



MEMORANDUM

Agenda Item No. 11(A)(5)

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

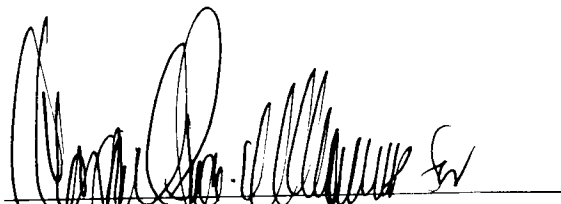
DATE: October 5, 2010

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

SUBJECT: Resolution amending Resolution No. 56-10 to provide that any contract lobbyist conflict waiver request shall be submitted directly to the Clerk of the Board who shall place the request on the agenda of the next available Board of County Commissioners meeting

This substitute differs from the original in that it additionally provides that the Clerk of the Board shall place the Ethics Commission report and recommendation on the Board of County Commissioners agenda.

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: October 5, 2010

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

SUBJECT: Agenda Item No. 11(A)(5)

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)(5)
10-5-10

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION NO. 56-10 TO PROVIDE THAT ANY CONTRACT LOBBYIST CONFLICT WAIVER REQUEST SHALL BE SUBMITTED DIRECTLY TO THE CLERK OF THE BOARD WHO SHALL PLACE THE REQUEST ON THE AGENDA OF THE NEXT AVAILABLE BOARD OF COUNTY COMMISSIONERS MEETING; FURTHER DIRECTING THE CLERK TO PROVIDE A COPY OF THE REQUEST TO THE EXECUTIVE DIRECTOR OF THE COMMISSION ON ETHICS AND PUBLIC TRUST AND TO PLACE THE ETHICS COMMISSION'S REPORT ON THE AGENDA WITH THE CONFLICT WAIVER REQUEST

WHEREAS, on January 21, 2010, the Board of County Commissioners passed Resolution No. 56-10 setting policy related to conflict waiver requests by County contract lobbyist, a copy of which is attached and incorporated by reference; and

WHEREAS, Resolution No. 56-10 provided, among other things, that any conflict waiver request shall be submitted directly to the Chairman of the Board of County Commissioners who shall place the request on the next available agenda of a Board of County Commissioners meeting; and

WHEREAS, the purpose of this resolution is to have contract lobbyist conflict waiver requests submitted to the Clerk of the Board, rather than the Chairman of the Board, with the Clerk placing such requests on the next available Board agenda under the Office of Intergovernmental Affairs heading; and

WHEREAS, on June 3, 2010, the Board passed Resolution No. 632-10, requesting that the staff of the Commission on Ethics and Public Trust review any contract lobbyist conflict waiver request, and provide the Board a report and recommendation on whether a conflict is presented when such conflict waiver request goes before the Board, a copy of which is attached and incorporated by reference; and

WHEREAS, a process should be put in place for the Clerk of the Board not only to place contract lobbyist conflict waiver requests on the next available Board agenda, but also to transmit contract lobbyist conflict waiver requests to the Executive Director of the Commission on Ethics and Public Trust so the staff of the Ethics Commission can conduct the review required by Resolution No. 632-10,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that Resolution No. 56-10 is hereby amended to provide that any contract lobbyist conflict waiver request shall be submitted directly to the Clerk of the Board who shall place the request on the agenda of the next available Board of County Commissioners meeting under the Office of Intergovernmental Affairs heading; further providing that the Clerk shall provide a copy of the request to the Executive Director of the Commission on Ethics and Public Trust so Ethics Commission staff can conduct the review required by Resolution No. 632-10. >>The Clerk shall also place the Ethics Commission's report on the commission agenda with the conflict waiver request.<<¹

¹ The differences between the substitute and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss and the Co-Sponsors are Commissioner Sally A. Heyman and Commissioner Rebeca Sosa. 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 |
| Dorin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 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

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**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**



MEMORANDUM

Agenda Item No. 11(A)(7)

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

DATE: January 21, 2010

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

SUBJECT: Resolution setting policy for Miami-Dade County that all contract lobbyists shall obtain a conflict waiver from the Board prior to representing any client in any forum that is adverse to the County

Resolution No. R-56-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson.

