

MEMORANDUM

Agenda Item No. 11(A)(6)

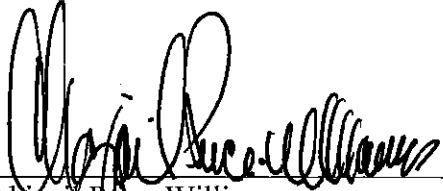
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: July 6, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring certain firefighting equipment surplus property; waiving, by a two-thirds vote of Board members present, the procedure for disposition of surplus property; authorizing the donation of such equipment to the City of Panajachel, Guatemala Fire Department; and authorizing the County Mayor to execute a foreign governmental entity donation agreement, to exercise any and all other rights conferred therein and to take any and all actions necessary to effectuate the foregoing

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/lmp

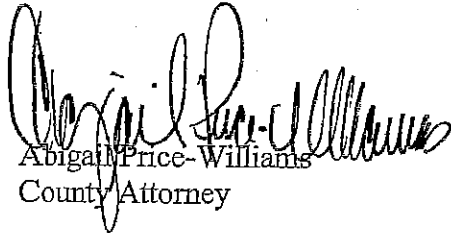


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

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Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

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. 11(A)(6)
7-6-17

RESOLUTION NO. _____

RESOLUTION DECLARING CERTAIN FIREFIGHTING EQUIPMENT SURPLUS PROPERTY; WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, THE PROCEDURE FOR DISPOSITION OF SURPLUS PROPERTY; AUTHORIZING THE DONATION OF SUCH EQUIPMENT TO THE CITY OF PANAJACHEL, GUATEMALA FIRE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A FOREIGN GOVERNMENTAL ENTITY DONATION AGREEMENT, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

WHEREAS, certain firefighting equipment as described in section 1 below was purchased and is currently owned by Miami-Dade County; and

WHEREAS, the continued usage of such firefighting equipment by Miami-Dade County is uneconomical and inefficient, and the equipment serves no useful purpose; and

WHEREAS, the Board desires to declare such property to be surplus; and

WHEREAS, section 2-11.2.1(b) of the Code of Miami-Dade County, Florida ("Code"), provides a procedure for the disposition of County surplus property; and

WHEREAS, pursuant to section 2-11.2.1(d) of the Code, the Board may waive such procedure by a two-thirds vote of the members present, and may donate surplus property to a foreign governmental entity upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community organization; and

WHEREAS, the City of Panajachel, Guatemala Fire Department (the “Donee”) has expressed an interest in the property and desires to use the equipment within the Country of Guatemala for the purposes outlined in the attached foreign governmental entity donation agreement; and

WHEREAS, the Donee is a foreign governmental unit; and

WHEREAS, the equipment is eligible for donation under section 2-11.2.1(d) of the Code,

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

Section 1. This Board finds that the following firefighting equipment is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community based organization:

<u>Asset No.</u>	<u>I.D. No.</u>	<u>Description</u>	<u>Condition</u>	<u>Est. Value</u>
N/A	N/A	40 Sets of Turnout Gear: Coats & Pants	Obsolete	\$5,000
N/A	N/A	40 Fire Helmets	Obsolete	\$500
N/A	N/A	40 Sets of Fire Boots	Obsolete	\$500

Section 2. This Board declares such equipment, with the listed residual value and other characteristics, to be surplus pursuant to chapter 274, Florida Statutes, and section 2-11.2.1 of the Code.

Section 3. By a two-thirds vote of members present and pursuant to subsection (d) of section 2-11.2.1 of the Code, this Board authorizes the waiver of the procedure for the disposition of County surplus property set forth in subsection (b) of section 2-11.2.1 of the Code, and hereby donates the equipment set forth in section 1 above to the Donee.

Section 4. The County Mayor or County Mayor's designee is authorized to execute the foreign governmental entity donation agreement with the Donee in substantially the form attached hereto and incorporated herein by reference and to exercise any and all other rights conferred therein and shall and is hereby directed to take any and all actions necessary to effectuate the intent of this resolution.

