

MINUTES OF THE APRIL 20-21, 2023
MEETING OF THE BOARD OF TRUSTEES OF
THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

The Board of Trustees of the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation) met in-person in Tucson, Arizona, at Udall Foundation headquarters as well as via videoconference and/or teleconference on April 20-21, 2023. The attendee list is included as Appendix 1 to these minutes. Trustees Eric D. Eberhard, Tadd M. Johnson, Mark T. Nethery, D. Michael Rappoport, and Tess Udall provided proxies to Trustee James L. Huffman in case of technical difficulties at the time of a vote during this meeting; no technical difficulties occurred. Vice Chair Lisa Johnson-Billy was unable to attend this meeting and also provided her proxy to Huffman, who exercised the proxy during voting.

Thursday, April 20, 2023

Charles P. Rose, Board Chair, called the meeting to order at 1:06 p.m. (MST-AZ). Elizabeth Monroe, Communications Program Manager, recorded the minutes.

Call to Order and Chair's Remarks

The Chair welcomed everyone to the meeting at the Udall Foundation's new headquarters office. He noted that the new headquarters was designed with employee well-being in mind (e.g., ergonomic furniture, open collaboration spaces, and HVAC and other systems designed to promote green energy and sustainability). He hopes it will serve as a platform for the next 25 years of the Udall Foundation's work and will further collaboration with The University of Arizona (UArizona), U.S. Department of Education (ED), U.S. Department of the Interior (DOI), and the White House Council on Environmental Quality (CEQ). As part of the Board's recent reframing of its meetings to focus on a particular theme, the Chair said the focus of this Board of Trustees Meeting would be the Stewart L. Udall Parks in Focus® Program (Parks in Focus®),

which is celebrating its 25th anniversary beginning in fall 2023. The Chair told Trustees that the Udall Foundation would recognize Robert Varady at this meeting on the occasion of his retirement from UArizona and the Udall Center for Studies in Public Policy (Udall Center) after 40+ years. The Chair concluded by stating Friday morning's Board of Trustees Meeting session would include the Trustees' annual Ethics training as well as an update regarding the Udall Foundation's reauthorization and appropriations legislation in Congress.

Trustee Remarks

The Chair offered Trustees the opportunity to provide remarks. Jomar Maldonado, Associate Director for NEPA at CEQ, offered his welcome and remarks as the representative of Chair Mallory. He said CEQ is appreciative of the continuing collaboration with the Udall Foundation and the John S. McCain III National Center for Environmental Conflict Resolution (National Center). Amy Loyd, Assistant Secretary for the Office of Career, Technical, and Adult Education at ED, and Secretary Cardona's designee to the Board, offered her welcome and remarks on behalf of the Secretary. She thanked Executive Director David Brown and the Education team for briefing her team on Parks in Focus® as well as the Scholarship, Internship, and Fellowship Programs. Bryan Newland, Assistant Secretary for Indian Affairs at DOI, and Secretary Haaland's designee to the Board, said he was sorry that he could not attend this meeting in person.

Executive Director's Remarks

The Chair called on Brown to provide his remarks. Brown welcomed out-of-town guests to the new office saying this transformational space was a long time coming and is one that can be shared with the Udall Foundation's UArizona partners. He thanked all of the employees who supported this Board Meeting from the Program Directors who wrote the program reports to

those who focused on meeting logistics. Brown welcomed two new employees to their first Board of Trustees Meeting: Sara Moeller, Administrative Officer, and Ernesto Somoza, Parks in Focus® Program Manager. He said this meeting's emphasis on Parks in Focus® would highlight program work over the past 25 years; how the agency's Grants, Gifts, and Donations Program (GG&D) supports this work; the high-profile nature of this work; and how Trustees may be ambassadors for the Udall Foundation's work. Brown shared that the plan is to replicate the format of today's Parks in Focus® presentation for a National Center presentation at the Fall 2023 Board of Trustees Meeting. This year also happens to be the 25th anniversary of the National Center. Brown introduced Director of Education Programs and Chief Diversity Officer Alicia Harris who provided information regarding the agency's upcoming diversity, equity, inclusion, and accessibility (DEIA) assessment, which will assess the current status of DEIA in the Udall Foundation's operations, policies, decision-making, and programmatic activities and also serve as a springboard for advancing related initiatives. The DEIA assessment will also assist the agency in complying with several of the DEIA-related Executive Orders issued by the Biden Administration. The assessment will involve all agency employees, and the contractor may also reach out to Udall Foundation Trustees to participate in surveys, focus groups, and/or interviews. Trustees can reach out to Harris with questions or for additional details regarding the assessment. Brown concluded his remarks by providing logistical reminders related to the Board Meeting.

