

# Executive Committee

February 1, 2022



## TEXAS HISTORICAL COMMISSION

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### AGENDA EXECUTIVE COMMITTEE

Hilton Austin  
Room 400/402  
500 E. 4<sup>th</sup> St.  
Austin, TX 78701  
February 1, 2022  
11:30 a.m.

*(or upon the adjournment of the 11:15 a.m. Finance and Government Relations committee meeting, whichever occurs later)*

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*This meeting of the THC Executive committee has been properly posted with the Secretary of State's Office according to the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code. The members may discuss and/or take action on any of the items listed in the agenda. NOTE: The THC Executive Committee may go into executive session (close its meeting to the public) on any agenda item if appropriate and authorized by the Open Meetings Act, Texas Government Code, Chapter 551.*

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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 the Executive Committee meeting minutes

- A. October 28, 2021 (Austin)
- B. January 11, 2022 (Houston)

#### 3. Consider dates/locations for 2022 and 2023 quarterly meetings (Item 17.2)– *Wolfe*

#### 4. Consider approval of filing authorization of proposed new rule to the TAC, Title 13, Part 2, Chapter 11, Subchapter A, Section 11.25 related to the Family Leave Pool, for first publication and public comment in the *Texas Register* (Item 17.3) – *Wolfe/Miller*

#### 5. Consider approval of Hurricane Harvey Emergency Supplemental Historic Preservation Fund grant award to alternate project (Item 17.4) – *Hart*

#### 6. Consider approval of appointments/reappointments to the Antiquities Advisory Board (Item 17.5) – *Wolfe*

#### 7. Human Resources Update – *Miller*

#### 8. Information technology update – *Miller*

#### 9. Committee Chairman's Report

- A. Ongoing Projects; and
- B. Updates and Upcoming Events

#### 10. Adjourn

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@thc.texas.gov](mailto:esther.brickley@thc.texas.gov) at least four (4) business days prior to the meeting so that appropriate arrangements can be made.

# MINUTES

October 28, 2021

## TEXAS HISTORICAL COMMISSION

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### MINUTES EXECUTIVE COMMITTEE

DoubleTree Suites by Hilton Hotel  
Bluebonnet Room  
303 W. 15<sup>th</sup>. Street  
Austin, TX 78701  
October 28, 2021  
3:10 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 3:10 p.m. on October 28, 2021. He announced the meeting had been posted to the *Texas Register*, was being held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551 and that notice had been properly posted with the Secretary of State's Office as required.

#### A. Committee member introductions

Chairman Nau welcomed everyone, and introductions were made around the table.

#### B. Establish quorum

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

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

Chairman Nau noted that Commissioner Catherine McKnight was absent due to a scheduling conflict. Commissioner John Crain moved, Commissioner Garrett Donnelly seconded, and the committee voted unanimously to excuse the absence of Commissioner McKnight.

#### 2. Consider approval of the Executive Committee meeting minutes

##### A. July 14, 2021(Dallas)

##### B. July 27, 2021(Austin)

Commissioner Pete Peterson moved, Commissioner John Crain seconded, and the committee voted unanimously to approve the minutes of the April 14, 2021 and April 27, 2021 Executive Committee meetings.

#### 3. Internal Audit Program

##### A. Consider approval of Annual Internal Audit Plan FY2022 (Item 7.4)

Deputy Executive Director of Historic Sites Alvin Miller reported that Chapter 2102 of the Texas Government Code (TGC) required the internal audit plan be risk-based and include areas identified through a risk assessment process. He referred commissioners to their meeting packets and called on Darlene Brown, Partner, McConnell & Jones LLP (MJ) who explained that the annual audit plan was developed using a risk assessment framework. She noted that planned activities included a full audit on the Courthouse Program; follow-up on prior audit findings; updating risk assessment; developing an annual audit plan; developing an annual audit report; auditing of communications, committee meetings, and project management; and preparing the FY2022 Annual Internal Audit Report. In closing, Brown stated that the engagements selected were based on the quantified risk priorities and the agency's risk strategy. Commissioner Peterson moved, Commissioner Daisy White seconded,

and the committee voted unanimously to send forward to the Commission and recommend approval of the Fiscal Year 2022 Annual Internal Audit Plan.

#### **B. Internal Audit Annual Report FY 2021**

Brown explained that the purpose of the report was to provide information on the assurance services consulting services, and other activities of the internal audit function. She provided the highlights of the report including the Fiscal Year 2021 internal audit plan status; consulting services completed; external quality assurance review; internal audit plan for fiscal year 2022; and external audit services procured in fiscal year 2021. In closing, she noted that this was an informational item only and no action was required.

4. **Consider the adoption of the rule review and the re-adoption of the following chapters of Title 13, Texas Administrative Code, Part 2: Chapter 11 – Administration; Chapter 12 – Tx Historic Courthouse Preservation Program; Chapter 14 – Tx Historical Artifacts Acquisition program; Chapter 15 – Administration of Federal Programs; Chapter 16 – Historic Sites; Chapter 19 – Texas Main Street Program; Chapter 20 – Awards; Chapter 22 – Cemeteries; Chapter 23 – Publications; Chapter 25 – Office of the State Archeologist; and Chapter 26 – Practice & Procedure, as published in the August 13 2021 issue of the *Texas Register*, 46 TexReg 5067 (Item 7.6)**

THC Executive Director Mark Wolfe reported that the TGC, §2001.039, established a four-year rule review cycle for all state agency rules, including THC rules. He noted that THC filed notice of the proposed review of the Texas Administrative Code (TAC), Title 13, Part 2 with the *Texas Register* following the July 27, 2021 quarterly meeting. Wolfe stated that the official comment period began with publication of the notice of proposed review in the *Texas Register* and no comments were received related to the rule review. Commissioner Crain moved, Commissioner Daisy White seconded, and the committee voted unanimously to send forward to the Commission and recommend approval of the adoption of the rule review and the re-adoption the following chapters of the Texas Administrative Code, Title 13, Part 2:

Chapter 11 – Administration  
Chapter 12 – Tx Historic Courthouse Preservation Program  
Chapter 14 – Tx Historical Artifacts Acquisition program  
Chapter 15 – Administration of Federal Programs  
Chapter 16 – Historic Sites  
Chapter 19 – Texas Main Street Program  
Chapter 20 – Awards  
Chapter 22 – Cemeteries  
Chapter 23 – Publications  
Chapter 25 – Office of the State Archeologist and  
Chapter 26 – Practice & Procedure

5. **Consider approval of recommendations for 2021 Texas Historical Commission Preservation Awards – (Item 16.2)**

Executive Director Wolfe and History Programs Division Director Charles Sadnick provided a brief background on the THC awards and explained that most awards would be presented at the following year's Real Places Conference during the awards banquet. The Governor's Award would likely be presented at a special ceremony involving the Governor's Office. Commissioner White moved, Commissioner Peterson seconded, and the committee voted unanimously to send forward to the Commission and recommend approval of THC Awards Committee recommendations as noted below:

Governor's Award for Historic Preservation - **Texas Dance Hall Preservation, Inc.**

Ruth Lester Lifetime Achievement Award - **Marshall J. Doke, Jr.**

John Ben Shepperd County Historical Commission Leadership Award - **B.F. Hicks, Franklin CHC**

George Christian Outstanding Volunteer of the Year Award - **Graciela Gonzales**

John L. Nau, III Award for Excellence in Museums - **Bell County Museum**

Curtis D. Tunnell Lifetime Achievement Award in Archeology - **Christopher R. Lintz**

Anice B. Read Award of Excellence in Community Heritage Development - **Beverly Abell**  
Award of Excellence in Preserving History - **Southlake Historical Society**  
Award of Excellence in Historic Architecture - **MRE Capital**  
Award of Excellence in Media Achievement - **“Texas Time Travel Stories” on Radio Caravan**

**6. Consider approval of Hurricane Harvey Emergency Supplemental Historic Preservation Fund grant award to alternate projects (Item 16.3)**

THC Disaster Assistance Program Coordinator Lisa Hart reported that staff received official notice on March 8, 2019 of the successful National Park Service (NPS) grant award in the amount of \$12,318,047. She explained that NPS awarded THC an additional \$200,000 for a mid-century modern survey and elevation study in August 2019 bringing the grant funding total to \$12,518,047. Hart provided an overview of the projects funded to date and explained that there was an adequate reserve to fund three alternate projects. She stated that the next three highest-ranking projects remaining on the alternate list had submitted letters of interest on moving forward with grant-funded repair work for a total of \$738,000. Commissioner Garrett Donnelly moved, Commissioner Crain seconded, and the committee voted unanimously to send forward to the Commission and recommend approval of funding from the Hurricanes Harvey, Irma and Maria Emergency Supplemental Historic Preservation Fund Grant program as follows:

- Scottish Rite Temple, 2128 Church Street, Galveston, Galveston County in the amount of \$250,000; and
- Sociedad Mutualista Obrera Mexicana (SMOM), 8404 Canal Street, Houston, Harris County in the amount of \$238,000; and
- Caroline Gilbert Hinchee House, 1814 Park Street, Beaumont, Jefferson County in the amount of \$250,000.

