



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST


19 West Flagler Street, Suite 820 · Miami, Florida 33130

Phone: (305) 579-2594 · Facsimile: (305) 579-0273

Website: ethics.miamidade.gov

AGENDA ITEM COVER MEMORANDUM

TO: Miami-Dade Board of County Commissioners

FROM: Jose J. Arrojo
Executive Director 

SUBJECT: County Contract Lobbyist Waiver Request of Sean Pittman (Pittman Law Group, P.L.) on behalf of AT&T

DATE: April 16, 2019

Pursuant to Resolution R-1017-10, the attached County Contract Lobbyist Conflict Waiver Request¹ received from Sean Pittman of the Pittman Law Group, P.L., together with the Commission on Ethics recommendation, investigative report and attachments, are forwarded to the Board for its consideration.

It is the recommendation of the Commission on Ethics that if Mr. Pittman's submission is perceived by the Board as a request to lobby on behalf of AT&T in support of Senate Bill 1000 or House Bill 693, that the waiver be denied.

¹ Mr. Pittman does not specifically ask for a lobbying conflict waiver but rather notices the County Attorney's Office that he has multiple clients with conflicting views of Senate Bill 1000 and House Bill 693 and that while he has not been directly asked by clients to work on the issue, he wanted to advise the County "in the event the County has any concerns with these bills." At the time of his interview by COE staff Mr. Pittman advised that his involvement on behalf of AT&T was, as of April 5, 2019, limited to "setting up a meeting" several weeks prior on behalf of AT&T.

The basis of the recommendation is that Senate Bill 1000 and House Bill 693 are local government preemption bills that seek to limit counties and municipalities from regulating Communication Services Taxes, Wireless Facilities and Utility Poles, and Permit Fees, by revising Sections 202.12, F.S.; 202.20, F.S; and 337.401, F.S.

Allowing Mr. Pittman to lobby on behalf of AT&T in support of the above referenced bills would require Mr. Pittman to take a position that is opposite to a position of County as contrary to the Board of County Commissioners' Guiding Principles for all County Lobbyists to defend the County against legislative acts of "preemption."



**CASE
CLOSED**

Miami-Dade Commission on Ethics & Public Trust

Date:

4-16-19

Investigative Report

Investigator: Karl Ross

Case: K19-21	Case Name: Pittman Law Group conflict waiver	<u>Date Open:</u>	<u>Date Closed:</u>
Complainant(s):	Subject(s): Sean Pittman, et al.	March 25, 2019	April 16, 2019

Allegation(s):

In a letter dated March 22, 2019, Sean Pittman of the Pittman Law Group ("Pittman") – a Miami-Dade County contract lobbyist assigned to represent the County during the current legislative session in Tallahassee – advised the County Attorney's Office ("CAO") that "we have multiple clients with conflicting views of Senate Bill 1000 presented by Senator Hutson and House Bill 693 presented by Representative Fischer."

Mr. Pittman further indicated that his firm had not, as of that time, "been asked directly by our clients to work on this issue" and added that "in the interest of full disclosure we wanted to make you aware in the event Miami-Dade County has any concerns about these bills."

The County has adopted a position in opposition to SB 1000 and HB 693. Accordingly, the conflict notice provided by Pittman was added to the upcoming agenda to be considered by the Miami-Dade County Board of County Commissioners (BCC) and for a determination to be made as to whether a waiver should be granted to Pittman in this instance.

Relevant Ordinances:

As required by Miami-Dade County Ordinance No. 00-64, "... no person or entity that 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 (of County Commissioners) grants a specific waiver for specific lobbying activity."

Resolution No. R-632-10, adopted by the Board of County Commissioners in June 2010, further authorizes COE to “conduct conflict of interest checks related to County contract lobbyists and provide to the board a report and recommendation on any ... conflict of interest.”

