



MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Laura Jester, Administrator
Date: October 15, 2026

RE: Recommendation to Resolve Potential Conflicts of Interest

Recommendation: I recommend the Commission take action to avoid a conflict of interest by directing the Administrator to review, on the Commission's behalf, any member city's local water management plan that was drafted by Barr Engineering.

Background:

Metro cities are beginning the process of developing their Local Surface Water Management plans as a component of their comprehensive plans and required by Met Council. Local water management plans must be aligned with watershed management plans. The Commission Engineer typically reviews the local water management plans on behalf of the BCWMC.

At the Commission meeting in May, the board took action to avoid a conflict of interest regarding Barr Engineering's contract with the City of St. Louis Park to assist with developing the city's Surface Water Management Plan. The Commission directed me to review the city's plan on behalf of the BCWMC. This action was in conformance with the Commission's conflict of interest policy (attached) which indicates that one method of addressing the conflict is to *decline to waive the conflict and contract with an outside firm for review or other remedies deemed appropriate* (Item 3.a.ii.).

The Commission Engineer recently informed me that two more member cities (Golden Valley and Minneapolis) are considering contracting with Barr Engineering for assistance in developing their local water management plans. Additional member cities may also contract with Barr for similar work.

I recommend the Commission take the same action as they did in May: to avoid the conflict of interest by directing the Administrator to review, on the Commission's behalf, any member city's local water management plan that was drafted by Barr Engineering.

BCWMC Addressing Potential Conflicts of Interest
Approved November 17, 2020
Updated February 16, 2023

This framework is meant to clarify the process for addressing potential Commission Engineer COI so that staff has clear direction and staff and commissioners have congruent expectations.

Barr will continue to operate within the provisions of MN Administrative Rule 1805.0300. In all cases of actual or potential conflicts, transparency about the situation and reporting by and to all parties is of utmost importance.

1. Administrative review (no approval needed)
 - a. Projects in the Bassett Creek watershed related to water or natural resources that do not require commission review or approval (such as natural resources protection plans, environmental impact statements, response action plans, etc.)
 - i. This is for scenarios where the provisions in Minn. R. 1805.0300 do not apply because there is no actual conflict, nor is the Commission Engineer being compensated by the commission for the same project
2. Administrative waiver (Administrator, Chair and Attorney):
 - a. Projects where the administrator documents in writing findings on the clear unity of interest, secures the consent of the chair and advice of attorney, and the timeframe of the work is either emergency in nature or requires an expedited timeline such that there is not time for Commission approval; and the administrative waiver is disclosed at the next Commission meeting. (Administrator can always choose to bring the matter to the commission.)
3. Commission waiver required:
 - a. Projects that require Commission review and approval (whether by the commission proper or the administrator under delegated authority). In these scenarios, the Commission will determine whether to:
 - i. waive the conflict
 - ii. decline to waive the conflict and contract with an outside firm for review or other remedies deemed appropriate
 - iii. decline to waive the conflict