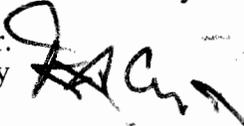


Memorandum

MIAMI-DADE
COUNTY

Date: April 21, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: R. A. Cuevas, Jr.
County Attorney 

Subject: Bond Counsel request for grant of Conflict Waivers

Agenda Item No. 14(A)(4)

I have received the attached request from Greenberg Traurig, one of the County's bond counsel firms, for the Board to grant the firm waivers of conflict of interest to represent several of the firm's non-County clients in four DERM enforcement actions.

I am submitting the request to the Board for its consideration in accordance with the current policy for conflict waiver. That policy is articulated in the latest RFQ for selection of bond and disclosure counsel, which is set forth below. The specific policy applicable to conflict waivers involving litigation adverse to the County is underlined:

The current policy on conflict of interest waivers permits bond counsel to represent third parties in legal matters involving the County other than litigation so long as such representation does not challenge the authority of the Board, a Board policy or the constitutionality or legality of a County Code provision. A request for a conflict of interest waiver shall be presented to the County Attorney in writing. Such a request is routinely granted for matters that meet the criteria in the previous sentence. With respect to litigation adverse to the County, Senior Counsel and/or Associate Counsel may present a written request for a conflict of interest waiver to the County Attorney to submit to the County Commission for consideration on a case by case basis. If a conflict of interest waiver is not granted, Senior Counsel and/or Associate Counsel shall not undertake the representation of a third party in any matter involving the County.

As set forth in the request, Greenberg Traurig's representation of the non-County clients in the four enforcement actions will not challenge the authority of the Board, a Board policy, or the constitutionality or legality of a County ordinance, nor will damages be sought from the County.

Additionally, Greenberg Traurig is one of the County's lobbying firms. As such, my office has advised the firm to pursue an appropriate request with the Office of Intergovernmental Affairs for conflict waiver in accordance the terms of its contract for lobbying services.

RAC/jls

Greenberg Traurig

Robert S. Fine, Esq., AIA
Tel 305.579.0826
Fax 305.579.0717
finer@gtlaw.com

March 12, 2009

VIA ELECTRONIC MAIL and HAND DELIVERY

Robert Cuevas, Esq., County Attorney
Miami-Dade County
111 N.W. 1st Street
Miami, Florida 33131

Re: Request for Waiver of Conflict of Interest

Dear Mr. Cuevas:

We respectfully request that the Miami-Dade County Board of County Commissioners (the "Board") grant our firm waivers of conflict of interest to represent our clients in the following matters that are adverse to the County:

1. Miami-Dade County v. Arnaldo Diaz, Case No. 08-56337 CA 25 (Fla. 11th Jud. Cir.);
2. Miami-Dade County v. Pedro Amador, Dade Machine Works, Inc., and Manada Corp., Case No. 08-78399 CA 25 (Fla. 11th Jud. Cir.);
3. Miami-Dade County v. Annex Industrial Park, LLC, Case No. 08-63751 CA 06 (Fla. 11th Jud. Cir.); and,
4. Miami-Dade County v. Ford Midway Mall Real Estate Associates, Ltd., et al, Case No. 08-09995 CA 09 (Fla. 11th Jud. Cir.).

Each of these matters involve an enforcement action brought by the Department of Environmental Resources Management against our clients, the respective defendants. Our representation in these respective matters will conform to the County's policy regarding waivers of conflict of interest whereby we will not challenge the authority of the Board, a Board policy, or the

Robert Cuevas, Esq., County Attorney
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constitutionality or legality of a County Code provision nor will we seek monetary damages against the County.

We appreciate your, and the Board's consideration of this request. Please feel free to contact us with any questions you may have.

Very truly yours,



Robert S. Fine

RSF

cc: Randy Duvall, Esq.
Thomas Robertson, Esq.
Jerry Heffernan, Esq.
Kerri Barsh, Esq.
Simon Ferro, Esq.
Clifford Schulman, Esq.
Bruce Giles-Klein, Esq.