



Bassett Creek Watershed Management Commission

MEMO

To: BCWMC Commissioners and Alternate Commissioners
From: Laura Jester, Administrator
Date: January 12, 2023

Recommendation: Waive the Conflict of Interest for the Commission Engineer to Review Minnetonka's Water Resources Management Plan Amendment

Over the past few years the City of Minnetonka has been refining and updating its hydrologic and hydraulic models for the watersheds in the city, including within the BCWMC. The city intends to amend its local Water Resources Management Plan (WRMP) to incorporate the updated flood elevations that resulted from the modeling effort. The city also plans to update its stormwater management requirement guidance flowcharts for each watershed.

Barr Engineering staff performed this recent modeling work on behalf of the City and was asked to assist with preparing the WRMP amendment that will include limited updates to the text and figures.

BCWMC policies state that amendments to member city's local water plans must be submitted to the BCWMC for review and approval before adoption by the city. While I can perform an initial review of the amended plan, it is likely I will need some assistance reviewing technical aspects of the amendment. Requesting assistance from the Commission Engineer would create a conflict of interest since Barr staff that supports BCWMC would be asked to review a document that their colleague(s) at Barr prepared.

The BCWMC policy pertaining to engineering conflicts of interest states that a Commission waiver is required to be considered for:

- Projects that require Commission review and approval (such as local water plans)
 - a. In these scenarios, the Commission will determine whether to:
 - a. waive the conflict
 - b. waive the conflict and contract with an outside firm for review or other remedies deemed appropriate
 - c. decline to waive the conflict

I recommend the Commission waive the Commission Engineer's conflict for these reasons:

- I can review all but some of the technical aspects of the amended plan. The amount of engineering review necessary is limited which may make it difficult to contract separately with a third party.
- Commission Engineer Chandler is not the actual author of the amended plan and I believe there is enough separation between Barr Engineering staff in this matter.
- I believe Commission Engineer Chandler will review and provide comments that are in the best interest of the BCWMC.