

## MEMORANDUM

Agenda Item No. 11(A)(6)

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

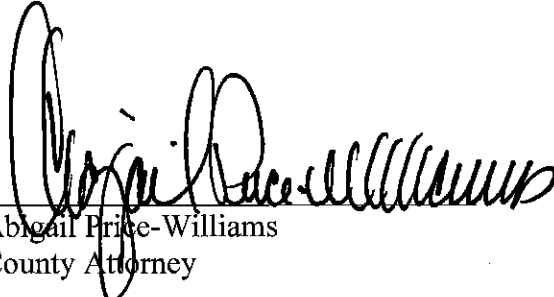
**DATE:** February 4, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution declaring one fire truck surplus; waiving, by a two-thirds vote of Board members present, the procedure for disposition of surplus property; authorizing the donation of the fire truck to the Soberana Orden de Malta; and authorizing the County Mayor to execute a foreign firefighting entity donation agreement, to exercise any and all other rights conferred therein, and to take any and all actions necessary to effectuate the foregoing

Resolution No. R-147-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



Abigail Price-Williams  
County Attorney

APW/smm



**MEMORANDUM**  
(Revised)

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

**DATE:** February 4, 2020

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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 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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(6)

2-4-20

RESOLUTION NO. R-147-20

RESOLUTION DECLARING ONE FIRE TRUCK SURPLUS; WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, THE PROCEDURE FOR DISPOSITION OF SURPLUS PROPERTY; AUTHORIZING THE DONATION OF THE FIRE TRUCK TO THE SOBERANA ORDEN DE MALTA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A FOREIGN FIREFIGHTING 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**, the fire truck described in section 1 below was purchased and is currently owned by Miami-Dade County; and

**WHEREAS**, the fire truck is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County, or an eligible community based organization; and

**WHEREAS**, the Board desires to declare the fire truck 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 firefighting equipment to a foreign not-for-profit organization that provides 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 based organization; and

**WHEREAS**, the Soberana Orden de Malta (the “Donee”) is a foreign not-for-profit organization and desires to use the fire truck to enhance its ability to provide firefighting training services on behalf of the Guatemalan government for the purpose outlined in the attached surplus property allocation application and foreign firefighting entity donation agreement,

**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 fire truck is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County, or an eligible community based organization:

<u>Item</u>	<u>I.D. No.</u>	<u>Miles</u>	<u>Condition</u>	<u>Est. Value</u>
E-ONE TITAN-8X8 (#21-0320)	4ENDAAA8X11003010	39,668	Obsolete	\$ 90,000.00

**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 firefighting 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 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 Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	<b>aye</b>		
Rebeca Sosa, Vice Chairwoman	<b>aye</b>		
Esteban L. Bovo, Jr.	<b>absent</b>	Daniella Levine Cava	<b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Sally A. Heyman	<b>aye</b>
Eileen Higgins	<b>aye</b>	Barbara J. Jordan	<b>aye</b>
Joe A. Martinez	<b>aye</b>	Jean Monestime	<b>aye</b>
Dennis C. Moss	<b>aye</b>	Sen. Javier D. Souto	<b>absent</b>
Xavier L. Suarez	<b>aye</b>		

The Chairperson thereupon declared this resolution duly passed and adopted this 4<sup>th</sup> day of February, 2020. 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

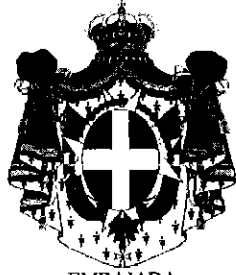
**Linda L. Cave**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

CJW

Christopher J. Wahl



EMBAJADA  
DE LA  
SOBERANA ORDEN MILITAR DE MALTA  
GUATEMALA

October 8th, 2019

Mr. Jose "Pepe" Diaz  
Miami-Dade County Commissioner  
District 12

Dear Commissioner Diaz:

On behalf of the Order of Malta in Guatemala and the people of Guatemala let me express my gratitude and desire on continuing building a strong relationship between Miami Dade County and Guatemala.

On this occasion I am informing that the inspection of the fire truck unit was fully inspected at Miami International Airport by the Director of "Aeronautica Civil de Guatemala". The reference of the unit is as follows:

Unit: 21-0320 (2002) (Running vehicle)  
Make: E-ONE  
Gallon Capacity: 3000  
Model: TITAN- 8X8  
Serial# 4ENDAAA8X11003010

The Order of Malta and the people of Guatemala is grateful to receive this unit which will be used for training purposes, allowing us to have a professional fire fighters personnel.

