

MEMORANDUM

Agenda Item No. 11(A)(4)

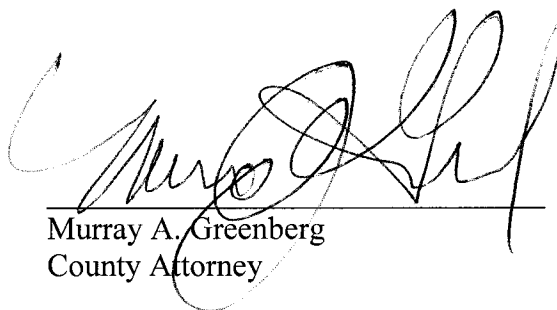
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 9, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution Granting a Limited
Conflict of Interest Waiver
For Certain State Contract
Lobbyists

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman.



Murray A. Greenberg
County Attorney

MAG/dc



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 9, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
05-09-06

RESOLUTION NO. _____

RESOLUTION GRANTING A LIMITED CONFLICT
OF INTEREST WAIVER FOR CERTAIN STATE
CONTRACT LOBBYISTS

WHEREAS, on November 11, 1999, the Board approved Resolution No. 1236-99, which provided that no county lobbyist or subcontractors shall represent any client and/or issue that may be adverse to the County without first requesting and obtaining permission from the County; and

WHEREAS, on May 9, 2000, the Board passed Ordinance No. 00-64, which provided that no person or entity, whether an individual, firm, partnership or corporation, which received compensation from the county for lobbying on behalf of the county or any of its agencies or instrumentalities at either the state, national or municipal level shall represent any entity in any forum to support a position in opposition to a position of the county unless the Board grants a specific waiver for a specific lobbying activity; and

WHEREAS, on January 23, 2003, the Board approved Resolution No. 63-03, which authorized the County Manager to execute agreements with four primary firms for state governmental representation and consulting, Ronald L. Book, P.A.; Rutledge, Ecenia, Purnell & Hoffman, P.A.; Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.; and Steel, Hector & Davis, LLP, along with various subcontractors; and

WHEREAS, the Agreements require all County lobbyists, including both the prime consultants and subconsultants, to comply with the provisions of Resolution No. 1236-99, Ordinance No. 00-64, as well as the County's Conflict of Interest Ordinance, Ordinance No. 72-82; and

WHEREAS, the Board revised Resolution No. 1236-99 so as to allow the County Manager or his designee, in consultation with the County Attorney's Office, to make a preliminary determination regarding a lobbyist's conflict waiver request until the Board is able to make a final determination; and

WHEREAS, the Agreements provide that the Board may take, in its sole discretion, any action regarding a waiver request, including but not limited to the following: (1) grant a waiver and allow the Lobbyist or subcontractor to continue to represent both the County and the other party; (2) refuse to grant a waiver and require the Lobbyist and/or employee, partner, or subcontractor to choose between representing the County or the other party, or to discontinue representing the other party; (3) refuse to grant a waiver and void its contract with the Lobbyist, and/or employee, partner, or subcontractor; and (4) grant a limited waiver and allow the Lobbyist and/or employee, partner, or subcontractor to continue to represent both the County and the other party under whatever limitations or restrictions the County, in its sole discretion, determines to be appropriate; and

WHEREAS, HB 1199 has been filed for the 2006 State Legislative Session that would preempt local regulation of cable franchises and provide for state regulation in this area; and

WHEREAS, similar legislation may surface in the Senate; and

WHEREAS, the telecommunications industry is lobbying for the passage of HB 1199 or similar legislation, while the cable industry and local governments are lobbying against such legislation; and

WHEREAS, a substantial amount of the Tallahassee lobbying corps has been engaged on either one side or the other of this issue; and

WHEREAS, Becker & Poliakoff, P.A. and Gomez Barker & Associates, Inc. have submitted the attached conflict waiver requests related to their representation of AT&T; and

WHEREAS, Ronald L. Book, P.A. has submitted the attached conflict waiver request related to its representation of Bellsouth,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board grants limited conflict waivers to Becker & Poliakoff, P.A., Ronald L. Book, P.A., and Gomez Barker & Associates, Inc. to allow these lobbying firms to represent both the County and their telecommunications clients only on issues not in conflict with the County, but strictly prohibit these lobbying firms from working on behalf of the other client and against the County on HB 1199 or similar legislation and any other issue that conflicts with the interests of the County.

The foregoing resolution was sponsored by Commissioner Sally A. Heyman and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

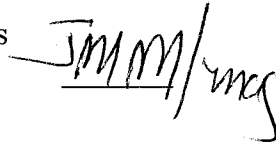
The Chairperson thereupon declared the resolution duly passed and adopted this 9th day of May, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "JMM/mcg", is written over a horizontal line.

