

MEMORANDUM

Agenda Item No. 7(C)
(Second Reading 5-4-10)
March 2, 2010

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

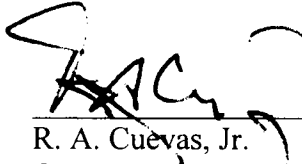
DATE:

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance creating Miami-Dade
County Medal of Valor

Ordinance No. 10-29

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan, and Co-Sponsors Vice-Chairman Jose "Pepe" Diaz, Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez and Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

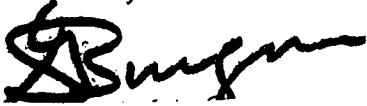
RAC/up

Memorandum



Date: May 4, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess 
County Manager

Subject: Ordinance creating the Miami-Dade Medal of Valor

The proposed Ordinance creating the Miami-Dade Medal of Valor to recognize fallen soldiers that resided in Miami-Dade County, will have a minimal fiscal impact.

At this time it is difficult to determine the exact fiscal impact, as it is dependent on the total number of candidates nominated by each County Commissioner. The estimated award cost is \$40 each, depending on the design of the medal.


Assistant County Manager

fis03910



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 4, 2010

FROM: R. A. Cuevas, Jr.
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**
- Ordinance creating a new board requires detailed County Manager'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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
5-4-10

ORDINANCE NO. 10-29

ORDINANCE CREATING MIAMI-DADE COUNTY MEDAL OF VALOR; SETTING FORTH CRITERIA AND SELECTION PROCESS FOR RECIPIENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, members of the Miami-Dade County community, in times of armed conflict or war in defense of the United States, and in the pursuit of peace and freedom around the world, have voluntarily risked and at times sacrificed their lives in the line of duty; and

WHEREAS, the people of Miami-Dade County are honored to have such brave members of our community serve in the United States Armed Forces (the “Armed Forces”) and other international peacekeeping forces, such as the United Nations Peacekeeping Forces; and

WHEREAS, for example, Louis Maxwell, Jr. was one of those rare and exceptional individuals from Miami-Dade County who courageously sacrificed his own life to protect the lives of others; and

WHEREAS, Maxwell graduated from Miami Central Senior High School in 2000 and was an accomplished trumpet player who loved music; and

WHEREAS, at the age of seventeen, Maxwell joined the United States Navy and served four years of duty; and

WHEREAS, Maxwell became a United Nations close protection officer after completing his service in the Navy; and

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WHEREAS, as a United Nations close protection officer, Maxwell was posted in Kabul, Afghanistan in June, 2009; and

WHEREAS, on November 4, 2009, Maxwell was securing a residential hotel housing United Nations employees when Taliban militants, during a daylight attack in the heart of Kabul, stormed the facility; and

WHEREAS, the militants attacking the facility used assault rifles and wore suicide vests, while Maxwell and other security officers had only handguns in their possession; and

WHEREAS, there were thirty-four people sleeping in the United Nations guest house and Maxwell's security unit was able to stave off the Taliban long enough for all of the civilians to escape; and

WHEREAS, Maxwell was killed while defending the facility and its occupants; and

WHEREAS, Maxwell is survived by his parents, his sister and his two sons; and

WHEREAS, the Purple Heart is awarded in the name of the President of the United States to any member of a branch of the Armed Forces who, while serving with the Armed Forces after April 1917, has been wounded or killed; and

WHEREAS, Miami-Dade County should create a similar medal to honor residents, like Louis Maxwell, Jr., who have sacrificed their lives in the pursuit of justice, peace, and freedom, and in defense of the United States,

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

Section 1. Creation. There is hereby created the Miami-Dade County Medal of Valor (the "Medal of Valor").

Section 2. Presentation of Medal. At the first Miami-Dade County Board of County Commissioners (the “Board”) meeting in March of each year, beginning March, 2011, the Chairperson shall present the Medal of Valor on behalf of the Board. The Medal of Valor shall be of appropriate design and be composed of metal, with ribbons and appurtenances, and shall be presented to the representatives of residents of Miami-Dade County who died in the prior calendar year while serving the United States or an international peacekeeping force during a time of armed conflict or war. The Medal of Valor shall be the highest Miami-Dade County award for valor presented to a resident of Miami-Dade County.

Section 3. Selection of Recipients. The Board shall select those persons each year who are to be posthumous recipients of the Medal of Valor.

Section 4. Procedures for Nomination. Each commissioner shall nominate candidates from his or her district for the Medal of Valor and present such nomination(s) to the Board at the first meeting of the Board in January of each year, beginning January, 2011. The Board shall approve the nominations at such meeting.

Section 5. Criteria for Award. The Medal of Valor Award shall be awarded on behalf of the Board to any member of a branch of the Armed Forces or international peacekeeping force who was killed while serving in such capacity after September 11, 2001:

- (1) In any action against an enemy of the United States;
- (2) In any action with an opposing armed force of a foreign country in which the Armed Forces are or have been engaged;
- (3) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

- (4) As a result of an act of any such enemy of opposing armed forces;
- (5) As the result of an act of any hostile foreign force;
- (6) As a result of an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of the department concerned, or jointly by the Secretaries of the departments concerned if persons from more than one department are wounded in the attack;
- (7) As a result of military operations, while serving outside the territory of the United States as part of a peacekeeping force;
- (8) By weapon fire while directly engaged in armed conflict regardless of the fire causing death; or
- (9) While held as a prisoner of war or while being taken captive.

Notwithstanding the foregoing, residents of Miami-Dade County who died while serving the United States or an international peacekeeping force between September 11, 2001 and the effective date of this ordinance shall be eligible to be awarded the first Medal of Valor at a special medal presentation at the first Board meeting in November of 2010, in observance of Veteran's Day. The nominations for this first awards presentation shall be submitted by each Commissioner at the first Board meeting in September of 2010.

Section 6. 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 7. It is the intention of the Board, 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 8. 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: **May 4, 2010**

Approved by County Attorney as
to form and legal sufficiency:

A handwritten signature in black ink, appearing to be 'M.S.', written over a horizontal line.

Prepared by:

Martin W. Sybblis

Prime Sponsor: Commissioner Barbara J. Jordan

Co-Sponsors: Vice-Chairman Jose "Pepe" Diaz
Commissioner Audrey M. Edmonson
Commissioner Carlos A. Gimenez
Commissioner Sally A. Heyman