

# MEMORANDUM

Agenda Item No. 11(A)(7)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 3, 2015

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

**SUBJECT:** Resolution waiving by a two-thirds vote of the full board membership term limit restrictions for Enterprise Zone Advisory Council member Roger Bernstein; and reappointing Roger Bernstein to the Enterprise Zone Advisory Council

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



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R. A. Cuevas, Jr.  
County Attorney

RAC/smm



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jean Monestime  
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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 Mayor'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)  
2-3-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION WAIVING BY A TWO-THIRDS VOTE OF THE FULL BOARD MEMBERSHIP TERM LIMIT RESTRICTIONS FOR ENTERPRISE ZONE ADVISORY COUNCIL MEMBER ROGER BERNSTEIN; AND REAPPOINTING ROGER BERNSTEIN TO THE ENTERPRISE ZONE ADVISORY COUNCIL

**WHEREAS**, on July 2, 1996, the Board of County Commissioners enacted Ordinance No. 96-106, which created the Enterprise Zone Advisory Council codified at Article LXXVI of the Code of Miami-Dade County, Florida; and

**WHEREAS**, in accordance with Section 2-1038(2) of the Code, no member of the Enterprise Zone Advisory Council shall serve more than two consecutive and complete terms of three years on the Enterprise Zone Advisory Council unless the Board of County Commissioners, by a two-thirds vote its full membership, votes to waive the term limit; and

**WHEREAS**, in addition, in accordance with Section 2-11.38.2 of the Code, no board member shall serve more than eight consecutive years on a board unless the Board of County Commissioners by a two-thirds vote of the members present, votes to waive the eight year term limit; and

**WHEREAS**, Roger Bernstein has served on the Enterprise Zone Advisory Council for two consecutive and complete terms of three years each and, upon appointment to an additional term, will serve more than eight consecutive years on the Enterprise Zone Advisory Council; and

**WHEREAS**, this Board wishes to waive the applicable term limits and reappoint Roger Bernstein to the Enterprise Zone Advisory Council for another three (3) year term; and

WHEREAS, Roger Bernstein serves on the Enterprise Zone Advisory Council as an at-large member; and

WHEREAS, a copy of Roger Bernstein's resume is attached,

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board, by a two-thirds vote of its full membership, waives the restrictions that a member of the Enterprise Zone Advisory Council (i) may not serve more than two consecutive and complete terms of three years on the Enterprise Zone Advisory Council and (ii) may not serve more than eight consecutive years on that board, and reappoints Roger Bernstein to an additional three year term as a member of the Enterprise Zone Advisory Council.

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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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 For*

Shannon Summerset-Williams

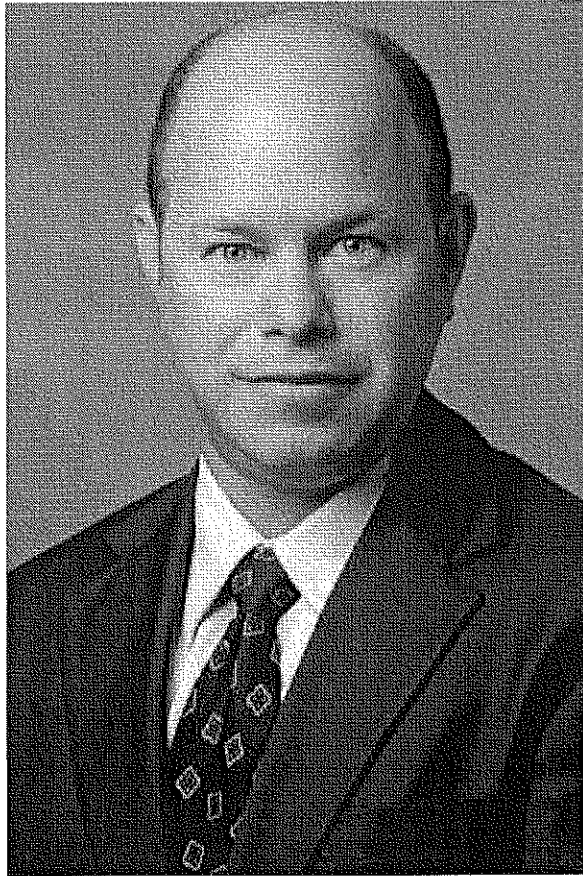
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# Roger A. Bernstein



Roger A Bernstein is a Florida Board Certified Immigration attorney with twenty years of practice devoted exclusively to immigration law. He spent six years with the U.S. Department of Justice serving as an INS trial attorney, sector counsel to the INS' Inspections and Investigations Divisions and INS Asylum Officer. Since co-founding Bernstein Osberg-Braun, LLC in 1998, Mr. Bernstein has focused his practice on assisting immigrant investors (<http://www.eb5investorvisa.com/>), acquiring employment based visas and complex immigration litigation.

Mr. Bernstein has represented and counseled foreign governments, Fortune 500 companies and large-privately held companies. He has also successfully acquired non-immigrant visas and residency for hundreds of individuals who desired to live and work in the United States.

A graduate of Brown University and the University of Miami School of Law, Roger Bernstein serves as Chair on the Miami-Dade County Enterprise Zone Advisory Council. He previously has served as Chair of the Florida Bar Immigration Certification

Committee, the Board of the American Jewish Committee, the Great Florida Bank Advisory Board. He is admitted to practice law in Florida, the 11th Circuit Court of Appeals and the Supreme Court of the United States.

**Roger A. Bernstein** is a recognized expert in EB-5 Investor (<http://www.eb5investorvisa.com/>) related issues. He focuses his practice on advising high net worth individuals, developers and regional centers in navigating the complexity of the EB-5 program (<http://www.eb5investorvisa.com/>). He spent six years with the U.S. Department of Justice, serving as an INS trial attorney, sector counsel to the INS' Inspections and Investigations Divisions and INS Asylum Officer.

## Professional Highlights

- **Mr. Bernstein** has represented and acquired visas for professionals, publicly traded Internet and high technology firms, and diverse companies representing the health care, construction, hospitality, motion picture, aviation, fashion, sports, and entertainment industries among others;
- counseled corporations and lectured widely on visa selection strategies and compliance issues;
- represented corporations at U.S. consulates abroad in Asia, the Middle East, Europe, and throughout the Americas;
- due to his zealous advocacy on behalf of Elian Gonzalez, **Mr. Bernstein**, has appeared on national television news programs, including Larry King Live, The Today Show, Good Morning America, Burden of Proof, CNN International, and many others.

## Education

- Brown University, B.A. in International Relations and Political Science, 1989
- University of Miami School of Law, Juris Doctor, 1992

## Bar Admissions

- Admitted to Florida Bar, 1993
- Federal District Court, 1993
- Supreme Court of the United States, 2000
- US Court of Appeals for 11th circuit, 2002

## Distinctions

- Certified by FI Bar as immigration expert, 2006
- United States Department of Justice, Superior Accomplishment Award and Outstanding Performance
- Florida Bar's Pro Bono Law Student of the Year Award
- James Mofskey Memorial, Book Award Representative

## Affiliations

- Chairman of the Miami-Dade County Enterprise Zone Advisory Council
- Great Florida Bank - Member of the Board of Advisors
- Aventura Marketing Council Member and Committee Chair
- Greater Miami Chamber of Commerce Member
- Beacon Council Member
- South Florida Chapter - American Immigration Lawyers Association (AILA) Board of Directors
- American Jewish Committee Board of Directors
- North Dade Bar Association
- AILA Border and National Security Committee Member
- Florida Bar's Eleventh Circuit - Unauthorized Practice of Law Committee

## Languages

- English
- Spanish (conversational)
- Japanese (conversational)

View my profile on  (<http://www.linkedin.com/pub/roger-bernstein/1/4b2/452>)



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11900 Biscayne Blvd., Suite 700  
Miami, FL 33181

Phone: +1 305 895-0300

Fax: +1 305 895-0306

[help@visaattorneys.com](mailto:help@visaattorneys.com) (<mailto:help@visaattorneys.com>)

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