**7. Discussion and possible action regarding the Historic Buildings and Structures Antiquities Permit #1082 related to the relocation of two Confederate monuments from the Bastrop County Courthouse Square, Bastrop, Bastrop County (item 16.4)**

Chairman Nau called on Executive Director Wolfe who provided the background on the request from Bastrop County to move the two Confederate monuments from the Bastrop County Courthouse Square. Chairman Nau provided additional background on his attempts to work with the city and the County of Bastrop to find a mutually agreeable location. Chairman Nau explained that the originally proposed site was not preferred by the commission due to its remote location and efforts were underway to identify other locations and funding opportunities. Discussion ensued on the possibility of using the old Bastrop County jail as a museum and a location for the monuments in question. Chairman Nau noted that the County Commissioner’s Court was due to meet the very same day regarding the amendment of the permit application. Commissioner John Crain moved, Commissioner Peterson seconded, and the committee voted unanimously to table consideration of the Buildings and Structures Antiquities Permit #1082 related to the relocation of two Confederate monuments from the Bastrop County Courthouse Square, Bastrop, Bastrop County.

**8. Human Resources Update**

Miller called on Noel Landuyt Associate Director, Institute for Organizational Excellence, University of Texas at Austin who reported on the 360 Leadership Excellence Feedback Survey process. Landuyt explained the components of the survey including survey items and score indications; overall leadership score; and individual meetings with the facilitator. Miller explained that the survey would be distributed throughout the agency in mid-December 2021.

**9. Information technology update**

Miller reported that the password change compliance had been implemented as part of the agency’s updated security policy. He explained that the changes were recommended by an internal audit and explained various components of the policy which included a password protected screensaver and phased approach of migrating groups of 50 users at a time so as not to overwhelm the IT staff. Miller noted that IT staff anticipated the

migration would take approximately eight weeks to complete. Questions and discussion ensued regarding details of the changes.

**10. Committee Chairman's Report**

Chairman Nau stated that he would provide his report at the full commission meeting the following day so that all commissioners would receive it.

**11. Adjourn**

On the motion of the chair, and without objection, the meeting was adjourned at 3:47 p.m.

MINUTES  
JANUARY 11, 2022  
HOUSTON



**TEXAS HISTORICAL COMMISSION**

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**MINUTES  
EXECUTIVE COMMITTEE**  
Silver Eagle Beverages  
2229 San Felipe, Suite 1250  
Houston, TX 77019  
January 11, 2022  
1:30 p.m.

**1. Call to Order**

The meeting of the Texas Historical Commission (THC) Executive Committee was called to order by Chairman John Nau at 1:30 p.m. He announced the meeting had been posted to the Texas Register, was being held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551 and that notice had been properly posted with the Secretary of State's Office as required.

**A. Committee member introductions**

Chairman Nau welcomed everyone and called on commissioners to individually state their name and the city in which they reside. Members in attendance included Commissioners Pete Peterson, Daisy White, John Crain, Garrett Donnelly and Cathy McKnight. Mark Wolfe, Executive Director, also attended.

**B. Establish quorum**

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

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

There were no absences.

All agenda items were discussed, although not necessarily in the order presented below.

**2. Discussion regarding the status of Casa Navarro and Bexar County** – Chairman Nau informed the committee that he has been in discussions with Bexar County regarding their building on San Pedro Creek behind Casa Navarro. The county is willing to remove the building at their own cost and enter into a 99-year lease with THC for the vacant land, which THC could then develop in connection with Casa Navarro. Members viewed a plan for that site, showing various amenities that could be added including an education center, a bus unloading area, and a shade structure. Wolfe noted that discussions continue with the city of San Antonio and with UTSA regarding the possibility of acquiring parking spaces in front of the historic site and moving the Navarro sculpture from the parking lot onto the site itself.

