MEMORANDUM **B & F**
Agenda Item No. 2(H)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 14, 2008

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

SUBJECT: Resolution invoking waiver of procedures for disposition of surplus property to Haiti for emergency situation

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dorrin D. Rolle.

R. A. Cuevas, Jr.
County Attorney

RAC/bw

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: November 20, 2008

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

SUBJECT: Agenda Item No.

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
11-20-08

RESOLUTION NO. _____

RESOLUTION INVOKING WAIVER PROVIDED BY ORDINANCE 05-114 OF PROCEDURES FOR DISPOSITION OF SURPLUS PROPERTY ON THE BASIS OF THE FINDING THAT AN EMERGENCY SITUATION EXISTS IN HAITI AND DIRECTING THE MAYOR OR HIS DESIGNEE TO DONATE SURPLUS EARTH-MOVING EQUIPMENT AND REPORT BACK TO THE BOARD IN FIFTEEN (15) DAYS

WHEREAS, on June 7, 2005, the Board enacted Ordinance 05-114 to amend Section 2-11.2.1 of the Code of Miami-Dade County for the express purpose of waiving the procedures relating to the disposition of surplus property "in the event of an emergency situation outside of Miami-Dade County;" and

WHEREAS, in Haiti during the 2008 hurricane season four consecutive storms have left at least 425 people dead, tens of thousands homeless, and wiped out more than $180 million in crops; and

WHEREAS, information has been received from Haiti that there is an emergency situation regarding debris pickup and removal that if not remedied may promote the spread of diseases and social unrest which may affect the health and welfare of Miami-Dade County given Haiti's geographic proximity and the extensive volume of trade and travel between Haiti and Miami-Dade County; and

WHEREAS, these storms have damaged bridges and roads making the delivery of food, water and medical supplies difficult; and

WHEREAS, the situation in Haiti is so dire that on September 19, 2008, local immigration officials announced that the federal government would temporarily halt the deportation of Haitians from South Florida; and

WHEREAS, this Board finds that the devastation wrought on Haiti by the combined effects of the hurricanes during the 2008 hurricane season have created an emergency situation in Haiti that demands action and assistance from governments and non-governmental agencies; and

WHEREAS, to the extent the County has surplus earth-moving equipment that could be donated to Haiti for the purpose of alleviating the emergency situation there, the Board finds that there is an emergency situation in Haiti that warrants the exercise of the waiver authority granted to the Board under Ordinance 05-114 so that such donations can be effectuated,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds and declares that an emergency situation exists in Haiti that warrants the waiver authorized by Ordinance 05-114 of the procedures for disposition of surplus property and directs the County Mayor or his designee to promptly identify and donate surplus earth-moving equipment to Haiti as expeditiously as possible and to report back to the Board regarding such donations within fifteen (15) days.

The Prime Sponsor of the foregoing resolution is Commissioner Dorrin D. Rolle. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of November 2008. 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:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eric A. Rodriguez