

MEMORANDUM

Agenda Item No. 11(A)(28)

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

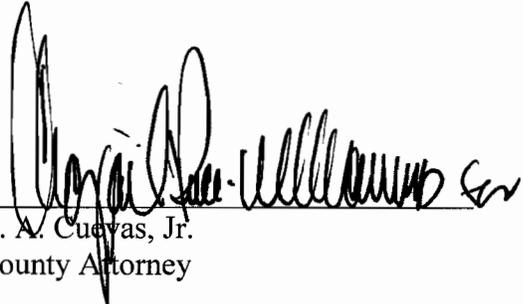
DATE: June 30, 2009

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

SUBJECT: Resolution regarding a conflict
waiver request by the Carrie
Meek Group pursuant to its
federal lobbying contract
with Miami-Dade County

Resolution No. R-878-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

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

DATE: June 30, 2009

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

SUBJECT: Agenda Item No. 11(A)(28)

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 Mayor'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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(28)
6-30-09

RESOLUTION NO. R-878-09

RESOLUTION REGARDING A CONFLICT WAIVER
REQUEST BY THE CARRIE MEEK GROUP PURSUANT TO
ITS FEDERAL LOBBYING CONTRACT WITH MIAMI-DADE
COUNTY

WHEREAS, the Carrie Meek Group is a member of the Miami-Dade County (the “County”) federal lobbying team; and

WHEREAS, the Carrie Meek Group has submitted a written request to the County, a copy of which is attached, for a limited conflict waiver and consent to its representation of Wackenhut Corporation (“Wackenhut”) before the Board of County Commissioners; and

WHEREAS, the conflict waiver request arises from the fact that Wackenhut and the County are currently in litigation; and

WHEREAS, the County’s lobbying contracts provide that the Board may take, in its sole discretion, any action regarding a waiver of request, including but not limited to the following:

1. Grant a waiver and allow the Carrie Meek Group to continue to represent both the County and the other party;
2. Refuse to grant a waiver and void its contract with the Carrie Meek Group; 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,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board grants the request by the Carrie Meek Group for a limited conflict waiver pursuant to its federal lobbying contract with the County related to the Carrie Meek Group’s representation of Wackenhut

Corporation. The Carrie Meek Group may continue to represent both the County and Wackenhut, but may not work against the County and on behalf Wackenhut on any particular issue.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of June, 2009. 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

Carrie Meek Group

27 April 2009

Joe I Rasco
Director, Office of Intergovernmental Affairs
Stephan P. Clark Center
111 N.W. First Street, Suite 1032
Miami, Florida 33128-1994

Re: Conflict Waiver

Dear Mr. Rasco

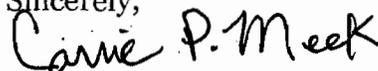
It has come to my attention that by representing Miami-Dade County ("County") before the United States Congress and the Federal Government that I may be in need of a limited waiver of conflict for the Carrie Meek Group. More specifically, the Carrie Meek Group would appreciate your considering a waiver of conflict for representing the Wackenhut Corporation ("Wackenhut") before the County Commission. The need for this conflict arises out of recent litigation between both the County and Wackenhut.

We believe that in light of the recent litigation there can be a perception that a conflict exist where none actually exists. Our representation of the County before the Congress and the Federal government does not place us in a position whereby we would come into contact with information that would be materially adverse to the interest of the County; and conversely our representation of Wackenhut before the Commission does not place us in a position whereby we compromise the interest of Wackenhut.

Thus, we would appreciate if, out of an abundance of caution, you would confirm in writing the county's consent to this request for a waiver of conflict.

Thank you in advance for your consideration.

Sincerely,



Carrie P. Meek

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 11(A)28
File Number: 091622
Committee(s) of Reference: BCC
Date of Analysis: June 15, 2009
Type of Item: Limited Waiver of Conflict of Interest
Sponsor: Chairman Dennis C. Moss

Summary

This resolution grants the Carrie Meek Group a limited waiver of the conflict-of-interest provisions set forth in a lobbying contract with the County.

The Carrie Meek Group, which currently serves as one of the County's federal lobbyists, is requesting the Board of County Commissioners (BCC) to waive the provisions of the lobbying contract which incorporate County-enacted policy prohibiting County lobbyists from representing any client and/or issue that may be adverse to the County without first requesting and obtaining permission from the County. In this instance, the lobbying firm represents Wackenhut Corporation, the defendant of the County's false claim lawsuit. Therefore, the lobbying firm is seeking a limited conflict waiver which would allow the firm to represent, on a limited basis, its client Wackenhut whose interests are adverse to the County and concurrently maintain representation of the County as a lobbyist.

Background and Relevant Legislation

On May 9, 2006, the BCC approved an addendum to an existing agreement with the pool of law firms designated to represent the county's interest before the legislative and executive branches of federal government. The addendum added the Carrie Meek Group as an additional federal lobbyist based on the congressional experience of key personnel regarding federal appropriations.