**3. Discussion regarding the status of Bastrop County Confederate Monument** – Chairman Nau informed the committee members that Bastrop County is working toward moving a portion of the Confederate monument into the old county jail, rehabbing that building for use as a county history museum. Commissioners should expect to see a grant

application from the county for work on the county courthouse, extending into the former jail in support of this project. He directed Wolfe to send a copy of the county's recent resolution on this matter to the committee members.

4. **Review of the Real Texas History THC mobile app** – Chairman Nau stated that he continues to support the development of a high-quality travel app, but that it should be a project carried out by staff. He expressed concern that some interested commissioners were directing staff and communicating directly with project contractors. He asked Wolfe to identify a staff member who would be the point person on this project, and Wolfe suggested that Charles Sadnick, who is currently serving in that role, should continue to do so. Commissioner Donnelly summarized the progress made on the project to date. Commissioner White suggested that the project become a project of the History Programs Committee, and said that she would likely appoint a subcommittee to receive staff updates. Nau supported that suggestion, and made it clear that staff should not receive direction from commissioners in carrying out their work. He said that he would contact the commissioners working on the project to share this guidance.
5. **Discussion regarding marker publicity** – Chairman Nau noted that he had recently discussed with Governor Abbott the fact that some states are undertaking a review of their historical markers in an effort to make certain that they are operating an inclusive program. He told the Governor about the agency's Undertold Marker program, and asked Wolfe to report on options for moving forward. Wolfe outlined three options: 1) Conduct a review of all agency markers and make corrections as necessary. This would likely require that the marker program be shut down for a year or two. 2) Identify key words or topics that would be those most likely to contain inflammatory language and focus on reviewing those markers, as time allows. 3) Revise the agency's administrative rules to allow for public challenges on language anyone finds to be offensive or problematic. After discussion it was agreed to pursue option #2, Wolfe noting that the agency does already take suggestions from members of the public for marker revision, and would continue to do so.
6. **Review of Commissioners' assignments** - Chairman Nau asked if anyone had any concerns about committee assignments. There were none.
7. **Review and outline regarding staff succession** – Chairman Nau asked Wolfe to summarize the status of key senior staff. Wolfe reported that he had approved creation of a Deputy position to assist Joseph Bell in the Historic Sites Division, and that he would be revisiting job descriptions of other senior staff as they approached retirement.
8. **Discussion regarding the CIO job description** – Wolfe invited committee members to share any job descriptions they might know of that would apply to positions supporting agency communications, both internal and external.
9. **Discussion regarding the Downtown TX licensing** – Chairman Nau invited discussion regarding this issue, in view of identifying the appropriate action to be taken by the commission at the upcoming quarterly meeting. Commissioners Peterson and Donnelly defined benefits that would result from licensing DowntownTX to a single entity as a pilot program. Other commissioners questioned whether or not THC should be in the software licensing business, but agreed that a pilot project, if supported by the Friends of the THC, would be acceptable.

- 10. Discussion regarding the Hill property adjacent to the San Felipe de Austin SHS** – Chairman Nau reported that the owner of the property where a large portion of the old townsite of San Felipe was located has offered to donate that land to THC for incorporation into the site. Wolfe shared a map of the subject area, and reported that the owner has requested an appraisal, which has been ordered.
- 11. Report on the Almonte Surrender Site** – Chairman Nau reported that he has acquired the Almonte Surrender Site adjacent to San Jacinto and will sell the property to THC at a reduced price. Wolfe reported that the agency is trying to determine the best way to effect this transfer, which might require the agency to get capital spending authority from the LBB. He added that similar authority will be required for acquisition of land adjacent to Levi Jordan, for construction of the viewing platform at Palmito Ranch, and for construction of an archeology lab and maintenance building at San Felipe. Nau directed Wolfe to send the committee members a summary of these requests.
- 12. Update on the Vicksburg Monument** – Chairman Nau reported that he is working with the local Friends group and with THC staff on the restoration of the Texas monument at Vicksburg. No state funds are being expended on the project, which will be privately funded. Wolfe noted that a conservation plan would be completed soon.
- 13. Discussion regarding recognition for Michael Moore** – Chairman Nau proposed, and the committee members agreed, that an Award of Merit should be presented to Michael Moore for his work on the Villa de Austin. Wolfe was directed to schedule presentation of the certificate at the upcoming quarterly meeting.
- 14. Report on the Border Wall issue** – Wolfe reported that THC staff was working closely with staff from the Texas Facilities Commission to assist in permitting work related to construction of a portion of the border wall, and that the TFC's executive director had expressed his appreciation for the THC's willingness to expedite the necessary reviews.
- 15. Report on TxDOT status at the historic sites** – Chairman Nau asked Wolfe to report on the status of various paving projects at state historic sites being carried out by TxDOT. Wolfe reported that projects had been prioritized and were moving forward without resistance from TxDOT.
- 16. Report on the archeology at Levi Jordan SHS** – Wolfe reminded committee members that foundations at Levi Jordan, once identified as being the remains of slave cabins, have recently been determined to be from agricultural buildings such as barns. Two independent professional archeologists were asked to review this discovery, and they have both concurred that these are agricultural buildings, not slave cabins. The draft report has been reviewed by State Archeologist Brad Jones, who also concurs. The final report is not yet complete, but these findings have been shared with members of the Levi Jordan advisory committee. Chairman Nau asked that Commissioner Bruseth be fully informed.
- 17. Report on the status of the Texas Statewide Historic Preservation Plan** – Wolfe reported that several in-person and virtual meetings have been held in support of the statewide plan, and that participation across the state has been good. Several committee members participated in the most recent virtual meeting, and expressed support for the effort.