A handwritten signature in black ink, appearing to read 'RAC', written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: January 21, 2010

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

SUBJECT: Agenda Item No. 11(A)(7)

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)(7)
1-21-10

RESOLUTION NO. R-56-10

RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY THAT ALL CONTRACT LOBBYISTS SHALL OBTAIN A CONFLICT WAIVER FROM THE BOARD OF COUNTY COMMISSIONERS PRIOR TO REPRESENTING ANY CLIENT IN ANY FORUM THAT IS ADVERSE TO THE COUNTY; DIRECTING THE MAYOR OR DESIGNEE TO IMPLEMENT THE POLICY IN ALL FUTURE CONTRACTS FOR LOBBYING; REQUIRING ALL CONFLICT OF INTEREST WAIVER REQUESTS TO BE SUBMITTED DIRECTLY TO THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, WHO SHALL PLACE THE CONFLICT WAIVER REQUEST ON THE NEXT AVAILABLE BOARD OF COUNTY COMMISSIONERS AGENDA

WHEREAS, on November 11, 1999, the Board approved Resolution No. 1236-99, which provided that no County contract lobbyist or subconsultant 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, the failure of any county contract lobbyist to comply with the provisions of Ordinance No. 00-64 shall result in either or both of the following:

- (1) That lobbyist's contract with the county is voidable by the county;

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(2) A prohibition, for a period of up to three years, as determined by the Board of County Commissioners, on the lobbyist's entering into a lobbying contract with the county; and

WHEREAS, on January 24, 2006, the Board approved Resolution No. 133-06, which authorized the County Manager to execute one-year agreements that included three one-year renewal options in the County's sole discretion with Greenberg Traurig, P.A., Alcalde & Fay, and Tew Cardenas LLP for governmental representation before the U.S. Congress and the federal executive branch as prime consultants, along with various subconsultants; and

WHEREAS, on September 26, 2006, the Board approved Resolution No. 1070-06, which authorized the County Manager to execute one-year agreements that included three one-year renewal options in the County's sole discretion with Ronald L. Book, P.A. and Rutledge, Ecenia, Purnell, & Hoffman, P.A. for governmental representation before the Florida Legislature and the State of Florida executive branch as prime consultants, along with various subconsultants; and

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

WHEREAS, the federal and state agreements provide that the Board may take, in its sole discretion, any action regarding a conflict waiver request, including but not limited to the following:

(1) Grant a waiver and allow the lobbying firm to continue to represent both the County and the other client on all issues, including the issue on which a conflict or potential conflict exists;

(2) Refuse to grant a waiver and require the lobbying firm to choose between representing either the County or the other party, requiring the lobbying firm to entirely give up its representation either of the County or the other party;

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- (3) Refuse to grant a waiver and void the County's contract with the lobbying firm;
- (4) Grant a limited waiver and allow the lobbying 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, conflict waiver requests should be submitted directly to the Chairman of the Board of County Commissioners and go directly to the Board of County Commissioners to expedite processing of these requests,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. It is the policy of Miami-Dade County that no person or entity, whether an individual, firm, partnership or corporation, that receives compensation from the county for lobbying on behalf of the county or any of its agencies or instrumentalities at the federal, state or local level shall represent any entity in any forum to support a position in opposition to a position of the County unless this Board first grants a specific waiver for the representation. A position in opposition to a County position is not limited to a position that conflicts with an express provision of the County's legislative package. An actual or perceived conflict may also arise in other areas. All County contract lobbyists shall be under an affirmative duty to remain mindful of the County's policy and fiscal interests and positions with regard to the contract lobbyists' other clients.

