

Response to Request for
Proposals for Legal
Services to represent the

Lower Minnesota River Watershed District



Submitted by:



RINKE NOONAN
attorneys at law

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**CONFIDENTIAL
5/13/2020**



May 13, 2020

Lower Minnesota River Watershed District
Attention: Linda Loomis, District Administrator

SENT VIA EMAIL ONLY TO: NAIADCONSULTING@GMAIL.COM

**Re: Response to Request for Proposal for Legal Services
Our File No. 25226-0001**

Dear Board of Managers:

Rinke Noonan appreciates this opportunity to submit the enclosed response to your Request for Proposals for Legal Services. Since our first successful proposal in 2014, we have been pleased to provide legal counsel to the Lower Minnesota River Watershed District and believe we have helped the District progress on several important matters.

Our attorneys have developed strong, professional relationships with virtually all state and federal agencies that encounter water-related issues. Moreover, in our most recent work for the District, we have developed constructive relationships with both local government and private business within the District. The value of these relationships has evidenced itself in our interactions on behalf of the District with federal, state and local interests. Our years of experience providing general counsel and special consultant guidance to watershed districts provides us the understanding of unique challenges necessary to advise the Lower Minnesota River Watershed District, its Board of Managers, and its Administrative Staff.

We have a team of attorneys that brings a well-rounded and respected background of experience in water resource and management projects, governance, regulation and real property. Our attorneys have consulted and led in all facets of watershed project establishment and implementation; local, state, and federal regulatory approvals; and project financing. We have a practical command of Minnesota Statutes chapters 103B, 103D and related laws and regulations. In addition, our firm's attorneys often assist in providing general counsel to watershed districts on issues ranging from condemnation to employment law. The diversity of practice areas within the firm's 29 attorneys lends well to providing our clients with attorneys who have real, practical experience on virtually any issue encountered.

Based on our current relationship with the District, our proposal is abbreviated. If you have any questions regarding our enclosed proposal, or if you need any further information, please do not hesitate to contact me directly at (320) 656-3503. I welcome the opportunity to meet with you at a future Board meeting if you desire.

Sincerely,

/s/ John C. Kolb

John C. Kolb
JCK/KRV

A. FIRM BACKGROUND

Established in 1967, Rinke Noonan has grown to become a comprehensive, regional law firm, and serving local government has been at the core of our practice for most of that history. The firm's water resource practice is recognized statewide for its efficient, consistent and effective handling of complex environmental issues. As further support to its water resource practice, Rinke Noonan has a litigation department that encompasses an extensive practice in governmental, environmental, agricultural, commercial, construction, appellate, and employment litigation. The firm represents watershed districts, cities, county government, townships, agri-business and developers in water and natural resource matters throughout the state.

The firm's water resource practice is increasingly recognized for its innovation in facilitating water-related projects. In capacities ranging from general counsel to special legal consultants, Rinke Noonan currently represents the following watershed districts throughout the state: Cedar River Watershed District, Buffalo Creek Watershed District, Rice Creek Watershed District, Sauk River Watershed District, North Fork Crow River Watershed District, Turtle Creek Watershed District, Middle Fork Crow River Watershed District, Upper Minnesota River Watershed District, Middle-Snake-Tamarac Rivers Watershed District, Roseau River Watershed District, Red Lake Watershed District, Warroad River Watershed District, and Lac Qui Parle/Yellow Bank Watershed District.

In addition, our attorneys are frequently contacted by other watershed districts and their attorneys concerning watershed district issues. Rinke Noonan also represents many counties and other government entities on their water-related issues and resource planning. The firm has provided legal counsel and project leadership for flood reduction projects, water quality protection and enhancement projects, lake and wetland restoration projects and public drainage system repair, improvement and establishment projects. The firm enjoys positive, professional relationships with virtually all state and federal agencies that deal with water-related issues. Rinke Noonan is one of very few law firms in Minnesota with such extensive experience in watershed related issues.

The firm takes great pride in its representation of water management organizations and stands committed to the highest standards of service, ethics, and continued improvement. Through participation in the Minnesota Association of Watershed Districts, Association of Minnesota Counties, the League of Minnesota Cities, and other organizations, our attorneys continue to expand their expertise and knowledge in environmental and municipal law.

1. Firm Size, Personnel and Composition

We are a growing firm that currently employs 29 attorneys, as well as more than 30 paralegals and other support staff. The firm is organized into practice groups that focus on the clients' needs and interests, and allows for significant flexibility in providing the best service to our clients. Our structure prevents territorial barriers and encourages cooperation and collaboration, while remaining focused on the interests of our clients. Our staff supports these groups by being trained in specific practice areas, and cross-trained to provide assistance in others.

Our water resources practice is served by five attorneys and three paralegals that provide ongoing service to our diverse governmental entity clientele. Attorneys from other disciplines regularly assist our government clients with their individual, specialized legal needs such as employment, human resources, contracting, litigation, eminent domain, and labor negotiation.

2. Office Location and Technology Use

Our office is located in downtown St. Cloud, from which we serve water management clients throughout the state. Our geographic location allows us to minimize potential conflicts of interest with our statewide water resource practice since the majority of our private clients are located in the St. Cloud area.

