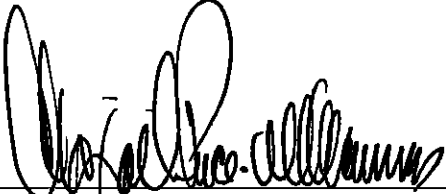


MEMORANDUM

Agenda Item No. 7(C)

TO:	Honorable Chairman Esteban L. Bovo, Jr. and Members, Board of County Commissioners	DATE:	(Second Reading 4-10-18) February 6, 2018
FROM:	Abigail Price-Williams County Attorney	SUBJECT:	Ordinance relating to the disposition of County Surplus Property; amending section 2- 11.2.1 of the Code; providing that the County may donate surplus property to foreign nonprofit agencies under certain circumstances

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

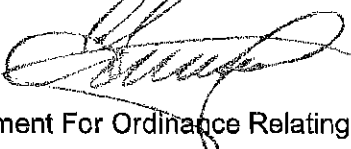


Abigail Price-Williams
County Attorney

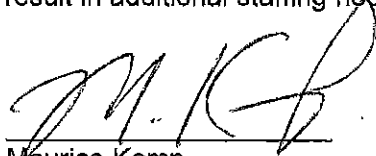
APW/cp

Memorandum



Date: April 10, 2018
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Fiscal Impact Statement For Ordinance Relating to the Disposition of County Surplus
Property

Implementation of this ordinance will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs.

A handwritten signature in dark ink, appearing to read "M. Kemp".

Maurice Kemp
Deputy Mayor

FIS04018 180172

Memorandum



Date: April 10, 2018

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Social Equity Statement for Ordinance Relating to Disposition of County Surplus Property, Amending Section 2-11.2.1 of the Code the County Code

The proposed ordinance amends Section 2-11.2.1 of the County Code to allow the donation of surplus firefighting equipment to foreign not-for-profit organizations that are recognized by a foreign government as providing fire-fighting services on their behalf.

The specific social equity benefit to the County cannot be determined at this time. In the past, the County has donated surplus property to foreign entities if such property has been declared obsolete by the County department. In this instance, because regulations are much less stringent in other countries, allowing donation of firefighting equipment to foreign not-for-profit organizations will provide critically needed equipment necessary for training in the protection of the public and emergency personnel from fire and related hazards.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over the name in the signature block.

Edward Marquez
Deputy Mayor

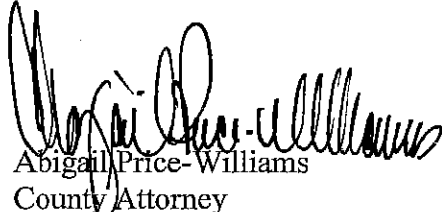


MEMORANDUM

(Revised)

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

DATE: April 10, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(C)

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. 7(C)
4-10-18

ORDINANCE NO. _____

ORDINANCE RELATING TO THE DISPOSITION OF COUNTY SURPLUS PROPERTY; AMENDING SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE COUNTY MAY DONATE SURPLUS PROPERTY TO FOREIGN NONPROFIT AGENCIES UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, to ensure availability for our first responders in an emergency, the County purchases extra firefighting equipment to have available in the event a first responder's equipment becomes unusable; and

WHEREAS, the National Fire Protection Association (NFPA) provides criteria and test methods for firefighting equipment; and

WHEREAS, the NFPA standards are incorporated in the federal Occupational Safety and Health Act (OSHA) standards; and

WHEREAS, due to the NFPA and OSHA standards, a large quantity of unused and lightly used but expired firefighting equipment can no longer be used in the United States; and

WHEREAS, section 2-11.2.1 of the Miami-Dade County Code currently provides that obsolete surplus property that cannot legally be used in the County, such as firefighting equipment that is obsolete as determined by the NFPA criteria, may only be donated to a foreign governmental entity; and

WHEREAS, many countries' firefighters are volunteers working under not-for-profit organizations to provide firefighting services instead of the foreign government itself; and

WHEREAS, volunteer firefighters in foreign countries desire the County's surplus firefighting equipment for training purposes; and

WHEREAS, the Board would like to amend section 2-11.2.1 to allow the donation of surplus firefighting equipment to foreign not-for-profit organizations,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-11.2.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

CHAPTER 2. ADMINISTRATION

ARTICLE I. IN GENERAL

* * *

Sec. 2-11.2.1. Disposition of County surplus property.

- (a) *Definitions.* For the purposes of this section, the following definitions shall be effective:
- (1) *Surplus property* shall mean property classified as surplus pursuant to Section 274.05, Florida Statutes.
 - (2) *Property* means all tangible personal property owned by Miami-Dade County of a nonconsumable nature.
 - (3) *Eligible community based organization* means a not-for-profit charitable agency, group, organization, society, association, corporation, partnership or individual that provides a community service designed to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

individuals within this community that have special needs. An eligible community based organization shall be tax exempt under the provisions of Section 501 of the Internal Revenue Code of 1954 and otherwise be a qualified recipient of surplus property pursuant to Section 274.05, Florida Statutes.