Investigation:

Interviews

Consultation with the Miami-Dade County Attorney's Office

On April 2, Assistant County Attorney Jess McCarty was consulted with respect to the legislation supported by AT&T and other wireless carriers (SB 1000 and HB 693). He advised that the bills were viewed as potentially preempting Miami-Dade's authority as a home rule County, meaning the bills could therefore be considered in conflict with the County's position that its contract lobbyists should oppose all attempts at preemption.

Opposing preemption considering a “Guiding Principal” for all County lobbyists

Defending the County against acts of “preemption” by special interests was listed among the “Guiding Principles” in directives issued to the County's contract lobbyists. Responsibility for identifying and opposing all such transgressions was assigned to the entire County “team.” This and other “Guiding Principles” were articulated in a Jan. 11, 2019, email from ACA McCarty to all Miami-Dade County contract lobbyists. Among those copied on the email were Sean Pittman and other associates at Pittman Law Group. A copy of the January 11 email and attached “Master List for Lobbying Team” was added to the file.

County lobbyists cautioned to look at all assigned items for possible conflicts

On or about March 14, 2019, ACA McCarty sent an email to all County contract lobbyists including those referenced above regarding an updated list of lobbyist assignments. Item No. 10 on that list was assigned to the firm Gray Robinson and related to the subject legislation – SB 1000 and HB 693, relating to “Communications Services Tax/ 5G/ Right of Way.”

Even though the item was specifically assigned to Gray Robinson (hereinafter “Gray”), ACA McCarty reminded all members of the County's contract lobbyist team “to take a look at all assignments, even the ones not assigned to you, for possible conflicts.”

This direction from ACA McCarty implies that any and all County lobbyists representing other clients supporting this legislation should have promptly notified the County.

Legislative update to County contract lobbyists warning about “Preemption”

A legislative update dated March 16, 2019, prepared by Assistant County Attorney McCarty and copied to the Office of the Mayor, members of the Board of County Commissioners (BCC) and other County staff advised as follows (Item No. 22):

**SB 1000; HB 693: Communications Services Tax/Use of Right-of-Way/Permit Fees/5G
Wireless Preemption**

The Senate Innovation, Industry, and Technology recommended favorably SB 1000 by Senator Travis Hutson (R – Palm Coast) by vote of 9 yeas, 0 nays, after adopting an amendment. As amended, SB 1000 makes extensive changes to the law on use of rights-of-way, including provisions on small and micro wireless infrastructure. These changes include:

- 1. Prohibiting a local government permitting authority from instituting, either expressly or de facto, a moratorium or other mechanism that would prohibit or delay permits for collocation of small wireless facilities or related poles.*
- 2. Deleting authority for a local government to require performance bonds and security funds and allowing them to require a construction bond limited to no more than 1 year after the construction is completed;*
- 3. Requiring a local government to accept a letter of credit or similar instrument issued by any financial institution authorized to do business within the U.S.;*
- 4. Creating a civil cause of action for any person aggrieved by a violation of the right-of-way statute in a U.S. District Court or in any other court of competent jurisdiction for a temporary or permanent injunction and recovery of full costs and reasonable attorney fees to a prevailing aggrieved party; and*
- 5. Allowing a provider of communications services to add a permitting authority to any existing bond, insurance policy, or other financial instrument, and requiring the authority to accept such coverage.*

COE emails to Sean Pittman regarding Pittman's Notice of Conflict

On March 25 and April 2, emails were sent to Sean Pittman advising that COE had been asked to review his firm's conflict notice and advised that, based on preliminary review, it appeared that Pittman's representation of AT&T poses a conflict with the policy of Miami-Dade County to oppose all measures that seek "preemption" of local governments. Mr. Pittman was offered an opportunity to discuss this matter further with COE staff.

