
From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, March 17, 2015 12:46 PM
To: Sanchez, Rodzandra (COE)
Subject: Raul Aguila, Miami Beach Attorney on behalf of Mayor Philip Levine INQ 15-42
Attachments: Ltr Re Watson Island Development.pdf; Marked up Ltr RE; Watson Island Dev.pdf

INQ 15-42 Aguila

From: Centorino, Joseph (COE)
Sent: Tuesday, March 17, 2015 12:35 PM
To: Aguila, Raul (RaulAguila@miamibeachfl.gov)
Cc: Diaz-Greco, Gilma M. (COE)
Subject: INQ - Raul Aguila, Miami Beach Attorney on behalf of Mayor Philip Levine

Raul,

I agree that the letter as drafted could be construed as a solicitation of funds for Coalition Against Causeway Chaos, Inc. a 501(c)(4) organization by Mayor Philip Levine. Section 2-11.1(e)(2)(g) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance would permit solicitation of a gift on behalf of a nonprofit organization where the organization is an entity described in Section 501(c)(3) of the Internal Revenue Code. While Mayor Levine certainly has the right as Mayor and as a citizen to speak out publicly on any issue or concern in the City, he is governed by the County Ethics Code in terms of any gift solicitation or acceptance. Therefore, I would advised that the letter should not include any language that might be construed as a solicitation of funds on behalf of the Coalition. If you have any further question, please call me.

Sincerely,
Joe Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Aguila, Raul [<mailto:RaulAguila@miamibeachfl.gov>]
Sent: Tuesday, March 17, 2015 11:49 AM
To: Centorino, Joseph (COE)
Subject: QUESTION

Joe:

I'm attaching a clean copy of the letter which was drafted by the Coalition Against Causeway Chaos, Inc., a 501(c)(4) (the Coalition), for the Mayor's signature. I am also attaching my hand-written mark ups to said letter, with my recommended changes.

I am concerned that the next to last paragraph of the letter could be construed as the solicitation, by the Mayor on behalf of the Coalition, of contributions/donations (essentially, "gifts"), as defined under County Code Section 2-11.1(e). In particular, I note that County Code Section 2-11.1(e)(2)(g) only exempts gifts solicited by elected officials (where neither the official or his staff receives any compensation as a result of the solicitation) on behalf of 501(c)(3)'s. Since the Coalition is not a 501(c)(3), it is not exempt under the applicable Code Section, and therefore my advice to the Mayor, if he chooses to sign the letter, is that he do so, provided the subject paragraph is deleted.

Do you agree? Additionally, should such language be deleted do you see any other issues with the Mayor's execution of the proposed letter?

Thank you in advance,

Raul

3/17/15

(Note: Hand-written marks denote City Attorney's recommended edits)

Dear _____,

I need your help in correcting or stopping what I believe is a huge mistake. Let me explain why I'm writing with a sense of urgency.

The City of Miami's ongoing efforts to approve and support a massive commercial development on Watson Island, which includes well over 500,000 square feet of hotel, retail, commercial, and restaurant uses, as well as a mega-yacht marina and two hotel towers over 53 and 35 stories tall built on a pedestal the size of The American Airlines Arena, is far more than an eyesore. In reality, it threatens to sever Miami Beach from Miami and strangle traffic to Palm, Hibiscus, Star and Fisher Islands.

What has dismayed me most and triggered my decision to involve both the City of Miami Beach and friends like you was learning that, despite all of the changed conditions on both sides of the Bay since this project was first voted on in 2001, ~~is that~~ the City of Miami had not conducted any recent traffic studies to measure the current impact of the proposed project since 2004, ~~and has actually taken steps to help the developer insulate its plans from any current traffic, public safety, environmental, or other impact analyses, or even public hearings.~~

That's why I called a special meeting of the City of Miami Beach Commission to consider our options in dealing with this threat. I referred to the "continuing assault on the MacArthur Causeway."

As a result, the City Commission unanimously voted to undertake a comprehensive traffic study considering how the half-million square feet of commercial and hotel development will affect our streets, neighborhoods, and businesses, as well as authorize the City Attorney to examine all possible legal remedies available to the City. ~~I expect this study to be followed soon thereafter by a comprehensive economic impact study to document the effects these changes will have on our residents, our businesses, and, importantly, the economy of the entire county.~~

I must be clear, however, that it would be unwise to rely solely on the new Miami Beach traffic study and the involvement of the City of Miami Beach to stop this project. Our City's actions are vital, and certainly necessary, but may not be sufficient to carry the day. I believe it will take a concerted effort by a broad cross-section of the community, in Miami Beach and Miami, to carry out the multi-faceted public education, advocacy, and legal actions required to stop the Watson Island/Flagstone project. This is not a time to hope that someone else will take up the cause and save the day; it is up to each member of your neighborhood or community group to learn the facts, discuss the issues with your family, neighbors, and business associates, and encourage everyone you know to do the same.

Perhaps an outpouring of well-informed indignation from the community will bring about a change in direction from the City of Miami. Perhaps the litigation already begun by Steve Herbits and his group of litigants will prevail. They have initiated an impressive

lawsuit, and have already spent more than \$600,000 in mounting what legal experts feel is a most credible challenge. I personally have contributed \$5,000 to their effort, because I believe it is imperative, ~~and in my personal interest and the interest of our entire community, that~~ the legality of this project to be fully and transparently evaluated in the courts. *that*

I encourage each of you to look carefully and decide to do everything you can personally to ensure a full, fair, and open debate and decision-making process about the Flagstone Project. If you don't do it now, it may soon be too late.

With thanks in advance for your help,

Mayor Philip Levine

*Recommend
deleting*

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