Section 2. To effectuate this policy, no contract or work order for lobbying shall be awarded or payment made until the contract lobbyist, including all subcontractors and lobbyists hired under work orders pursuant to the contract, seeks in writing and obtains a waiver from the Board of County Commissioners for any actual or perceived conflicts of interest. If the contract lobbyist has no conflicts, then the lobbyist shall provide a written statement that the contract lobbyist has no conflicts prior to award.

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Section 3. To further effectuate this policy, no renewal of a contract or work order for lobbying shall be entered or payment made until the contract lobbyist, including all subcontractors and lobbyists hired under work orders pursuant to the contract, seeks in writing and obtains a waiver from the Board of County Commissioners for any actual or perceived conflict of interest. If the contract lobbyist has no conflicts, then the lobbyist shall provide a written statement that the contract lobbyist has no conflicts prior to renewal.

Section 4. Contract lobbyists, including all subcontractors and lobbyists hired under work orders, are under a continuing, affirmative duty during the term of the lobbying contract and any renewal terms to promptly seek in writing and obtain a waiver from the Board of County Commissioners for any conflict of interest prior to representing any entity in any forum, including but not limited to lobbying activity, that is adverse to the County or that could be perceived to be adverse to the County.

Section 5. All conflict waiver requests shall be submitted directly to the Chairman of the Board of County Commissioners who shall place the item on the agenda of the next available Board of County Commissioners meeting.

Section 6. The Mayor or Designee is directed to include language reflecting the policies set forth in this resolution in all future federal and state lobbying requests for qualifications, other procurement documents as applicable, contracts and renewals.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson. It was offered by Commissioner Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Barbara J. Jordan and upon being put to a vote, the vote was as follows:

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Resolution No. R-56-10

Agenda Item No. 11 (A) (7)

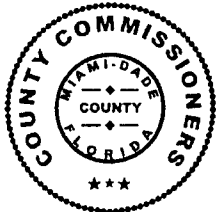
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	Dennis C. Moss, Chairman	aye	
	Jose "Pepe" Diaz, Vice-Chairman	aye	
Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson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

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Amended
Agenda Item No. 11(A)(8)

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

DATE: June 3, 2010

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

SUBJECT: Resolution requesting that the Commission on Ethics and Public Trust conduct conflict of interest checks related to contract lobbyists and provide to the Board a report and recommendation on any County contract lobbyist conflict of interest

Resolution No. R-632-10

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Amended
Agenda Item No. 11(A)(8)

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

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Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(8)
6-3-10

RESOLUTION NO. _____ R-632-10

RESOLUTION REQUESTING THAT THE COMMISSION ON ETHICS AND PUBLIC TRUST CONDUCT CONFLICT OF INTEREST CHECKS RELATED TO COUNTY CONTRACT LOBBYISTS AND PROVIDE TO THE BOARD A REPORT AND RECOMMENDATION ON ANY COUNTY CONTRACT LOBBYIST CONFLICT OF INTEREST

WHEREAS, on November 11, 1999, the Board approved Resolution No. 1236-99, which provided that no County contract lobbyist or subconsultant 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 that 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, the failure of any county contract lobbyist to comply with the provisions of Ordinance No. 00-64 shall result in either or both of the following:

- (1) That lobbyist's contract with the county being voidable by the county; and
- (2) A prohibition, for a period of up to three years, as determined by the Board of County Commissioners, on the lobbyist's entering into a lobbying contract with the county; and

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WHEREAS, on November 3, 2009, the Board approved Ordinance No. 09-98, which provided that all contract lobbyist conflict waiver requests are exempt from committee review and would be heard directly by the full board; and

WHEREAS, on January 21, 2010, the Board approved Resolution No. 56-10, which required all county contract lobbyists to obtain a conflict waiver from the Board of County Commissioners prior to representing any client in any forum that is adverse to county's interests, whether or not such county interest is expressly set forth in the county's legislative package; and

WHEREAS, Resolution No. 56-10 also requires all conflict of interest waiver requests to be submitted directly to the Chairman of the Board of County Commissioners, who shall place the conflict waiver request on the next available Board of County Commissioners agenda; and

