



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners and Alternates
From: Administrator Jester
Date: May 13, 2026

RE: Recommendation to Resolve Conflict of Interest

Barr Engineering was recently selected by the City of St Louis Park to assist with developing the city's Surface Water Management Plan update. The primary team leading this effort at Barr are non-Bassett team members including Janna Keiffer and Heather Lau. However, Commission Engineer Greg Williams will be supporting the effort as part of the overall Barr team.

This presents a conflict of interest because the Commission will be reviewing the city's Surface Water Management Plan for conformance with the newly adopted Bassett Creek Watershed Management Plan. Local plan reviews are typically done by the Commission Engineer.

The Commission's conflict of interest policy (attached) 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.).

Rather than hiring an outside firm to review the city's local plan on the BCWMC's behalf, I recommend that the Commission direct me to review the local plan for conformance with the Bassett Plan. I believe I am well positioned to provide an appropriate review and make a recommendation to the Commission on plan approval or needed changes.

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.

Administrative review (no approval needed)

- 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.)
 - a. 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

Administrative waiver (Administrator, Chair and Attorney):

- 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.)

Commission waiver required:

- Projects that require Commission review and approval (whether by the commission proper or the administrator under delegated authority)
 - a. In these scenarios, the Commission will determine whether to:
 - a. waive the conflict
 - b. decline to waive the conflict and contract with an outside firm for review or other remedies deemed appropriate
 - c. decline to waive the conflict