Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(32)
04-24-07

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

RESOLUTION NO. R-458-07

RESOLUTION ADDRESSING LIMITED CONFLICT OF INTEREST WAIVER REQUESTS FOR STATE CONTRACT LOBBYISTS

WHEREAS, on November 11, 1999, the Board approved Resolution No. 1236-99, which provided that no county lobbyist or subcontractors 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, 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 extensions 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 ("the Agreements"); and

WHEREAS, the Agreements include various subconsultants consisting of Becker & Poliakoff, Dutko Poole McKinley, Gomez Barker Associates, Inc., and Pittman Law Group; and

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

WHEREAS, the Agreements provide 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 the Lobbyist or subcontractor to continue to represent both the County and the other party; (2) refuse to grant a waiver and require the Lobbyist and/or employee, partner, or subcontractor to choose between representing the County or the other party, or to discontinue representing the other party; (3) refuse to grant a waiver and void its contract with the Lobbyist, and/or employee, partner, or subcontractor; and (4) grant a limited waiver and allow the Lobbyist and/or employee, partner, or subcontractor 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 conflict waiver requests and letters submitted by consultants and subconsultants pursuant to the Agreements are attached; and

WHEREAS, on November 26, 2006, this Board passed Resolution No. 1337-06, which urged the Florida Legislature to prohibit the use of cellular telephones while driving in a school zone at times when reduced speeds are in effect; and

WHEREAS, Dutko Poole McKinley, Gomez Barker Associates, Inc., and Rutledge, Ecenia, Purnell & Hoffman, P.A. have indicated in their attached letters that they have a potential conflict with Resolution No. 1337-06; and

WHEREAS, as part of the State Legislative Package approved by the Board on December 19, 2006, the Board supported legislation that would require utilities to have an Energy Net Metering Program for customer-generated electricity; and

WHEREAS, Becker & Poliakoff, Dutko Poole McKinley, Gomez Barker Associates, Inc., Ronald L. Book, P.A., and Rutledge, Ecenia, Purnell & Hoffman, P.A. have indicated in their attached letters that they have a potential conflict with the Energy Net Metering issue in the County's State Legislative Package; and

WHEREAS, as part of the State Legislative Package approved by the Board on December 19, 2006, the Board opposed any legislation that would preempt local governments from serving as the franchising authority for cable TV service providers or would limit local government's ability to enact or enforce consumer protection laws related to cable TV service or to handle complaints from consumers; and

WHEREAS, Becker & Poliakoff, Gomez Barker Associates, Inc., Ronald L. Book, P.A., and Pittman Law Group have indicated in their attached letters that they have a potential conflict with the Cable TV Franchising issue in the County's State Legislative Package; and

WHEREAS, legislation is being considered that would preempt local governments from regulating limerock mining; and

WHEREAS, Ronald L. Book, P.A. has indicated that they have a potential conflict between representing the County and representing White Rock Quarries; and

WHEREAS, bills have been filed at the request of the Florida League of Cities that would preempt charter county land use control over municipalities, HB 791 and SB 2080; and

WHEREAS, in past years the charter county preemption bills expressly have exempted Miami-Dade County out of the provisions of the bill, but this year's bills "apply to Miami- Dade

County and its municipalities to the extent permitted by the home rule charter established pursuant to s. 6(e), Art. VIII of the State Constitution....”; and

WHEREAS, the Florida League of Cities has agreed to ask the sponsors of the charter county preemption bills to return the language to that contained in the bill from previous years that expressly exempts Miami-Dade County out of the bills; and

WHEREAS, Pittman Law Group has indicated in their attached letter that they have a potential conflict with the charter county preemption bills; and

WHEREAS, the fact that the lobbying firms that the County hires have multiple clients reflects that other public and private entities besides the County recognize these lobbyists' effectiveness,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board grants limited conflict waivers in the situations set forth above. Lobbying firms shall have the limited ability to represent both the County and their other clients, but such representation shall be limited only to those issues where no conflict exists with the County. Lobbying firms are strictly prohibited from working on behalf of the other client and against the County on the particular issue that is in conflict and strictly prohibited from working on any issue that conflicts with the best interests of the County.