WHEREAS, Resolution No. 56-10 further required all County contract lobbyists to obtain a waiver from the Board for any actual or perceived conflicts of interest or provide a statement that the contract lobbyist has no conflicts prior to award or renewal of a contract, subcontract or work order, and placed all County contract lobbyists under a continuing, affirmative duty during the term of the lobbying contract and any renewal terms to promptly seek in writing and obtain a waiver from the Board for any conflict of interest prior to representing any entity in any forum; and

WHEREAS, on January 24, 2006, the Board approved Resolution No. 133-06, which authorized the County Manager to execute one-year agreements that included three one-year renewal options in the County's sole discretion with Greenberg Traurig, P.A., Alcalde & Fay, and Tew Cardenas LLP for governmental representation before the U.S. Congress and the federal executive branch as prime consultants, along with various subconsultants; and

WHEREAS, on September 26, 2006, the Board approved Resolution No. 1070-06, which authorized the County Manager to execute one-year agreements that included three one-year renewal options in the County's sole discretion with Ronald L. Book, P.A. and Rutledge, Ecenia, Purnell, & Hoffman, P.A. for governmental representation before the Florida Legislature and the State of Florida executive branch as prime consultants, along with various subconsultants; and

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

WHEREAS, the federal and state agreements also place all County contract lobbyists including both the prime consultants and subconsultants under an obligation to disclose all clients to the County and to advise the County immediately when any actual, possible or perceived conflict may arise; and

WHEREAS, the federal and state agreements impose these obligations on County contract lobbyists on a continuing basis throughout the term of the contract and any extensions or renewal terms; and

WHEREAS, the federal and state agreements provide that the Board may take, in its sole discretion, any action regarding a conflict waiver request, including but not limited to the following:

(1) Grant a waiver and allow the lobbying firm to continue to represent both the County and the other client on all issues, including the issue on which a conflict or potential conflict exists;

(2) Refuse to grant a waiver and require the lobbying firm to choose between representing either the County or the other party, requiring the lobbying firm to entirely give up its representation either of the County or the other party;

(3) Refuse to grant a waiver and void the County's contract with the lobbying firm;

(4) Grant a limited waiver and allow the lobbying 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, the Commission on Ethics and Public Trust can play an important role in ensuring that County contract lobbyists do not work in conflict to the interests of the County by:

(1) Conducting a conflicts check of all clients that County contract lobbyists represent;

(2) Reviewing all conflict waiver requests submitted to the County by County contract lobbyists, and providing the Board a report and recommendation on such conflict waiver requests; and

(3) Providing the Board a report and recommendation on whether a conflict is presented in any situation in which it comes to the attention of the County that a conflict of interest may have arisen,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board requests that the staff of the Commission on Ethics and Public Trust:

Section 1. With respect to the particular lobbying contract, conduct conflict checks related to the lobbying clients of County contract lobbyists within 45 days of the effective date of this resolution and annually thereafter, along with checks of any new clients or issues that may arise.

Section 2. Review all conflict waiver requests submitted to the County by County contract lobbyists, and provide the Board a report and recommendation on whether a conflict is

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presented related to such requests, when the conflict waiver request goes before the Board at the next Board meeting.

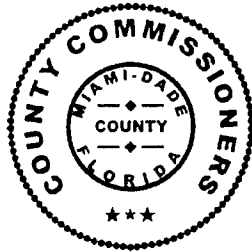
Section 3. Provide the Board a report and recommendation on whether a conflict is presented in any situation in which it comes to the attention of the County that a conflict of interest may have arisen.

Section 4. The Mayor or Designee is directed to include language reflecting the policies set forth in this resolution in all future federal and state lobbying requests for qualifications, other procurement documents as applicable, contracts and contract renewals.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson and the Co-Sponsors are Commissioner Sally A. Heyman and Commissioner Rebeca Sosa. It was offered by Commissioner **Katy Sorenson**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Jess M. McCarty

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