

Diaz-Greco, Gilma M. (COE)

From: Centorino, Joseph (COE)
Sent: Tuesday, November 26, 2013 3:16 PM
To: 'Miguel.deGrandy@hklaw.com'
Cc: Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO)
Subject: INQ - Miguel de Grandy, Holland & Knight (lobbyist registration)

Mr. De Grandy:

You have inquired whether executives who are principals associated with your client, Skanska, must register to lobby in connection with an upcoming meeting with County Deputy mayors and staff to make a presentation concerning their knowledge of and experience with public/private partnerships. This is being done to assist County staff in preparing a report on how to streamline the process for unsolicited bids and opportunities for public/private partnerships. There is no pending procurement, though your client has done work for the County in the past. Their participation was suggested by you and welcomed by Deputy Mayor Ed Marquez as part of their information gathering in preparation for submitting the requested report.

Section 2-11.1(s)(1)(b) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance includes in its definition of "lobbyist," any person or firm employed or retained by a principal "who seeks to encourage the passage, defeat, or modification" of "an ordinance, resolution, action or decision of the County Commission." Such person or entity would have register as a lobbyist unless exempted from such registration by another Code provision. Section 2-11.1(s)(1)(b) also exempts from this requirement "expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings..."

Since this presentation is being made in a process that would likely affect a decision of the County Commission, it is my opinion that the presentation would fall within the lobbying definition. However, since the individuals are expected to provide specialized knowledge to assist the decision-makers and are not addressing the merits of any pending procurement, they may be excepted from the requirement as expert witnesses under the above exception. However, that exception applies only to presentations made in public meetings. If the meeting in question is not a public meeting, then it would not be applicable and these individuals would have to register as lobbyists and would be required also to take the lobbyist course offered by this agency. If it is a public meeting, then they may be covered by the exception, but I would probably need further information regarding their experience and qualifications to decide whether they were entitled to that exception. My opinion would likely be affected by their positions in the company, i.e., whether they have some technical or other position involving specialized knowledge or whether they are owners/executives imparting general knowledge they have acquired in the course of their business experience.

If you have any further questions, please contact me at 305-579-2594.

Joseph Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust

From: Miguel.deGrandy@hklaw.com [mailto:Miguel.deGrandy@hklaw.com]
Sent: Tuesday, November 26, 2013 10:36 AM
To: Centorino, Joseph (COE)
Subject: RE: Meeting with Deputy Mayors Edward Marquez, Alina Hudak & Jack Osterholt, Inson Kim, Alex Ferro, Lester Sola, John Renfrow, Frances Morris, Doug Yoder, JC Arteaga & Miguel De Grandy to Introduce Skanska and discuss P3's

Good morning Joe,

I'm following up on the e-mail (below) that I sent you on Friday regarding whether my clients need to register in order to make a presentation to county staff. The meeting is on December 4th, so I need to know as soon as you can provide advise so I can register them on a timely basis if necessary. Thanks

Miguel De Grandy | Holland & Knight

Partner

701 Brickell Avenue, Suite 3000 | Miami FL 33131

Phone 305.789.7535 | Fax 305.789.7799

miguel.degrandy@hklaw.com | www.hklaw.com

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-----Original Appointment-----

From: de Grandy, Miguel A (MIA - X27535) **On Behalf Of** Marquez, Edward (Office of the Mayor)

Sent: Thursday, November 21, 2013 12:13 PM

To: Centorino, Joseph (COE)

Subject: FW: Meeting with Deputy Mayors Edward Marquez, Alina Hudak & Jack Osterholt, Inson Kim, Alex Ferro, Lester Sola, John Renfrow, Frances Morris, Doug Yoder, JC Arteaga & Miguel De Grandy to Introduce Skanska and discuss P3's

When: Wednesday, December 04, 2013 3:30 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Mayors Office: 111 NW 1st Street, Conference Room 29A

Importance: High

Good morning Joe,

I'm writing to obtain guidance regarding whether there is a requirement to register under the facts I'll set forth below and if so what is required. The issue is time sensitive- since the meeting in question is set for December 4 2013.

Facts: Several months ago the county commission passed a resolution directing staff to provide a report, among other things, on how to streamline the process for unsolicited bids and what opportunities could be identified for potential Public- private partnerships. In furtherance thereof, I contacted ED Marquez to inform him that one of my clients (Skanska) had considerable experience on the subject of Public private partnerships and would be happy to share those experiences with the county. Mr. Marquez said that the administration was still in the information gathering mode and would welcome any input from my client or other knowledgeable sources. He suggested we send him a proposed agenda, which we did (see below) and subsequently set the December 4th meeting. As you can see from the agenda below, the meeting is purely geared to provide information based on experience and case studies and assist the administration in its task of drafting an informational report regarding how to implement successful public private partnerships.

Skanska has performed several projects in the past for Miami-Dade county. However, In this case, there is no procurement pending and there is no benefit to gain by Skanska as a result of this meeting. Skanska is not seeking to influence any county decision, ordinance or action. The only purpose of the meeting is to provide information to the county.

I am registered to represent Skanska. However, the two executives that will participate in the presentation are not registered. They do not lobby in the regular course of their employment.

When we received the confirmation of the meeting, it included a standard statement that "all lobbyists must register prior to the meeting". (see below)

Question: Do the Skanska executives that will participate in this informational presentation have to register, and if so what is required.

I thank you in advance for your prompt consideration and response.

Miguel

-----Original Appointment-----

From: Marquez, Edward (Office of the Mayor)

Sent: Tuesday, November 19, 2013 4:49 PM

To: Marquez, Edward (Office of the Mayor); de Grandy, Miguel A (MIA - X27535)

Subject: Meeting with Deputy Mayors Edward Marquez, Alina Hudak & Jack Osterholt, Inson Kim, Alex Ferro, Lester Sola, John Renfrow, Frances Morris, Doug Yoder, JC Arteaga & Miguel De Grandy to Introduce Skanska and discuss P3's

When: Wednesday, December 04, 2013 3:30 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Mayors Office: 111 NW 1st Street, Conference Room 29A

Confirmed with Miguel DeGrandy

All Lobbyists must register prior to the meeting.

Lobbyist Registration: Clerk of the Board, 111 NW 1st Street, 17th Floor

Contact person: Claude Francis at 305-375-5137

Gents,

As discussed pls see below draft:

1. Short introduction to Skanska, incl. Skanska's PPP investment unit (5 min)
2. Case study from Water Treatment Plant PPP project in Europe- brief synopsis (15-20 min)
 - technical
 - financial
 - contractual
3. Key Lessons learned from our US PPP Project experience, incl FDOT (10 min)
- 4 . Q & A. (15-25 min)

/Frederick Burman

Skanska Infrastructure Development Inc

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