Remarks of Sean Pittman of Pittman Law Group

During a telephone conversation on April 5, 2019, Mr. Pittman advised that he was not actively supporting SB 1000 or HB 693 on behalf of AT&T. "They have not asked me to dive in on it," he said. He noted that AT&T has more than two dozen firms representing them in Tallahassee for the present legislative session and that "they have their favorites" that they might assign to take the lead on certain bills. Pittman did say that he "set up a meeting" a meeting several weeks back for AT&T but that this was the extent of his involvement. He said he did not feel that his firm had a conflict with respect to its County assigned items at this time, but noted that he reported the potential conflict in the interest of transparency.

Document/Audio/Video Review:

A copy of Pittman's March 22 conflict notice was reviewed and added to the file.

Copies of draft legislation (SB 1000 and HB 693) relating to the construction of infrastructure for cellular communication 5K technology were obtained and added to the file.

Copies of COE emails to Mr. Pittman requesting input were added to the file.

Copies of Pittman's client list for non-County clients was added to the file.

Conclusion(s):

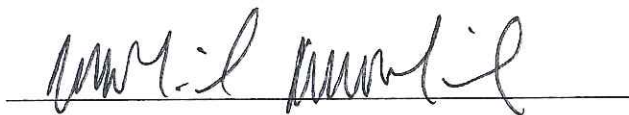
Based on the foregoing, it would appear that Pittman's dual representation of the County and AT&T could pose a conflict as it relates to pending legislation. SB 1000 and HB 693, as drafted, would preempt the County's home rule authority by restricting its ability to regulate telecommunication firms in the development of infrastructure along public rights-of-way.

Accordingly, it is recommended that no waiver be granted in this instance.

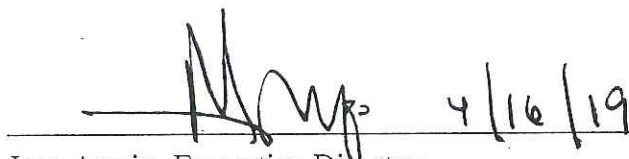


Karl Ross, COE Investigator

Approved by:



Michael Murawski, Advocate



Jose Arrojo, Executive Director

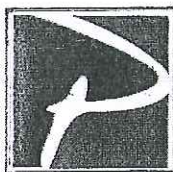
From: Knowles, Keith (COC)
Sent: Monday, March 25, 2019 9:43 AM
To: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>
Cc: Cave, Linda (COC) <Linda.Cave@miamidade.gov>; McCarty, Jess (CAO) <Jess.McCarty@miamidade.gov>; Shaw, Jovel (COC) <Jovel.Shaw@miamidade.gov>; McBride, Daysha (COC) <Daysha.McBride@miamidade.gov>
Subject: Conflict Notice - Pittman

Good morning Mr. Arrojo,

On behalf of Linda Cave, the attached lobbyist conflict notice, submitted by Sean Pittman, is being presented to you for review and recommendation, which will subsequently be presented to the Board for consideration at its next meeting.

Thank you

Keith A. Knowles
Senior County Commission Clerk
Miami-Dade County Clerk of Courts
Clerk of the Board Division
111 N.W. 1st Street, Suite 17-202
Miami FL 33128
(305) 375-3841
(305) 375-2484 fax
<http://www.miamidade.gov/cob>



PITTMAN LAW GROUP, P.L.

ATTORNEYS AT LAW

March 22, 2019

Jess McCarty
Miami — Dade County
111 NW 1st Street, Suite 2810
Miami, Florida 33128

Dear Jess:

We have multiple clients with conflicting views of Senate Bill 1000 presented by Senator Hutson and House Bill 693 presented by Representative Fischer. We have not been asked directly by our clients to work on this issue; however, in interest of full disclosure we wanted to make you aware in the event Miami-Dade County has any concerns with these bills.

