

Teer, Pat

From: Winkler, John
Sent: Wednesday, October 21, 2009 10:46 AM
To: Grint, Amanda; Petermann, Marlin; Teer, Pat
Subject: FW: WP-5 Project, Papio Valley parcel - conflict of interest

I believe we need to place this on the November subcommittee and Board of Director agendas under WP-5 and executive session would be in order.

Thanks,

John W

-----Original Message-----

From: paul.peters@mindspring.com [mailto:paul.peters@mindspring.com]
Sent: Tuesday, October 20, 2009 4:37 PM
To: Winkler, John
Subject: WP-5 Project, Papio Valley parcel - conflict of interest

Dear GM Winkler:

As briefly mentioned previously, it regrettably appears that I have an irresolvable conflict of interest with regard to the NRD's intended acquisition of the Papio Valley parcel for the WP-5 Project. Mr. Donald Graham of Omaha is the principal of that entity.

I have handled significant litigation for Mr. Graham in the past but more importantly one of the lawyers with whom I practice is handling an important litigated case for Mr. Graham at present.

I know that Mr. Graham is aware that I represent the NRD and I think it is possible that his knowledge of my conflict of interest may be an impediment to the NRD concluding negotiations with him. Perhaps, in order for the NRD to conclude negotiations for the Papio Valley parcel, Mr. Graham needs to know positively that I will not be representing the NRD with regard to that acquisition and that the NRD therefore is not in any way inhibited from litigating against him.

Since this important \$1 million plus acquisition is nearing the point where eminent domain may be the NRD's only option if negotiations fail, and since I certainly do not want to leave the NRD in an unresolved and problematic position as a result of my personal conflict of interest, I spoke briefly with Steve Seglin of Lincoln, who has represented the Lower Platte South NRD for many years.

Steve and I frequently consult each other about NRD legal issues. He likely is one of the most experienced lawyers in the State in handling eminent domain cases in particular, and in handling NRD litigation and other NRD matters in general. Steve advised that he would be willing to represent Papio-MRNRD in the Papio Valley case for his hourly rate of \$185/hour, which would be a relative bargain considering Steve's NRD and litigation experience, and considering the fees charged by attorneys in Omaha with lesser experience in the areas of law that are necessarily involved here.

I advised Mr. Seglin that I would be recommending him for this case and that you might be contacting him about it.

If there is anything further that you think I can do to ease problems that my ethical responsibilities have visited upon the NRD please advise me.

Paul

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RESOLUTION
WP-5 Project Tract No. 5

BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that, because of District legal counsel's conflict of interest, attorney Steven G. Seglin, of the firm of Crosby Guenzel, LLP, should be retained to represent the District in connection with the acquisition of WP-5 Project Tract No. 5 (Papio Valley Land Co.); and, that the General Manager of the District should be and is hereby authorized to execute for and on behalf of the District an agreement with such attorney for such representation, containing such terms and provisions as the General Manager determines necessary.