

**Compilation of Conflict-of-Interest Disclosures for
State Authorities, Boards and Commissions
State Fiscal Year 2024**



**Prepared by the Department of Legislative Audit
July 2024**

**State of South Dakota
Department of Legislative Audit
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% 500 East Capitol
Pierre, SD 57501-5070**



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RUSSELL A. OLSON
AUDITOR GENERAL

July 11, 2024

To: Government Operations and Audit Committee Members

From: Russell A. Olson, Auditor General

RE: State Authorities, Boards and Commissions Conflict of Interest Disclosures

This document compiles minutes and other documents containing disclosures required of members of certain State authorities, boards and commissions by SDCL Chapter 3-23.

HB 1170 of the 2017 legislative session revised the conflict of interest disclosure requirements for members of certain State authorities, boards and commissions. SDCL 3-23-3.1 requires these members to make an annual disclosure of any interest in a contract or direct benefit covered by SDCL Chapter 3-23 and to disclose ownership interest of five percent or greater in any entity that receives grant money from the State or that contracts with the State or any political subdivision for services. This law requires that the Auditor-General compile and present the annual disclosures for review by the Government Operations and Audit Committee.

SDCL 3-23-3 allows State authorities, boards and commissions to authorize its members to receive direct benefit from contracts under certain circumstances. Authorizations for direct benefit that are granted pursuant to this statute are to be filed with the Attorney General and Auditor-General. The Auditor-General is to compile these authorizations and present them annually for review by the Government Operations and Audit Committee.

Following this memorandum is a Table of Contents that is linked to the various disclosures we received from the authorities, boards and commissions. The reference to the minute notes are excerpts of the relevant portion addressing conflict of interest disclosures of the entity's complete minutes.

Russell A. Olson

Russell A. Olson
Auditor General

State Boards and Commissions Conflict of Interest Disclosures – SFY 2024

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SOUTH DAKOTA AERONAUTICS COMMISSION MEETING

Thursday, July 20, 2023, at 2:00 p.m. CDT

Becker-Hansen Building/ Commission Room – 700 E. Broadway Ave, Pierre SD 57501

COMMISSIONERS PRESENT

VIA CONFERENCE CALL: Bob Huggins, Vice-chair
Dave Luers
Chris Funk
Rolf Johnson
Jerry Rieber (joined at 2:01 p.m.)
Kassidy Nelson (joined at 2:06 p.m.)

DOT STAFF PRESENT: Joel Jundt, Kellie Beck, Jack Dokken, Nancy Hiller, Katlyn Wieme, and Kari Kroll

DOT STAFF PRESENT

VIA CONFERENCE CALL: Dustin DeBoer

OTHERS PRESENT

VIA CONFERENCE CALL: Steve Hamilton – South Dakota Pilots Association (SDPA);

Vice-chairman Bob Huggins called the meeting of the South Dakota Aeronautics Commission (the “Commission”) to order at 2:00 p.m. CDT. Roll call was taken and a quorum was determined.

Huggins opened the floor to the Commission to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) Chapter 3 – 23.

Commissioner Jerry Rieber joined the meeting at 2:01 p.m.

Dustin DeBoer, Office of Legal Counsel, presented to the Commission a conflict of interest waiver from Commissioner Rolf Johnson as **ATTACHMENT A**.

A MOTION WAS MADE by Funk and seconded by Luers that, after disclosure of the full terms of the potential conflict of interests, that the matter underlying the potential conflict of interest is fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote except Johnson who abstained. The motion carried.

DeBoer then presented a conflict of waiver from Commissioner Rieber. At this time, Commissioner Rieber shared he had another potential conflict and the Commission agreed to take up his waiver at the August meeting.

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Rolf Johnson

Name of Board, Authority or Commission: South Dakota Aeronautics Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
Personal Hangar	Rolf Johnson/ Aberdeen Regional Airport	LEASE the ground	2022.

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

Attach additional pages, if necessary.

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 6-14-2023

SOUTH DAKOTA AERONAUTICS COMMISSION MEETING

Thursday, September 21, 2023, at 2:00 p.m. CDT

Becker-Hansen Building/ Commission Room – 700 E. Broadway Ave, Pierre SD 57501

COMMISSIONERS PRESENT

VIA CONFERENCE CALL: Eric Odenbach, Chairman
Bob Huggins, Vice-chair
Kassidy Nelson
Chris Funk
Rolf Johnson (joined at 2:04 p.m.)

DOT STAFF PRESENT: Joel Jundt, Kellie Beck, Jack Dokken, Nancy Hiller, Jon Becker, Tom Koch,
and Kari Kroll

DOT STAFF PRESENT
VIA CONFERENCE CALL: Dustin DeBoer

OTHERS PRESENT

VIA CONFERENCE CALL: John Taylor; Steve Hamilton – South Dakota Pilots Association (SDPA);
Toni Broom – Rapid City Regional Airport; Rod Senn – Mead & Hunt;
Angela Ehlers – Mayor, City of Presho; Brooke Edgar – Helms &
Associates

Chairman Eric Odenbach called the meeting of the South Dakota Aeronautics Commission (the “Commission”) to order at 2:03 p.m. CDT. Roll call was taken and a quorum was determined.

Odenbach opened the floor to the Commission to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) Chapter 3 – 23.

Commissioner Rolf Johnson joined the meeting at 2:04 p.m.

Dustin DeBoer, Office of Legal Counsel, presented to the Commission that Commissioners Rieber and Funk have provided Annual Disclosures for a Commission Member Pursuant to SDCL Ch. 3-23. The disclosures will be included in the minutes of the Commission which will be publicly available as **ATTACHMENT A** and **ATTACHMENT B**. The disclosures will be filed with the auditor-general and attorney general.

Odenbach asked for a motion to approve the July 20, 2023 Commission meeting minutes.

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Christopher Funk

Name of Board, Authority or Commission: SD Aeronautics Commision

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
Land Lease	Brookings SD Airport Christopher Funk	4096 SQ ft Land Lease	2014
Employee of SDSU	SDSU Christopher Funk	Employed by SDSU	Sept 2011-Present

Attach additional pages, if necessary.

3. **Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services** – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: Christopher Funk *Christopher Funk* Date: 7-20-2023

**ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23**

THIS IS A PUBLIC DOCUMENT

Name of Member: GERARD RIEGER
 Name of Board, Authority or Commission: Accounting Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
Hangar Lease Wadena Airport	Gerald Becker Wadena General Airport	Grand Lease	2022

Attach additional pages, if necessary.

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
N/A			

Attach additional pages, if necessary.

Gerald Becker, Secretary Treasurer

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

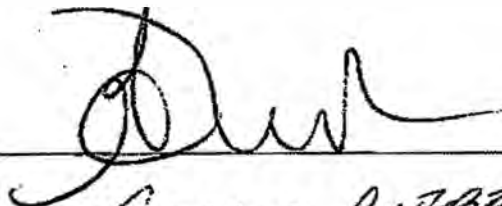
Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
NA		

Attach additional pages, if necessary.

no contracts or financial considerations, Member Waterston Airport Board

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:



Date:

7/20/2013

GERARD RIBBEN
Airport Commission

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JUL 28 2023

LEGISLATIVE AUDIT

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

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JUL 26 2023

SD DIVISION OF BANKING

Name of Member: Jeff Erickson

Name of Board, Authority or Commission: South Dakota Banking Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

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Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
none			

add row

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
none			

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1. add row

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
none		

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit. add row

Signature of Member: _____

Date: _____

State Authorities/Boards/Commissions - Annual Disclosure Form

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JUL 28 2023

LEGISLATIVE AUDIT

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER

PURSUANT TO SDCL CHAPTER 3-23

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JUL 07 2023

SD DIVISION OF BANKING

Name of Member: John Johnson

Name of Board, Authority or Commission: South Dakota Banking Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

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none			

add row

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none			

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Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
none		

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit. add row

Signature of Member: _____

Date: 7/5/2023

State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER PURSUANT TO SDCL CHAPTER 3-23

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JUL 28 2023

LEGISLATIVE AUDIT

Name of Member: Kevin Tetzlaff

Name of Board, Authority or Commission: South Dakota Banking Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

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2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

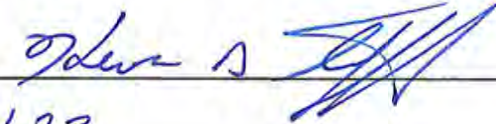
Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
none			

