



MEMORANDUM

HPSIC
Agenda Item No. 2(A)

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

DATE: May 14, 2009

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

SUBJECT: Resolution regarding a conflict
waiver request by Greenberg
Traurig, P.A. pursuant to its
federal lobbying contract with
Miami-Dade County

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: June 2, 2009

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

SUBJECT: Agenda Item No.

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 Mayor'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.
6-2-09

RESOLUTION NO. _____

RESOLUTION REGARDING A CONFLICT
WAIVER REQUEST BY GREENBERG
TRAURIG, P.A. PURSUANT TO ITS FEDERAL
LOBBYING CONTRACT WITH MIAMI-DADE
COUNTY

WHEREAS, the law firm of Greenberg Traurig, P.A. is a member of the Miami-Dade County (the "County") federal lobbying team; and

WHEREAS, Greenberg Traurig, P.A. is seeking to take over representation in the following DERM enforcement actions:

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., 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, 08-09995 CA 09 (Fla. 11th Jud. Cir.); and

WHEREAS, Greenberg Traurig, P.A. has submitted a written request, a copy of which is attached, that the County consent to its representation of clients in connection with the above referenced DERM enforcement actions; and

WHEREAS, the lobbying contract between Greenberg Traurig, P.A. and the County provides that the Board may take, in its sole discretion, any action regarding a waiver of request, including but not limited to the following:

1. Grant a waiver and allow Greenberg Traurig, P.A. to continue to represent both the County and the other party;
2. Refuse to grant a waiver and void its contract with the Greenberg Traurig, P.A.; and
3. Grant a limited waiver, allow the firm 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,

WHEREAS, on April 21 ,2009, the Board approved a conflict waiver request by Greenberg Traurig, P.A. in its role as bond counsel to the County related to the DERM enforcement actions set forth above,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board _____ the request by Greenberg Traurig, P.A. for a conflict waiver pursuant to its federal lobbying contract with the County.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2009. 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.



Jess M. McCarty
Martin W. Sybblis

Greenberg Traurig

Diane J Blagman
Senior Director, Governmental Affairs
Tel (202) 331-3121
Fax (202) 261-0121
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April 14, 2009

VIA ELECTRONIC MAIL and HAND DELIVERY

Jose Rasco, Director
Office of Intergovernmental Affairs
Miami-Dade County
111 N.W. 1st Street
Miami, Florida 33131

Re: Request for Waiver of Conflict of Interest

Dear Mr. Rasco:

Greenberg Traurig, P.A. is the Contractor under that certain contract for Governmental Representation and Consulting Services in Washington, D.C. (Contract No. Q74a) with Miami-Dade County, dated February 6, 2006.

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.).

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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 constitutionality or legality of a County Code provision.

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,



Diane J. Blagman
Senior Director, Governmental Affairs

DJB

cc: Robert A. Cuevas, Jr.
Randy Duvall, Esq.
Thomas Robertson, Esq.
Jerry Hefferman, Esq.
Kerri Barsh, Esq.
Simon Ferro, Esq.
Clifford Schulman, Esq.
Bruce Giles-Klein, Esq.

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