The foregoing resolution was sponsored by Chairman Bruno A. Barreiro and offered by Commissioner Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

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

The Chairman thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. 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: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

PITTMAN LAW GROUP, P.L.
ATTORNEYS AT LAW

February 21, 2007

Jess M. McCarty, Attorney
Miami-Dade County
111 NW 1st Street
Suite 2800
Miami, FL 33128

Re: Conflict of Interest Disclosure

Dear Attorney McCarty:

This communication comes as formal notice of potential conflict of interest with respect to Cable Franchise issues and Charter County Preemption issues that may come before the Florida Legislature during the 2007 Regular Session.

Please contact me if you have any questions related to the subject matter of this letter. As usual, we appreciate the opportunity to serve Miami Dade County. Thank you very much.

Sincerely,

Sean Pittman

2007 FEB 26 PM 2:44
MIAMI-DADE
COUNTY ATTORNEY

REPLY TO:
☒ The Wilhelmina House · 528 E. Park Avenue · Tallahassee, Florida 32301 · 850.216.1002 / ph · 850.224.7477 / fax
☐ 4167 Afton Court · West Palm Beach, Florida 33409 · 561.712.1072 / ph · 561.471.3150 / fax

MEMORANDUM

Agenda Item No. 11(A)(32)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Resolution Addressing Limited Conflict of Interest Waiver Requests for State Contract lobbyists

The accompanying resolution was prepared and placed on the agenda at the request of Chairman Bruno A. Barreiro.

Murray A. Greenberg
County Attorney

MAG/dc

/

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 11(A)(32)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

GÓMEZ BARKER ASSOCIATES, INC.

Government Relations & Public Affairs Counselors
2350 Coral Way, Suite 301
Miami, Florida 33145
Telephone (305) 860-0780
Facsimile (305) 860-0580

February 21, 2007

Mr. Joe I. Rasco
Director, Office of Intergovernmental Affairs
Miami-Dade County
111 N. W. 1st Street
Miami, Florida 33128

Dear Joe:

This is to inform you that I represent AT&T and that a conflict appears to exist with regard to the issues of cable and television video franchising and the ban on cell phones in school zones. Although I have not been assigned to represent Miami-Dade on neither of these matters, and, in fact, AT&T has provided no direction with regard to the cell phone ban, I thought it best to clearly outline the potential conflict(s).

I think it important to note that the Association of Counties and the League of Cities are currently discussing a compromise regarding the cable franchising bill with the various telecommunications providers. As such, this issue may not continue to be in dispute subsequent to the conclusion of said negotiations.

I trust you will not hesitate to contact me if you need additional information or have any questions.

Sincerely,

Fausto B. Gomez

GÓMEZ BARKER ASSOCIATES, INC.

Government Relations & Public Affairs Counselors
2350 Coral Way, Suite 301
Miami, Florida 33145
Telephone (305) 860-0780
Facsimile (305) 860-0580

February 19, 2007

Mr. Joe I. Rasco
Director, Office of Intergovernmental Relations
Miami-Dade County
111 N. W. 1st Street
Miami, Florida 33128

Dear Joe:

Pursuant to the conflict-of-interest provisions adopted by the Board of County Commissioners, please note that this firm will maintain legislative and/or executive branch lobbyist registration for the entities listed on the attached document for the forthcoming legislative year. Except for the issues of cable and television franchising and the cell phone ban in school zones, both related to AT&T and for which a conflict letter has today been submitted to your office, I do not anticipate a conflict-of-interest with any matter on the County's legislative priority list.

Please do not hesitate to contact me if you have any questions or desire additional information.