Sincerely,

Sean Pittman
Attorney

REPLY TO:

☐

☐

☐ Wilhelmina Square - 1028 East Park Avenue Tallahassee, Florida 32301 | 850.216.1002 ph 850.224.7477 fax 2655
North Ocean Drive, suite 130 Riviera Beach, Florida 33404 561.845.7453 ph , 850.224.7477 fax
1501 Biscayne Boulevard, Suite 107 , Miami, Florida 33132 305.631.2115 ph 850.224.7477 fax

TALLAHASSEE

RIVIERA BEACH

MIAMI

WWW.PITTMAN - LAW.COM

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



MEMORANDUM

Agenda Item No. 11(A)(5)

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

DATE: October 5, 2010

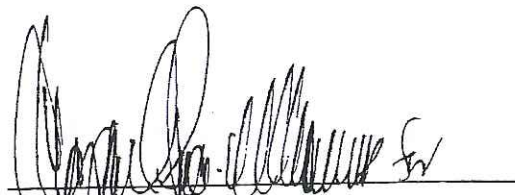
FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution amending Resolution No.
56-10 to provide that any contract
lobbyist conflict waiver request shall
be submitted directly to the Clerk of
the Board who shall place the request
on the agenda of the next available
Board of County Commissioners
meeting

Resolution No. R-1017-10

This substitute differs from the original in that it additionally provides that the Clerk of the Board shall place the Ethics Commission report and recommendation on the Board of County Commissioners agenda.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp




MEMORANDUM

(Revised)

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

DATE: October 5, 2010

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

SUBJECT: Agenda Item No. 11(A)(5)

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)(5)
10-5-10

RESOLUTION NO. R-1017-10

RESOLUTION AMENDING RESOLUTION NO. 56-10 TO PROVIDE THAT ANY CONTRACT LOBBYIST CONFLICT WAIVER REQUEST SHALL BE SUBMITTED DIRECTLY TO THE CLERK OF THE BOARD WHO SHALL PLACE THE REQUEST ON THE AGENDA OF THE NEXT AVAILABLE BOARD OF COUNTY COMMISSIONERS MEETING; FURTHER DIRECTING THE CLERK TO PROVIDE A COPY OF THE REQUEST TO THE EXECUTIVE DIRECTOR OF THE COMMISSION ON ETHICS AND PUBLIC TRUST AND TO PLACE THE ETHICS COMMISSION'S REPORT ON THE AGENDA WITH THE CONFLICT WAIVER REQUEST

WHEREAS, on January 21, 2010, the Board of County Commissioners passed Resolution No. 56-10 setting policy related to conflict waiver requests by County contract lobbyist, a copy of which is attached and incorporated by reference; and

WHEREAS, Resolution No. 56-10 provided, among other things, that any conflict waiver request shall be submitted directly to the Chairman of the Board of County Commissioners who shall place the request on the next available agenda of a Board of County Commissioners meeting; and

WHEREAS, the purpose of this resolution is to have contract lobbyist conflict waiver requests submitted to the Clerk of the Board, rather than the Chairman of the Board, with the Clerk placing such requests on the next available Board agenda under the Office of Intergovernmental Affairs heading; and

WHEREAS, on June 3, 2010, the Board passed Resolution No. 632-10, requesting that the staff of the Commission on Ethics and Public Trust review any contract lobbyist conflict waiver request, and provide the Board a report and recommendation on whether a conflict is presented when such conflict waiver request goes before the Board, a copy of which is attached and incorporated by reference; and

WHEREAS, a process should be put in place for the Clerk of the Board not only to place contract lobbyist conflict waiver requests on the next available Board agenda, but also to transmit contract lobbyist conflict waiver requests to the Executive Director of the Commission on Ethics and Public Trust so the staff of the Ethics Commission can conduct the review required by Resolution No. 632-10,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that Resolution No. 56-10 is hereby amended to provide that any contract lobbyist conflict waiver request shall be submitted directly to the Clerk of the Board who shall place the request on the agenda of the next available Board of County Commissioners meeting under the Office of Intergovernmental Affairs heading; further providing that the Clerk shall provide a copy of the request to the Executive Director of the Commission on Ethics and Public Trust so Ethics Commission staff can conduct the review required by Resolution No. 632-10. >>The Clerk shall also place the Ethics Commission's report on the commission agenda with the conflict waiver request.<<¹