Consent Agenda Approval

The Chair introduced and reviewed the Consent Agenda with the Trustees. Eberhard complimented employees on their work and the programmatic reports. Regarding the Internal Controls portion of the Consent Agenda, Brown told the Trustees that he has never felt more

confident in the agency's financial position than today and that the Finance and Internal Controls report is an accurate reflection of a good financial posture for the agency.

On a motion moved and seconded with the discussion reflected above, the Board approved the Consent Agenda items, including the Minutes of the December 7, 2022, Board of Trustees Meeting and the programmatic Board Reports, by a vote of 11 FOR, 0 Against, and 0 Abstain.

Stewart L. Udall Parks in Focus® Overview

The Chair introduced the Parks in Focus® presentation by saying it is a remarkable program that has profound and unique impacts on children. Trustees heard from Deputy Director of Education Programs and Grants, Gifts & Donations Manager Bret Muter, program participants, and partners and were encouraged to ask questions during the presentation. Muter discussed the work of the program during its first 25 years as well as the future of the program. Special guests from several Parks in Focus® program partners including Owl & Panther, Boys & Girls Clubs of Tucson (BGCT), Saguaro National Park, and the Western National Parks Association (WNPA) (see Appendix 1) provided their perspective on the impact of the program on participants and how the program might grow in the future. Muter provided his background with the Udall Foundation first as a Udall Scholar and then as an agency employee with the Parks in Focus® Program. He introduced the new Parks in Focus® Program Manager Ernesto Somoza who then introduced the members of the program team. The presentation covered a variety of topics including the program's mission and goals; how it meets vital needs of the participants; why photography is a part of the program; the program's curriculum and approach; direct programming; train-the-trainer workshops; partner-led programs; how the program dealt with the COVID-19 pandemic; and aspects of the program's future. Questions from and

discussion topics with Trustees and Parks in Focus® program partners included the differences between photos taken before the pandemic and during the pandemic; the issue of how to interact with people again after the pandemic when doing in-person programming; whether the Tucson-centric nature of the program impacts the discussion around national programming; social media; looking at how to adapt the program to advances in technology; GG&D; scaling partners and in-school opportunities; expanding the program to more Boys & Girls Clubs around the country by pursuing more grants; the impact of the program on the participants; importance to participants of the consistency of interaction with the Parks in Focus® team; the BGCT Youth Impact Award, nominated and voted on by BGCT staff, being awarded to the Udall Foundation for its Parks in Focus® Program in June 2023; Saguaro National Park's and WNPA's partnerships with Parks in Focus; possibilities for additional partnerships around the country; the annual Parks in Focus® budget and sources of funding; legislative outreach strategy; development of talking points about what can be done at various levels of funding; transportation and photo printing challenges for some program partners; and how the program stays connected with participants over the years.

**Recognition of Robert Varady,
Udall Center for Studies in Public Policy, The University of Arizona**

The Chair introduced this recognition of Robert Varady's contributions to UArizona, the Udall Center, and the Udall Foundation. Brown introduced Udall Center Acting Director Stephanie Carroll who served as emcee. Carroll first introduced Elliott Cheu, Associate Vice President for University Research Institutes at UArizona, who provided a brief overview of Varady's time at the university, including the Udall Center's fellows program and the committee examining the promotion process and review for career track faculty. He concluded by congratulating Varady on his amazing career and thanked him for his service to UArizona.