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
none		

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:



Date:

7/5/23

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LEGISLATIVE AUDIT

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

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JUL 19 2023

SD DIVISION OF BANKING

Name of Member: Richard Westra

Name of Board, Authority or Commission: South Dakota Banking Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

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Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
none			

add row

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
none			

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1. add row

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
none		

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit. add row

Signature of Member:

Richard Westra

Date:

7/13/23

State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

RECEIVED

JUL 07 2023

SD DIVISION OF BANKING

Name of Member: Steven Hayes

Name of Board, Authority or Commission: South Dakota Banking Commission

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none			

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Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
none		

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit. add row

Signature of Member:

Steve Hayes

Date:

July 5, 2023



**BOARD OF EDUCATION STANDARDS
Meeting Minutes**

July 7, 2023, at 9:00 a.m. Central Time

VIRTUAL

MacKay Building, First Floor, Library Commons, 800 Governors Drive, Pierre, SD

Members: Phyllis Heineman

Via ZOOM Rich Meyers

Jean Moulton, New Member

Linda Olsen

Steven Perkins

Julie Westra, 2023 Vice President

Terry Nebelsick, 2023 President

DOE Staff: Joseph Graves, Laura Scheibe, Amanda LaCroix, Amy Miller, Kathryn Blaha, Kathy Reidy, Kristin Berger, and Ferne Haddock.

Others: Members of the public via ZOOM and telephone.

Call to Order, Pledge of Allegiance, and Roll Call

The South Dakota Board of Education Standards (BOES) was called to order by President Nebelsick at approximately 9:00 a.m. CT.

Adoption of Agenda

Motion by Heineman second by Perkins to adopt the July 7, 2023, agenda. Roll call vote. All present voted in favor. Motion carried. Voting aye: Heineman, Meyers, Moulton, Olsen, Perkins Westra, and Nebelsick.

Approval of Minutes

Motion by Perkins second by Meyers to approve the May 22, 2023, minutes Roll call vote. All present voted in favor. Motion carried. Voting aye: Heineman, Meyers, Moulton, Olsen, Perkins Westra, and Nebelsick.

Conflicts Disclosures: (SDCL 3-23)

Amanda LaCroix, Senior Staff Attorney, DOE, stated that the July BOES meeting is generally the time for presenting annual conflict disclosures. There were no conflict disclosures.

Public Comment: (SDCL 1-25-1)

No public comment.

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Dr. Rich Meyer (Kemp R. Meyer)

Name of Board, Authority or Commission: SD Board of Education Standards Board

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
<u>NA</u>			

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
<u>NA</u>			

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services - Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
<u>NA</u>		

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: Dr. Rich Meyer

Date: 06/26/2023

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Jean Moulton

Name of Board, Authority or Commission: South Dakota Board of Education Standards

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
0			

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
0			

Attach additional pages, if necessary.

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
0		

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: _____

Jean Moulton

Date: 6-15-2023

State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

RECEIVED
August 7, 2023
LEGISLATIVE AUDIT

THIS IS A PUBLIC DOCUMENT

Name of Member: Steven L. Perkins

Name of Board, Authority or Commission: Board of Education Standards

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3. With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1. The entity receives grant money from the State, either directly or by a pass-through grant or
- 2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
None			

add row

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
None			

add row

c. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
None		

[add row](#)

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: 

Date: 6/26/2023

MINUTES
SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY
BOARD OF COMMISSIONER'S MEETING
SOUTH DAKOTA HOUSING BOARD ROOM
October 10, 2023

Board Members Present: Scott Erickson, Chairman
Preston Steele, Vice-Chairman
Jonathan Guenthner, Commissioner
Rick Hohn, Commissioner
Alex Jensen, Commissioner (via telephone)
Mark Roby, Commissioner

Board Members Absent: Bill Hansen, Treasurer

Staff Present: Chas Olson, Executive Director
Brent Adney, Director of Homeownership Programs
Amy Eldridge, Director of Rental Housing Development
Mike Harsma, Director of Single Family Development
Todd Hight, Director of Finance and Administration
Tasha Jones, Director of Rental Housing Management
Amanda Weisgram, Director of Marketing and Research
Beverly Katz, Housing Infrastructure Officer
Jennifer Rattling Leaf, Loan Servicer
Bridgette Loesch, Housing Development Officer (via telephone)
Scott Rounds, Housing Development Officer (via telephone)
Rebecca Whidby, Housing Development Officer (via telephone)

Guests Present: Dixie Hieb, Davenport, Evans, Hurwitz & Smith, Counsel to SD Housing
Chad Comes, City of Sioux Falls
Daene Boomsma, Boom Construction Inc.
Forrest Thompson, Norman Ranch
Kyle Hibbs, Indigo Design, LLC
Logan Penfield, City of Sioux Falls
Quinn Reimers, Colliers
Toby Morris, Colliers
Wyatt Ewing, Ewing Executive Services, LLC
Bill Connor, Elk Point Investments (via telephone)
Brittany Smith, City of Philip (via telephone)
Clint Soulek, City of Chamberlain (via telephone)
Eric Ambrosion, Planning and Development District III (via telephone)
Geri Beck, MAHI (via telephone)
Greg Powell, Brosz Engineering (via telephone)
John Curry, Elk Point Community Infrastructure Project (via telephone)
John Hult, SD SearchLight (via telephone)
Julie Johnson, Absolutely!Aberdeen (via telephone)
Kevin Winters, Reporter and Farmer (via telephone)
Kyle Treolar, Harvest Meadows and City Springs (via telephone)

Mike Lauritsen, MAHI (via telephone)
Nancy Wenade, Yankon Thrive (via telephone)
Nicole Gordon, CSDED (via telephone)
Terry Sabers, MAHI (via telephone)

I. CALL TO ORDER/CONFLICTS OF INTEREST

The meeting was called to order at 11:00 a.m. and roll was called. Chairman Erickson called for conflicts of interest. Commissioner Jensen stated that he had a conflict of interest with respect to New Business items 23-10-74 through 23-10-94 and would be abstaining from discussion and vote, due to his service as a Sioux Falls city councilman.

II. PUBLIC COMMENT

Commissioner Jensen abstained from voting on items 23-10-74 to 23-10-94

None.

III. APPROVAL OF AGENDA

The distributed agenda was amended to move Resolution No. 23-10-97 to follow Executive Session and to add consideration of an exception to the Code of Conduct in the Employee Handbook to that matter. It was moved by Commissioner Roby and seconded by Commissioner Hohn that the Agenda be adopted as amended, but reserving the right to make further changes during the meeting.

Motion passed by a voice vote.

IV. APPROVAL OF MINUTES

It was moved by Commissioner Steele and seconded by Commissioner Guenthner that the Minutes of the Board of Commissioners' Meeting held on September 11, 2023, be adopted as presented.

Motion passed by a voice vote.

V. EXECUTIVE DIRECTOR'S REPORT

Executive Director Olson reported that the Joint Committee on Appropriations met in Springfield on September 20, to tour the Governor's House facility. Also on that date, the Emergency Solutions Grants and Coordinated Entry System partners met in Pierre for their annual meetings. Both programs are part of the Authority's homeless response.

Executive Director Olson announced that the Series DEF bonds for \$174 million closed on October 4 and that the Authority is starting to price another bond issuance for a December closing.

Executive Director Olson stated that on Wednesday, October 4, the HIFP Task Force, met to review and consider twenty applications. He thanked Commissioners Erickson, Steele, and Roby for serving on the Task Force.