Jess M. McCarty

March 31, 2006

Mr. Joe I. Rasco
Director, Office of Intergovernmental Affairs
Miami-Dade County
111 N. W. 1st Street, Suite 2910
Miami, Florida 33128

Dear Joe:

This is to inform you that I represent AT&T and that due to the recent announcement of its potential purchase of BellSouth a conflict appears to exist with regard to HB1199. As a result of said purchase, AT&T has now decided to support this legislation rather than simply monitor it. You should know that as of the date of this letter no Senate companion appears to exist (other than a shell bill by Sen. Mike Bennett).

I write this letter since at the Miami-Dade lobbyist meeting held on Wednesday, March 29th, County officials distributed new lobbying assignments and for the first time HB1199 was listed. It simply stated "Cable Franchise (HB1199/SB1254)" and it was assigned to the firms of Rutledge, Ecenia, Purnell and Hoffman and the Moya Group. Upon further examination I learned that Miami-Dade was now concerned about this bill and thus, in an abundance of caution, I wanted to bring this potential conflict to your attention. As you know, I listed AT&T as a lobbying client by letter of January 30th disclosing amendments to my roster of Tallahassee representations.

I trust you will not hesitate to contact me if you need additional information or have any questions.

Sincerely,

Fausto B. Gomez

cc: Hon. Joe Martinez
Jess McCarty
Doug Pile

**Emerald Lake Corporate Park
3111 Stirling Road
Fort Lauderdale, Florida 33312-6525
Phone: (954) 987-7550 Fax: (954) 985-4176
US Toll Free: (800) 432-7712**

**Mailing Address:
P.O. Box 9057
Ft. Lauderdale, FL 33310-9057**

**Reply To:
Fort Lauderdale
Yolanda C. Jackson, Esq.
Direct dial: (954) 985-4132
yjackson@becker-poliakoff.com**

Sent via email and U.S. Mail

March 31, 2006

Mr. Joe I. Rasco
Director, Office of Intergovernmental Affairs
Miami-Dade County
111 N.W. 1st Street, Suite 2910
Miami, FL 33128

Dear Joe:

Please be advised that due to the recent announcement of AT&T's potential purchase of Bellsouth a conflict appears to exist with regard to HB1199. It appears that AT&T has now decided to move from a monitoring posture to an active role in support of this legislation. At present, there is no Senate companion. Although we have not been specifically assigned to this issue with Miami Dade County ("County"), it is an issue, which you have indicated that the County opposes. We are not the lead lobbyist for AT&T on this issue.

However, pursuant to County Ordinance number 00-64, we hereby request a limited contract waiver to Becker & Poliakoff to allow us to represent both the County and AT&T only on issues not in conflict with the County.

Should you have any questions, please feel free to contact me.

Very truly yours,

Yolanda C. Jackson
For the Firm
YCJ/bec
cc: Ron Book
Doug Pile
Jess McCarty
Fausto Gomez



Ronald L. Book, P.A.
LAW OFFICES
PROFESSIONAL ASSOCIATION

April 10, 2004

Sent via E-MAIL to JRASCO@Maimidade.gov

Mr. Joe Rasco, Director
Intergovernmental Affairs
Miami-Dade County
111 N.W. First Street
Suite 1032 - The 10th Floor
Miami, Florida 33128

Re: Consent Waiver

Dear Joe:

As you know, I represent Bell South Communications on Tallahassee related matters. Prior to the beginning of this Legislative Session, Bell South asked all of its lobbyists to declare their conflicts related to the representation of local governments. At that time, I not only disclosed my representation of Miami-Dade County but of multiple other governments as well. I made it clear at the time that although I could continue to represent Bell South on other related legislative matters, I could not represent them on the cable franchise issue which is the subject of House Bill 1199.

This letter is to formally request a waiver from the Board of County Commissioners that I be allowed to continue to represent Bell South while simultaneously representing Miami-Dade County, but not on the issue involving House Bill 1199 (cable franchise). I am not engaged in any active lobbying on behalf of Bell South on this issue.

I await the guidance from you and the Board of County Commissioners.

Sincerely,



Ronald L. Book

RLB:jpm

REPLY TO:

- ☐ Concorde Center 2 - 2999 Northeast 191 Street, PH 6 - Aventura, Florida 33180 - Telephone (305) 935-1866 - Fax (305) 935-9737
- ☐ 204 South Monroe Street, Suite 105 - Tallahassee, Florida 32302 - (850) 224-3427