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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

(Second Reading 04-24-07)

DATE: February 6, 2007

Agenda Item No. 7(E)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

FROM: George M. Burgess
County Manager

SUBJECT: Proposed Amendment to Chapter 1, Section 2-11-2.1 Retire a County Animal

O#07-59

RECOMMENDATION

It is recommended that the Board approve the attached ordinance that amends Chapter 1 of the Miami-Dade County Code, pertaining to Disposition of County Surplus Property, and creating Retired County Animal section.

BACKGROUND

On January 13, 1998, County Ordinance 98-6 stipulated the disposition of County surplus property. Animals that perform a job for the County have been included in this policy. Currently, when an animal is deemed eligible to retire by the County contracted veterinarian and recommended for placement with its handler, each adoption requires Board approval through a resolution. Adopting the proposed ordinance amendments will streamline this process and expedite the animal's placement upon its retirement.

The proposed ordinance, amendments and subsequent administrative order were developed in conjunction with the County Attorney's Office and establish the definition of a retired County animal and the requirements to retire a County animal. A retired County animal is defined as an animal that has been withdrawn from County service, as determined by a licensed veterinarian under contract with the County, to be no longer of service to the department for which the animal was being used. Upon written confirmation by a licensed veterinarian under contract with the County, the department head where the animal's services were used may recommend to the County Manager the retirement of the animal as he/she deems appropriate to include, but not be limited to, allowing a current or former Miami-Dade County animal handler to adopt the animal upon completion of a retired custody animal affidavit.

This ordinance amendment will have no fiscal impact to the County.

Susanne M. Torriente
Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(E)

04-24-07

ORDINANCE NO. 07-59

ORDINANCE PERTAINING TO DISPOSITION OF COUNTY SURPLUS PROPERTY; AMENDING SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); ESTABLISHING A DEFINITION FOR AND PROCESS FOR DISPOSITION OF RETIRED COUNTY ANIMAL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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]

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 and to be no longer of service to the department.

(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 agency, group, organization, society, association, corporation, partnership or individual that provides a

[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.

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 individuals within this community that have special needs. An eligible community based organization shall be tax exempt under the provisions of Section 501(c)(3) 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, roadrollers, 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 must be intended to be used by such organization in Miami-Dade County. The offer shall disclose the value, condition, and intended use 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 or designee may make such humane disposition of the retired county animal as the Manager 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 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.

Section 3. 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 4. 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 5. 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: April 24, 2007

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel