

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, September 20, 2018 4:22 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-219, Thomas Pepe, City Attorney, City of South Miami (Lobbying)

INQ 18-219 Pepe

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, September 20, 2018 4:22 PM
To: 'Pepe, Thomas F.' <TPepe@southmiamifl.gov>
Cc: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: INQ 18-219, Thomas Pepe, City Attorney, City of South Miami (Lobbying)

Mr. Pepe:

As we discussed over the phone, persons that are appearing to lobby City of South Miami elected officials regarding a competitive process for a legal services contract would have to register as lobbyists.

We note that Sec. 8A-5. (c) (1) of the City of South Miami Code permits lobbyists to register with the City of South Miami Clerk by 3:00 p.m. **on the day of** and before engaging in any lobbying activities. There was still time prior to 3 pm today for the persons in question to register as lobbyists before the City Commission meeting this evening, and you advised that you would contact them to do so.

Please contact us if we may be of further assistance.

Regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
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From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Thursday, September 20, 2018 2:32 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: Lobbyist Definition for tonight

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I don't think it is moot necessarily. The question is whether the firm can have someone answer questions without being registered as a lobbyist, as long as that person does not make a presentation or provide an information that is not requested by the Commission. Is this considered "technical information" for which the person providing such technical information is not considered lobbying?

Thank you.

Very truly yours,

Thomas F. Pepe

City Attorney, Board Certified by the Fla. Bar
in City, County and Local Government Law.
City of South Miami
1450 Madruga Avenue, Ste 202,
Coral Gables, Florida 33146
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From: Diaz-Greco, Gilma M. (COE) [Gilma.Diaz-Greco@miamidade.gov]
Sent: Thursday, September 20, 2018 1:37 PM
To: Pepe, Thomas F.
Subject: RE: Lobbyist Definition for tonight

It seems this is moot then? Or it can be moved to another meeting?

From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Thursday, September 20, 2018 12:35 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: Lobbyist Definition for tonight

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See my responses, in red, to your questions below.

Thank you.

Very truly yours,

Thomas F. Pepe

City Attorney, Board Certified by the Fla. Bar
in City, County and Local Government Law.
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From: Diaz-Greco, Gilma M. (COE) [Gilma.Diaz-Greco@miamidade.gov]
Sent: Thursday, September 20, 2018 11:43 AM
To: Pepe, Thomas F.
Subject: RE: Lobbyist Definition for tonight

Mr. Pepe:

What kind of legal representation will the chosen firm provide. Will they lobby on behalf of the city?

They will be representing the City in the negotiations of a Comprehensive Agreement with an entity that responded to a solicitation pursuant to 255.065, Fla. Stat.

Please explain under what circumstances the city is holding a "non-public" meeting? Pursuant to what authority is there a public meeting where there is no right for the public to speak?

Not all of the City's actions, pursuant to its Charter, require public hearings. The public has a right to speak at the time of public comments that come at the beginning of the meeting and before all resolutions are addressed. At that time, the public can address any matter, including resolutions that are to be heard that night.

What type of information will the commissioners ask? Will they regard the terms of the proposed contract on which the firms will bid?

I don't know if any of the commissioners will have any questions. Therefore, I don't know what questions they may ask. They may ask a question about the terms of the firm's agreement, any conflict of interest, waiver of conflict of interest, etc.

Under any circumstances, there is no penalty for registering as a lobbyist- it is best to do so if there are any questions as to whether lobbying will occur. When in doubt, it is best to register. That is the advice we always provide.

The problem is that our lobbying ordinance requires registration by 3:00 p.m. the day before the meeting and it is now too late to formally register.

Please provide the additional information requested.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust

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From: Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]
Sent: Thursday, September 20, 2018 9:53 AM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: Lobbyist Definition for tonight

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The City Commission will be deciding on a firm to provide outside legal representation for a public private partnership project at its regularly scheduled meeting tonight. The resolution will be heard at a non-"public hearing", meaning that there is no right to speak on the item by the public when the item is presented to the Commission for its consideration, although the public can speak to the item during public comments. I anticipate that representatives of the two firms will be at the meeting to take questions but not to make presentations. If the Commissioners invite them up to the podium to answer questions, are they providing technical information and are they exempt from registering as lobbyist if they merely answer questions and do not attempt to persuade the Commission to vote in favor of their firm.

Thank you.

Very truly yours,

Thomas F. Pepe

City Attorney, Board Certified by the Fla. Bar
in City, County and Local Government Law.

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