MINUTES
SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY
BOARD OF COMMISSIONER'S MEETING
TELEPHONIC
November 14, 2023

Board Members Present: Scott Erickson, Chairman
Preston Steele, Vice-Chairman
Bill Hansen, Treasurer
Jonathan Guenthner, Commissioner
Rick Hohn, Commissioner
Mark Roby, Commissioner

Board Members Absent: Alex Jensen, Commissioner

Staff Present: Chas Olson, Executive Director
Brent Adney, Director of Homeownership Programs
Amy Eldridge, Director of Rental Housing Development
Mike Harsma, Director of Single Family Development
Todd Hight, Director of Finance and Administration
Tasha Jones, Director of Rental Housing Management
Amanda Weisgram, Director of Marketing and Research
Travis Dammann, Business Analyst
Andy Fuhrman, Construction Management Officer
Beverly Katz, Housing Infrastructure Officer
Bridgette Loesch, Housing Development Officer
Doug Mahowald, Senior System Administrator
Sheila Olson, Marketing Assistant
Scott Rounds, Housing Development Officer
Joseph Tielke, Continuum of Care Administrator
Rebecca Whidby, Housing Development Officer

Guests Present: Dixie Hieb, Davenport, Evans, Hurwitz & Smith, Counsel to SD Housing
Kevin Andreson, Freedom Estates
Geri Beck, Mitchell Area Housing, Inc.
Darin Beckius, Homes are Possible, Inc.
Daene Boomsma, Boom Construction Inc.
Jeff Briggs, Briggs Development
Jason Buxton, Peak View Apartments
John Buxton, Peak View Apartments
Jeff Dooley, Union Cross Development
Jeff Entringer, Inter-Lakes Community Action Partnership
Harley Ferguson, South Eastern Council of Governments
Danielle Franco, South Eastern Council of Governments
Ted Haeder, Greater Huron Development Corporation
Jared Hyberston, Centerville Development Corporation
Sheldon Jensen, Sioux Metro Growth Alliance
Julie Johnson, Absolutely!Aberdeen
Sophie Johnson, South Eastern Council of Governments
Lynne Keller Forbes, South Eastern Council of Governments

Paul Kuhn, NeighborWorks Dakota Home Resources
Scott Larson, Canton
Sandy Leiseth, GROW South Dakota
Kimberly Lorensberg, GROW South Dakota
Bo McCloud, BAM BAM Properties, LLC
John Prescott, City of Vermillion
Jim Protexter, Pierre Economic Development Corporation
Ryan Solberg, Sioux Metro Growth Alliance
Jeff Tanner, Canton Economic Development
Brian Torguson, Huron Housing
Susan Trucano, NeighborWorks Dakota Home Resources
Rick Wegher, Wegher Construction Company
Mike Walker, NeighborWorks
Tara Yost, On Hand Development Corporation

I. CALL TO ORDER/CONFLICTS OF INTEREST

The meeting was called to order at 11:04 a.m. and roll was called. Chairman Erickson called for conflicts of interest. Former Commissioner Puetz and Commissioner Jensen provided the Annual Disclosure Form, which showed permissible conflicts of interest for which authorization by the SDHDA Board of Commissioners is not required. The Annual Disclosure Forms are attached to these minutes.

II. PUBLIC COMMENT

None.

III. APPROVAL OF AGENDA

It was moved by Commissioner Steele and seconded by Commissioner Roby that the Agenda be adopted as presented, but reserving the right to make further changes during the meeting.

Motion passed by a voice vote.

IV. APPROVAL OF MINUTES

It was moved by Commissioner Hohn and seconded by Commissioner Guenthner that the Minutes of the Board of Commissioners' Meeting held on October 10, 2023, be adopted as presented.

Motion passed by a voice vote.

V. EXECUTIVE DIRECTOR'S REPORT

Executive Director Olson reported that on Thursday, November 2, the Housing Opportunity Fund (HOF) Task Force met to review and consider 14 HOF Program applications. He thanked Chairman Erickson and Commissioner Steele for serving on the Task Force.

MINUTES
SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY
BOARD OF COMMISSIONER'S MEETING
SD HOUSING CONFERENCE ROOM
DECEMBER 12, 2023

Board Members Present: Scott Erickson, Chairman
Preston Steele, Vice-Chairman
Bill Hansen, Treasurer
Jonathan Guenthner, Commission
Rick Hohn, Commissioner
Alex Jensen, Commissioner (via telephone)
Mark Roby, Commissioner

Board Members Absent: None.

Staff Present: Chas Olson, Executive Director
Brent Adney, Director of Homeownership Programs
Amy Eldridge, Director of Rental Housing Development
Mike Harsma, Director of Single Family Development
Todd Hight, Director of Finance and Administration
Tasha Jones, Director of Rental Housing Management
Amanda Weisgram, Director of Marketing and Research
Beverly Katz, Housing Infrastructure Officer
Bridgette Loesch, Housing Development Officer
Sheila Olson, Marketing Assistant
Scott Rounds, Housing Development Officer
Rebecca Whidby, Housing Development Officer
Michele Bodurtha, Executive/Development Assistant
Andy Fuhrman, Construction Management Officer (via telephone)
Doug Mahowald, Senior System Administrator (via telephone)
Dawn Boyle, CES Housing Assessment Specialist (via telephone)
DeNeil Hosman, Accountant (via telephone)
Denise Albertson, Program Coordinator (via telephone)
Travis Dammann, Business Analyst (via telephone)

Guests Present: Dixie Hieb, Davenport, Evans, Hurwitz & Smith, Counsel to SD Housing
Aaron Webb, Cheyenne River Housing Authority
Sharon Vogel, Cheyenne River Housing Authority
Joan Franken, Costello Companies
Bonnie Mogen, Costello Companies
Lorre Buhler, Granite Mortgage
Jacob Reiter, Granite Bank
Kellen Erpenbach, Lloyd Companies
Drew O'Brien, Lloyd Companies
Toby Morris, Colliers
Ben Ide, Ide Companies (via telephone)
Billy Lummis, RTHawk Housing Alliance (via telephone)
Rob Oquendo – RTHawk Housing Alliance (via telephone)

Bob Mercer, Keloland (via telephone)
Brad Saathoff, Black Hills Works (via telephone)
Kristina Roth, Black Hills Works (via telephone)
Carey Peterson, Cairn Commercial Capital (via telephone)
Jon Peterson, Cairn Commercial Capital (via telephone)
Craig Stenson, MetroPlains Development (via telephone)
Corey Bartlett, MetroPlains Development (via telephone)
Jeff Brooks, Costello Companies (via telephone)
John Hult, South Dakota Searchlight (via telephone)
Judy Domalewski, LifeScape (via telephone)
Kameron Nelson, LifeScape (via telephone)
Julie Johnson, Absolutely Aberdeen (via telephone)
Krista Ateyo-Gortmaker, Grant County (via telephone)
Corey Monroe, G.A. Haan Development (via telephone)
Daniel Glammier, Glammeier Homes & Design (via telephone)
Noah Holder, Oglala Lakota Housing Authority (via telephone)
Rachel Posthumus, California Commercial Investment Group (via telephone)
Terry Sabers, Mitchell Area Housing, Inc. (via telephone)
Tom Kleve, TRK Developments (via telephone)
Jamie Toennes, City of Rapid City (via telephone)
Rocky Welker, Habitat for Humanity of Greater Sioux Falls (via telephone)
Robert Goodnow, City of Armour (via telephone)
Rodney Dally, City of Armour (via telephone)
Kari Bertram, City of Armour (via telephone)
Travis Sparks, City of Armour (via telephone)
Rachelle Carrels, Hub Area Habitat for Humanity (via telephone)
Mike Anderson, Inter-Lakes Community Action Partnership (via telephone)

I. CALL TO ORDER/CONFLICTS OF INTEREST

The meeting was called to order at 10:00 a.m. and roll was called. Chairman Erickson called for conflicts of interest. Commissioner Jensen stated that he had a conflict of interest with respect to New Business items 23-12-135 through 23-12-177 and would be abstaining from discussion and vote, due to his service as a Sioux Falls City Council member.

II. PUBLIC COMMENT

None.

III. APPROVAL OF AGENDA

The distributed agenda was amended to remove Resolution No. 23-12-K5 under New Business. It was moved by Commissioner Steele and seconded by Commissioner Hohn that the Agenda be adopted as amended, but reserving the right to make further changes during the meeting.

Motion passed by a voice vote.

MINUTES
SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY
BOARD OF COMMISSIONER'S MEETING
TELEPHONIC
JANUARY 16, 2024

Board Members Present: Scott Erickson, Chairman
Preston Steele, Vice-Chairman
Bill Hansen, Treasurer
Jonathan Guenthner, Commission
Rick Hohn, Commissioner
Alex Jensen, Commissioner
Mark Roby, Commissioner

Board Members Absent: None.

