

MEMORANDUM

Agenda Item No. 7(E)

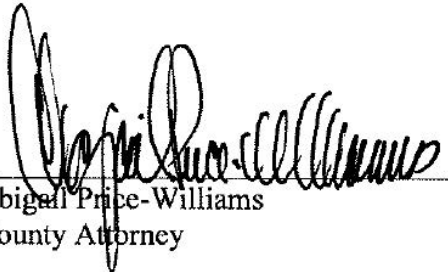
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: (Second Reading 10-6-20)
July 21, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to disposition
of County surplus personal
property; amending section
2-11.2.1 of the Code; clarifying
that the County may donate
surplus property that has no
commercial value to other
organizations and entities,
including governmental entities
outside the State or County

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


Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date: October 6, 2020

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Fiscal Impact Statement for Ordinance Relating to the Disposition of County Surplus

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the proposed changes will not require additional staffing resources nor generate additional operational expenses.

A handwritten signature in blue ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor

FIS06720 201382

Memorandum



Date: October 6, 2020

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

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

The proposed ordinance amends Section 2-11.2.1 of the County Code to allow for the donation of County surplus property that has no commercial value to other organizations and entities, such as governmental entities outside Miami-Dade County or the State of Florida.

The social equity benefit based on the implementation of the proposed ordinance cannot be determined at this time.

A handwritten signature in blue ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor

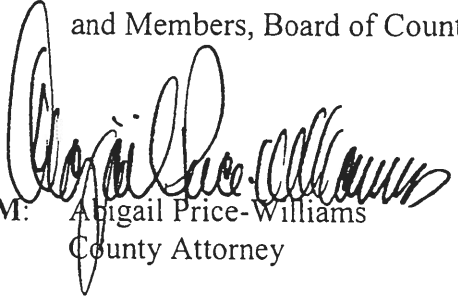


MEMORANDUM

(Revised)

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

DATE: October 6, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(E)

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. 7(E)

10-6-20

ORDINANCE NO. _____

ORDINANCE RELATING TO DISPOSITION OF COUNTY SURPLUS PERSONAL PROPERTY; AMENDING SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CLARIFYING THAT THE COUNTY MAY DONATE SURPLUS PROPERTY THAT HAS NO COMMERCIAL VALUE TO OTHER ORGANIZATIONS AND ENTITIES, INCLUDING GOVERNMENTAL ENTITIES OUTSIDE THE STATE OR COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, sections 274.05 and 274.06, Florida Statutes, provide procedures for how governmental units such as Miami-Dade County may dispose of surplus personal property; and

WHEREAS, section 2-11.2.1 of the Code of Miami-Dade County, Florida, sets forth additional procedures for how the County may dispose of surplus personal property; and

WHEREAS, subsection (b) of section 2-11.2.1 generally provides that the County may donate surplus property to other governmental units in Miami-Dade County or not-for-profit organizations that provide services for the benefit of the Miami-Dade County community; and

WHEREAS, subsection (d) of section 2-11.2.1 also provides that the County may donate certain surplus property to foreign governmental entities and certain foreign not-for-profit organizations under specific circumstances; and

WHEREAS, the Code does not expressly state that the County may also donate surplus property to other organizations and entities, such as governmental entities outside Miami-Dade County or the State of Florida; and

WHEREAS, subsection (b) of section 2-11.2.1 provides that, “[i]n 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 [s]ection 274.06, Florida Statutes”; and

WHEREAS, section 274.06, Florida Statutes, provides a procedure by which the County may donate surplus property that has no commercial value to other organizations and entities, such as governmental entities outside Miami-Dade County or the State of Florida; and

WHEREAS, there may be circumstances under which it is appropriate to donate surplus property to other organizations and entities, such as governmental entities outside Miami-Dade County or the State of Florida; and

WHEREAS, because the Code does not expressly state that doing so is permissible, this Board wishes to amend the Code so that it expressly authorizes the alternative procedure provided in section 274.06, Florida Statutes, whereby the County may donate surplus property that has no commercial value to other organizations and entities, such as governmental entities outside Miami-Dade County or the State of Florida,

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.

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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.

- (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>>, as it may be amended from time to time, which provides an alternative procedure for disposition of surplus property and allows, under certain circumstances, the donation of surplus property that has no commercial value to other organizations and entities, including governmental entities outside the State or County.<< 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 Mayor or designee may make such humane disposition of the retired county animal as the 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 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.

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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:

Christopher J. Wahl

Prime Sponsor: Commissioner Joe A. Martinez

APW
CJW