18. **Report on the status of *Authentic Texas* magazine** – Chairman Nau reported that Authentic Texas magazine is continuing without participation from the Tropical Trail Region, but appears to be confident in continued success.
19. **Report on Survey of Employee Engagement** – Wolfe informed committee members that the SEE launched in December and would continue through January, with results to be reported at the April quarterly meeting.
20. **Committee Chairman’s Report**
  - A. Ongoing Projects – Wolfe reported that the agency has been informed that Battleship Texas is scheduled to be moved to Galveston in June. Chairman Nau asked that Wolfe include an update from the Battleship Texas Foundation at the April quarterly commission meeting. Wolfe reported on appointments that have been made to the 1836 Project, and noted that one of the appointees had contacted him for more information about the THC. Wolfe reported that some, but not all, appointments had been made to the Texas Holocaust, Genocide and Anti-Semitism Advisory Committee. And Wolfe reported that the owner of the NWIRP facility had obtained an appraisal estimating that the THC-owned covenants on the property reduce the potential value of that property by \$300,000.
  - B. Updates and Upcoming Events – Wolfe noted that a statewide plan meeting was being held that same day in Marathon, and that another meeting would be held in Abilene in two days.

The meeting adjourned at 5:00 p.m.

TAB 17.2

## TEXAS HISTORICAL COMMISSION

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**Item 17.2**  
Texas Historical Commission  
Quarterly Meeting  
February 1-2, 2022

### Consider approval dates/locations for 2022 and 2023 quarterly meetings

#### **Background**

Attached is a list of locations the THC quarterly meetings have been held in the past and below are the proposed 2022-2023 dates and locations for consideration.

#### **Proposed dates and locations:**

##### **2022**

February 1-2, Austin  
April 28–29, San Antonio (originally scheduled for Plano)  
July 25-26, Big Spring (originally scheduled for July 28–29),  
October 27–28, College Station

##### **2023**

January 31–February 1, Austin  
April 27–28, Austin  
July 27–28, Plano  
October 26–27, TBD

#### **Recommended motion (Committee):**

Move that the committee send forward to the Commission and recommend approval of the dates and locations for the 2022-2023 quarterly meetings as noted on the above list.

#### **Recommended motion (Commission):**

As recommended by the Executive committee, move to approve the dates and locations for the 2022 and 2023 quarterly meetings as noted on the above list.

