MEMORANDUM

Agenda Item No. 1(I)(1)

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

DATE: September 10, 2010

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

SUBJECT: Resolution regarding a conflict wavier request by Becker & Poliakoff, P.A. pursuant to its state lobbying contract

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

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

DATE: September 10, 2010

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

SUBJECT: Agenda Item No. 1(I)(1)

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. 1(I)(1)
9-10-10

RESOLUTION NO. _____

RESOLUTION REGARDING A CONFLICT WAIVER REQUEST BY BECKER & POLIAKOFF, P.A. PURSUANT TO ITS STATE LOBBYING CONTRACT

WHEREAS, the law firm of Becker & Poliakoff, P.A. is a member of Miami-Dade County's (the "County") state lobbying team; and

WHEREAS, Becker & Poliakoff, P.A. submitted the attached letter seeking the County's consent to its representation of Secure Wrap of Miami, Inc. in a contract/procurement dispute with the County; and

WHEREAS, the lobbying contract between Becker & Poliakoff, P.A. and the County provides 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 Becker & Poliakoff, P.A. to represent both the County and the other party; and

2. Refuse to grant a waiver and void its contract with the Becker & Poliakoff, 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; and

WHEREAS, Resolution No. 56-10 provides that contract lobbyist conflict waiver requests shall be submitted directly to the Chairman of the Board of County Commissioners who shall place the item on the next available Board agenda,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board grants the request by Becker & Poliakoff, P.A. to represent Secure Wrap of Miami Inc. in its contract/procurement dispute with the County.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. 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 10th day of September, 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. JMM

Jess M. McCarty

BECKER & POLIAKOFF

Emerald Lake Corporate Park
3111 Stirling Road
Fort Lauderdale, Florida 33312-6525
Phone: (954) 987-7550 Fax: (954) 985-4176

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

ADMINISTRATIVE OFFICE
3111 STIRLING ROAD
FORT LAUDERDALE, FL 33312
954.987.7550

WWW.BECKER-POLIAKOFF.COM
BP@BECKER-POLIAKOFF.COM

August 18, 2010

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

Via Email

The Honorable Dennis Moss
Miami-Dade County Board of County Commissioners
10710 S.W. 211 Street, Suite 204
Miami, FL 33189

Dear Chairman Moss:

As you know our law firm was founded in Miami-Dade County over 35 years ago and has a long and beneficial history with the County. We have enjoyed representing the County in Tallahassee and have fought hard and accomplished a lot. At the same time, our law firm has had an active local government practice led by my partner Miguel Diaz de la Portilla. One of our very long time local government clients is Secure Wrap. Unfortunately, we find our law firm now adverse to Miami-Dade County in that our long time client Secure Wrap has insisted that our law firm continue to represent them in a contract-procurement dispute with the County. We hereby seek a waiver of conflict from the County.

We are hopeful that any adversity will quickly resolve itself, and we can at that time move forward to with our work with the County. We thank you for all your considerations and look forward to a quick resolution of the dispute.

Cordially,

Yolanda Cash Jackson
For the Firm

YCJ/cl

cc: Jess McCarty, Assistant County Attorney, Miami-Dade County
Gary Rutledge, Esq., Rutledge, Ecenia, et. al.
Alan Becker, Esq., Becker & Poliakoff, P.A.
Miguel Diaz de la Portilla , Esq., Becker & Poliakoff, P.A.

ACTIVE: 3067547_1

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