

MEMORANDUM

Agenda Item No. 11(A)(3)

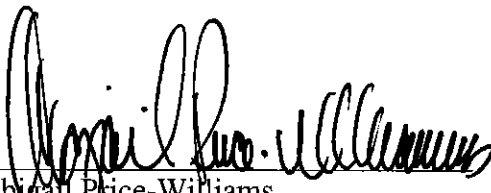
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: October 2, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution waiving by a two-thirds vote of the members present the term limit restriction for County Board members as specified in section 2-11.38.2 of the Code and approving the reappointment of Paul Schwiep to the Citizens' Independent Transportation Trust

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.


Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: October 2, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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
- ☐ Statement of social equity 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)(3)

10-2-18

RESOLUTION NO. _____

RESOLUTION WAIVING BY A TWO-THIRDS VOTE OF THE MEMBERS PRESENT THE TERM LIMIT RESTRICTION FOR COUNTY BOARD MEMBERS AS SPECIFIED IN SECTION 2-11.38.2 OF THE CODE OF MIAMI-DADE COUNTY AND APPROVING THE REAPPOINTMENT OF PAUL SCHWIEP TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST

WHEREAS, Paul Schwiep has served on the Citizens' Independent Transportation Trust (CITT) with distinction; and

WHEREAS, Paul Schwiep's third term on the CITT began on October 12, 2014 and ends on October 12, 2018; and

WHEREAS, Paul Schwiep has continuously served as an active member of the CITT and has reached his term limits; and

WHEREAS, section 2-11.38.2 of the Code authorizes a waiver of the eight-year term limit for members of County Boards by a two-thirds vote of the County Commission members present; and

WHEREAS, a copy of Paul Schwiep's resume is attached; and

WHEREAS, this Board wishes to reappoint Paul Schwiep to an additional four-year term on the CITT,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board waives by a two-thirds vote of the members present the term limit restriction for County Board members and approves the reappointment of Paul Schwiep to an additional four-year term on the Citizens' Independent Transportation Trust ending on October 12, 2022.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2018. 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.



Annery Pulgar Alfonso

PAUL J. SCHWIEP
Coffey Burlington, PL
2601 South Bayshore Drive
Penthouse
Miami, Florida 33133
Phone: 305-858-2900
Cel: 305-495-3833
Fax: 305-858-5261
e-mail: pschwiep@coffeyburlington.com

Education: Abilene Christian University, Bachelor of Science (Magna Cum Laude), 1983.

University of Oregon School of Law, Juris Doctor, 1987.

Class rank: First

Order of the Coif

Managing editor, *Oregon Law Review*

Paul Patterson Fellow (awarded to the law student who best exemplifies the principles of public service that were Paul Patterson's)

Employment: Law Clerk, The Honorable H. Ted Milburn, United States Court of Appeals for the Sixth Circuit (Ohio, Michigan, Kentucky and Tennessee), 1987-1989.

Associate, Steel Hector & Davis, 1989-1993.

Partner, Coffey Burlington, PL (formerly Coffey, Aragon, Martin & Burlington), 1994-present.

Articles: Author, "Discovery of a Non-Testifying Environmental Consultant's Documents," *Florida Bar Journal*, December 1993.

Author, "The Economic Loss Rule Outbreak: The Monster That Ate Commercial Torts," *Florida Bar Journal*, November 1995. (Winner, Barbara Sanders Memorial Award for Legal Writing, awarded annually to an article published in the Florida Bar Journal), cited in *Indemnity Ins. Co. of No. Am. v. Am. Aviation, Inc.*, 891 So 2d 532, 547 (2004) (Cantero, J. concurring); *Moransais v. Heathman*, 744 So. 2d 973 (Fla. 1999).

Author, "Fraudulent Inducement Claims Should Always Be Immune from Economic Loss Rule Attack, Fla. Bar J., April 2001, cited in *Southern Broadcast Group, LLC v. GEM Broadcasting, Inc.*, 145 F. Supp. 2d 1316, 1329 (M.D. Fla. 2001).

Presentations:

Florida Bar, Young Lawyer's Division, "Basic Commercial Litigation" seminar, Miami and Tampa, Florida, September 2000-05.

"Damages in Commercial Litigation; The Economic Loss Rule," Miami, Florida, March 2002.

"Evidence for the Trial Practitioner in Florida; Surviving Daubert Challenges to the Admission of Expert Testimony," Miami, March 2002.

"Admissibility of Expert Testimony in State and Federal Courts," presented to the Annual Florida Circuit Judges Conference, June 2002

**Board and
Community Service:**

2008 Conservationist of the Year, Everglades Coalition

Director, Florida Bar Foundation, 2006 to 2009

Chair, Miami Dade Citizens' Independent Transportation Trust, January 2013-July 2016

Chair, Florida Board of Bar Examiners, November 2000-2005, appointed by Florida Supreme Court November 2000

Member, Charter Commission, Village of Palmetto Bay, January-April 2002

Chair, Citizens Transportation Advisory Committee, 2003-2006

Member, Bicycle Pedestrian Advisory Committee, Miami-Dade County, appointed by Commissioner Katy Sorenson, September 2002

Member, Florida Civil Procedure Rules Committee, May 2002-May 2004

Member, Stiltsville Committee, National Park System Advisory Board, appointed by U.S. Rep. Peter Deutsch. March 2001

Chairman, Board of Directors, Biscayne Bay Foundation, 1993-1996.

Member, Board of Directors, Urban Environment League, 2001-present.

**Significant
Environmental**

Cases:

People for the Ethical Treatment of Animals, Inc., et al. v. Miami Seaquarium, Case No. 15-CIV-22692 (representation of various animal rights organizations in ESA claim against Miami Seaquarium arising out treatment of Orca commonly known as Lolita)

Biscayne Bay Waterkeeper, Inc., et al. v. Unites States Army Corps of Eng'rs, Case No. 14-23632 (representation of environmental organizations in ESA action arising out of dredging of Port of Miami)

Miccosukee Tribe of Indians of Florida, et al. v. United States, 706 F. Supp. 2d 1296 (S.D. Fla. 2011) (representation of environmental organization in Clean Water Act claim against US EPA)

National Parks Conservation Association v. Norton, 324 F.3d 1229 (11th Cir. 2003) (represented environmental organizations in connection with public use of Stiltsville structures)

South Dade Land Corp. v. Sullivan, 155 F.R.D. 694 (S.D. Fla. 1994)(represented National Audubon Society and Wilderness Society in connection with preservation of Frog Pond)

Sierra Club v. Flowers, 423 F. Supp. 2d 1273 (S.D. Fla. 2006), *vacated and remanded* 526 F.3d 1352 (11th Cir. 2008) (bench trial before Judge Hoeveler challenging permitting under NEPA and ESA), *aff'd* 2010 WL 200838 (11th Cir. Jan. 21, 2010)

Miami Building & Constr. Trades Council v. Secretary of Defense, 143 F. Supp. 2d 19 (D.C. D.C. 2001)(represented Tropical Audubon Society and Natural Resources Defense Council in connection with redevelopment of Homestead Air Force Base)

South Dade Land Corp. v. Sullivan, 155 F.R.D. 694 (S.D. Fla. 1994)(represented National Audubon Society and Wilderness Society in connection with Frog Pond)

Languages:

Spanish

Personal:

Born December 14, 1962 in New York, New York to Pablo Jesus and Emma Gonzalez Schwiep. Graduated Christopher Columbus High School, Miami, Florida 1980.