

Memorandum



DATE: January 20, 2011

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 8(I)(1)(A)

FROM: George M. Burgess
County Manager

SUBJECT: Gift of Six (6) Rifles to Police Officer Assistance Trust (P.O.A.T.) in Partnership with Operation Support Our Wounded Warriors Program

This item was listed on the changes list at the November 5 Health, Public Safety and Intergovernmental Committee as Withdrawal Requested. The item has been updated in order to include a Hold Harmless Agreement for the transfer of rifles between Miami-Dade County and the Police Officer Assistance Trust.

Recommendation

It is recommended that the Board of County Commissioners approve the gift of six (6) identified rifles which are no longer in service and in "as is" condition from the Miami-Dade Police Department (MDPD) to the Police Officers Assistance Trust (P.O.A.T.) in partnership with Operation Support Our Wounded Warriors Program.

Scope

The resolution will authorize Miami-Dade Police Department (MDPD) to give six (6) identified rifles to the P.O.A.T., a nonprofit support organization for the law enforcement community of Miami-Dade County which provides assistance to officers and their families in times of hardship, personal crisis, or critical need.

Fiscal Impact/Funding Source

There is no fiscal impact to the MDPD. These rifles, housed at the Miami-Dade Public Safety Training Institute (MDPSTI) Firearms Unit, are not in use.

Track Record/Monitor

The resolution will be implemented by the MDPD and monitored by the Chief Financial Officer.

Background

The MDPD rifles are not in use as they are very old; two of them are considered historical, dating back to World War I. In proposing that a gift be made of these rifles, each weapon has been researched and cleared by the MDPD Property and Evidence Bureau to ensure they do not have any evidentiary value.

Operation Support Our Wounded Warriors Program is a nonprofit organization founded to honor and empower wounded warriors who incur service-connected wounds, injuries, and illnesses (physical or psychological) on or after September 11, 2001. The resulting objective is to provide tangible support for the wounded and help them on the road to healing. Our P.O.A.T. has a history of partnership with the Operation Support Our Wounded Warriors Program, which supports the national organization by welcoming home our South Florida wounded veterans from the Iraq and Afghanistan war and providing support.

Operation Support Our Wounded Warrior Program will identify South Florida wounded warriors and P.O.A.T. will present the MDPD rifles to the wounded warriors in honor of his/her service and sacrifice.

Alina T. Hudak
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2011

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

SUBJECT: Agenda Item No. 8(I)(1)(A)

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

Agenda Item No. 8(I)(1)(A)

Veto _____

1-20-11

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING THE MIAMI-DADE POLICE DEPARTMENT (MDPD) TO GIVE SIX (6) IDENTIFIED RIFLES IN "AS IS" CONDITION AND NO LONGER IN SERVICE TO THE POLICE OFFICER ASSISTANCE TRUST (P.O.A.T.) IN PARTNERSHIP WITH THE NATIONAL OPERATION SUPPORT OUR WOUNDED WARRIORS PROGRAM IN HONOR OF SOUTH FLORIDA WOUNDED VETERANS' SERVICE AND SACRIFICE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the MDPD has six (6) rifles which are very old and no longer in use and each rifle has been researched and cleared by the MDPD Property and Evidence Bureau to ensure they do not have any evidentiary value; and

WHEREAS, the P.O.A.T. has a history of partnership with the Operation Support Our Wounded Warriors Program, which supports the national organization by welcoming home our South Florida wounded veterans from the Iraq and Afghanistan war and providing support; and

WHEREAS, Operation Support Our Wounded Warriors Program is a nonprofit organization founded to honor and empower wounded warriors who incur service-connected wounds, injuries and illnesses on or after September 11, 2001. The resulting objective is to provide tangible support for the wounded and help them on the road to healing, both physically and mentally; and

WHEREAS, Operation Support Our Wounded Warrior Program will identify South Florida wounded warriors and P.O.A.T. will present the MDPD rifles to the wounded warriors in honor of his/her service and sacrifice; and

WHEREAS, the Miami-Dade Police Department would like to give the P.O.A.T. these rifles in as is condition in partnership with the Operation Support Our Wounded Warriors Program,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the gift of these six (6) rifles to the P.O.A.T. in honor of the service and sacrifice of South Florida wounded veterans on behalf of Miami-Dade County.

The foregoing resolution 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2011. 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

Approved by County Attorney as
to form and legal sufficiency.

Ben Simon



By: _____
Deputy Clerk

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Hold Harmless Agreement for Transfer of Rifles

Between

Miami-Dade County and Police Officer Assistance Trust (P.O.A.T.)

The Miami-Dade Police Department has identified six (6) rifles which are no longer in service to gift to the Police Officers Assistance Trust (P.O.A.T.). The P.O.A.T. is a nonprofit support organization for the law enforcement community of Miami-Dade County which provides assistance to officers and their families in times of hardship, personal crisis, or critical need.

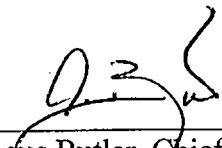
The Police Officer Assistance Trust (POAT) accepts the below listed firearms in "as is" condition with no statements or warranties as to condition, safety or operability. POAT further agrees to hold harmless, forever release from all liability, and to fully defend and indemnify the Miami-Dade Police Department and Miami-Dade County, Florida, and/or any of its past or present agents, servants, or employees, whether acting in their official or individual capacities, for any and all claims, causes of action, or demands of any kind, which may arise from the transfer, acceptance and use of these firearms.

Description of Identified Firearms and Serial Numbers

1. Springfield Armory, M1A, Serial Number 105792
2. H & R Arms Company, US Rifle, Serial Number 5779128
3. H & R Arms Company, US Rifle, Serial Number 4687429
4. Remington (bolt action), Model 03-A3, Serial Number 3551354
5. Springfield Armory (bolt action), Model 1903, Serial Number 137431
6. Springfield Armory (bolt action), Model 1903 Mark I, Serial Number 1195629

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DATED this ___ day of November, 2010.



Angus Butler, Chief of Staff
Police Officers Assistant Trust

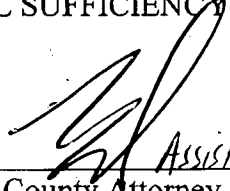
MIAMI-DADE COUNTY

By: _____
Carlos Alvarez
County Mayor

ATTEST:
HARVEY RUVIN, CLERK

By _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By  _____
County Attorney *Assistant County Attorney, for*