¹ The differences between the substitute and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss and the Co-Sponsors are Commissioner Sally A. Heyman and Commissioner Rebeca Sosa. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** 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	aye
Dorrian 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 5th day of October, 2010. 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

5

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



MEMORANDUM

Agenda Item No. 11(A)(7)

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

DATE: January 21, 2010

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

SUBJECT: Resolution setting policy for Miami-Dade County that all contract lobbyists shall obtain a conflict waiver from the Board prior to representing any client in any forum that is adverse to the County

Resolution No. R-56-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson.

A handwritten signature in dark ink, appearing to read "RAC-7", is written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: January 21, 2010

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

SUBJECT: Agenda Item No. 11(A)(7)

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

[Handwritten signature]
7

Approved _____ Mayor

Agenda Item No. 11(A)(7)

Veto _____

1-21-10

Override _____

RESOLUTION NO. R-56-10

RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY THAT ALL CONTRACT LOBBYISTS SHALL OBTAIN A CONFLICT WAIVER FROM THE BOARD OF COUNTY COMMISSIONERS PRIOR TO REPRESENTING ANY CLIENT IN ANY FORUM THAT IS ADVERSE TO THE COUNTY; DIRECTING THE MAYOR OR DESIGNEE TO IMPLEMENT THE POLICY IN ALL FUTURE CONTRACTS FOR LOBBYING; REQUIRING ALL CONFLICT OF INTEREST WAIVER REQUESTS TO BE SUBMITTED DIRECTLY TO THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, WHO SHALL PLACE THE CONFLICT WAIVER REQUEST ON THE NEXT AVAILABLE BOARD OF COUNTY COMMISSIONERS AGENDA

WHEREAS, on November 11, 1999, the Board approved Resolution No. 1236-99, which provided that no County contract lobbyist or subconsultant 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, the failure of any county contract lobbyist to comply with the provisions of Ordinance No. 00-64 shall result in either or both of the following:

- (1) That lobbyist's contract with the county is voidable by the county;

38

(2) A prohibition, for a period of up to three years, as determined by the Board of County Commissioners, on the lobbyist's entering into a lobbying contract with the county; and

WHEREAS, on January 24, 2006, the Board approved Resolution No. 133-06, which authorized the County Manager to execute one-year agreements that included three one-year renewal options in the County's sole discretion with Greenberg Traurig, P.A., Alcalde & Fay, and Tew Cardenas LLP for governmental representation before the U.S. Congress and the federal executive branch as prime consultants, along with various subconsultants; 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 renewal options in the County's sole discretion 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 as prime consultants, along with various subconsultants; and

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

WHEREAS, the federal and state agreements provide that the Board may take, in its sole discretion, any action regarding a conflict waiver request, including but not limited to the following:

(1) Grant a waiver and allow the lobbying firm to continue to represent both the County and the other client on all issues, including the issue on which a conflict or potential conflict exists;

(2) Refuse to grant a waiver and require the lobbying firm to choose between representing either the County or the other party, requiring the lobbying firm to entirely give up its representation either of the County or the other party;

99

- (3) Refuse to grant a waiver and void the County's contract with the lobbying firm;
- (4) Grant a limited waiver and allow the lobbying 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; and

WHEREAS, conflict waiver requests should be submitted directly to the Chairman of the Board of County Commissioners and go directly to the Board of County Commissioners to expedite processing of these requests,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. It is the policy of Miami-Dade County that no person or entity, whether an individual, firm, partnership or corporation, that receives compensation from the county for lobbying on behalf of the county or any of its agencies or instrumentalities at the federal, state or local level shall represent any entity in any forum to support a position in opposition to a position of the County unless this Board first grants a specific waiver for the representation. A position in opposition to a County position is not limited to a position that conflicts with an express provision of the County's legislative package. An actual or perceived conflict may also arise in other areas. All County contract lobbyists shall be under an affirmative duty to remain mindful of the County's policy and fiscal interests and positions with regard to the contract lobbyists' other clients.