As a county lobbyist, the firm is required to comply with the provisions of the County's Conflict-of-Interest ordinances and resolutions. The County-enacted policy requires County lobbyists to seek BCC approval to conduct specific lobbying activity which may conflict with county's interest. In such instances the BCC, in its discretion, may take any action regarding a waiver request, including but not limited to the following: (1) grant a waiver and allow the lobbyist, to continue to represent both the County and the other party; (2) refuse to grant a waiver and require the lobbyist 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; (4) grant a limited waiver and allow the lobbyist to continue to represent both the County and the other party under whatever limitations or restrictions the County, in its discretion, determines to be appropriate.

In this case, the Carrie Meek group is seeking a limited waiver which will allow the firm to receive compensation from the County for lobbying on behalf of the County and simultaneously represent Wackenhut before the County Commission. Presently, the County is seeking compensation from Wackenhut for overbilling and submitting fraudulent invoices regarding security guard services. The County's audit department has recommended that the County refrain from doing further business with the company in light of the company's failure to acknowledge its malfeasance. In addition, the County is supporting a qui tam action (whistleblower lawsuit) filed against Wackenhut by a former company employee. In response, Wackenhut has filed a counter-suit against the County. Therefore, representation of the company before the BCC on security guard services would be adverse to the County's position.

Policy Change and Implication

Granting a limited waiver would be consistent with prior action taken by the BCC provided the waiver delineates the specific adverse lobbying activities which will not be waived. Under R-249-03, the BCC granted the below listed County lobbying firms a limited waiver of the conflict-of-interest proscriptions.

Lobbying firm: Ronald L. Book, P.A.
Client: Neptune Fireworks
Lobbying firm: Pennington, Moor, Wilkinson, Bell & Dunbar, P.A.
Client: B.J. Alan Companies, a fireworks retailer
Recommendation: Grant a limited waiver allowing the lobbying firms generally to represent both the County and the fireworks companies, but prohibit the firms from working against the County and on behalf of the fireworks companies regarding fire permit issues.

Lobbying firm: Ronald L. Book, P.A.
Client: The City of North Miami Beach
Recommendation: Grant a limited waiver allowing the lobbying firm generally to represent both the County and the City of North Miami Beach, but prohibit the firm from working on behalf of the city and against the County on legislation allowing cities to charge a surcharge to water and sewer customers located outside a city's boundaries.

Lobbying firm: Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.
Client: City of Clearwater
Lobbying firm: Gomez Barker & Associates
Client: Cities of Miami Beach; Coral Gables; South Miami; and West Miami
Lobbying firm: Rutledge, Ecenia, Purnell & Hoffman, P.A.
Client: City of Miami Beach
Recommendation: Grant a limited waiver allowing the lobbying firms generally to represent both the County and the various cities, but prohibit the firms from working against the County and on behalf of the cities which would advocate diverting to cities traffic revenue that the County normally receives.

Lobbying firm: Ronald L. Book, P.A.
Client: The Miccosukee Tribe of Indians of Florida
Recommendation: Grant a limited waiver allowing the lobbying firm to represent both the County and the Tribe, but prohibit the firm from working against the County on behalf of the Tribe to the extent the Tribe's legislative goals conflict with the County's position on County versus Tribal jurisdiction over criminal laws.

Lobbying firm: Pennington, More, Wilkinson, Bell & Dunbar, P.A.
Client: The City of Ormond Beach; the City of South Daytona
Recommendation: Grant a limited waiver allowing the lobbying firm to represent both the County and cities, but prohibit the firm from working against the County on behalf of the cities regarding a constitutional amendment to freeze the property tax assessments of senior citizens below certain income thresholds.

Lobbying firm: Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.
Client: Florida Statutory Teaching Hospital Council
Recommendation: Grant limited waiver allowing the lobbying firm to represent both the County and the Teaching Hospital Council, but prohibit the firm from working against the County on behalf of the Council on any particular adverse issue that may arise.

Lobbying firm: Rutledge, Ecenia, Purnell & Hoffman, P.A.
Client: T-Mobile, a wireless telecommunication company
Recommendation: Grant a limited waiver allowing the lobbying firm to represent both the County and T-Mobile, but prohibit the firm from working against the County on behalf of T-Mobile on the placement of cellular telephone antennas.

Budgetary Impact

There will be little if any budgetary impact if the proposed waiver resolution is passed.

Committee Action

At the June 11, 2009 Health, Public Safety & Intergovernmental Committee meeting, the committee voted to forward this item without recommendation. Several committee members expressed concern as to the appropriateness of granting an exemption to the conflict-of-interest prohibition which would, in essence, allow the Carrie Meek Group to represent before the BCC a party who is suing the County for millions of dollars, yet receive and accept public funds from the County for serving as the County's lobbyist. Others expressed concern as to the lack of parameters to be applied in determining when an exemption should be granted. Following extensive deliberation on the dual representation, the committee directed the Department of Procurement & Management to provide to the BCC the Carrie Meek Group's lobbying contract for purposes of reviewing the nature of the services that are to be provided to the County under the contract.

Prepared By: Lauren Young-Allen