MEMORANDUM

Agenda Item No. 11(A)(7)

TO:	Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners	**DATE**:	October 6, 2020
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution declaring certain firefighting equipment surplus; waiving, by a two-thirds vote of Board members present, the procedure for disposition of surplus property; authorizing the donation of firefighting equipment to the Cuerpo de Bomberos Marun J. Tactuk of Constanza, Dominican Republic; 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

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez and Co-Sponsor Commissioner Sally A. Heyman.

Abigail Price-Williams
County Attorney

APW/uw

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. 11(A)(7)

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)(7)
10-6-20

RESOLUTION NO. _____

RESOLUTION DECLARING CERTAIN FIREFIGHTING EQUIPMENT SURPLUS; WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, THE PROCEDURE FOR DISPOSITION OF SURPLUS PROPERTY; AUTHORIZING THE DONATION OF FIREFIGHTING EQUIPMENT TO THE CUERPO DE BOMBEROS MARUN J. TACTUK OF CONSTANZA, DOMINICAN REPUBLIC; 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 firefighting equipment described in section 1 below was purchased and is currently owned by Miami-Dade County; and

WHEREAS, the 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; and

WHEREAS, the Board desires to declare the firefighting equipment 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 governmental entity 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 Cuerpo de Bomberos (the fire department) Marun J. Tactuk of Constanza, Dominican Republic (the "Donee") is a foreign governmental entity and desires to use the firefighting equipment to enhance its ability to provide firefighting training services 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 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:

Description	Condition	Est. Value
45 Sets of Turnout Gear: Coats & Pants	Obsolete	$4,500.00
20 Fire Helmets	Obsolete	$500.00
45 Sets of Fire Gloves	Obsolete	$1,125.00
20 Sets of Fire Boots	Obsolete	$500.00
45 Hoods	Obsolete	$1,125.00

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 Joe A. Martinez and the Co-Sponsor is 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.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 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

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Christopher J. Wahl

Attachment A

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: Cuerpo de Bomberos "Marun J.Tactuk," City of Constanza, Dominican Republic.

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

   ☐ Not-For-Profit or Tax Exempt
   ☐ For-Profit
   ☒ Other (Foreign governmental entity)

   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.): Chief Alexis Cruz Estevez Phone#809-539-2561 Email alexisce@gmail.com

4. Specify the surplus property requested (quantify, if applicable): 45 sets of firefighter bunker gear, helmets, gloves and boots.

5. Specify the purpose for which the surplus property will be used: Equipment will be use for training firefighters in the city of Constanza, Dominican Republic to better serve and protect their community.

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

Chief Alejandro de Jesús Cruz Estévez
Signature of Authorized Representative

20/06/2020
Date

CUERPO DE BOMBEROS CONSTANZA, R.D.

Foreign Governmental Entity Donation Agreement

This agreement is entered into between Miami-Dade County and Cuerpo de Bomberos "Marun J.Tactuk,"in Constanza in Dominican Republic as follows:

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

Donee certifies that it is a foreign governmental entity.

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, 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."

Cuerpo de Bomberos "Marun J. Tactuk," City of Constanza, Dominican Republic
Print Name of Foreign Governmental Enti
ty

By: _____
Signature

Alejandro de Jesús Cruz Estévez
Printed Name

Date: 20/06/2020

Fire Chief
Title

Miami-Dade County:

By:_____ Date:_____

AYUNTAMIENTO DEL MUNICIPIO DE CONSTANZA
CUERPO DE BOMBEROS CORONEL MARUN J. TACTUK
Fundado en el 1952 * Reorganizado el 28 de mayo de 1972
"Año de la Consolidación de la Seguridad Alimentaria"
809-539-2465

From: Cuerpo de Bomberos Coronel Marun J. Tactuk de Constanza, Republica Dominicana.

To: Miami Dade County Commisioners

11 NW 1st Street Suite 220

Miami, Florida 33128

Re: Equipment Request

With all Due respect we reach out to you in the name of our Institution to submit our request. We are a Local Government Institution established in the City of Constanza, Dominican Republic. We serve a community of around 60,000 population and all rural zones surrounding it. Most of the community lives in poverty and it is very vulnerable. We also work as first responders during crisis and natural disasters. Our Team consists of 17 Honorary firefighters that help with logistics and organization, 27 volunteer firefighters that are added to the emergencies and 16 first responders that work on a permanent basis at the institution.

At present we count with 3 trucks, one Toyota Year 1972, 1,600 gallons capacity, one Daihatsu 1996, 800 gallons capacity and a Nissan Year 2001, 1,400 gallons capacity. At present 2 of them are in repair and only the smallest one is working. Our team works as best as possible to respond to all emergencies, given the limited resources. We do a great job in maintaining and taking care of our Building and equipment.

We are requesting from "Miami Dade County Commissioners" surplus equipment (45 sets) such as Firefighter Bunker Gear, Helmets, Gloves and Boots. These items will be used in the training of our firefighters to better serve and protect our community.

Looking forward to hearing from you

Best Regards,

Lcdo. Alejandro de Jesús Cruz Estévez
Coronel / Intendente General