Section 2. To effectuate this policy, no contract or work order for lobbying shall be awarded or payment made until the contract lobbyist, including all subcontractors and lobbyists hired under work orders pursuant to the contract, seeks in writing and obtains a waiver from the Board of County Commissioners for any actual or perceived conflicts of interest. If the contract lobbyist has no conflicts, then the lobbyist shall provide a written statement that the contract lobbyist has no conflicts prior to award.

\$ 10

Section 3. To further effectuate this policy, no renewal of a contract or work order for lobbying shall be entered or payment made until the contract lobbyist, including all subcontractors and lobbyists hired under work orders pursuant to the contract, seeks in writing and obtains a waiver from the Board of County Commissioners for any actual or perceived conflict of interest. If the contract lobbyist has no conflicts, then the lobbyist shall provide a written statement that the contract lobbyist has no conflicts prior to renewal.

Section 4. Contract lobbyists, including all subcontractors and lobbyists hired under work orders, are under a continuing, affirmative duty during the term of the lobbying contract and any renewal terms to promptly seek in writing and obtain a waiver from the Board of County Commissioners for any conflict of interest prior to representing any entity in any forum, including but not limited to lobbying activity, that is adverse to the County or that could be perceived to be adverse to the County.

Section 5. All conflict waiver requests shall be submitted directly to the Chairman of the Board of County Commissioners who shall place the item on the agenda of the next available Board of County Commissioners meeting.

Section 6. The Mayor or Designee is directed to include language reflecting the policies set forth in this resolution in all future federal and state lobbying requests for qualifications, other procurement documents as applicable, contracts and renewals.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson. It was offered by Commissioner Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Barbara J. Jordan and upon being put to a vote, the vote was as follows:

11

Resolution No. R-56-10

Agenda Item No. 11 (A) (7)

Page No. 5

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	aye
Dorin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2010. 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

[Handwritten signature] 12

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

MEMORANDUM

Amended
Agenda Item No. 11(A)(8)

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

DATE: June 3, 2010

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

SUBJECT: Resolution requesting that the
Commission on Ethics and
Public Trust conduct conflict
of interest checks related to
contract lobbyists and provide
to the Board a report and
recommendation on any County
contract lobbyist conflict of
interest

Resolution No. R-632-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson, and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Amended
Agenda Item No. 11(A)(8)

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

7/14

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(8)
6-3-10

RESOLUTION NO. _____ R-632-10

RESOLUTION REQUESTING THAT THE COMMISSION ON ETHICS AND PUBLIC TRUST CONDUCT CONFLICT OF INTEREST CHECKS RELATED TO COUNTY CONTRACT LOBBYISTS AND PROVIDE TO THE BOARD A REPORT AND RECOMMENDATION ON ANY COUNTY CONTRACT LOBBYIST CONFLICT OF INTEREST

WHEREAS, on November 11, 1999, the Board approved Resolution No. 1236-99, which provided that no County contract lobbyist or subconsultant 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 that 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, the failure of any county contract lobbyist to comply with the provisions of Ordinance No. 00-64 shall result in either or both of the following:

- (1) That lobbyist's contract with the county being voidable by the county; and
- (2) A prohibition, for a period of up to three years, as determined by the Board of County Commissioners, on the lobbyist's entering into a lobbying contract with the county; and

WHEREAS, on November 3, 2009, the Board approved Ordinance No. 09-98, which provided that all contract lobbyist conflict waiver requests are exempt from committee review and would be heard directly by the full board; and

WHEREAS, on January 21, 2010, the Board approved Resolution No. 56-10, which required all county contract lobbyists to obtain a conflict waiver from the Board of County Commissioners prior to representing any client in any forum that is adverse to county's interests, whether or not such county interest is expressly set forth in the county's legislative package; and