Staff Present: Chas Olson, Executive Director
Brent Adney, Director of Homeownership Programs
Amy Eldridge, Director of Rental Housing Development
Mike Harsma, Director of Single Family Development
Todd Hight, Director of Finance and Administration
Tasha Jones, Director of Rental Housing Management
Amanda Weisgram, Director of Marketing and Research
Beverly Katz, Housing Infrastructure Officer
Bridgette Loesch, Housing Development Officer
Sheila Olson, Marketing Assistant
Scott Rounds, Housing Development Officer
Rebecca Whidby, Housing Development Officer
Michele Bodurtha, Executive/Development Assistant
Andy Fuhrman, Construction Management Officer
Dawn Boyle, CES Housing Assessment Specialist
DeNeil Hosman, Accountant
Denise Albertson, Program Coordinator
Travis Dammann, Business Analyst
Joseph Tielke, Continuum of Care Administrator

Guests Present: Dixie Hieb, Davenport, Evans, Hurwitz & Smith, Counsel to SD
Housing
Doyle Estes, DTH
Jason Hubbard, Stifel, Nicolaus & Company, Inc.
Andy Coyle, Sourdough Road Development
Ryan Tobin, Camden Heights
Dave Bonde, City of Fort Pierre
Sonny Hannum, City of Fort Pierre
Rick Hahn, City of Fort Pierre
Quinn Reimers, Colliers Securities
Chris Spelke, Elmington Capital
John Hult, South Dakota Searchlight
Nicole Gordon, Central South Dakota Enhancement District
Paul Mehlhaff, Central South Dakota Enhancement District
Nicole Jensen, LifeScape

Brandon Cordell, American Contracting and Consulting LLC
Forest Sainsbury, Sourdough Road Development
Shane Waterman, IMEG Corp
Erik Barnes, South Eastern Council of Governments
Danielle Franco, South Eastern Council of Governments

I. CALL TO ORDER/CONFLICTS OF INTEREST

The meeting was called to order at 2:00 p.m. and roll was called. Chairman Erickson called for conflicts of interest. Commissioner Jensen stated that he had a conflict of interest with respect to Old and New Business items 24-01-01 through 24-01-16 and would be abstaining from discussion and vote, due to his service as a Sioux Falls City Council member.

II. PUBLIC COMMENT

None.

III. APPROVAL OF AGENDA

The distributed agenda was amended to remove Resolution No. 24-01-G8 and 24-01-G9 under New Business. It was moved by Commissioner Guenther and seconded by Commissioner Hohn that the Agenda be adopted as amended, but reserving the right to make further changes during the meeting.

Motion passed by a voice vote.

IV. APPROVAL OF MINUTES

It was moved by Commissioner Hansen and seconded by Commissioner Roby that the Minutes of the Board of Commissioners' Meeting held on December 12, 2023, be adopted as presented.

Motion passed by a voice vote.

V. EXECUTIVE DIRECTOR'S REPORT

Executive Director Olson reported that staff attended the HFA Institute in Washington, DC on January 7-12. He reported public meetings will be held in January for drafting of the 2024 Action Plan and the 2024-2025 Allocations Plans. Executive Director Olson stated the SDHHC will be conducting their annual statewide homeless count on January 23. He announced the Authority will be sponsoring the Sioux Empire Home Show February 23- 25 in Sioux Falls and the Black Hills Home Show March 22-24 in Rapid City. Executive Director Olson added the SD Legislative Session has begun and the Authority will be monitoring the process and paying attention to any bills that may impact housing. He provided a Housing Infrastructure Financing Program (HIFP) update. The Authority has received 95 applications in total requesting just over \$139 million of the \$198 million that is available. To date, just under \$96 million has been awarded to 57 projects. The Board Agenda includes 10 applications requesting approximately \$10.6 million. Seventeen additional applications have been withdrawn or denied due to being

**MINUTES
SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY
BOARD OF COMMISSIONER'S MEETING
TELEPHONIC
MARCH 12, 2024**

Board Members Present: Scott Erickson, Chairman
Preston Steele, Vice-Chairman
Jonathan Guenthner, Commissioner
Rick Hohn, Commissioner
Alex Jensen, Commissioner
Mark Roby, Commissioner

Board Members Absent: Bill Hansen, Treasurer

Staff Present: Chas Olson, Executive Director
Brent Adney, Director of Homeownership Programs
Amy Eldridge, Director of Rental Housing Development
Todd Hight, Director of Finance and Administration
Tasha Jones, Director of Rental Housing Management
Amanda Weisgram, Director of Marketing and Research
Beverly Katz, Housing Infrastructure Officer
Bridgette Loesch, Housing Development Officer
Sheila Olson, Marketing Assistant
Scott Rounds, Housing Development Officer
Michele Bodurtha, Executive/Development Assistant
Travis Dammann, Business Analyst
Andy Fuhrman, Construction Management Officer
Doug Mahowald, Senior Systems Administrator
Rebecca Whidby, Housing Development Officer
Vicki Roybal, Housing Management Officer

Guests Present: Daene Boomsma, Boom Construction, Inc.
Deborah Quinlan, Steele LLC
Makenzie Huber, South Dakota Searchlight
Jason Hubbard, Stifel Financial Corp.
Chase Huber, Devco Residential Group

I. CALL TO ORDER/CONFLICTS OF INTEREST

The meeting was called to order at 11:00 a.m. and roll was called. Chairman Erickson called for conflicts of interest. Commissioner Jensen stated that he had a conflict of interest with respect to Old Business items 24-03-29 through 24-03-30, and New Business items 24-03-32, and 24-03-34 through 24-03-36 and would abstain from discussion and voting due to his service as a Sioux Falls City Councilmember.

II. PUBLIC COMMENT

None.

**MINUTES
SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY
BOARD OF COMMISSIONER'S MEETING
TELEPHONIC
MAY 2, 2024**

Board Members Present: Scott Erickson, Chairman
Preston Steele, Vice-Chairman
Bill Hansen, Treasurer
Jonathan Guenthner, Commissioner
Rick Hohn, Commissioner
Alex Jensen, Commissioner
Mark Roby, Commissioner

Board Members Absent: None

Staff Present: Chas Olson, Executive Director
Brent Adney, Director of Homeownership Programs
Amy Eldridge, Director of Rental Housing Development
Todd Hight, Director of Finance and Administration
Tasha Jones, Director of Rental Housing Management
Tammy Jund, Director of Homeownership Programs
Mike Harsma, Director of Single Family Development
Amanda Weisgram, Director of Marketing and Research
Michele Bodurtha, Executive/Development Assistant
Beverly Katz, Housing Infrastructure Officer
Andy Fuhrman, Construction Management Officer
Bridgette Loesch, Housing Development Officer
Scott Rounds, Housing Development Officer
Rebecca Whidby, Housing Development Officer
Kenda Nutter, Housing Management Officer

Guests Present: Deborah Quinlan, Steele LLC
Makenzie Huber, South Dakota Searchlight

I. CALL TO ORDER/CONFLICTS OF INTEREST

The meeting was called to order at 11:03 a.m. and roll was called. Chairman Erickson called for conflicts of interest. Commissioner Jensen stated that he had a conflict of interest with respect to Old Business items 24-05-49 and 24-05-50, and New Business items 24-05-51 and 24-05-52, and would abstain from discussion and voting due to his service as a Sioux Falls City Council member.

II. PUBLIC COMMENT

None.

III. APPROVAL OF AGENDA

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Mark Puetz

Name of Board, Authority or Commission: South Dakota Housing Development Authority

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

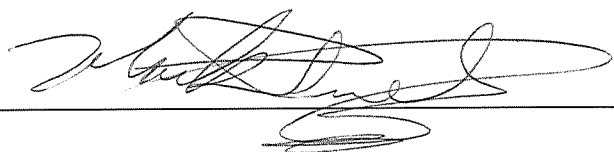
Attach additional pages, if necessary.

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
Construction and Architecture Contracts		South Dakota Department of Transportation, Department of Health, and Bureau of Administration office of the State Engineer.

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 11-01-2023

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Alex Jensen

Name of Board, Authority or Commission: South Dakota Housing Development Authority

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:





- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:





- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
			

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
			

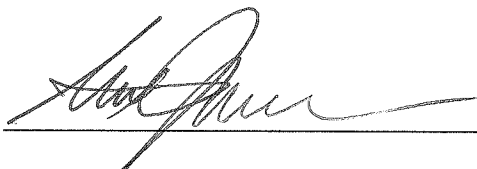
Attach additional pages, if necessary.

