code § 442.0045 (included in HB 1422 from the 86th Legislative Session to be effective September 1, 2019), which allows the Commission to delegate its authority to the executive director by rule or order.

The Commission hereby certifies that the section as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

TITLE 13                   CULTURAL RESOURCES  
PART 2                     TEXAS HISTORICAL COMMISSION  
CHAPTER 26               PRACTICE AND PROCEDURE

SUBCHAPTER F        Removal of Designations

SECTION 26.28        Removal of Designations for Privately or Publicly Owned Landmarks

(a) The public or private owner of property on which a landmark is designated pursuant to this Chapter may apply to the commission for removal of the landmark designation. The application must be submitted to the commission on a form approved by the commission, and the commission will determine whether the application is complete. The application shall indicate the basis for the property's original designation as an archeological site, shipwreck, cache or collection, historic building or structure, or any combination thereof, per the criteria for evaluation specified in §§26.10 - 26.12 and §26.19 of this title.

(1) If the owner of the property is a public entity, or if the property was, at the time of its designation, owned by a public entity, the applicant owner must also give notice of the application at their own expense in a newspaper of general circulation published in the city, town, or county in which the building, structure or site is located. If no newspaper of general circulation is published in the city, town, or county, the notice must be published in a newspaper of general circulation in an adjoining or neighboring county that is circulated in the county of the applicant's residence. The notice must:

- (A) be printed in 12-point boldface type;
- (B) include the exact location of the building or site; and
- (C) include the name of the applicant/owner of the building or site.

(2) An original copy of the notice and an affidavit of publication signed by the newspaper's publisher must be submitted to the commission with the application form. This notification must be received by the commission a minimum of 60 days prior to a regularly scheduled public meeting of the commission at which the application may be considered. All decisions regarding when an application will be considered by the commission will be made by the executive director of the commission.

(3) Applications must be accompanied by a deed or other legal description of the property at issue.

(b) Evaluation. The executive director of the commission will determine whether the application is complete and acceptable, whether the property is eligible for landmark designation removal, and when the application will be placed on the agenda of one of the commission's public

meetings. In support of such determinations, the commission's staff will review the property according to the criteria for evaluation specified in §§26.10 - 26.12 and §26.19 of this title.

(c) Notification of nomination. If the commission's staff wishes to apply to remove a property's landmark status, it must give the owner a written notification that an application will be considered by the commission at one of its regularly scheduled public meetings. This notification must be received by the owner a minimum of 15 days prior to the regularly scheduled public meeting of the commission at which the application is scheduled to be presented. The commission must also send the owner site information on the proposed application.

(d) Presentation of applications. For landmarks eligible for designation removal, commission staff will evaluate the application and make a recommendation on whether removal is appropriate. Applications and staff recommendations will be presented to the Antiquities Advisory Board. Written notice of the time and location for presentation to the Board will be sent to the owner. The Antiquities Advisory Board will review each application, the staff recommendations related to each application, and any testimony given by the owner of the property and the public at large. The Antiquities Advisory Board will then determine by majority vote whether or not the landmark has any further historical, archeological, educational or scientific value, and whether or not it is of sufficient value to warrant its further classification as a landmark. The Board will then pass on its recommendations regarding each application to the commission. The chair of the Antiquities Advisory Board, or one of the other commission members who serve on the Antiquities Advisory Board, will present the application and recommendations to the commission at one of its public meetings.

(e) Comment period. No vote on removal of designation may be taken by the commission for a minimum period of 30 days after the Antiquities Advisory Board presents its recommendation to the commission, during which time all concerned parties may present information to the commission in support of or against the application. Comments may be submitted to the commission at any time prior to the vote described in subsection (f) of this section, including during public testimony at the commission meeting where the vote will occur. Comments should address the property's merits in light of the criteria specified in §§26.10 - 26.12 and §26.19 of this title. This 30 day comment period may be waived by the commission on application by the owner if the commission finds that good cause exists.

(f) Presentation of application and vote. Unless waived by the commission pursuant to subsection (e) above, after the minimum comment period of 30 days has elapsed, the commission may consider the application for removal of designation at one of its public meetings. The owners of the property will be informed of the agenda by written notice at least 15 calendar days in advance of the meeting date. Any person may present information on the application or testify at the meeting when the final decision is to be made. The commission will then determine by majority vote whether or not the landmark has any further historical, archeological, educational or scientific value, and whether or not it is of sufficient value to warrant its further classification as a landmark. The commission may vote to approve or to deny

the request for removal of designation, to request further information, or to make any other decision.

(g) Notification of removal of designation. Written notification of the commission's decision regarding the removal of designation of a property as a landmark will be forwarded to the owner.

(h) Marker. If the commission approves an application to remove landmark designation, the owner must, within 30 days and at their own expense, remove any plaques or markers identifying the property as a State Antiquities Landmark, and deliver the same to the Texas Historical Commission at the address designated in the written notification provided by the commission.

(i) Recording. If the commission approves an application to remove landmark designation, it shall execute and record in the deed records of the county in which the site is located an instrument setting out the determination.

(j) Privileged or restricted information. The location of archeological sites is not public information. However, information on sites may be disclosed to qualified professionals as provided by Chapter 24 of this title (relating to Restricted Cultural Resource Information). In order to comply with Chapter 24, applications for removal of landmark status from designated archeological sites may vary from other applications submitted under this section