- (4) *Retired county animal* means an animal that has been withdrawn from County service, following a determination by a licensed veterinarian under contract with the County that the animal no longer meets the criteria for service to the department that employed the animal.

- (b) *Sale, donation or other disposition of surplus property.* To the extent not inconsistent with state or federal law, surplus property may be sold, donated or otherwise disposed of only in the manner set forth in this section. Within the reasonable exercise of its discretion and having consideration for the best interests of the County, the value and condition of the surplus property, and the probability of such property being desired by the prospective bidder to whom offered, the County shall offer surplus property in the following order of preference: first, to the Parks and Recreation Department at no cost for use in the Department's preventative programs; and thereafter, to other County departments and agencies at no cost for use in Miami-Dade County. The County shall thereafter offer such surplus property by sale or donation to other governmental units located within Miami-Dade County for use in Miami-Dade County or shall have the discretion to offer the property to eligible community based organizations by sale or donation. Any surplus property not accepted by the Parks and Recreation Department or by other County departments or agencies and which is determined to be without commercial value shall be offered for sale or donation to eligible community based organizations. The types of surplus property which shall be offered to the Parks and Recreation Department hereunder at no cost are: step vans (one (1) ton and up), dump trucks, trash trucks, buses, water trucks, tractor trailers, low boy trailers, flat bed trucks, bulldozers, front-end loaders, backhoes, road rollers, trenchers, chippers, graders, large four-wheel drive vehicles, farm tractors, root pruners, cranes, garbage trucks, boom trucks, bucket trucks and large riding lawn mowers. Surplus property to be offered to eligible community based

organizations by sale or donation pursuant to this section predominantly shall be used by such organization in Miami-Dade County. The offer shall disclose the value, condition, and intended use of the surplus property. Prior to the County Commission approving a sale, donation or other disposition of surplus property to a community based organization, the organization shall specify to the County the intended use of such property. The community based organization shall predominantly use such property for the intended use, and shall not resell such property at a profit or otherwise transfer such property without County approval for no less than three (3) years from the date of receipt of the surplus property. The three year requirement may be waived administratively by the Mayor or designee upon a showing that it is in the best interest of the County. Agreements between the County and a community based organization shall include a reverter clause in the event surplus property is not used for the stated purposes within the three (3) year time period. The community based organization shall notify the County when it disposes of the surplus property.

In the event that the surplus property is not otherwise disposed of by operation of this section it shall be disposed of in the manner set forth in Section 274.06, Florida Statutes. The process for disposition of a retired county animal pursuant to Section 274.06, Florida Statutes, shall be as follows: upon receipt of a written certification from a licensed veterinarian under contract with the County that the animal no longer meets the criteria for service to the County, the County ~~[[Manager]]~~ >>Mayor<< or designee may make such humane disposition of the retired county animal as the ~~[[Manager]]~~ >>Mayor<< or designee deems appropriate, including without limitation allowing a current or former Miami-Dade County employee who handled the animal to adopt the animal, provided that anyone who adopts a retired county animal signs an affidavit releasing the County from any liability for the acts of the retired county animal; the ~~[[Manager]]~~ >>Mayor<< or designee shall prepare a retired animal custody affidavit memorializing the disposition of each retired county animal. Any and all proceeds derived from the sale of surplus property determined to be without commercial value shall be placed by the county in a restricted fund for the benefit of

organizations which provide social and human service within the County and eligible community based organizations. Funds derived from this source shall not be used as an offset or to reduce funds made available to these organizations from other County sources.

(c) *Exception for Emergency Purposes.* Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by 2/3 vote of the members present and upon a finding of an emergency situation, as declared by the President of the United States, the Governor of the State of Florida, the Mayor of Miami-Dade County or the Board of County Commissioners.

(d) *Exception for foreign governmental entities >>and certain foreign not-for-profit organizations<<.* Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by a two-thirds (2/3) vote of members present and may donate >>:

(i)<< surplus property to a foreign governmental entity >>; and

(ii) surplus fire-fighting equipment to a foreign governmental entity or a foreign not-for-profit organization that is recognized by a foreign government as providing fire-fighting services on the foreign government's behalf;<<

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 based organization.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

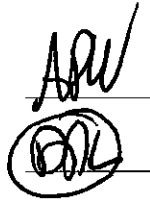
PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Daija Page Lifshitz

Prime Sponsor: Commissioner Sally A. Heyman

Handwritten signature of APW and a circled signature of DPL.