Carroll, who has worked at the Udall Center for 23 years in various roles, reflected on Varady's role in her growth as a scholar as well as an academic and research leader at UArizona. A video compilation of remembrances and good wishes from current and former colleagues from UArizona and beyond was shown. The video ended with a summation of some of Varady's accomplishments during his work at the UArizona and around the world: 250+ publications; 270+ presentations; 64 journals; 60+ reviews of books, manuscripts, etc.; \$16.9 million in grants and contracts; 42 years of service; immeasurable impact; and invaluable friendships. Eberhard provided remarks recognizing Varady. He shared that Varady began life in Budapest, Hungary, and eventually found his way to the Desert Southwest along the border with Mexico in the United States. He spoke of Varady's extensive travel and presentations around the globe, saying he is a citizen of the world. He recognized Varady's wonderfully written publications on multiple, very complex subjects. Eberhard said everyone who served as Udall Center Director succeeded in significant part because of Varady's mentorship. He noted that Varady, who was present in the gallery of the U.S. House of Representatives the day the legislation establishing the Udall Foundation passed the Congress and went to the President to be signed into law, has been constant in tending to the relationship between the Udall Foundation and the Udall Center. Eberhard said Varady would be missed. He also conveyed Rappoport's warmest regards and deep respect to Varady. Varady said he was touched by the video and comments, and he thanked everyone involved in planning this recognition. Varady shared about watching the Udall Foundation grow from an idea all the way to the mature institution it is today, saying it was a privilege to play a small role in the agency's coming of age. He shared two documents to illustrate his unique vantage point regarding the Udall Foundation. The first document, written by Varady, describes the day in March 1992 when he was in the House gallery during the vote

on the Udall Foundation's enabling legislation. The second was a March 1996 memo from the Udall Foundation's first Executive Director to the then President of UArizona regarding the first payment from the agency in support of the Udall Center. Varady concluded by recognizing the intertwining of and collaboration between the Udall Foundation and the Udall Center. The Chair offered his congratulations to Varady. Part 1 of the Udall Foundation Board of Trustees Meeting concluded at 5:08 p.m. (MST-AZ).

Friday, April 21, 2023

Part 2 of the Udall Foundation Board of Trustees Meeting was called to order at 9:00 a.m. with Trustee attendance being taken to confirm a quorum was present.

Annual Trustee Ethics Training

The Chair called on Udall Foundation General Counsel Gwendolyn Franks to provide the annual Trustee Ethics training. Franks began this year's training by giving an update on the Fat Leonard case used as an example last year. This year's training focused on the Trustees' status as Special Government Employees (SGEs). The Ethics Rules still apply to SGEs but some of them apply differently, so she highlighted those areas during this training. Training topics included the 60-day working limitation for SGEs and the implications for working more than 60 days in a 365-day period; the Hatch Act and the Freedom of Information Act (FOIA); Travel Regulation and Policy Compliance; Use of Trustee Resources; Considerations for Non-Udall Activities; and Conducting Business in a Virtual Setting. Sub-topics included the history of the SGE category and how some ethics rules apply differently to SGEs; a review of some of the 18 USC restrictions and how those apply to SGEs; what counts as a "day" of work for an SGE; what SGEs may and may not do under the Hatch Act and what "on duty" means for an SGE; FOIA considerations and the Hatch Act; the Federal Travel Regulation and the Udall Foundation's

Travel Policy; and what resources are available to Trustees and the limitations on their use. Questions from Trustees touched on topics such as what it means to participate in certain procurement matters involving a contractor; does the Udall Foundation receive many FOIA requests and what are the topics; does the Udall Foundation receive Congressional Oversight requests; what if a Trustee is a lawyer and represents a foreign government or foreign entity; and speaking engagements. The guidance for Trustees is to speak with Franks whenever they have questions. She needs specific facts regarding the situation in order to research the appropriate action. Franks told Trustees that the training slides discussing emails and FOIA also apply to all forms of electronic communication, including Microsoft Teams chats.