Section 5. The Donee shall take possession of the equipment within 60 days of the effective date of this resolution and shall be responsible for any and all costs of transferring the equipment. If, for any reason, the Donee fails to take possession of the equipment within 60 days of the effective date of this resolution, then this resolution shall be null and void, and the ownership rights to the equipment shall revert back to the County.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of July, 2017. 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.



Annery Pulgar Alfonso

**MIAMI-DADE COUNTY
SURPLUS PROPERTY ALLOCATION APPLICATION**

COUNTY SURPLUS PROPERTY ALLOCATIONS REQUESTED THROUGH THIS PROCESS ARE NOT EFFECTIVE UNTIL APPROVED BY ACTION OF THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE MIAMI-DADE COUNTY HOME RULE CHARTER

Please complete and sign the following form and submit it along with requested documents to your sponsoring Commissioner. Once accepted, the sponsoring Commissioner will submit the documents to:

Internal Services Department-Fixed Assets Manager
2225 N. W. 72 Ave
Miami, FL 33122

Phone: (305) 592-3752
Fax: (305) 592-3616

1. Full legal name of the requesting organization: Municipalidad de Panajachel Departamento de Solola, Guatemala, C.A.
2. Applicant Status: (Select one of the choices below)
- Not-For-Profit or Tax Exempt Local Government or Public Entity
- For-Profit
- Other (specify): Bomberos Voluntarios de Guatemala - 33rd Company in Panajachel, Guatemala

**If Not-For-Profit or Tax Exempt, please attach a copy of letter from Internal Revenue Service designating status under 501c code.

3. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.): Mr. Diego Perez, 16900 North Bay Road Apt 2303, Sunny Isles, FL 33160, (786) 651-0551, roxepanadish@gmail.com
4. Specify the surplus property requested (quantify, if applicable): Forty (40) sets of bunker coats, bunker pants, fire boots and fire helmets
5. Specify the purpose for which the surplus property will be used:
Currently the firefighters do not use any fire repellent gear to train with to simulate a real emergency. The Surplus Property will be used to protect the men and women who need training under harsh conditions related to fire emergencies.

I hereby certify that all the statements made in this application are true and correct.



Signature of Authorized Representative

July 6, 2016

Date



BENEMERITO
CUERPO VOLUNTARIO DE BOMBEROS DE GUATEMALA
 ENTIDAD AUTÓNOMA RECONOCIDA POR EL GOBIERNO DE LA REPUBLICA
DISCIPLINA - HONOR - ABNEGACIÓN

Estación Central
 "LIC. RODRIGO GONZALEZ ALLENDES"

Administración
 1a. Avenida 18-97, Zona 3
 Teléfonos: 2230-3124, 2251-4080
 Telefax: 2251-7104 • 2220-8715

seleccionespublicas.cvbg@gmail.com
 escuela nacional de bomberos@hotmail.com
 secretaria cvbg@gmail.com
 cvbguate@intelnet.net.gt

FUERZA ACTIVA
 Teléfono de emergencia 122
 Teléfonos: 2232-8205 y 2232-8867

Panajachel, July 6, 2016

To: Members of Miami Dade County Commissioners
 111 NW 1st Street
 Miami, Florida 33128

From: 33ava. Compañía del Benemerito Cuerpo Voluntario de Bomberos de Guatemala

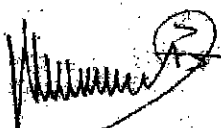
Subject: Firefighter gear donation

Distinguished Board Members of Miami Dade County Commissioners,

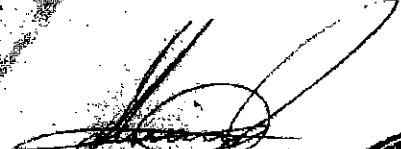
First and foremost, the 33rd Volunteer Fire Company of Panajachel would like to thank you in advance for the 40 sets of fire gear. The firefighters who protect the municipality of Sololá, Guatemala will benefit from the use of these sets of gear in their training.

It is with the most sincere gratitude that we are completing the necessary process by making the necessary arrangements with Guatemalan authorities to ensure the equipment is received and implemented. Mr. Roberto Pérez has been designated to arrange the details of the delivery on our behalf.

