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

MEMORANDUM Agenda Item No. 11(A)(14)

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

DATE: November 3, 2009

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

SUBJECT: Resolution regarding a conflict waiver request by Greenberg Traurig, P.A. pursuant to its federal lobbying contract with Miami-Dade County

Resolution No. R-1268-09

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RESO\2078

MEMORANDUM
(Revised)

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

DATE: November 3, 2009

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

SUBJECT: Agenda Item No. 11(A)(14)

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)(14)
11-3-09

RESOLUTION NO. **R-1268-09**

RESOLUTION REGARDING A CONFLICT WAIVER REQUEST BY GREENBERG TRAURIG, P.A. PURSUANT TO ITS FEDERAL LOBBYING CONTRACT WITH MIAMI-DADE COUNTY

WHEREAS, the law firm of Greenberg Traurig, P.A. is a member of the Miami-Dade County (the "County") federal lobbying team; and

WHEREAS, Greenberg Traurig, P.A. is seeking a conflict waiver to represent a client in the following DERM enforcement action: Miami-Dade County v. Vecellio & Grogan, Inc., Case No. 09-57869 CA 10 (Fla. 11th Jud. Cir.); and

WHEREAS, Greenberg Traurig, P.A. has submitted a written request, a copy of which is attached, that the County consent to its representation of this client in connection with the above-referenced DERM enforcement action; and

WHEREAS, the lobbying contract between Greenberg Traurig, P.A. and the County provides 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 Greenberg Traurig, P.A. to continue to represent both the County and the other party;

2. Refuse to grant a waiver and void its contract with the Greenberg Traurig, P.A.; 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,

WHEREAS, on September 15, 2009, the Board approved a conflict waiver request by Greenberg Traurig, P.A. in its role as bond counsel to the County related to the DERM enforcement action set forth above, a copy of which is attached,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board grants the request by Greenberg Traurig, P.A. pursuant to its federal lobbying contract with the County for a conflict waiver to represent Vecellio & Grogan, Inc.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Dorrin D. Rolle** 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	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**nay**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
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 November, 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.

JMM

Jess M. McCarty

GT GreenbergTraurig

Clifford A. Schulman
SchulmanC@gtlaw.com
Tel: 305-579-0613
Fax: 305-961-5613

August 17, 2009

VIA ELECTRONIC MAIL and HAND DELIVERY

Jose Rasco, Director
Office of Intergovernmental Affairs
Miami-Dade County
111 N.W. 1st Street
Miami, Florida 33131

Robert Cuevas, Jr., Esq.
County Attorney
Miami-Dade County
111 N.W. 1st Street
Miami, Florida 33131

Re: Request for Waiver of Conflict of Interest /
Miami-Dade County v Vecellio & Grogan, Inc.,
Case No. 09-57869 CA 10

Dear Messrs. Rasco and Cuevas:

Greenberg Traurig, P.A., is the Contractor under that certain contract for Governmental Representation and Consulting Services in Washington, D.C. (Contract No. Q74a) with Miami-Dade County dated February 6, 2006. Greenberg Traurig also serves as one of the Miami-Dade County's Bond Counsel.

We respectfully request that the Miami-Dade County Board of County Commissioners (the "Board") grant our firm waivers of conflict of interest to represent our client in matter described above.

This matter is adverse to the County and involves an enforcement action brought by the Department of Environmental Resources Management against our client, Vecellio & Grogan, Inc. Our representation in this matter will not involve any challenge to the authority of the Board, a Board policy, or the constitutionality or legality of a County Code provision.

We appreciate consideration of this request by you and the Board. Please feel free to contact us with any questions that you may have.

Very truly yours,

Clifford A. Schulman

cc: Peter S. Tell, Esq.
Jerry Heffernan, Esq.
Jess McCarthy, Esq.
Diane Blagman
Kerri Barsh, Esq.
Bruce Giles-Klein, Esq.

Memorandum

MIAMI-DADE COUNTY

Date: September 15, 2009

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

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

Agenda Item No. 13(B)(1)

Subject: Bond Counsel request for grant of Conflict Waivers

I have received the attached request from Greenberg Traurig, one of the County's bond counsel firms, for the Board to grant the firm a waiver of conflict of interest to represent one of the firm's non-County clients in a DERM enforcement action.

I am submitting the request to the Board for its consideration in accordance with the current policy for conflict waiver. That policy is articulated in the latest RFQ for selection of bond and disclosure counsel, which is set forth below. The specific policy applicable to conflict waivers involving litigation adverse to the County is underlined:

> The current policy on conflict of interest waivers permits bond counsel to represent third parties in legal matters involving the County other than litigation so long as such representation does not challenge the authority of the Board, a Board policy or the constitutionality or legality of a County Code provision. A request for a conflict of interest waiver shall be presented to the County Attorney in writing. Such a request is routinely granted for matters that meet the criteria in the previous sentence. <u>With respect to litigation adverse to the County, Senior Counsel and/or Associate Counsel may present a written request for a conflict of interest waiver to the County Attorney to submit to the County Commission for consideration on a case by case basis. If a conflict of interest waiver is not granted, Senior Counsel and/or Associate Counsel shall not undertake the representation of a third party in any matter involving the County</u>.

As set forth in the request, Greenberg Traurig's representation of a non-County client in an enforcement action will not challenge the authority of the Board, a Board policy, or the constitutionality or legality of a County ordinance, nor will damages be sought from the County.

Additionally, Greenberg Traurig is one of the County's lobbying firms. As such, my office has advised the firm to pursue an appropriate request with the Office of Intergovernmental Affairs for conflict waiver in accordance the terms of its contract for lobbying services.

RAC/up

GT GreenbergTraurig

Clifford A. Schulman
SchulmanC@gtlaw.com
Tel: 305-579-0613
Fax: 305-961-5613

August 17, 2009

VIA ELECTRONIC MAIL and HAND DELIVERY

Jose Rasco, Director
Office of Intergovernmental Affairs
Miami-Dade County
111 N.W. 1st Street
Miami, Florida 33131

Robert Cuevas, Jr., Esq.
County Attorney
Miami-Dade County
111 N.W. 1st Street
Miami, Florida 33131

Re: Request for Waiver of Conflict of Interest /
Miami-Dade County v Vecellio & Grogan, Inc.,
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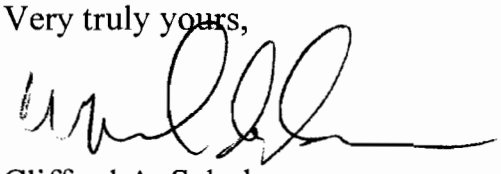
2 8

We appreciate consideration of this request by you and the Board. Please feel free to contact us with any questions that you may have.

Very truly yours,



Clifford A. Schulman

cc: Peter S. Tell, Esq.
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