MEMORANDUM

Agenda Item No. 5(B)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	May 17, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution naming the Miami International Airport District gym the "Officer Mario Gutierrez Fitness Center" by a three-fifths vote of Board members present

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

Abigail Price-Williams
County Attorney

APW/cp

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(B)

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**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor'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. 5(B)
5-17-16

RESOLUTION NO. _____

RESOLUTION NAMING THE MIAMI INTERNATIONAL AIRPORT DISTRICT GYM THE "OFFICER MARIO GUTIERREZ FITNESS CENTER" BY A THREE-FIFTHS VOTE OF BOARD MEMBERS PRESENT

WHEREAS, Officer Mario Gutierrez has worked for the Miami-Dade Police Department (MDPD) since 1992; and

WHEREAS, he completed his basic training on October 30, 1992, as a graduate of the Basic Law Enforcement Class No. 143, at which time he was assigned to the Intracoastal District, where he worked as a uniform patrol officer and field training officer; and

WHEREAS, during this period Officer Gutierrez distinguished himself as a team player and took an interest in tactical and survival training; and

WHEREAS, after a decade of service to the residents and visitors of the Intracoastal District, Officer Gutierrez was given the opportunity to join the MDPD Special Patrol Bureau's Motorcycle Unit, where he enforced traffic laws, responded to traffic complaints, addressed intersections with high incidents of crashes, and conducted countless escorts, processions, and motorcycle presentations, from September 2002 through November 2009; and

WHEREAS, in November 2009, Officer Gutierrez was transferred to the Airport District, where he initially served as a uniform patrol officer; and

WHEREAS, Officer Gutierrez was eventually transferred to the District's Motorcycle Unit, where he continues to serve the visitors and employees of Miami International Airport to date; and

WHEREAS, during his career, Officer Gutierrez has received 86 letters of commendation from MDPD and private citizens, many for dedication, outstanding performance of duty, and professionalism; and

WHEREAS, Officer Gutierrez's vast training and experience have been called upon on several occasions during the performance of his duties, and in several instances, despite overwhelming odds against him, Officer Gutierrez has displayed a will to fight to survive; and

WHEREAS, on Tuesday, October 29, 2013, while on routine patrol in the Triangle Area of the Airport District, Officer Gutierrez drove into the Shell Gas Station at 2501 NW 42 Avenue; and

WHEREAS, upon entering the property, Officer Gutierrez discovered that a male had lifted the lid to the junction valve connecting the station's two 8,000-gallon gasoline storage tanks; and

WHEREAS, Officer Gutierrez noticed that the male had started a fire on top of the valve system, while attempting to cause a large explosion; and

WHEREAS, the subject also removed a fuel pump hose from the adjacent gas pump and placed it inside the open lid, attempting to further fuel the fire; and

WHEREAS, Officer Gutierrez was faced with a life threatening decision of whether to retreat to a secure location or attempt to stop the actions of the perpetrator; and

WHEREAS, Officer Gutierrez understood the magnitude of the situation, knowing that if an explosion did occur, it would level the entire gas station and potentially kill everyone in the immediate vicinity; and

WHEREAS, disregarding his own safety, Officer Gutierrez decided to advance on the subject, attempting to disrupt his actions; and

WHEREAS, Officer Gutierrez had the foresight to activate the emergency shut off valve to the fuel pumps, rendering them inoperable; and

WHEREAS, after a malfunction in the deployment of his electronic control device, which had no effect on the subject, Officer Gutierrez and the subject became involved in a violent physical confrontation; and

WHEREAS, the subject was armed with a knife and managed to charge and stab Officer Gutierrez; and

WHEREAS, as the fight ensued, the subject lost control of the knife and produced a second weapon, a screwdriver, which he used to continue to stab Officer Gutierrez; and

WHEREAS, Officer Gutierrez fought for his life and retention of his firearm, even after the subject nearly severed his thumb as a result of a bite; and

WHEREAS, throughout the incident, Officer Gutierrez had a sheer determination and will to survive; and

WHEREAS, eventually, Officer Gutierrez was able to gain control of his firearm, discharge it, and ultimately kill his assailant; and

WHEREAS, despite multiple stab wounds to his extremities and torso, along with a severe bite wound, Officer Gutierrez refused to give up; and

WHEREAS, on Tuesday, August 26, 2014, Officer Gutierrez responded to the Miami Intermodal Center as back-up on a call of an unknown male casing the area; and

WHEREAS, while Officer Gutierrez was speaking with the male, the male became combative, and Officer Gutierrez attempted to arrest him; and

WHEREAS, the subject violently fought with Officer Gutierrez; and

WHEREAS, although the subject was successfully taken into custody, Officer Gutierrez suffered lacerations to a hand and both forearms; and

WHEREAS, in addition, Officer Gutierrez was exposed to the subject's blood; and

WHEREAS, most recently, on Monday, December 14, 2015, only a few short months after undergoing a triple-bypass cardiac surgical procedure, Officer Gutierrez was involved in a vehicle crash while operating a marked County vehicle; and

WHEREAS, the driver of the other vehicle failed to yield the right-of-way to Officer Gutierrez while making a turn in front of him; and

WHEREAS, as a result, Officer Gutierrez's vehicle collided with the other vehicle, causing extensive damage to both vehicles; and

WHEREAS, Officer Gutierrez suffered a serious head injury during the crash, and he was transported to Aventura Hospital Intensive Care Unit as a trauma alert patient; and

WHEREAS, Officer Gutierrez recovered from his injuries and was ultimately released to full duty; and

WHEREAS, it is recognized that endurance, strength, and physical conditioning are often critical factors in determining the outcome of encounters between police officers and criminals, or even rendering assistance to others during emergency conditions; and

WHEREAS, Officer Gutierrez has faced adversity and even the threat of death on more than one occasion, and he has prevailed; and

WHEREAS, Officer Gutierrez is a fighter and a survivor, and for his commendable service this Board wishes to name the Miami International Airport District's newly renovated gym as the "Officer Mario Gutierrez Fitness Center"; and

WHEREAS, this proposed naming is located in County Commission District 6; and

WHEREAS, Rule 9.02 provides that the Board may, by a three-fifths vote of Board members present, name a County road, facility or property after a living individual who "has made a direct, significant lifetime contribution to this community",

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

Section 1. The foregoing recitals are hereby incorporated into this resolution and the Board finds that Officer Mario Gutierrez has made direct, significant lifetime contributions to this community pursuant to Rule 9.02(d).

Section 2. Having considered this matter at a public hearing and by a three-fifths vote of Board members present, the Board names the Miami International Airport District gym the "Officer Mario Gutierrez Fitness Center".

Section 3. The Board directs the Clerk of the Board to transmit a certified copy of this resolution to the United States Postal Service, the Miami-Dade Aviation Department, the Miami-Dade Police Department, and the Miami-Dade Fire Rescue Department.

The Prime Sponsor of the foregoing resolution 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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. MP

Matthew Papkin