In order to get this vehicle into the country the **Order of Malta**, which is a non for profit organization will contribute with the Guatemalan government on the process of receiving the unit. We will provide all the necessary documentation that you may need and the information of the U.S. Southern Command which also will collaborate with the transportation of the unit.

Once again, thank you Commissioner Diaz and Miami Dade County for this important donation to the Guatemalan country.

Respectfully,

Max Hurtematte Arias  
Embajador Extraordinario y Plenipotenciario  
De la Soberana Orden Militar de Malta  
Ante la Republica de Guatemala

## Foreign Firefighting Entity Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and \_\_\_\_\_SOBERANA ORDEN DE MALTA\_\_\_\_\_ (hereafter "Donee") as follows:

For and in Consideration of the County donating \_\_\_(make/brand & model of item being donated)\_\_\_ to Donee, and Donee agreeing to the use and as described herein: \_\_\_\_\_(For vehicles: VIN # of item being donated / For property: serial # or full description of item being donated)\_\_\_\_\_

Unit: 21-0320 (2002) (Running vehicle)

Make: E-ONE

Gallon Capacity: 3000

Model: TITAN- 8X8

Serial# 4ENDAAA8X11003010

Donee certifies that it is a foreign governmental entity or a foreign not-for-profit organization that provides 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 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,

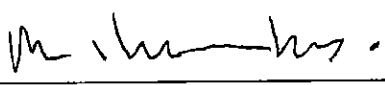


**Foreign Firefighting Entity Donation Agreement**

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.

"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 Firefighting Entity

By:   
Signature

Date: 19/11/19

Max Hurtematte Arias  
Printed Name

Embajador  
Title

Miami-Dade County:

By: \_\_\_\_\_

Date: \_\_\_\_\_

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: SOBERANA ORDEN DE MALTA

2. Applicant Status: (Select one of the choices below)

- Not-For-Profit or Tax Exempt
- For-Profit
- Other (specify): \_\_\_\_\_
- Local Government or Public Entity

\*\*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.): Sra. Jessica Maas Enargada de importaciones , Finca Labaor de Castilla Km. # 19, Carretera a Ciudad Satellite, Zona 9 Mixco-Guatemala. E mail: [Jmaas@ordendemalta Guatemala.org](mailto:Jmaas@ordendemalta Guatemala.org) Te. (502) 47875668

4. Specify the surplus property requested (quantify, if applicable): (Year, Make, model, and VIN # of vehicle being donated)  
(If requested property is not a vehicle, please include full description of the property)

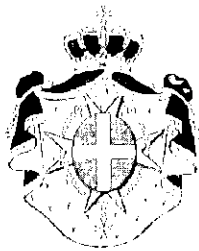
5. Specify the purpose for which the surplus property will be used: (Explain how the property will be used to serve the community)  
El vehiculo sera utilizado con propositos de entrenamiento para el equipo de bomberos de Guatemala.

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



Signature of Authorized Representative

Date



EMBAJADA  
DE LA  
SOBERANA ORDEN MILITAR DE MALTA  
EN GUATEMALA

### **A QUIEN CONCIERNE**

La Soberana Orden Militar de Malta es un estado libre, autónomo con representación diplomática en más de 90 países y representación en las Naciones Unidas.

Los programas de beneficio social de la Orden de Malta son de carácter no lucrativos. Cabe señalar que como representación diplomática del Gobierno de Orden de Malta en Guatemala, la Embajada goza de todos los derechos y privilegios correspondientes lo que permite la importación de, en este caso donaciones, libres de impuestos de importación.

Consideramos que el equipo ofrecido, el que será puesto a disposición del Gobierno de la República, será de singular beneficio para las autoridades correspondientes que estarán a su cargo el uso correcto a este equipo. Esta Embajada supervisa la utilización correcta de las donaciones que distribuye en todo el territorio nacional. Hacemos constar que hemos inspeccionado el equipo objeto de esta donación considerándolo satisfactorio para los fines correspondientes.

Max Heurtematte Arias  
Embajador Extraordinario y Plenipotenciario  
de la Soberana Orden Militar de Malta  
ante la República de Guatemala