

MEMORANDUM

Special Item No. 1

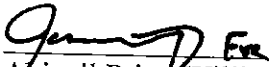
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: September 19, 2019

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 for training efforts to combat Amazon rainforest fires; directing the County Mayor to identify authorized foreign governmental entities or foreign not-for-profit organizations in need of such equipment; waiving provisions of Resolution No. R-130-06 and authorizing the County Mayor to execute foreign governmental entity donation agreements, 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 Co-Prime Sponsors Commissioner Jose "Pepe" Diaz and Commissioner Sally A. Heyman.


Abigail Price-Williams
County Attorney

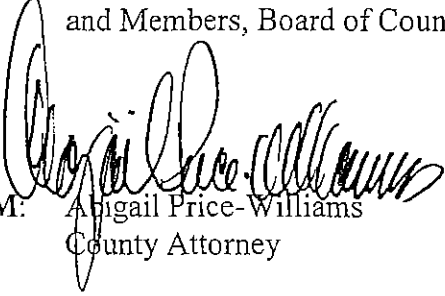
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MEMORANDUM
(Revised)

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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 present ☒, 2/3 membership ☐, 3/5's ☐, unanimous ☐, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ☐, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ☐, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ☐ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Special Item No. 1

Veto _____

9-19-19

Override _____

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 FOR TRAINING EFFORTS TO COMBAT AMAZON RAINFOREST FIRES; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO IDENTIFY AUTHORIZED FOREIGN GOVERNMENTAL ENTITIES OR FOREIGN NOT-FOR-PROFIT ORGANIZATIONS IN NEED OF SUCH EQUIPMENT; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06 AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE FOREIGN GOVERNMENTAL ENTITY DONATION AGREEMENTS, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

WHEREAS, the Amazon Rainforest ("the Amazon") has been wrought with a record number of unrelenting and destructive forest fires in 2019; and

WHEREAS, the Amazon spans eight countries, covers roughly 40 percent of South America, and is often referred to as "the planet's lungs," as it produces 20 percent of the Earth's oxygen; and

WHEREAS, these destructive Amazon forest fires have released carbon dioxide into the atmosphere, destroying an ecosystem that absorbs millions of tons of carbon emissions every year, and is one of the planet's best defenses against the climate crisis; and

WHEREAS, there have been more than 70,000 fires reported in the Amazon since the beginning of the year which is an increase of approximately 84 percent from the year prior; and

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WHEREAS, because of the Amazon's far reaching health and environmental benefits which positively impact residents of Miami-Dade County, the State of Florida, the United States of America, and the world-at-large, this Board would like to provide aid and assistance to countries training to combat Amazon rainforest fires; and

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 units or foreign not-for-profit organizations that provide firefighting services on behalf of a non-communist foreign government, 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 donees shall be foreign governmental units or foreign not-for-profit organizations that provide firefighting services on behalf of a non-communist foreign government, and that are engaged in training efforts to combat Amazon rainforest fires; and

WHEREAS, the equipment is eligible for donation under section 2-11.2.1(d) of the Code, and may be used by the donees for training without live fire burns,

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	1 Flat Head Axe	Obsolete	\$ 33
N/A	N/A	3 Pick Head Axes	Obsolete	\$ 132
N/A	N/A	60 Sets of Bunker Gear: Coats & Pants	Obsolete	\$ 88,860
N/A	N/A	13 Sets of Gloves	Obsolete	\$ 715
N/A	N/A	55 Hoods	Obsolete	\$ 1,650
N/A	N/A	25 Sets of Fire Boots	Obsolete	\$ 3,425
N/A	N/A	13 Fire Helmets	Obsolete	\$ 2,808
N/A	N/A	5 Sets of Hurst Tools	Obsolete	\$ 112,345

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. The County Mayor or County Mayor's designee is hereby directed to identify donees that are foreign governmental units or foreign not-for-profit organizations that provide firefighting services on behalf of a non-communist foreign government, and that are engaged in training efforts to combat Amazon rainforest fires.

Section 4. 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 authorizes donating the equipment set forth in section 1 above for the purpose of

training without live fire to the donees set forth in section 3, contingent upon each donee providing the County with a completed Surplus Property Allocation Application and Foreign Governmental Entity Donation Agreement, in substantially the form attached hereto.

Section 5. The County Mayor or County Mayor's designee is authorized to execute the Foreign Governmental Entity Donation Agreements with the donees 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. The provisions of Resolution No. R-130-06 are hereby waived because the donees have yet to be identified.

Section 6. The donees shall take possession of the equipment within 90 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 90 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 Co-Prime Sponsors of the foregoing resolution are Commissioner Jose "Pepe" Diaz and 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:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of September, 2019. 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.

DPL

Daija Page Lifshitz

Foreign Governmental Entity Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and _____ (hereafter "Donee") as follows:

For _____ and _____ in Consideration of the County donating _____ to Donee, and Donee agreeing to the use and as described herein: Firefighter bunker gear AS IS,

Donee certifies that it is a foreign governmental entity or foreign not-for-profit organizations that provide firefighting services on behalf of a non-communist foreign government.

Donee agrees that it shall utilize the donated surplus property for the intended use specified by the Miami-Dade County Board of County Commissioners. 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.

Print Name of Foreign Governmental Entity

Signature

Date

Print Name

Title

Miami-Dade County:

By: _____

Date: _____