



MEMORANDUM

Agenda Item No. 11(A)(10)

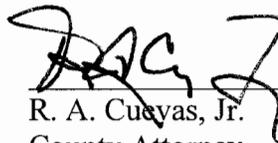
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: February 2, 2010

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

SUBJECT: Resolution requesting that the
County's federal contract lobbyists
accept a five percent reduction in
remaining contract amounts

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp

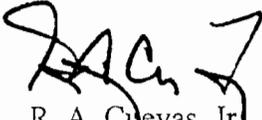


MEMORANDUM

(Revised)

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

DATE: February 2, 2010

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

SUBJECT: Agenda Item No. 11(A)(10)

Please note any items checked.

- "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**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(10)
2-2-10

RESOLUTION NO. _____

RESOLUTION REQUESTING THAT THE COUNTY'S FEDERAL
CONTRACT LOBBYISTS ACCEPT A FIVE PERCENT
REDUCTION IN REMAINING CONTRACT AMOUNTS

WHEREAS, the Board approved the County's Fiscal Year 2009-10 Budget on September 18, 2009 and the budget includes substantial cuts in many areas; and

WHEREAS, County contract lobbyists should also share in the cuts being made to other areas within the County budget; and

WHEREAS, at the November 3, 2009 meeting, the Board passed Resolution No. 1293-09 requesting that the County's state contract lobbyists accept a five percent reduction in remaining contract amounts, and all of the state contract lobbyists accepted such a reduction; and

WHEREAS, the County also should request that the federal contract lobbyists agree to a five percent reduction in remaining contract amounts similar to the state contract lobbyists,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board respectfully requests that the County's federal contract lobbyists, including subcontractors and lobbyists hired under work orders, accept a five percent (5 %) reduction in the remaining contract amounts over the current contract term and any renewal terms.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa and the Co-Sponsor 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 February, 2010. 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

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 11(A)10
File Number: 093089
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: January 12, 2010
Type of Item: Resolution; 5% Reduction in Lobbyists' Pay
Prime Sponsors: Commissioner Rebeca Sosa
Co-Sponsor: Commissioner Sally A. Heyman
Commission Districts: Countywide

Summary

This resolution directs the County's federal contract lobbyists, including subcontractors and lobbyists hired under work orders, to accept a 5% reduction in the remaining contract amounts over the current contract term and any renewal terms.

Background and Relevant Legislation

On November 3, 2009, the Board of County Commissioners (BCC) passed Resolution No. 1293-09 requesting that the County's state contract lobbyists accept a 5% reduction in remaining contract amounts in consideration of the County's fiscal crisis. The pending resolution imposes a similar directive of the federal lobbyists hired to provide representation and consulting services on behalf of the County before the executive and legislative branches of the federal government.

If adopted, this will require Greenberg Traurig, P.A., Alcade & Fay, and Tew Cardenas, LLP, which presently serve as the County's federal lobbyists and consultants, to each accept \$5,000 less pay. This will also require Cardenas Partners, LLC, as the assignee who may assume the obligations of Tew Cardenas, LLP to accept \$5,000 less in pay.

On December 10, 2009, the Health, Public Safety & Intergovernmental Committee favorably voted to exercise the County's option to extend the term of an existing federal lobbyist contract with Greenberg Traurig, P.A., Alcade & Fay, and Tew Cardenas, LLP. The existing firms' contracts will expire on February 5, 2010. The extended period will allow the Administration to advertise for proposals from qualifying replacement firms, and to ultimately recommend which firms should be awarded the successor contracts.

Under the extension (which, at the time of this analysis, is pending consideration by the full BCC), the 3 firms will provide services on a month-to-month basis up to 6 months beyond the current contract period; and will be compensated in an amount not to exceed \$100,000 per firm.

In addition, at the December 10, 2009 committee meeting, the committee favorably voted to grant a supplemental agreement to the existing Tew Cardenas, LLP lobbying contract, acknowledging and assenting to the assignment of the federal lobbying contract to Cardenas Partners, LLC, who, subject to the approval of the full BCC, will assume the obligations of Tew Cardenas, LLP retroactive to July 1, 2009.

Accordingly, Greenberg Traurig, P.A., Alcade & Fay, and Tew Cardenas LLP, or Cardenas Partners LLC, as the prospective assignee, would be subject to accept a 5% reduction in fees provided the 6-month contract extension and supplemental assignment agreement are adopted by the full BCC.

Policy Change and Implication

In general, the pending directive does not constitute a new policy by virtue of the BCC's passage of Resolution No. 1293-09 directing the County's state lobbyists to accept a 5% reduction in any remaining contract amounts. It, however, does raise certain implications as to the mechanics of implementation.

Under RFQ 685 for federal lobbying, which includes boilerplate terms and conditions of the County's federal lobbying contract, all prices are to remain "firm and fixed for the term of the contract, including any option or extension periods." (RFQ 685, Art. 8, Pricing). Other provisions governing payment for services specify that a change or modification to the total compensation is to be approved and executed in writing by the County and the Contractor. (RFQ 685, Art. 7, Payment for Services/Amount Obligated). Based on these terms and stipulations, it appears that a supplemental agreement with the 3 firms which presently serve as the County's federal lobbyists, and with Cardenas Partners, LLC, as a separate lobbying entity slated to assume Tew Cardenas, LLP's obligations, may be required to enforce the directive.

Budgetary Impact

A 5% reduction to each firm's contract collectively would constitute a \$15,000 savings to the County on the federal lobbying contracts valued at \$300,000 in total.

Prepared by: Lauren Young-Allen