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
All competitive Applications w/ city of Sioux Falls	City Councillor	Sioux Falls

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 10/10/2023

SOUTH DAKOTA STATE RAILROAD BOARD MEETING AGENDA

Wednesday, August 16, 2023 at 11:00 a.m. CDT

Becker-Hansen Building/Commission Room – 700 East Broadway Avenue, Pierre, SD

MEMBERS PRESENT

VIA CONFERENCE CALL: Jeff Burket, Chairman
Jerry Cope, Vice-chairman
Scott Lockwood
Ralph Schmidt
Steve Scharnweber
Greg Carmon

DOT STAFF PRESENT: Karla Engle, Jack Dokken, Perry Griffith, Misty Siedschlaw, Katlyn Wieme, and Kari Kroll

DOT STAFF PRESENT

VIA CONFERENCE CALL: Joel Jundt

OTHERS PRESENT

VIA CONFERENCE CALL: Scott Van Den Top – D&I Railroads; Ryan Yanez – Ringneck & Western Railroad (RWRR); Jerry Vest – Rapid City, Pierre & Eastern (RCP&E); Hollie Stalder – Belle Fourche Development Corporation; Tom Kersting – South Dakota Soybean Producers; Kyle Peters – A1 Development Solutions; Jeff Cooley – Civil Design Inc. (CDI); Shellee Currier – RWRR; Mark Hoobler – WATCO; Bruce Lindholm; Dan Bilka – All Aboard; Dick Huff; Alex Huff; and Danny Dale – Advanced Sunflower, LLC

Chairman Jeff Burket called the meeting of the South Dakota State Railroad Board (the “Board”) to order at 11:00 a.m. CDT. A roll call was taken, and a quorum was determined.

He welcomed the new members, Scott Lockwood and Ralph Schmidt, to the Board.

Burket opened the floor to Board members to disclose potential conflicts of interest and to present requests for waiver pursuant to the South Dakota Codified Law (SDCL) chapters 3 – 23.

Karla Engle, Office of Legal Counsel, presented a waiver request received from Ralph Schmidt concerning a potential conflict of interest. A copy of the request for waiver is attached to and incorporated into these minutes as **ATTACHMENT A**. Schmidt is the General Manager of Sisseton Milbank Railroad Inc. (SMRR) and the Secretary for the Roberts Regional Rail Authority (RRRA). The only current conflict noted is the 2022 CRISI grant application for the SMRR that has been submitted to the Federal Railroad Administration but has not been awarded. Schmidt anticipates future conflicts

relating to funding requests for SMRR or RRRA that have not yet been made to the Department of Transportation (the “Department”) or the Board.

Engle recommended Schmidt abstain from participation Board discussions and Board votes on matters involving SMRR and RRRA.

A MOTION WAS MADE by Cope and seconded by Lockwood that the matters disclosed in the waiver request are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote, except Schmidt who abstained. The motion carried.

Burket asked for a motion to approve the May 24, 2023 Board meeting minutes.

A MOTION WAS MADE by Scharnweber and seconded by Carmon to approve the Board meeting minutes for May 24, 2023. All present voted aye by roll call vote. The motion carried.

Burket opened the floor to public input.

Danny Dale of Advanced Sunflower, LLC, addressed the Board. He shared the company’s intent to request a railroad trust fund loan from the Board at the September meeting for track improvements in and around Huron.

Secretary Jundt presented the following items in the Secretary’s Report to the Board:

- Jundt congratulated Board members Scott Lockwood and Ralph Schmidt for their appointments to the Board.
- Jundt noted that the Special Transportation Circumstance (STC) federal grant Notice of Funding Opportunity (NoFO) has not been announced yet but he is expecting the announcement soon. He then reminded the Board that the estimated amount of funding will be \$58 million for both the 2022 and 2023 STC federal grants.
- Jundt drew the Board’s attention to the handout regarding the proposed 2024 Board meeting dates. The Board noted no conflicts with the dates. Jundt pointed out a potential conflict he has with the November 15, 2023, meeting date. No changes were made to the meeting dates, but the Board left open whether an alternate meeting date would be set at a later date.
- Jundt explained that if the U.S. Congress does not pass an appropriation bill by the end of the Federal Fiscal Year, which is September 30, 2023, funding for the 2023 CRISI grant will not be available.

STATE OF SOUTH DAKOTA

(insert name of board/commission/authority)

REQUEST FOR STATE BOARD WAIVER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Date: 6-30-23

Name of Board Member or Former Board Member: Ralph Schmidt

Name of Board, Authority or Commission: South Dakota Railroad Board and Authority

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract

Sisseton Milbank Railroad
Roberts Regional Rail Authority

b) Board Member's role in the contract

General Manager of Sisseton Milbank
Secretary of Roberts Regional Rail Authority Railroad

c) Purpose and objective of the contract

2023 Crisis Grant Application
2023 State Appropriation
2022 STC Grant Application

Potential 2023 loan
Application Washout
Repair

d) Consideration or benefit conferred or agreed to be conferred upon each party

These would benefit the Sisseton Milbank RR
in Rehabilitation of line

e) Duration of the contract

Unknown at this time

Signature of Requesting Party: Ralph Schmidt

Date 6-30-23

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, July 27, 2023 at 9:00 a.m. CDT

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

RECEIVED
August 30, 2023
LEGISLATIVE AUDIT

COMMISSIONER PRESENT: Jaf Karim, Chairman
Larry Nelson
Ron Rosenboom
Don Roby
Austin Simons
Chris Frick
Kathy Zander
Mike Vehle

DOT STAFF PRESENT: Joel Jundt, Mike Behm, Karla Engle, Mark Leiferman, Joanne Hight, John Keyes, Sam Weisgram, Doug Kinniburgh, Christina Bennett, Jon Suomala, Andrew Dickenson, Sarah Moreno, Katlyn Wieme, and Kari Kroll

DOT STAFF PRESENT
VIA CONFERENCE CALL: Craig Smith

OTHERS PRESENT: Mark Hoines – Federal Highway Administration (FHWA)

OTHERS PRESENT
VIA CONFERENCE CALL: Toby Crow – Association of General Contractors (AGC) and Jason Reaves – American Concrete Pavement Association (SDACPA)

Chairman Jaf Karim called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CDT. A roll call was taken and a quorum was determined.

Karim opened the floor to the Commission members to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) chapters 3 – 23.

Karim acknowledged the receipt of annual conflict of interest disclosures from Commissioners Nelson, Roby, and Karim which were included as Attachments #1A-C in the Commission packet and are attached to these minutes. No other conflicts of interest were disclosed and no new waivers were requested.

Karim asked for a motion to approve the June 29, 2023 Commission meeting minutes.

FRIEBERG, NELSON & ASK, L.L.P.

ATTORNEYS AT LAW

ROBERT B. FRIEBERG
THOMAS H. FRIEBERG
LARRY A. NELSON
BRENDA M. ASK
SAMUEL J. NELSON
AUSTIN J. FELTS

Sender's Address:
206 E. 5th Street
P.O. Box 38
Canton, SD 57013-0038

AUGUST FRIEBERG (1863-1932)
ROSCOE A. FRIEBERG (1903-1982)
BLAINE O. RUDOLPH (1925-2016)

PHONE: (605) 987-2686
FAX: (605) 987-5779
EMAIL: lnelson@frieberglaw.com

June 19, 2023

RECEIVED
August 30, 2023
LEGISLATIVE AUDIT

Joel Jundt, Secretary of Transportation
South Dakota Transportation Commission
South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, SD 57501

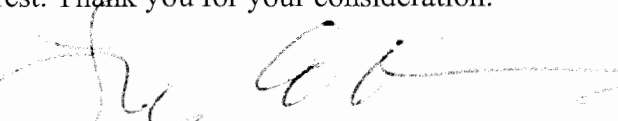
Re: *Conflict of Interest Disclosure*

Dear Secretary Jundt:

This letter is in response to SDCL § 3-23-1 and SDCL § 3-23-2, and is intended to address whether I, my wife, or any entity in which we have ownership interests derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner. I have enclosed the completed Annual Disclosure for Commission Member pursuant to SDCL Chapter 3-23.

I am employed with the law firm of Frieberg, Nelson & Ask, L.L.P. The law firm is providing legal services for the municipalities of Hartford, Worthing, Canton, Alcester, Beresford, Wakonda, and Wagner, all of which are located in South Dakota. Should a situation arise with a SDDOT contract or transaction with any of these municipalities disclosure of any potential conflict will be made at that time.

I will continue to review the agenda items for upcoming Transportation Committee meetings and be forthcoming in any potential conflict of interest. Thank you for your consideration.