Future Trustee Data and Information Technology Requirements

The Chair introduced Brown and Chief Data and Information Officer Jerry Carter to discuss upcoming data and information technology requirements with the Trustees. Brown shared that cybersecurity requirements are expanding for the Udall Foundation and all Federal agencies. The requirements are driven by a combination of factors including guidance from the Administration via Executive Orders and recent incident responses, recommendations from the agency's independent financial auditors related to Federal Information Security Management Act (FISMA) deficiencies and FISMA IG metrics requirements, increased availability of Federal shared support services such as the Department of Homeland Security Cybersecurity and Infrastructure Security Agency's Continuous Diagnostics and Mitigation program, and OMB's request to all agencies to detail cybersecurity spending requirements in their FY 2024 budgets. In response to all of this, the Udall Foundation is working to improve its operating posture and internal controls. The agency is preparing to contract for specific cybersecurity services over the next one-two years to address a range of outstanding items and desired upgrades. At the same

time, the agency's IT team is implementing a number of internal controls improvements and systems enhancements. Together, these initiatives will impact the Trustees in their roles as SGEs. Future changes will include the adoption of Microsoft 365 accounts and udall.gov email addresses for all Trustees, including a requirement for multi-factor authentication; creation of a Trustees@udall.gov email distribution list; migration of the virtual meeting platform used for Board of Trustees Meetings from Zoom to Microsoft Teams; migration of the private Trustee Website to an alternative platform; and potential new requirements for annual IT security training and associated compliance. Brown introduced Carter who discussed some of these changes in a bit more detail. The Microsoft 365 accounts that provide an email address to Trustees will not provide them with direct access to the agency's internal network. Microsoft Teams will be used since that is integrated into the Udall Foundation's environment and will allow tracking of its chat feature, among other things, which will help with any FOIA requests. There will be discussion with the Trustees regarding how they want the Trustee Website to work in the future, to include enhanced security measures. Brown said the timeline to move forward on some of these items is months, not years, with the move to Microsoft 365 happening this calendar year. Questions from Trustees included what kind of hardware is needed to work with these upcoming changes; whether there are any security issues for those using personal versus government laptops; and will the ex officio Trustees from CEQ, ED, DOI, and UArizona receive udall.gov email addresses. Carter shared that it is more a question of internet bandwidth than hardware, and that connecting through Microsoft 365 provides a buffer between the Udall Foundation's system and personal laptops that might have viruses, etc. He said Trustees still need to install proper tools to protect their devices from infections. Carter said he will be gathering information from Trustees such as the email client the Trustee uses, whether they use a

Mac or PC platform, and familiarity and level of comfort with Microsoft Teams to make sure they will feel comfortable with the upcoming changes. When asked about the timeframe, Carter said the agency will purchase and deploy the necessary licenses once the information is gathered and decisions are made on how to proceed. Deployment will not take long. Trustees were told not to forward their future udall.gov email account to a personal email account; they will need to develop the habit of checking their separate udall.gov email in a mailbox that might be added to the email client on their laptop. Brown noted that the topic of udall.gov email addresses for ex officio Trustees is complicated because some of those Trustee positions are government employees while others are not. Franks said the Udall Foundation will need to interact with the government ex officio Trustees' IT offices to determine their preference. There was initial discussion of whether to use generic emails for the ex officio positions such as uapresident@udall.gov that would allow for their assistants to be able to check the email account. In conclusion, Franks said she thinks merely checking their udall.gov email accounts is de minimis activity, so Trustees can check every day without incurring a day of work towards their 60-day annual cap.

Other Business

The Chair called on Brown to update the Trustees on the agency's reauthorization and appropriations legislation pending in Congress. Brown reminded Trustees that the Udall Foundation's current authorization expires September 30, 2023. Appropriators can continue to provide funding to an agency even with an expired authorization, but it introduces an extra degree of difficulty and prevents the agency from updating and modernizing any necessary aspects of its programs and administrative operations. This year, the Board's Executive Committee decided it was important to cultivate bipartisan, bicameral sponsors for a "clean"