TEXAS HISTORICAL COMMISSION

**Locations of Commission Meetings  
1953 - 2020**

<b>Year</b>	<b>Locations</b>
2021	Zoom (1), Austin (3)
2020	Austin (1), Zoom (3) due to COVID-19
2019	Austin (2), Paris, Brownsville
2018	Austin, Sealy, Amarillo, Laredo
2017	Austin (3), Lubbock
2016	Austin, San Antonio, Nacogdoches, Katy
2015	Austin (3), Buffalo Gap,
2014	Austin (3), Fort Worth
2013	Austin (3), Goliad
2012	Austin (3), Dallas
2011	Austin (3) Midland
2010	Austin (2), Houston, Kingsville
2009	Austin (2), Fort Worth, El Paso
2008	Austin (2), Corpus Christi, San Angelo
2007	Austin (2), Marfa, San Antonio
2006	Austin (2), Fredericksburg, Galveston
2005	Austin (2), Castroville, Jefferson
2004	Austin (2), Fort Worth, Victoria
2003	Austin, Amarillo, Dallas, San Antonio
2002	Austin (2), Abilene, Houston,
2001	Austin (2), Albany, Beaumont,
2000	Austin, Dallas, San Antonio, Brenham
1999	Austin (3), Marathon
1998	Austin (2), El Paso, Galveston
1997	Austin (3), Kilgore
1996	Austin (2), Amarillo, Brownsville
1995	Austin (3), Fort Worth
1994	Austin (3), San Angelo
1993	Austin (3), Nacogdoches
1992	Austin, Houston, San Antonio, Columbus
1991	Austin (2), Beaumont, San Antonio
1990	Austin (2), Abilene, Round Top
1989	Austin (2), Dallas, Jefferson

**TEXAS HISTORICAL COMMISSION**

1988	Austin (2), Brownsville, Angleton
1987	Austin (2), El Paso, Laredo
1986	Austin (4)
1985	Austin, Fort Worth, Fort Davis, San Angelo
1984	Austin, Lubbock, Bonham, Castroville
1983	Austin (2), Kilgore, Galveston
1982	Austin (2), Harlingen, Brenham
1981	Austin, Laredo, Amarillo, El Paso
1980	McAllen, Corpus Christi, Fort Davis, Jefferson
1979	Brownsville, Kerrville, Dallas, Uvalde
1978	Austin, Corpus Christi, San Antonio, Columbus
1977	Austin (2), Galveston, Granbury
1976	Austin, Beaumont, Fort Worth, Galveston
1975	Austin (2), Dallas, Nacogdoches
1974	San Antonio, McAllen, Amarillo, New Braunfels
1973	Austin, Fort Davis, Galveston, Fort Worth
1972	Austin (3), Lubbock
1971	Austin (2), Abilene, Del Rio
1970	Corpus Christi, Jefferson, Fort Worth, Fredericksburg
1969	Austin, El Paso, Waco
1968	Austin (2), La Grange, San Antonio
1967	Austin, San Antonio, Galveston
1966	Austin, Fort Worth (2)
1965	Austin (4), Beaumont, Odessa
1964	Austin (2), Brownsville, Center
1963	Austin (3), Galveston
1962	Austin (5), Nacogdoches, Odessa, San Antonio (2), Amarillo, El Campo
1961	Austin (4)
1960	Austin (4)
1959	Austin (4)
1958	Austin (4)



TAB 17.3

## TEXAS HISTORICAL COMMISSION

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**Item 17.3**  
Texas Historical Commission  
Quarterly Meeting  
February 1-2, 2022

**Consider approval of filing authorization of proposed new rule to the TAC, Title 13, Part 2, Chapter 11, Subchapter A, Section 11.25 related to the Family Leave Pool, for first publication and public comment in the *Texas Register***

### **Background:**

The Texas Historical Commission proposes adding a new rule to Chapter 11 of the Texas Administrative Code, Part 2, Section 11.25 related to the state employee family leave pool to comply with Texas Government Code requirements for rulemaking. The Commission has been in compliance with the requirements of the related statute but has not formally adopted rules. The Human Resources policy has been established in the Personnel Manual.

If approved by the Commission, the first publication will take place after approval. 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 April 2022 meeting.

### **Recommended motion (Committee):**

Move that the committee send forward to the Commission and recommend approval of filing authorization of the proposed new rule to TAC, Title 13, Part 2, Chapter 11, section 11.25 related to the State Employee Family Leave Pool, for first publication and public comment in the *Texas Register*.

### **Recommended motion (Commission):**

Move to approve the filing authorization of the proposed new rule to TAC, Title 13, Part 2, Chapter 11, section 11.25 related to the State Employee Family Leave Pool, for first publication and public comment in the *Texas Register*.

**Texas Administrative Code**  
**Title 13 Cultural Resources**  
**Part 2 Texas Historical Commission**  
**Chapter 11 Administration Department**  
**Subchapter A Administration**  
**Rule §11.25 State Employee Family Leave Pool**

PREAMBLE

The Texas Historical Commission (Commission) proposes new rule §11.25, related to State Employee Family Leave Pool within Title 13, Part 2, Chapter 11 of the Texas Administrative Code.