For many years, Rinke Noonan has supplemented its service to its clients through the effective use of technology. Rinke Noonan engages the use of modern document drafting, storage and retrieval systems, internet and database legal research services, and automated real estate records and financial databases.

Additionally, our early investment in and employment of virtual meeting and video teleconferencing technology has added value to our communication and representation of clients, and to the efficiency and convenience of our services. Under the current public health emergency declarations, our remote capabilities have resulted in seamless service to our clients.

3. Professional Malpractice Insurance

Rinke Noonan maintains professional malpractice coverage of \$5,000,000 aggregate through Minnesota Lawyers Mutual. A copy of our policy declarations page is available upon request.

B. ATTORNEY QUALIFICATIONS

Our size allows us to provide depth and a broad range of specialties to any specific issue, at any given time. This depth is balanced with the efficiencies and flexibility of a smaller firm, and our focus is on prompt, accurate service to our clients.

At Rinke Noonan, we have had great success with having one individual attorney being the primary attorney for a government client in order to preserve efficiency and provide effective communications with the client. Other qualified attorneys are available to ensure there will always be an attorney available to provide a timely response to clients' concerns.

Primary attorney for the District will continue to be John Kolb, with the assistance of supporting attorneys, Kale Van Bruggen, Zachary Burmeister, Adam Ripple, and Gerald Von Korff.

Rinke Noonan has a highly specialized staff of paralegals and legal technicians who can perform efficient and economical services for the firm's clients. Not every aspect of legal work for the watershed district requires an attorney. Paralegals and legal technicians can often perform the leg work associated with projects, permits, rules, plans and other support staff needs. Our skilled and experienced paralegals, legal technicians, and staff allow the attorneys to focus on the more complex issues, and provide our clients with economical legal services.

C. SERVICES PROVIDED TO WATERSHED CLIENTS

Rinke Noonan has represented watershed districts for almost 30 years. We are proud of our reputation for providing quality, efficient and targeted legal services. In the past, we have provided the following services to watershed clients:

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| (1) general advice related to watershed organization and function | (8) preparation of overall water management plans and amendments |
| (2) regular/special meeting attendance as requested | (9) budget preparation |
| (3) regular attorney reports | (10) contracting administration and contract review |
| (4) administrative support | (11) legal research, analysis, and opinion |
| (5) permit review | (12) project management and coordination |
| (6) preparation of annual reports | (13) levies, capital improvement projects |
| (7) drafting of administrative rules | |

- (14) ad valorem, special-taxing district, and benefits-based assessment projects
- (15) drainage systems and projects
- (16) enforcement litigation

- (17) property acquisition and eminent domain; and
- (18) interface and coordination with other agencies and consultants

D. LIST OF REFERENCES

As stated above, Rinke Noonan represents several watershed districts throughout the state. I am sure that any one of these districts would provide a candid assessment of our services.

In addition, Rinke Noonan represents over 20 Counties and Drainage Authorities throughout the state of Minnesota, several lake associations along with cities and townships as advice and counsel are needed on water-related issues.

The following list is a sampling of the firm's watershed district clients. Please do not hesitate to contact any of the following people for a performance reference of our firm.

Sauk River Watershed District

Scott Henderson, Administrator; 524 4th Street South, Sauk Centre, MN 56378;
(320) 352-2231; scott@srwdmn.org

Tyler Carlson, *President of the Board of Managers*, (320) 249-1841

Middle Fork Crow River Watershed District

Margaret Johnson, Administrator, P.O. Box 8, Spicer, MN 56288;
(320) 796-0888; Margaret@mfcrow.org

Bob Hodapp, *President of the Board of Managers*; (320) 796-0888

Rice Creek Watershed District

Nick Tomczik, Administrator, 4325 Pheasant Ridge Drive, Suite 611, Blaine, MN 55449;
(763) 398-3079; ntomczik@ricecreek.org

Patricia Preiner, *President of the Board of Managers*; (651) 271-9576

E. LEGAL FEES AND CHARGES

In order to meet the unique needs of our public sector clients, Rinke Noonan provides a significant discount in rates when compared with advice to private clients. Currently, our government rates are set ranging from at \$180 per hour for junior attorneys and capped at \$325 per hour for senior attorneys. Professional staff bill at current rates of \$95 to \$165 per hour. We propose this option for either general counsel or special legal consultant scopes of work. Your lead attorney, John Kolb, bills at \$325 per hour for his government work.

F. SUMMARY

Rinke Noonan has experience representing Minnesota Watershed Districts in virtually all aspects of watershed management planning, project implementation, regulation, and organization. Our firm is well respected across the state for its innovative and successful approach to project initiation, implementation and financing, watershed management planning, and watershed district organization. Our team of water resource attorneys is familiar and competent in chapters 103B, 103D, and state and federal water-related administrative rules and regulations. We offer a depth of background, experience, and knowledge in nearly all legal issues facing watershed districts. Our firm's focus is on our clients and we take pride in our ability to think creatively, tackle unique challenges, and in our approach of providing prompt and reliable advice.

Thank you for considering our proposal. We look forward to an opportunity to meet with the Board of Managers and discuss how our qualifications may suit the Board's needs. Please do not hesitate to contact John C. Kolb at 320-656-3503 or jkolb@rinkenoonan.com with any questions.