MEMORANDUM

Agenda Item No. 11(A)(9)

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

DATE: April 6, 2010

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

SUBJECT: Resolution directing the Mayor to assemble an honor guard for active duty military personnel or international peace keeping forces who have died in the performance of their duty

---

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

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

DATE: April 6, 2010

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

SUBJECT: Agenda Item No. 11(A)(9)

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)(9)
4-6-10

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO ASSEMBLE AN HONOR GUARD FOR ACTIVE DUTY MILITARY PERSONNEL OR INTERNATIONAL PEACE KEEPING FORCES WHO HAVE DIED IN THE PERFORMANCE OF THEIR DUTY

WHEREAS, according to the U.S. Department of Defense, the rendering of Military Funeral Honors is a way to show the Nation's deep gratitude to those who have faithfully defended our county; and

WHEREAS, this ceremonial paying of respect is the final demonstration a grateful nation can provide to the veteran's families; and

WHEREAS, Congress has directed the Secretary of Defense to ensure that, upon request, any eligible veteran is provided a funeral honor guard detail; and

WHEREAS, the Department of Defense provides to eligible veterans a funeral honor guard consisting of members of the Armed Services, a flag folding and flag presentation to the veteran's family, the playing of taps, and, if available, a firing party, pall bearers, and a color guard; and

WHEREAS, every president since John F. Kennedy has made available to the family of a deceased veteran a Presidential Memorial Certificate bearing the signature of the President with an inscription expressing the nation's grateful recognition of an honorably discharged, deceased veteran's service in the Armed Forces; and

WHEREAS, the County desires also to pay a final tribute to eligible County residents who were killed while serving on active duty in the military or as an international peace keeping officer, and the presence of a County honor guard will contribute to the existing military funeral honors or supplant military funeral honors in a way that reflects the high regard and respect properly accorded to the resident's sacrifice and service,

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

Section 1. This Board directs the Mayor or Designee to establish a program whereby a County honor guard will be made available, at the request of a surviving family member, to attend the funeral of any active duty service member or international peace keeping officer who, in the performance of his or her duties after January 1, 2010, died:

(1) In any action against an enemy of the United States;

(2) In any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged;

(3) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

(4) As a result of an act of any such enemy of opposing armed forces;

(5) As the result of an act of any hostile foreign force;

(6) As a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of the department concerned, or jointly by the Secretaries of the

departments concerned if persons from more than one department are wounded in the attack;

(7) As a result of military operations, while serving outside the territory of the United States as part of a peacekeeping force;

(8) By weapon fire while directly engaged in armed conflict regardless of the fire causing death; or

(9) While held as a prisoner of war or while being taken captive.

Section 2. The honor guard shall be made available, contingent upon operational commitments, for service members or international peace keeping officers from Miami-Dade County whose funerals and services are taking place within Miami-Dade County.

Section 3. The honor guard shall be made up of officers from the Miami-Dade Police Department, Miami-Dade Fire and Rescue Department, and the Miami-Dade Department of Corrections and Rehabilitation. Preference shall be given to those officers who volunteer for the duty.

Section 4. The honor guard shall be posted and shall, at a minimum, display the County flag, and if requested by the family, shall be pallbearers.

Section 5. The Mayor or Designee is directed to transmit certified copies of this Resolution to all licensed funeral homes in Miami-Dade County, and to include a phone number to be used by funeral home directors to contact the designated County representative for the purpose of requesting and making arrangements for the honor guard.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor is Commissioner Rebeca Sosa. 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

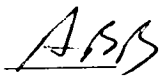
The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of April, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Andrew B. Boese