Rule 11.25 creates a process for State Employee Family Leave Pool

FISCAL NOTE. Mark Wolfe, Executive Director, has determined that for each of the first five-years the proposed amendment is 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. The related policy and procedure are in place for this rule and there is no anticipated additional cost as a result of the rulemaking.

PUBLIC BENEFIT/COST NOTE. Mr. Wolfe has also determined that for the first five-year period the rule is in effect, the anticipated public benefit will be enhanced transparency on agency policy and procedure.

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 this rule, 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.

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 11	ADMINISTRATION DEPARTMENT
SUBCHAPTER A	ADMINISTRATION
<u>SECTION 11.25</u>	<u>State Employee Family Leave Pool</u>

A state employee family leave pool is established to provide eligible employees more flexibility in bonding and caring for children during a child's first year following birth, adoption, or foster placement, and caring for a seriously ill family member or the employee, including pandemic-related illnesses or complications caused by a pandemic.

(1) The commission's Executive Director shall designate a pool administrator.

(2) The pool administrator will recommend a policy, operating procedures, and forms for the administration of this section for approval by the Executive Director.

(3) Operation of the pool shall be consistent with Texas Government Code, Chapter 661, Subchapter A-1. State Employee Family Leave Pool.

(4) Adoption of this rule is required of state agencies by Texas Government Code §661.022.

GOVERNMENT CODE

TITLE 6. PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE B. STATE OFFICERS AND EMPLOYEES

CHAPTER 661. LEAVE

SUBCHAPTER A-1. STATE EMPLOYEE FAMILY LEAVE POOL

Sec. 661.021. PURPOSE. The purpose of the state employee family leave program is to:

(1) provide eligible state employees more flexibility in:

(A) bonding with and caring for children during a child's first year following birth, adoption, or foster placement; and

(B) caring for a seriously ill family member or the employee, including pandemic-related illnesses or complications caused by a pandemic; and

(2) allow employees to apply for leave time under the family leave pool.

Added by Acts 2021, 87th Leg., R.S., Ch. 684 (H.B. [2063](#)), Sec. 1, eff. September 1, 2021.

TAB 17.4

# TEXAS HISTORICAL COMMISSION

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Item 17.4  
Texas Historical Commission  
February Quarterly Meeting  
February 1-2, 2022

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

### **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. To date, six alternate projects have been awarded funding by the Commission. In November 2021, the Luther Hotel funding was withdrawn due to complications resulting from the death of the owner. This resulted in \$183,509.09 remaining for distribution.

The highest-ranking project remaining on the alternate list, the Donigan House, also known as the Waller County Museum, is owned by Waller County. The county judge has approved moving forward with the grant-funded repair work.

### **Recommended motion (Committee):**

Move to send forward to the Commission and recommend approval of funding from the Hurricanes Harvey, Irma and Maria Emergency Supplemental Historic Preservation Fund Grant program to the Donigan House (Waller County Museum), 906 Cooper Street, Brookshire, Waller County in the amount of \$250,000.

### **Recommended motion (Commission):**

Move to approve funding from the Hurricanes Harvey, Irma and Maria Emergency Supplemental Historic Preservation Fund Grant program to the Donigan House (Waller County Museum), 906 Cooper Street, Brookshire, Waller County in the amount of \$250,000.



## HIM ESHPF Alternate Projects:

City	County	Project Name	Project Description	Score
Houston	Harris	Fire Station #3 FUNDED	Replace roof, 2 <sup>nd</sup> floor restoration	64.0
Corpus Christi	Nueces	Ritz Theater FUNDED	Repair roof, condition assessment, restoration plan	64.0
Refugio	Refugio	Anaqua Home FUNDED	Porch repair to storm standards	63.8
Galveston	Galveston	Scottish Rite Temple FUNDED	Repair roof, walls, windows	62.8
Houston	Harris	Sociedad Mutualista Obrera Mexicana (SMOM) FUNDED	Repair roof, structural damage	62.5
Beaumont	Jefferson	Caroline Gilbert Hinchee House FUNDED	Temporary roof, weatherization, stabilization drainage	62.3
Brookshire	Waller	Waller County Museum (Donigan House) PROPOSED	Flood assessment and mitigation, structural work	62.0
Multiple	Multiple	Freedom Colonies strategic & tech plan	Plan and test methodology for integrated engagement and survey	59.5