reauthorization bill in the new Congress. The reauthorization bill's purpose is to extend the Udall Foundation's authorization date through Fiscal Year 2028; there are no amendments to the enabling legislation in the bill, nor does it ask for an increase in the existing authorized appropriations levels. Brown spoke about the current status of the bill's sponsors and potential cosponsors in the House and Senate. Eberhard told Trustees that every time the agency has succeeded in getting reauthorization legislation through Congress it has been because of bipartisan and bicameral support. He also shared some of the circumstances that negatively impacted the agency's previous reauthorization bill at the end of 2022. There was discussion of how the agency decides who in Congress it will approach for support. Brown next shared the status of appropriations for FY 2024. He began by reminding the Trustees of the outcome of the FY 2023 appropriations process including a funding increase to the Environmental Dispute Resolution Fund (EDRF) and the direct expenditure authority for the Trust Fund's FY 2023 appropriation. Brown said the current Congressional thinking for FY 2024 appropriations is to have agencies go back to FY 2022 funding levels. That would mean a 20-25% cut to the EDRF, and while there would be no cut to the Trust Fund's appropriation level, the Udall Foundation could lose the direct spend language regarding the Trust Fund's appropriation. For the agency, it means FY 2023 is the best year to fund critical requirements like investments in cybersecurity, hardware, software, and strategic program priorities related to the Education Programs and National Center. He said the agency must be prepared for a leaner year as far as FY 2024 appropriations.

The Chair introduced the topic of the Udall Foundation's Fall 2023 Board of Trustees Meeting highlighting the work of the National Center. Discussion focused on whether to hold an "on the ground meeting" in a location other than Tucson, Arizona, or Washington, D.C., related

to a National Center project. National Center Director Brian Manwaring and National Center Deputy Director Stephanie Kavanaugh provided an overview of two projects from which to choose and the suggested meeting locations. Manwaring shared that the National Center's work is best illustrated via case studies. These studies help people understand the nuances and complexities of the National Center's work. Trustees were polled for an initial sense of whether to hold an "on the ground" meeting and which project to focus on at the meeting. Trustees present were in favor of the "on the ground" meeting. Some Trustees present expressed an interest in one or the other project, while others were fine with whichever project is chosen and decided to defer to the National Center team and/or Trustees with knowledge in the topical areas to decide which one to present at the meeting. The Chair said he would like an "on-the-ground" meeting to help Trustees better understand the National Center's work and discuss how the Board can discharge their responsibilities to support the program's work. Administrative Officer Sara Moeller will follow up with the Board regarding possible dates and locations. The Chair asked that Brown and the agency team provide the Board with the estimated "on the ground" meeting costs, so they are assured the agency and the Board are making a cost-effective decision. The Chair stressed that if an "on-the-ground" meeting were to be held, the Trustees would need to do their best to attend in person. Brown said the agency plans to schedule the meeting between mid-October and mid-November.

There being no further business, on a motion moved and seconded, the Board of Trustees adjourned the meeting via voice vote at 11:20 a.m. (MST-AZ).

Appendix 1

Udall Foundation Board of Trustees Meeting

April 20-21, 2023

Attendees List

[Final as of 8/7/2023]

Thursday, April 20, 2023

In-Person Attendees at Morris K. Udall and Stewart L. Udall Foundation Tucson Headquarters

Udall Foundation Trustees & Trustee Representative Attending:

Charles P. Rose, *Chair*

James L. Huffman, *Trustee*

Amy Loyd, *Assistant Secretary, Office of Career, Technical, and Adult Education, U.S. Department of Education, Trustee*

Jomar Maldonado Vazquez, *CEQ Trustee Representative*

Denis Udall, *Trustee*

Udall Foundation Staff Attending:

Melisa Bohlman, *Parks in Focus® Trip Leader*

David Brown, *Executive Director*

Jerry Carter, *Chief Data and Information Officer*

Jason Curley, *Education Program Manager*

Olivia Easton, *Parks in Focus® Trip Leader*

Theresa Fernandez, *Financial Technician*

Gwendolyn Franks, *General Counsel*

Alicia Harris, *Director of Education Programs and Chief Diversity Officer*

Stephanie Kavanaugh, *Dep. Director, National Center*

Brian Manwaring, *Director, National Center*

Katherine McPherson, *Senior Financial Manager*

Sara Moeller, *Administrative Officer*

Olivia Montes, *Operations Coordinator/Training Program Analyst*

Bret Muter, *Deputy Director of Education Programs and Grants, Gifts, and Donations Manager*