LARRY A. NELSON
Commissioner
South Dakota Transportation Commission

LAN/src

CC: Karla Engle, Chief of Legal Counsel, SDDOT

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Larry A. Nelson

Name of Board, Authority or Commission: Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
Hired Attorney	Lincoln County Rural Water Systems, Inc. & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by LCRW for legal services	1996 - Renews yearly
Hired Attorney	City of Canton, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Hartford for legal services	1990 - Renews yearly
Hired Attorney	City of Worthing, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Worthing for legal services	1994 - Renews yearly
Hired Attorney	City of Hartford, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Hartford for legal services	1996 - Renews yearly

Attach additional pages, if necessary.

Please see additional pages attached

2. **Contacts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

Description of the Contract	Parties	Description of the direct benefit	Date contract was authorized
Hired Attorney	City of Beresford, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Beresford for legal services	1992 - Renews yearly
Hired Attorney	City of Alcester, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Alcester for legal services	2018 - Renews yearly
Hired Attorney	City of Wagner, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Wagner for legal services	2014 – Renews yearly
Hired Attorney	City of Wakonda, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Wakonda for legal services	2018 – Renews yearly
Legislative Contract Lobbyist	Larry A. Nelson, Samuel J. Nelson & Sioux Falls School District 49-5	Hired lobbyist paid by Sioux Falls School District 49-5 for lobbying services	2014 - original contract date, subsequent yearly renewals
Union County Court Appointments for criminal legal services	Samuel J. Nelson and Austin J. Felts of Frieberg, Nelson & Ask, LLP, law firm and Union County	Hired Court Appointed Attorney paid by Union County for legal services to criminal defendants who cannot afford a retained Attorney	January 1, 2016 – original contract date with subsequent renewals – ended in 2022 (One outstanding case)
Legislative Contract Lobbyist	Larry A. Nelson, Samuel J. Nelson, & The Economic Development Professionals Association	Hired lobbyist paid by The Economic Development Professionals Association for lobbying services.	2020 – original contract date, subsequent yearly renewals.
Hired Attorney	University of South Dakota School of Law & Frieberg, Nelson & Ask, law firm	Hired attorney to provide students with Legal Aid	2023-2024 school year

2. **Contacts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

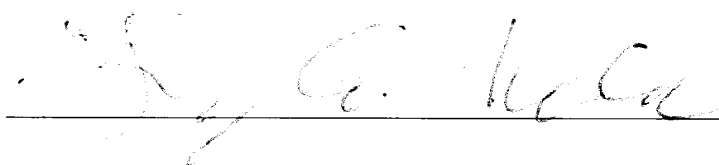
Description of the Contract	Parties	Description of the direct benefit	Date contract was authorized
Counsel for the Disciplinary Board of South Dakota Bar Association	Thomas H. Frieberg and South Dakota Bar Association	Hired by and paid by Disciplinary Board of South Dakota Bar Association, which Association receives money from the Attorney General's office	Hired June 2018 by President of the Board as determined by President of the Board
Lincoln County Court Appointments for criminal legal services	Brenda M. Ask of Frieberg, Nelson & Ask, LLP, and Lincoln County	Hired by Lincoln County as Court Appointed Attorney paid by Lincoln County for legal services to criminal defendants who cannot afford a retained attorney	Placed on appointment list 2017, appointed as needed by Court
Hired Attorney	Thomas Frieberg of Frieberg, Nelson & Ask, LLP & Beresford School District	Hired Attorney paid by the Beresford School District	Firm has represented since approximately 1960 – Renews yearly
Clay County Court Appointments for criminal legal services	Samuel J. Nelson & Austin J. Felts, of Frieberg, Nelson & Ask, LLP, and Clay County	Hired by Clay County as Court Appointed Attorney paid by Clay County for legal services to criminal defendants who cannot afford a retained attorney	Placed on appointment list December 2018, will be appointed as needed by Court

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 6/19/2022

RECEIVED
August 30, 2023
LEGISLATIVE AUDIT

July 19, 2023

Joel Jundt
Secretary
South Dakota Department of Transportation
700 East Broadway
Pierre, SD 57501

RE: Conflict of Interest Disclosure

This letter is in reference to SDCL § 3-23-1 and § 3-23-2, and is intended to certify that neither I, my spouse, nor any entity in which we have an ownership interest derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner.

I am employed by Black Hills Service Company, LLC ("BHSC"). While my employer is not party to any agreement that would require disclosure under South Dakota law, an electric utility affiliate of BHSC, Black Hills Power, Inc., may enter into agreements from time to time related to crossing South Dakota highways, or transmission right of way agreements. These agreements would occur in the normal course of business and generally do not involve the exchange of financial consideration.

Please be advised that I will continue to review the agenda items for upcoming SDDOT commission meetings and will be forthcoming in disclosing any potential conflict of interest, including any potential conflicts of interest involving my employer, or an affiliate of my employer.

Sincerely,



Jafar J. Karim
Commissioner
South Dakota Transportation Commission

CC: Karla Engle, Chief Legal Counsel, SDDOT

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: JAFAR KARIM

Name of Board, Authority or Commission: SOUTH DAKOTA TRANSPORTATION COMMISSION

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

Attach additional pages, if necessary.

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 7.19.2023

RECEIVED
August 30, 2023
LEGISLATIVE AUDIT

June 14, 2023

Mr. Jafar Karim
Chairman
South Dakota Transportation Commission
South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, SD 57501

Re: Conflict of Interest Disclosure

Chairman Karim:

This letter is in response to SDCL 3-23-1 and 3-23-2 and is intended to address whether I, my wife, or any entity in which we have ownership interests derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner.

Some of the businesses in which we have ownership interests have properties near or bordering state highways in South Dakota. In the event an improvement on a state highway could potentially have a material effect on any of these properties, I would disclose that situation.

I will continue to review the agenda items for upcoming Transportation Commission meetings and be forthcoming in any potential conflicts of interest.

Sincerely,



Donald L. Roby
Commissioner
South Dakota Transportation Commission

CC: Joel Jundt, Secretary of Transportation, SDDOT
Karla Engle, Chief Legal Counsel, SDDOT

State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

RECEIVED
August 30, 2023
LEGISLATIVE AUDIT

Name of Member: Donald L. Roby

Name of Board, Authority or Commission: SDDOT Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

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1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable

add row

each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

ATTACHMENT B

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

add row

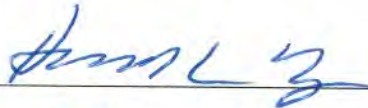
3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: _____



Date: _____

6-14-23

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, August 24, 2023 at 9:00 a.m. CDT

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT: Jaf Karim, Chairman
Lynn Jensen, Vice-chairman
Larry Nelson
Ron Rosenboom
Don Roby
Austin Simons
Kathy Zander
Mike Vehle

RECEIVED
September 28, 2023
LEGISLATIVE AUDIT

**COMMISSIONER PRESENT
VIA CONFERENCE CALL:** Chris Frick (left at 10:32 a.m.)

DOT STAFF PRESENT: Joel Jundt, Mike Behm, Craig Smith, Kellie Beck, Karla Engle, Mark Leiferman, Joanne Hight, John Keyes, Sam Weisgram, Becky Hoffman, Doug Kinniburgh, Christina Bennett, Cody Axlund, Paula Huizenga, Corey Pinkley, Ron Bren, Rodney Schweitzer, Chris Voeller, Stacy DuChene, Chad Shull, Brent Morford, Jeff Brink, Dan Varilek, Les Winsell, Luke Neville, Logan Gran, Katlyn Wieme, and Kari Kroll

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Scott Rabern, Mark Peterson, Joseph Sestak, Steve Johnson, and Travis Dressen

OTHERS PRESENT: Mark Hoines – Federal Highway Administration (FHWA); Kelly VanDeWiele – FHWA; Anna Erickson – Lumin Advantage Consulting ;and Brad Stangohr – Ulteig Engineers, Inc.

**OTHERS PRESENT
VIA CONFERENCE CALL:** Toby Crow – Association of General Contractors (AGC); Jerry Miller – State’s Attorney Union County; and Tina Knutson

Chairman Jaf Karim called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CDT. A roll call was taken and a quorum was present.

Karim opened the floor to the Commission members to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) chapters 3 – 23.

Commissioner Vehle indicated a conflict of interest with the Davison County Economic Grant application found on Attachment #13, because he is an investor in High Plains Processing, LLC, which

could be benefitted by the grant. He stated he will recuse himself from participation and vote on that item.