TAB 17.5

## TEXAS HISTORICAL COMMISSION

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**Item 17.5**  
Texas Historical Commission  
Quarterly Meeting  
February 1-2, 2022

### Consider approval of Appointments/Reappointments to the Antiquities Advisory Board (AAB)

#### **Background:**

As per the Texas Administrative Code, Chapter 26, Practice and Procedure, Subchapter A, General Provisions, Section 26.5, AAB, the archeologists, historians and historic architects of the AAB serve two-year terms that expire on February 1, of either odd or even numbered years, as determined by the commission. Seven of these positions are up for appointment or reappointment. The positions up for appointment/reappointment are for three professional archeologists, two historic architects, and two historians.

- (1) Niki Hise has agreed to serve a 2-year term in the position of professional archaeologist on the Antiquities Advisory Board. Ms. Hise, a Texas Water Development Board archeologist, will be serving the board as the state agency appointed archaeologist replacing Waldo Troell of TxDOT, in compliance with Chapter 26. The staff of the THC therefore, recommends that the Commission appoint **Niki Hise** to the position of professional archeologist on the AAB.
- (2) Doug Boyd has agreed to serve an eighth 2-year term in the position of professional archaeologist on the Antiquities Advisory Board. Mr. Boyd will be serving the board as a representative of the Texas Archeological Society, in compliance with Chapter 26. The staff of the THC therefore, recommends that the Commission reappoint **Doug Boyd** to the position of professional archeologist on the AAB.
- (3) Todd Ahlman has agreed to serve a second 2-year term in the position of professional archaeologist on the Antiquities Advisory Board. Dr. Ahlman will be serving the board as a representative of the Council of Texas Archeologists, in compliance with Chapter 26. The staff of the THC therefore, recommends that the Commission reappoint **Todd Ahlman** to the position of professional archeologist on the AAB.
- (4) Rick Lewis has agreed to serve a seventh 2-year term on the Antiquities Advisory Board in the position of historic architect. The staff of the THC therefore recommends that the Commission reappoint **Rick Lewis** to the position of historic architect on the AAB.
- (5) Norman Alston has agreed to serve a fourth 2-year term in the position of historic architect on the Antiquities Advisory Board. Having already served one year of this term, Mr. Alston's term will expire in one year. The staff of the THC therefore recommends that the Commission retroactively reappoint **Norman Alston** to the position of historic architect on the AAB.
- (6) Bob Ward has agreed to serve a second 2-year term in the position of historian on the Antiquities Advisory Board. Having already served one year of this term, Mr. Ward's term will expire in one year. The staff of the THC therefore recommends that the Commission retroactively reappoint **Bob Ward** to the position of historian on the AAB.
- (7) Joaquín Rivaya-Martínez has agreed to serve a 2-year term in the position of historian on the Antiquities Advisory Board. Dr. Rivaya-Martínez will be replacing Dan Utley. The staff of the THC

therefore recommends that the Commission appoint Joaquín Rivaya-Martínez to the position of historian on the AAB.

**Suggested Motion (committee)**

Move that the committee send forward to the Commission and recommend the appointment of Niki Hise, professional archeologist, and Joaquín Rivaya-Martínez, historian, and the reappointments of Doug Boyd, professional archeologist, Todd Ahlman, professional archeologist, and Rick Lewis, historic architect, each to serve a two-year term (effective February 2, 2022 through January 31, 2024); further, move to approve the retroactive reappointments of Norman Alston, historic architect, and Bob Ward, historian, each to serve a two-year term (effective February 1, 2021 through January 31, 2023) to the Antiquities Advisory Board.

**Suggested Motion (commission):**

Move to approve the appointment of Niki Hise, professional archeologist, and Joaquín Rivaya-Martínez, historian, and the reappointments of Doug Boyd, professional archeologist, Todd Ahlman, professional archeologist, and Rick Lewis, historic architect, each to serve a two-year term (effective February 2, 2022 through January 31, 2024); further, move to approve the retroactive reappointments of Norman Alston, historic architect, and Bob Ward, historian, each to serve a two-year term (effective February 1, 2021 through January 31, 2023) to the Antiquities Advisory Board.