

### **Procedure for Conflict of Interest Disclosure**

At the beginning of each Transportation Commission meeting, the chair will deliver the following instructions:

1. Now is the time for the commission to consider any written or verbal disclosures of conflicts of interest by current and former commission members.
2. If any member of the commission has completed a written disclosure of a conflict of interest, the commission will consider the disclosure at this time.
3. If any commission member wishes to verbally disclose an interest in a contract (as defined in SDCL 3-23-1), a “direct benefit” from a contract (as defined in SDCL 3-23-1 and 3-23-2), or any other conflict with any matter on today’s meeting agenda, please identify the contract or other matter in which you have the conflict of interest and generally describe the nature of the conflict.
4. Also, if during the meeting you become aware that you have a conflict of interest with any proposed contract or other matter, please notify the chair of the conflict and generally describe the nature of the conflict.
5. If you disclose a conflict of interest, the commission must vote on whether “the matter underlying the conflict is fair, reasonable, and not contrary to the public interest.” You may not participate in the commission’s discussion and vote on the conflict.
6. If the commission decides the underlying conflict is fair, reasonable and not contrary to the public interest, you may not participate in any commission discussion or commission action on that matter.
7. If the commission does not find the underlying conflict to be fair, reasonable and consistent with the public interest, the parties (which may include the Department) may not lawfully enter into the proposed contract or other matter which gives rise to the conflict of interest.
8. The secretary must record in the minutes of the meeting:
  - (a) the name of any commission member who has disclosed a conflict of interest,
  - (b) a description of the proposed contract or other matter in which the member has the conflict,
  - (c) the member’s description of the nature of the conflict, and
  - (d) the commission’s vote on the question of whether the matter underlying the conflict, is fair, reasonable, and not contrary to the public interest
9. After the meeting minutes have been approved by the commission, the secretary must file a copy of the minutes with the auditor-general.