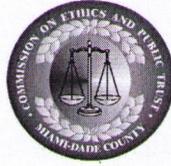


MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

#K11-132

Date Opened: 10/27/11

Date Closed: 11/01/11

Investigator: Sylvia Batista

An article appeared in the Miami Herald on 10/26/11 involving a deal to lease 184 acres owned by the City of North Miami on Biscayne Bay to developer Michael Swerdlow (Swerdlow). Swerdlow is the lone bidder in a request for proposal (RFP) released on June 2, 2011. The project, called Biscayne Landing, would bring the City \$17.5 up front plus \$1.5 million per year, and tax revenues on the 3,350 condos proposed by Swerdlow. According to the article, the council voted at the previous night's meeting to authorize city officials to negotiate with Swerdlow, something that is prohibited under the Cone of Silence, even when there is only one bidder.

The COE's issue relates to possible violations of the Conflict of Interest and Code of Ethics Ordinance Section 2-11.1(t) *Cone of Silence*.

Investigation:

A COE investigator requested a copy of the resolution passed at the 10/25/11 council meeting. Upon review of the council report from the City purchasing director regarding the resolution, and after discussion with the City

Attorney and City Manager, it was determined that the recommendation requesting authorization to negotiate with Swerdlow was intended to be the written recommendation from the Manager to Council. Accordingly, such action would lift the Cone of Silence permitting negotiation to ensue between Swerdlow, the Mayor and Council.

Conclusion:

The instant investigation will be closed without further action as there is no evidence of a violation of the Cone of Silence in regard to the Biscayne Landing project in the City of North Miami.