

*Protecting South Dakota's Tomorrow ... Today*

## **BOARD OF WATER AND NATURAL RESOURCES**

**January 11, 2017**

**DENR Large Conference Room  
523 E. Capitol Ave.  
Pierre, SD**

**11:30 a.m. CST**

### **Via Teleconference on January 11, 2017 at 11:30 a.m. CST**

**A limited number of phone lines will be available. Interested parties should contact DENR at (605) 773-4216 no later than 4:00 p.m. on Tuesday, January 10, 2017, if they wish to participate in the teleconference.**

## **AGENDA**

**January 11, 2017**

*11:30 a.m. CST*

1. Call meeting to order
2. Approve agenda
3. Conflict of Interest Waivers — Mike Perkovich
4. Adjourn

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Department of Environment and Natural Resources at least 48 hours before the meeting if you have a disability for which special arrangements must be made. The telephone number for making arrangements is (605) 773-4216.

January 11, 2017

Item 3

TITLE: Conflict of Interest Waivers

EXPLANATION: With the passage of House Bill 1214, SDCL 3-23-1 through 3-23-5, the Disclosure Laws, became effective July 1, 2016

Absent a waiver, the Disclosure Laws prohibit current and certain former members of certain State boards, commissions and authorities from contracting with, or from deriving direct benefits from a contract with, a state agency if the contract is within the jurisdiction or related to the subject matter of the board. Absent a waiver, the Disclosure Laws also prohibit board members from contracting with, or deriving direct benefits from contracts with, political subdivisions of the State that administer or execute similar subject matter programs as the member's board. These prohibitions also apply to direct benefits derived from a state or political subdivision contract by a spouse or other person living with the board member and commingling assets with the board member.

The following waiver requests have been submitted:

Gene Jones, Jr – Maguire Iron, of which Gene Jones, Jr. is President, is the apparent low bidder on a project in Edgemont, SD that was awarded funding by the Board of Water and Natural Resources.

Gene Jones, Jr – Maguire Iron, of which Gene Jones, Jr. is President, plans to enter into an agreement with the city of Springfield to construct a water tower and appurtenances.

RECOMMENDED

ACTION: Approve the Conflict of Interest Waivers

CONTACT: Mike Perkovich, 773-4216

REQUEST FOR STATE BOARD WAIVER

**THIS IS A PUBLIC DOCUMENT**

Date: \_\_\_\_\_

Name of Board Member or Former Board Member: Gene Jones, Jr.

Name of Board, Authority or Commission: Board of Water and Natural Resources

Brief explanation of your potential conflict of interest:

I am the President of Maguire Iron, Inc., a for-profit corporation that fabricates and erects water towers. The Board of Water and Natural Resources has in the past, and will in the future, provide grants and loans to communities for the construction of water towers.

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:

The city of Edgemont has received funding from the Board of Water and Natural Resources to make several improvements to its water system, including the construction of 250,000-gallon water storage facility. Maguire Iron is the apparent low bidder for the contract to construct the water storage facility.

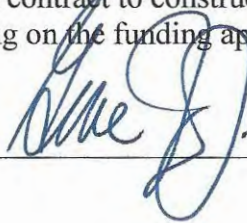
Brief explanation of the essential terms of the contract or transaction.

Maguire Iron, Inc. will enter into an agreement with the city of Edgemont to construct a water tower and appurtenances for the price specified in our bid.

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

The contract for the construction of the water storage facility was done through a competitive bid process in compliance with SDCL 5-18A, 5-18B, 5-18C, and 5-18D, commonly referred to as State Bid Law. At the time the board made the funding awards, there was no guarantee that Maguire Iron, Inc. would be the low bidder on contract to construct the water storage facility. The minutes reflect that I abstained from voting on the funding applications for this project.

Signature of Person Requesting Waiver: \_\_\_\_\_



REQUEST FOR STATE BOARD WAIVER

**THIS IS A PUBLIC DOCUMENT**

Date: \_\_\_\_\_

Name of Board Member or Former Board Member: Gene Jones, Jr.

Name of Board, Authority or Commission: Board of Water and Natural Resources

Brief explanation of your potential conflict of interest:

I am the President of Maguire Iron, Inc., a for-profit corporation that fabricates and erects water towers. The Board of Water and Natural Resources has in the past, and will in the future, provide grants and loans to communities for the construction of water towers.

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:

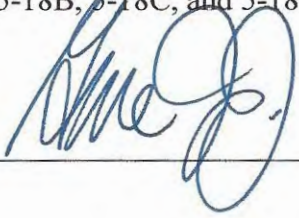
The city of Springfield let bids to construct a water tower and Maguire Iron was the low bidder. While Springfield has not received funding from the Board of Water and Natural Resources for this undertaking, this would be a contract by a political subdivision dealing with a subject matter similar in nature to matters undertaken by the board.

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

Maguire Iron, Inc. plans to enter into an agreement with the city of Springfield to construct a water tower and appurtenances for the price specified in our bid.

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

The contract for the construction of the water storage facility was done through a competitive bid process in compliance with SDCL 5-18A, 5-18B, 5-18C, and 5-18D, commonly referred to as State Bid Law.

Signature of Person Requesting Waiver:  \_\_\_\_\_