

BCWMC Addressing Potential Conflicts of Interest
Approved November 17, 2020

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