Sincerely,

Fausto B. Gomez

GOMEZ BARKER ASSOCIATES, Inc.
February 20, 2007

STATE OF FLORIDA
LEGISLATIVE AND/OR EXECUTIVE BRANCH CLIENTS

AT&T
City of Coral Gables
City of Miami Beach
City of North Bay Village
City of South Miami
City of West Miami
Cuban-American Bar Association (CABA)
Florida Bar Workers' Compensation Section
Florida Delegation SEUS/Japan
Florida International University
Florida Power and Light Company
Florida Property and Casualty Association
Florida Small Business Development Center Network
Goodwill Industries of South Florida
Hispanic AIDS Awareness Program
International Association of Rehabilitation Providers
International University of Nursing
Latin Chamber of Commerce of the United States (CAMACOL)
March of Dimes/Florida Chapter
Miami-Dade County
Miami-Dade Expressway Authority
Miami Museum of Science
Montenay Power Corporation
South Florida Hospital and Healthcare Association
SABER, Inc.
Town of Surfside
Village of Key Biscayne
Wachovia Education Finance

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
LORENA A. HOLLEY
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
MAGGIE M. SCHULTZ

GOVERNMENTAL CONSULTANTS
PARSONS B. HEATH
MARGARET A. MENDUNI

February 20, 2007

Miami-Dade County Board of County Commissioners
c/o Jess McCarty, Esquire
111 N.W. First Street, Suite 220
Miami, FL 33128-1963

RE: Contract Number Q75B

Dear Commissioners:

Pursuant to Contract Number Q75B between Miami-Dade County and this firm, this correspondence discloses a possible conflict with one item in the County's 2007 Legislative Priorities.

Regarding the issue of cell phone usage while driving in a school zone, our firm currently represents T-Mobile. While T-Mobile would support hands free only driving in a school zone, it will not support a total ban.

Finally, please be advised that our firm represents Florida Power & Light, although we do not represent such client before the Florida Legislature. This is being disclosed because of the issue regarding net energy metering.

Thank you for your consideration of this matter.

Sincerely,

Gary R. Rutledge

GRR/rd

Copy to: Joe Rasco
Juan del Cerro

Dutko Poole McKinley

Building Public-Private Partnerships

February 19, 2007

Mr. Jose Rasco
Intergovernmental Relations, Miami Dade County
Re: Client Conflicts

Dear Mr. Rasco:

Dutko Poole McKinley has thoroughly reviewed our client list and has determined that the firm has the following conflicts:

Cell phones/school zones – General Motors
Energy net metering - Florida Power and Light

We appreciate the opportunity to represent you and look forward to working with you in the days and weeks ahead.

Below you will find our complete client list.

With kind regards,

Sincerely,

Will McKinley
Managing Principle
Dutko Poole McKinley

WTM:gm
cc: Gary Rutledge

850.681.1980
fax 850.561.0792
106 East College Ave., Suite 1100
Tallahassee, FL 32301
USA

Accenture
Accredited Surety & Casualty Company, Inc
American Tort Reform Association
Apotex Corp.
Cash America International
City of Parkland
Comcast
CompBenefits Company
Connections Academy
Dale Earnhardt, Inc
Education Station
Entertainment Software Association
Florida Association of Mortgage Brokers
Florida Power & Light Company
General Motors Corporation
HNTB Corporation
IAC/InterActive Corp
Keefe Commissary Network
Magellan Behavioral Health of Florida, Inc
Miami-Dade County
Microsoft Corporation
Motion Picture Association of America
MultiState Associates on behalf of Community Financial Services Assoc
Palmer Engineering
Plug Power, Inc
Port Everglades Pilots Association
ProtectingAmerica.org
Recording Industry Association of America
ResCare
Seminole Tribe of Florida
Sharp Electronics Corporation
SOS Children's Village of Florida, Inc
St. Joe Company, The
Tutor.com
Universal City Development Partners, LTD. dba Universal Orlando
University of Phoenix
Vanguard Car Rental USA, Inc
Vista Health Plan
Walter Kidde Portable Equipment, Inc
Wireless Generation, Inc