Karim asked for a motion to approve the July 27, 2023 Commission meeting minutes.

A MOTION WAS MADE by Vehle and seconded by Rosenboom to approve the July 27, 2023 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Karla Engle, Office of Legal Counsel, presented for Commission consideration amendments to Administrative Rules of South Dakota (ARSD) 70:01:02:49 Meade County Speed Zone Rule, 70:01:02:62 Union County Speed Zone Rule, and 70:06:03:02 Audits.

Engle discussed the purpose and effect of the proposed rule changes. Engle reported that the department had not received any written comments on the proposed rule changes to 70:01:02:49 Meade County speed zone rule and 70:06:03:02 Audits. Engle reported that the department received seven written comments on the proposed changes to 70:01:02:62 Union County speed zone rule. All commenters opposed the rule change due to safety concerns. The comments were received from Phil Aaker, Mary Erickson, Craig Aaker, Leah Klarmann, Linda Scarmon, Mick Scarmon, and Tara Olson, all of whom were residents living in or near Spink. The written comments were provided to the commission before the meeting, except the comment from Tara Olson which Engle read to the commission.

The chair called for testimony in favor of or in opposition to the proposed rule changes. Jerry Miller, the state's attorney for Union County, spoke in favor of the proposed rule change. He noted the loss of commercial traffic generators and small number of residences in the area and discussed law enforcement efforts and support of the rule change from the Highway Patrol. Tina Knutson, another employee of the Union County State's Attorney's Office, also spoke in favor of the proposed rule, asserting that other locations with residences like those in the Spink area have a 65 miles per hour speed limit.

A MOTION WAS MADE by Vehle and seconded by Jensen to approve the amendments to ARSD 70:01:02:49 – Meade County speed zone rule as recommend by the Department of Transportation (the "Department"). All present voted aye by roll call vote. The motion carried.

A MOTION WAS MADE by Zander and seconded by Roby to approve the amendments to ARSD 70:06:03:02 – Audits as recommended by the Department. All present voted aye by roll call vote. The motion carried.

A MOTION WAS MADE by Simons and seconded by Roby to approve the amendments to ARSD 70:01:02:62 – Union County speed zone rule as recommended by the Department.

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, November 9, 2023 at 9:00 a.m. CST

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT

VIA CONFERENCE CALL: Jaf Karim, Chairman
Lynn Jensen, Vice-chairman
Larry Nelson
Ron Rosenboom
Don Roby
Austin Simons
Kathy Zander
Chris Frick
Mike Vehle

DOT STAFF PRESENT: Joel Jundt, Mike Behm, Sam Weisgram, and Katlyn Wieme

DOT STAFF PRESENT

VIA CONFERENCE CALL: Karla Engle, Steve Johnson, Scott Rabern, and Kari Kroll

OTHERS PRESENT

VIA CONFERENCE CALL: Mark Hoines – Federal Highway Administration

Chairman Jaf Karim called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CST. A roll call was taken and a quorum was present.

Karim opened the floor to the Commission members to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) chapters 3 – 23.

Karla Engle, Office of Legal Counsel, presented to the Commission a waiver request for Commissioner Mike Vehle concerning a potential conflict of interest he disclosed verbally at the August 24, 2023 Commission meeting. A copy of the waiver is included with these minutes as **ATTACHMENT A**. Vehle had recused himself from the discussion and vote due to a potential conflict of interest as he is an investor in the High Plains Processing, LLC facility, which is the project that creates the need for the road improvement project in Davison County.

A MOTION WAS MADE by Rosenboom and seconded by Simons that the matters disclosed in the written waiver request by Commissioner Vehle are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote except Vehle, who abstained. The motion carried.

Karim asked for any other potential conflicts of interest. No other members of the Commission disclosed a conflict or requested a waiver.

Karim opened the floor to public input.

No members of the public addressed the Commission nor offered input.

Secretary Joel Jundt presented the Secretary's Report to the Commission. He shared that on November 1, 2023, the I-90/I-190 structure was struck and received damage to the girders. The Department is using state construction dollars to fund the repairs and will work with the company that struck the bridge for payment of damages. At this time, there are no traffic impacts.

Jundt also shared that the Appropriation bill still has not been passed and the current continuing resolution is set to expire on November 17, 2023. It is expected that another continuing resolution will be passed.

Sam Weisgram, Office of Project Development, presented to the Commission the following bid letting results:

November 1, 2023

Structure's (3-12x6 CIP RCB, 2-9x7 CIP RCBC) & Approach Grading

3	085A, 085E BRO-B 8042(46), BRO-B 8042(49)	Lincoln County
	Nolz Dragline and Construction Company, Inc	\$1,290,519.06
	Structure 3.5 W of Tea on 272nd St over Beaver Creek SN 42-007-040; Structure 2 miles w and 0.3 miles n of Beresford on 469th over a tributary to Ash Creek, SN 42-050-287	

Structure (3-16x13 CIP RCBC), Approach Grading

4	083U BRO-B 8003(30)	Beadle County
	Lehtola Builders, Inc.	\$1,203,228.20
	Structure 3.5 W & 4.5 S of Virgil on 386th Ave over Sand Creek SN 03-100-282	

Cold Milling, Asphalt Concrete Resurfacing, Pipe Work (End Sections)

5	06PV NH 0012(281)233	Edmunds County
	Anderson Western, Inc.	\$5,386,859.21
	US Highway 12 - From Bowdle to Roscoe	

A MOTION WAS MADE by Roby and seconded by Jensen to approve bids #3, 4, and 5. All present voted aye by roll call vote. The motion carried.

STATE OF SOUTH DAKOTA
TRANSPORTATION COMMISSION

REQUEST FOR STATE BOARD WAIVER
PURSUANT TO SDCL 3-23-3

Date: _____

August 24, 2023

Name of Board Member or Former Board Member: **Mike Vehle**

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract

South Dakota Department of Transportation and Davison County, South Dakota.

b) Board Member's role in the contract

The Transportation Commission approves Economic Development Agribusiness Grant applications. Davison County applied for an agribusiness grant to complete road improvements arising from a development project of High Plains Processing, LLC and South Dakota Soybean Processors, LLC. I am an investor in High Plains Processing, LLC. I verbally disclosed this matter to the Transportation Commission when the grant application came before the commission on August 24, 2023, and I recused myself from the discussion and vote on the application.

c) Purpose and objective of the contract

The South Dakota Department of Transportation will provide funding to Davison County for a road improvement project in the Mitchell area associated with the new High Plains Processing, LLC facility planned by South Dakota Soybean Processors, LLC.

d) Consideration or benefit conferred or agreed to be conferred upon each party

Davison County will receive \$162,250.00 from the South Dakota Department of Transportation for a road improvement project arising from the new High Plains Processing LLC facility.

e) Duration of the contract

Because Davison County will be responsible for maintenance of the road improvements, it is expected that the contract duration will be for the life of the road improvement project.

Signature of Requesting Party: _____

Michael Vehle

Date _____

9-22-23

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, October 26, 2023 at 9:00 a.m. CDT

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT: Jaf Karim, Chairman (joined at 9:21 a.m.)
Lynn Jensen, Vice-chairman
Larry Nelson
Ron Rosenboom
Don Roby
Austin Simons
Kathy Zander
Chris Frick
Mike Vehle (joined at 9:01 a.m.)

DOT STAFF PRESENT: Joel Jundt, Mike Behm, Craig Smith, Karla Engle, Mark Leiferman, Joanne Hight, Becky Hoffman, Christina Bennett, Ryan Johnson, Katlyn Wieme, and Kari Kroll

OTHERS PRESENT: Bob Mercer - KELOLAND

Vice-chairman Lynn Jensen called the meeting of the South Dakota Transportation Commission (the "Commission") to order at 9:00 a.m. CDT. A roll call was taken and a quorum was present.

Jensen turned the gavel over to Commissioner Don Roby.

Commissioner Vehle joined the meeting at 9:01 a.m.

Roby opened the floor to the Commission members to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) chapters 3 – 23.

Karla Engle, Office of Legal Counsel, presented to the Commission a waiver request for Vice-chair Lynn Jensen concerning a potential conflict of interest he disclosed verbally at the August 26, 2023 Commission meeting. A copy of the waiver is included in these minutes as **ATTACHMENT A**. Jensen had recused himself from the discussion and vote due to a potential conflict of interest as he is a member of South Dakota Soybean Processors, LLC, which is an investor in the project that creates the need for the road improvement project.