With appreciation,


 Of. Julio César Churuel
 Director
 of the 33rd Volunteer Fire
 Company of Panajachel




 Of. Manuel Enrique Díaz
 Secretario
 of the 33rd Volunteer Fire
 Company of Panajachel



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Foreign Governmental Entity Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and 33 ava Compañía del Benemerito Cuerpo Voluntario de Bomberos de Guatemala (hereafter "Donee") as follows:

For and in Consideration of the County donating Forty (40) sets of bunker coats, bunker pants, fire boots and fire helmets to Donee, and Donee agreeing to the use and as described herein: Forty (40) bunker coats, bunker pants, fire boots and fire helmets AS IS,

Donee certifies that it is an affiliate of a foreign governmental entity.

Donee agrees that it shall utilize the donated surplus property for the intended use specified in section no. 5 of the "Surplus Property Allocation Application", attached hereto (Attachment A). Donee understands that the donated surplus property shall not be used for live fire service and can only be used for training without live fire burns.

Donee agrees that it shall indemnify and hold harmless Miami Dade County, and its officers, employees, agents and instrumentalities et. al. from any and all liability, losses or damages, including attorney's fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the transfer of ownership, maintenance or use of the donated property or by subsequent acts by the Donee, its agents, employees, et. al., and/or the performance of this Agreement by the Donee or its employees, agents, servants, partners, principals. The Donee shall pay all claims and losses in connection therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon.

This Agreement is governed by and shall be construed according to the laws of the State of Florida. Donee hereby irrevocably submits in any suit, action or proceeding arising out of or relating to this Agreement or any transaction contemplated hereby to the exclusive jurisdiction of the United States District Court for the Southern District of Florida or if jurisdiction is not available therein, the jurisdiction of any state court in Miami-Dade County, Florida and waives any and all objections to such jurisdiction or venue that it may have under the laws of any state or country, including, without limitation any argument that jurisdiction, suits and/or venue are inconvenience or otherwise improper. Donee further agrees that process shall be served upon it or the County in any manner authorized under the laws of the State of Florida, and waives any objections that it may otherwise have to such process.

Foreign Governmental Entity Donation Agreement

"According to section 2-1076 of the Code of Miami-Dade County, Florida, Miami-Dade County has established the Office of the Inspector General which may, on a random basis, perform audits, inspections, and reviews of all County contracts. This audit is separate and apart from any other audit by the County."

33 ava Compañia del Benemerito Cuerpo Voluntario de Bomberos de Guatemala
Print Name of Foreign Governmental Entity

By: 
Signature

Date: July 6, 2016

Cesar Churunel
Printed Name

Director
Title

Miami-Dade County:

By: _____

Date: _____



Always Ready, Proud To Serve

Miami-Dade Fire Rescue Department
Office of the Fire Chief
9300 NW 41 Street
Doral, Florida 33178-2414
T 786-331-5000 F 786-331-5101

miamidade.gov

May 16, 2017

Honorable Esteban L. Bovo, Jr., Chairman
The Board of County Commissioners
Stephen P. Clark Center
111 Northwest 1 Street, 2nd Floor
Miami, Florida 33128

Dear Chairman Bovo,

The following fire protection clothing is owned by Miami-Dade County and has been declared obsolete by the Miami-Dade Fire Rescue Department. This clothing cannot be legally used by another County department, municipality, or an eligible Community-Based Organization (CBO) in Miami-Dade County. This decommissioned fire protective clothing turn-out gear (helmets, boots, coats, and pants) may not be used for live fire service and can only be used for training without live burns. The continued usage of this fire protection clothing by the Miami-Dade Fire Rescue Department is uneconomical, inefficient, and serves no other useful purpose.

The decommissioned fire protective clothing listed below is being made available for donation to the Municipality of Panajachel, Guatemala Volunteer Fire Company.

Type	Count
Rubber boots	40
Bunker Coats	40
Bunker Pants	40
Helmets	40
Grand Total	160

If you have any questions regarding this donation, please contact Mr. George Tabor, Miami-Dade Fire Rescue Logistics Services Manager at (786) 336-3122.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Downey".

Dave Downey
Fire Chief

c: Alan R. Cominsky, Assistant Fire Chief
Paul Estopinan, Acting Division Chief, Logistics Division
Obad Jiron, Materials Management Supervisor, Internal Services Division