BECKER & POLIAKOFF

Emerald Lake Corporate Park
3111 Stirling Road
Fort Lauderdale, Florida 33312-6525
Phone: (954) 987-7550 Fax: (954) 985-4176
US Toll Free: (800) 432-7712

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

ADMINISTRATIVE OFFICE
3111 STIRLING ROAD
FORT LAUDERDALE, FL 33312
800.432.7712 U.S. TOLL FREE

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

Sent via email and U.S. Mail

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

March 2, 2007

Mr. Joe I. Rasco
Director, Office of Intergovernmental Affairs
Miami-Dade County
111 N.W. 1st Street
Suite 2910
Miami, FL 33128

Re: Limited Waiver Request

Dear Mr. Rasco:

Pursuant to County Ordinance number 00-64, we hereby request a limited contract waiver to Becker & Poliakoff to allow us to represent both the County and AT&T only on issues not in conflict with the County. Specifically, you have indicated that Miami-Dade County is opposed to HB 529. We are not the lead lobbyist on this issue. Therefore, we hereby request a limited contract waiver.

Should you have any questions, please feel free to contact me.

Very truly yours,

Yolanda Cash Jackson
For the Firm
YCJ/bec
cc: Doug Pile
Jess McCarty
Gary Rutledge

FTL_DB: 1036279_1

FLORIDA OFFICES
BOCA RATON
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FORT WALTON BEACH
HOLLYWOOD
HOMESTEAD
LARGO
MELBOURNE *
MIAMI
NAPLES
ORLANDO
SARASOTA
TALLAHASSEE
WEST PALM BEACH

AFFILIATED OFFICES
BEIJING
FRANKFURT
NEW YORK
PRAGUE
TEL AVIV

* by appointment only

LEGAL AND BUSINESS STRATEGISTS
MEMBERS OF CONSULEGIS AN INTERNATIONAL ASSOCIATION OF LAW FIRMS AND NETWORK OF LEADING LAW FIRMS

BECKER & POLIAKOFF

Emerald Lake Corporate Park
3111 Stirling Road
Fort Lauderdale, Florida 33312-6525
Phone: (954) 987-7550 Fax: (954) 985-4176
US Toll Free: (800) 432-7712

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

ADMINISTRATIVE OFFICE
3111 STIRLING ROAD
FORT LAUDERDALE, FL 33312
800.432.7712 U.S. TOLL FREE

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

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

Sent via email and U.S. Mail

March 2, 2007

Mr. Joe I. Rasco
Director, Office of Intergovernmental Affairs
Miami-Dade County
111 N.W. 1st Street
Suite 2910
Miami, FL 33128

Dear Mr. Rasco:

Please be advised that from time to time we assist FPL on local government issues. Therefore, we may have a potential conflict on the Energy Net Metering Issue.

Therefore, we hereby request a limited contract waiver to Becker & Poliakoff to allow us to represent both the County and FPL only on issues not in conflict with the County.

Should you have any questions, please feel free to contact me.

Very truly yours,

Yolanda C. Jackson
For the Firm
YCJ/bec
cc: Doug Pile
Jess McCarty
Gary Rutledge

FTL_DB: 1036284_1

FLORIDA OFFICES
BOCA RATON
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ORLANDO
SARASOTA
TALLAHASSEE
WEST PALM BEACH

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BEIJING
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NEW YORK
PRAGUE
TEL AVIV

* by appointment only

LEGAL AND BUSINESS STRATEGISTS
MEMBERS OF CONSULEGIS AN INTERNATIONAL ASSOCIATION OF LAW FIRMS AND NETWORK OF LEADING LAW FIRMS

Ronald L. Book, P.A.
LAW OFFICES
PROFESSIONAL ASSOCIATION

2007 FEB 22 PM 2:37
MIAMI-DADE
COUNTY ATTORNEY

February 20, 2007

Jess McCarty, Esquire
Assistant County Attorney
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

Re: Legislative conflicts

Dear Jess:

As required by our contract, below is a list of my clients. I have no current known conflicts with any county issues. I hope this satisfies any and all questions. If, after review, you have any questions, please let me know.