WHEREAS, Resolution No. 56-10 also requires all conflict of interest waiver requests to be submitted directly to the Chairman of the Board of County Commissioners, who shall place the conflict waiver request on the next available Board of County Commissioners agenda; and

WHEREAS, Resolution No. 56-10 further required all County contract lobbyists to obtain a waiver from the Board for any actual or perceived conflicts of interest or provide a statement that the contract lobbyist has no conflicts prior to award or renewal of a contract, subcontract or work order, and placed all County contract lobbyists under a continuing, affirmative duty during the term of the lobbying contract and any renewal terms to promptly seek in writing and obtain a waiver from the Board for any conflict of interest prior to representing any entity in any forum; and

WHEREAS, on January 24, 2006, the Board approved Resolution No. 133-06, which authorized the County Manager to execute one-year agreements that included three one-year renewal options in the County's sole discretion with Greenberg Traurig, P.A., Alcalde & Fay, and Tew Cardenas LLP for governmental representation before the U.S. Congress and the federal executive branch as prime consultants, along with various subconsultants; 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 renewal options in the County's sole discretion 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 as prime consultants, along with various subconsultants; and

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

WHEREAS, the federal and state agreements also place all County contract lobbyists including both the prime consultants and subconsultants under an obligation to disclose all clients to the County and to advise the County immediately when any actual, possible or perceived conflict may arise; and

WHEREAS, the federal and state agreements impose these obligations on County contract lobbyists on a continuing basis throughout the term of the contract and any extensions or renewal terms; and

WHEREAS, the federal and state agreements provide that the Board may take, in its sole discretion, any action regarding a conflict waiver request, including but not limited to the following:

(1) Grant a waiver and allow the lobbying firm to continue to represent both the County and the other client on all issues, including the issue on which a conflict or potential conflict exists;

(2) Refuse to grant a waiver and require the lobbying firm to choose between representing either the County or the other party, requiring the lobbying firm to entirely give up its representation either of the County or the other party;

(3) Refuse to grant a waiver and void the County's contract with the lobbying firm;

(4) Grant a limited waiver and allow the lobbying 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; and

WHEREAS, the Commission on Ethics and Public Trust can play an important role in ensuring that County contract lobbyists do not work in conflict to the interests of the County by:

(1) Conducting a conflicts check of all clients that County contract lobbyists represent;

(2) Reviewing all conflict waiver requests submitted to the County by County contract lobbyists, and providing the Board a report and recommendation on such conflict waiver requests; and

(3) Providing the Board a report and recommendation on whether a conflict is presented in any situation in which it comes to the attention of the County that a conflict of interest may have arisen,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board requests that the staff of the Commission on Ethics and Public Trust:

Section 1. With respect to the particular lobbying contract, conduct conflict checks related to the lobbying clients of County contract lobbyists within 45 days of the effective date of this resolution and annually thereafter, along with checks of any new clients or issues that may arise.

Section 2. Review all conflict waiver requests submitted to the County by County contract lobbyists, and provide the Board a report and recommendation on whether a conflict is

presented related to such requests, when the conflict waiver request goes before the Board at the next Board meeting.

Section 3. Provide the Board a report and recommendation on whether a conflict is presented in any situation in which it comes to the attention of the County that a conflict of interest may have arisen.

Section 4. The Mayor or Designee is directed to include language reflecting the policies set forth in this resolution in all future federal and state lobbying requests for qualifications, other procurement documents as applicable, contracts and contract renewals.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson and the Co-Sponsors are Commissioner Sally A. Heyman and Commissioner Rebeca Sosa. It was offered by Commissioner Katy Sorenson, who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman and upon being put to a vote, the vote was as follows:

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

Amended
Agenda Item No. 11(A)(8)
Page No. 6

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 2010. 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.

A handwritten signature in dark ink, appearing to read "JMM", written over a horizontal line.

Jess M. McCarty