A MOTION WAS MADE by Rosenboom and seconded by Zander that the matters disclosed in writing by Vice-chairman Jensen are fair, reasonable, and not contrary to public interest. All present voted aye by voice vote except Vehle and Jensen who abstained. The motion carried.

Roby turned the gavel back over to Jensen.

STATE OF SOUTH DAKOTA
TRANSPORTATION COMMISSIONREQUEST FOR STATE BOARD WAIVER
PURSUANT TO SDCL 3-23-3Date: August 24, 2023Name of Board Member or Former Board Member: **Lynn Jensen**Brief explanation of contract for which a waiver is requested:

- a) Parties to the contract

South Dakota Department of Transportation and Davison County, South Dakota.

- b) Board Member's role in the contract

The Transportation Commission approves Economic Development Agribusiness Grant applications. Davison County applied for an agribusiness grant to complete road improvements arising from a development project of High Plains Processing, LLC and South Dakota Soybean Processors, LLC. I am an investor in South Dakota Soybean Processors, LLC. I verbally disclosed this matter to the Transportation Commission when the grant application came before the commission on August 24, 2023, and I recused myself from the discussion and vote on the application.

- c) Purpose and objective of the contract

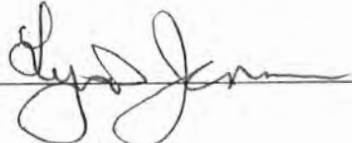
The South Dakota Department of Transportation will provide funding to Davison County for a road improvement project in the Mitchell area associated with the new High Plains Processing, LLC facility planned by South Dakota Soybean Processors, LLC.

- d) Consideration or benefit conferred or agreed to be conferred upon each party

Davison County will receive \$162,250.00 from the South Dakota Department of Transportation for a road improvement project arising from the new High Plains Processing LLC facility planned by South Dakota Soybean Processors, LLC.

- e) Duration of the contract

Because Davison County will be responsible for maintenance of the road improvements, it is expected that the contract duration will be for the life of the road improvement project.

Signature of Requesting Party:  Date 10-26-23

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, February 15, 2024 at 9:00 a.m. CST

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT

VIA CONFERENCE CALL: Lynn Jensen, Chairman (left the meeting 9:22 – 9:29 a.m.)
Don Roby, Vice-chairman
Jaf Karim
Ron Rosenboom
Austin Simons
Kathy Zander
Chris Frick
Mike Vehle

DOT STAFF PRESENT: Mike Behm, Karla Engle, Sam Weisgram, John Keyes, Chris Ott, Katlyn Wieme, and Kari Kroll

OTHERS PRESENT

VIA CONFERENCE CALL: Toby Crow – Association of General Contractors (AGC) and Brandon Carda – Office of State Engineer

Chairman Lynn Jensen called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CST. A roll call was taken and a quorum was present.

Jensen opened the floor to the Commission members to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) chapters 3 – 23.

Karla Engle, Office of Legal Counsel, presented to the Commission a waiver request for Commissioner Austin Simons concerning a potential conflict of interest on bid #13 on Attachment #2B of the Commission packet. A copy of the waiver and Attachment #2B is included with these minutes as **ATTACHMENT A**. Engle explained that Commissioner Simons would be recusing himself from the discussion and vote on this item.

A MOTION WAS MADE by Vehle and seconded by Roby that the matters disclosed in the written waiver request by Commissioner Simons are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote except Simons, who abstained. The motion carried.

Jensen asked for any other potential conflicts of interest. No other members of the Commission disclosed a conflict or requested a waiver.

REQUEST FOR STATE BOARD WAIVER

THIS IS A PUBLIC DOCUMENT

Date: 2/15/24

Name of Board Member or Former Board Member: Austin Simons

Name of Board, Authority or Commission: SD Dot Commission

Brief explanation of your potential conflict of interest:

Attachment 2B Item 13.

Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:

Brief explanation of the essential terms of the contract or transaction.

Brief explanation of why you believe a waiver should be granted:

We have the opportunity to haul for a bidder on this state project. Named bidder would be Jensen Rock & Sand.

Signature of Person Requesting Waiver: Austin Simons

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, March 28, 2024 at 9:00 a.m. CST

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT: Lynn Jensen, Chairman
Chris Frick
Jaf Karim
Larry Nelson
Austin Simons
Mike Vehle

COMMISSIONERS PRESENT
VIA CONFERENCE CALL: Don Roby, Vice-chairman

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Craig Smith, Mike Behm, John Keyes, Joanne Hight, Mark Leiferman, Christina Bennett, Sam Weisgram, Becky Hoffman, Katlyn Wieme, and Kari Kroll

DOT STAFF PRESENT:
VIA CONFERENCE CALL: Scott Rabern, Kellie Beck, Dail Mollard, Emily Calhoun, Mark Anderson, Scot Eisenbeisz, Jon Suomala, Misty Berg, Josh Timmerman, Gene Ericson, John Villbrandt, Mark Malone, Tony March, Thomas Spisak, Jamie Hyde, Bob Carrico, Matt Dunk, Michael Johnson, Tom Horan, Jason Baker, Ariana Griffey, Matt Dorfschmidt, Joshua Janes, Tel Saucerman, June Hansen, Kim Nagel, Brent Valandra, Tanya Liska, Josh Timmerman, Bo Groethe, Bradley Staneck, and Tyler Small

OTHERS PRESENT: Scott Simpson – Department of Game, Fish & Parks (SDGF&P); Adam Kulesa – SDGF&P; Greg Heitmann – Federal Highway Administration (FHWA); Kirk Fredrichs – FHWA; and Bob Mercer – Keloland

Chairman Lynn Jensen called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CST. A roll call was taken and a quorum was present.

Jensen opened the floor to the Commission members to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) chapters 3 – 23.

Karla Engle, Office of Legal Counsel, presented to the Commission a waiver request for Commissioner Austin Simons concerning a potential conflict of interest on bid #11 on Attachment #6 of the Commission packet. A copy of the waiver and Attachment #6 is included with these minutes as

ATTACHMENT A. Engle explained that Commissioner Simons would be recusing himself from the discussion and vote on this item.

A MOTION WAS MADE by Vehle and seconded by Frick that the matters disclosed in the written waiver request by Commissioner Simons are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote except Simons, who abstained. The motion carried.

Jensen asked for any other potential conflicts of interest. No other members of the Commission disclosed a conflict or requested a waiver.

Jensen asked for a motion to approve the February 29, 2024 Commission meeting minutes.

Commissioner Jaf Karim asked that the minutes be edited to reflect his attendance as well as his name corrected in paragraph 3 of page 1.

A MOTION WAS MADE by Karim and seconded by Simons to approve the February 29, 2024 Commission meeting minutes with the edits requested by Karim. All present voted aye by roll call vote. The motion carried.

Jensen asked for a motion to approve the March 14, 2024 Commission meeting minutes.

A MOTION WAS MADE by Karim and seconded by Nelson to approve the March 14, 2024 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Jensen opened the floor to public input.

No members of the public addressed the Commission nor offered input.

Secretary Joel Jundt presented the following items to the Commission in his Secretary's Report:

- There were no bridge hits.
- The US Congress has passed the final appropriations bill. The South Dakota Department of Transportation (the "Department") will receive \$326.7 million which is about a 2% increase over last year.
- As an update on the 21-state greenhouse gas emissions rule challenge, the judge has postponed making a ruling until April 1, 2024. The parties agreed to extend the non-enforcement of the rule through this date. In a separate challenge to the rule brought by the Texas Department of Transportation, a Texas district court judge vacated the rule.

REQUEST FOR STATE BOARD WAIVER

THIS IS A PUBLIC DOCUMENT

Date: 3/25/24

Name of Board Member or Former Board Member: Austin Simmons

Name of Board, Authority or Commission: SD DOT Transportation Commission

Brief explanation of your potential conflict of interest:

Attachment #6: Bid Awards Item # 11
for meeting held 3/28/24

Brief explanation of the current or anticipated business transaction with a State agency or with a political subdivision of the State and your role in the transaction:

Brief explanation of the essential terms of the contract or transaction.

Brief explanation of why you believe a waiver should be granted:

Thorntenson Trucking, the company I own, is contracted by
Jensen Rock - Sand for Hauling hot oil.

Signature of Person Requesting Waiver: 