Ashbritt	*Bail Agents League of FL	*Biscayne Bay Pilots
*BellSouth	Best Buddies Int'l	Broward County
Children's Home Society	Children's Services Council of Florida	City of Aventura
City of Cooper City	City of Lauderdale Lakes	City of Miami
City of Miramar	City of North Miami	City of No. Miami Beach
City of Pinellas Park	City of Sunny Isles Beach	City of Sunrise
City of Tallahassee	City of Tamarac	City of West Palm Beach
Diabetes Research Institute	*Dolphins Stadium	Eagle Brands, Inc.
Florida Apartment Assoc.	*Florida Assn of Forensic Professionals	Flower Power & Light
Florida Regional Councils Association	Florida WIC Grocers Assn.	General Tobacco
GL Homes of Florida	Health Choice Network	Indian River County
Interior Design Association	Miami Beach Community Health Center	Miami Children's Hospital
Miami Project/Buoniconti Fund to Cure Paralysis	Miami-Dade County	Miami Dade Public Schools
Mount Sinai Medical Center	Nasdaq-100 Open	*Neptune Wholesale, Inc.
New Horizons Community Mental Health Center	Pinellas County Board of County Commissioners	Preferred Medical Plan
Public Health Trust/ Jackson Memorial Hospital	Recording for the Blind and Dyslexic	South Broward Hospital District

REPLY TO:
☐ Concorde Center 2 - 2999 Northeast 191 Street, PH 6 - Aventura, Florida 33180 - Telephone (305) 935-1866 - Fax (305) 935-9737
☐ 106 East College Avenue, 14th Floor - Tallahassee, Florida 32302 - (850) 224-3427

Spectrum Programs/ Miami Behavioral Health Center
Teva Pharmaceuticals, USA
University of Miami
Village of Palmetto Bay
Vitas Healthcare Corp.
Westchester General Hospital

St. Lucie County

Town of Cutler Bay
Vanguard Car Rental USA
Village of Pinecrest
Wal*Mart
*White Rock Quarries

Sunshine Water Control District
United Health Care
Village of Bal Hargour
Village of Royal Palm Beach
*West Flagler Kennel Club

Sincerely,

Ronald L. Book

RLB:jpm

Ronald L. Book, P.A.
LAW OFFICES
PROFESSIONAL ASSOCIATION

March 1, 2007

Sent via E-mail and U.S. mail to:

Mr. Joe Rasco
Director of Intergovernmental Affairs
Miami-Dade County
111 N.W. 1st Street, 29th Floor
Miami, FL 33128-1944

Jess McCarty, Esquire
Assistant County Attorney
Miami-Dade County Attorney's Office
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

Re: Conflicts

Gentlemen:

I have again reviewed my client list for the Session. Although I am not necessarily active on all issues for the following, it seems to me that I need to be more focused as we move through the Session on potential conflicts.

BellSouth	Cable Issues	
Florida Power and Light	No known issues	
Bail Florida	No known issues	
Neptune Fireworks	No known issues	Task Force creation
South Florida Stadium Corporation	Stadium funding	
White Rock Quarries	No known issues	

If you have any questions regarding any of these matters, please let me hear from you.

Sincerely,

Ronald L. Book

RLB:jpm

REPLY TO:
☐ Concorde Center 2 - 2999 Northeast 191 Street, PH 6 - Aventura, Florida 33180 - Telephone (305) 935-1866 - Fax (305) 935-9737
☐ 106 East College Avenue, 14th Floor - Tallahassee, Florida 32302 - (850) 224-3427