Myles Sharp, *Chief Financial Officer*

Ernesto Somoza, *Parks in Focus® Program Manager*

UArizona Leadership, Partner Program Leadership, and Partner Program Staff Attending:

Molli Bryson, *Program Coordinator, Udall Center for Studies in Public Policy (Udall Center)*

Stephanie Russo Carroll, *Acting Director, Udall Center*

Elliott Cheu, *Associate Vice President, University Research Institutes, RII*

Andrea K. Gerlak, *Director, Udall Center*

Stephen J. Hussman, *Curator of Political Affairs Collections, The University of Arizona Libraries, Special Collections*

Joan Timeche, *Executive Director, Native Nations Institute for Leadership, Management, and Policy (NNI), Udall Center*

Robert Varady, *Research Professor of Environmental Policy, Udall Center*

Featured Parks in Focus® (Speaking) Guests:

Caroline Lochner, *Associate Director of Regional Programming & Community Outreach, Western National Parks Association*

Cam Juarez, *Community Outreach & Engagement Coordinator, Saguaro National Park*

Andi Hammonds, *Program Director, Owl & Panther*

Julie Trujillo, *Director of Clubhouse Operations, Boys & Girls Clubs of Tucson*

Other Parks in Focus® Guests:

Marie Buck, *CEO, Western National Parks Association*

Denise Watters, *CEO, Boys & Girls Clubs of Tucson (in-person, tentative)*

Adam Begody, *Chief Financial Officer, Boys & Girls Clubs of Tucson (in-person, tentative)*

Guests Attending:

Varady Family

Remote Attendees (via videoconference/teleconference)

Udall Foundation Trustees Attending:

Eric D. Eberhard, *Trustee*

Tadd M. Johnson, *Trustee*

Mark T. Nethery, *Trustee*

Bryan Newland, *Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Trustee*

D. Michael Rappoport, *Trustee*

Tess Udall, *Trustee*

Udall Foundation Staff Attending:

Elisa Baca, *Contracting Officer's Representative*

Adam Baker, *Application Programmer*

Mitch Chrismer, *Project Manager, National Center*

Seth Cohen, *Senior Program Manager, National Center*

Lauren Cordova, *Program Associate, Education Programs and John S. McCain III National Center for Environmental Conflict Resolution*

Marci DuPraw, *Senior Program Manager, National Center*

Dana Goodson, *Senior Program Manager, National Center*

Rachel Hammelman, *Program Associate, National Center*

Terri Harrison, *Contracting Program Manager/Contracting Officer*

Melanie Knapp, *Project Manager & Training Program Manager*

Stephanie Lucero, *Senior Program Manager and Native American and Alaska Native Service Area Coordinator, National Center*

Elyse Magen, *Program Associate, National Center*

Elizabeth Monroe, *Communications Program Manager*

Lauren Nutter, *Project Manager, National Center*

UArizona Partner Program Staff Attending:

Mara Castro, *Program Coordinator, NNI, Udall Center*

Stephen Cornell, *Director Emeritus, Udall Center*

Rae Soobraty, *Information Technology and Infrastructure Manager, Udall Center*

Trustees Excused

Lisa Johnson-Billy, *Vice Chair*

Dr. Robert C. Robbins, *President, The University of Arizona, Trustee*

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Bret Muter, *Deputy Director of Education Programs and Grants, Gifts, and Donations Manager*

Myles Sharp, *Chief Financial Officer*

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Molli Bryson, *Program Coordinator, Udall Center for Studies in Public Policy (Udall Center)*

Trustees Excused

Lisa Johnson-Billy, *Vice Chair*

Bryan Newland, *Assistant Secretary for Indian Affairs, U.S. Department of the Interior, Trustee*

D. Michael Rappoport, *Trustee*

Dr. Robert C. Robbins, *President, The University of Arizona, Trustee*