

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION  
RESOLUTION NO. 19-06

Item 6J.  
BCWMC  
2-21-19

A RESOLUTION CONSENTING TO REPRESENTATION  
AND ACKNOWLEDGING POTENTIAL FOR CONFLICTS OF INTEREST

WHEREAS, the Bassett Creek Watershed Management Commission (“Commission”) is a joint powers watershed management organization established by the cities of Crystal, Golden Valley, Medicine Lake, Minneapolis, Minnetonka, New Hope, Plymouth, Robbinsdale, and St. Louis Park (collectively, the “Member Cities”), in accordance with Minnesota Statutes, section 103B.211; and

WHEREAS, the law firm of Kennedy & Graven, Chartered (“K&G”) has represented the Commission since 1996; and

WHEREAS, during much of that time, K&G has also served as city attorney in the cities of Crystal and Robbinsdale and continues to serve both cities in that capacity; and

WHEREAS, K&G also occasionally provides public finance, real estate, and other legal services to some of the other Member Cities; and

WHEREAS, the Commission understands that it is possible for one or more of the Member Cities to advocate a position that may be different from or contrary to the position advocated by the Commission regarding the management and protection of water; and

WHEREAS, the Commission is aware of the long-standing relationships K&G has with Crystal and Robbinsdale, and that it occasionally performs legal services for other Member Cities on matters unrelated to the Commission, and has no objections to those relationships.

NOW, THEREFORE, BE IT RESOLVED, by the Bassett Creek Watershed Management Commission as follows:

1. The Commission hereby consents to the past and ongoing representation of the cities of Crystal and Robbinsdale as city attorney, and the occasional special legal services provided to some of the other Member Cities, by K&G while it continues to represent the Commission, and given those relationships, the Commission acknowledges that there is a potential for conflicts of interest to arise that would require disclosure by K&G.
2. If the Commission is made aware of any legal dispute between the Commission and either the city of Crystal or the city of Robbinsdale, or any other conflict of interest that exists due to K&G’s representation of any of the Member Cities, it may appoint special counsel to represent it in the dispute.
3. The Commission understands and retains its right to at any time withdraw the consents granted by this Resolution.

Adopted by the Board of Commission of the Bassett Creek Watershed Management Commission the 21<sup>st</sup> day of February, 2019.

ATTEST: \_\_\_\_\_  
Secretary

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Chair