

MEMORANDUM

Agenda Item No. 11(A)(8)

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

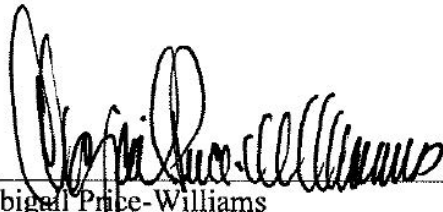
DATE: October 6, 2020

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 of Bayaguana, 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

Resolution No. R-1025-20

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

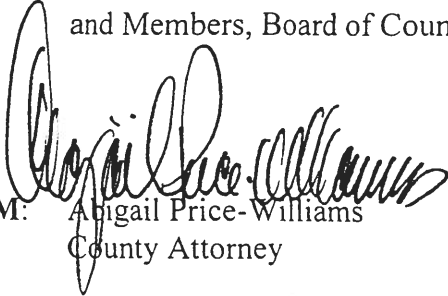


MEMORANDUM

(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)(8)

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)(8)
10-6-20

RESOLUTION NO. _____ R-1025-20

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 OF BAYAGUANA, 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) of Bayaguana, 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:

<u>Description</u>	<u>Condition</u>	<u>Est. Value</u>
75 Sets of Turnout Gear: Coats & Pants	Obsolete	\$7,500.00
40 Fire Helmets	Obsolete	\$1,000.00
75 Sets of Fire Gloves	Obsolete	\$1,875.00
25 Sets of Fire Boots	Obsolete	\$625.00
75 Hoods	Obsolete	\$1,875.00

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 **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

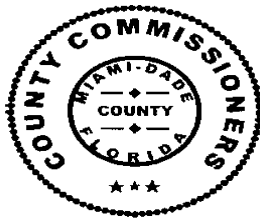
The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

Melissa Adames

By: _____
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl



CUERPO DE BOMBEROS DE BAYAGUANA

C/ MARIO EMILIO OLMO, NO. 03, TEL.: (809) 525-1111

RNC: 423002239

Foreign Governmental Entity Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and ___ Firefighters from Bayaguana in Dominican Republic (hereafter "Donee") as follows:

For and in Consideration of the County donating firefighter equipment 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



CUERPO DE BOMBEROS DE BAYAGUANA

C/ MARIO EMILIO OLMO, NO. 03, TEL.: (809) 525-1111

RNC: 423002239

Foreign Governmental Entity Donation Agreement

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 DE BAYAGUANA

Print Name of Foreign Governmental Entity

By: _____

Signature

Date: _____



Jhonys de la Rosa Constanza

Fire Chief

Printed Name

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: CUERPO DE BOMBEROS DE BAYAGUANA

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

- ☐ Not-For-Profit or Tax Exempt ☐ Local Government or PubliEntity
☐ For-Profit
☒ Other (specify): Foreign governmental 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.): Jhonys de la Rosa Constanza C/ Mario Emilio Olmo #3 Centro de la Cuidad Bayaguana Monte Plata, Dominican Republic Phone# 809-5251111.

4. Specify the surplus property requested (quantify, if applicable): 75 sets of buker gear, fire boots, helmets and any other fire equipment available.

5. Specify the purpose for which the surplus property will be used: equipment will be use to train firefighters from Bayaguana

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

Signature of Authorized Representative

Date





CUERPO DE BOMBEROS DE BAYAGUANA

Valor, Disciplina y Abnegación

RNC: 423002239

March 18th, 2019
Bayaguana, D. R.

To : Members of Miami Dade county
Commissions
Miami, Florida

From : Firefighter Corp of the City of Bayaguana
Monte Plata, Dominican Republic.

Subject : Application for Donation of Fire Equipment.

We kindly address you, with a cordial greeting, for a request of a donation of equipment for firefighting equipment and personal protection, here in the Dominican we heard about the programs and donations you do for the firefighters with low incomes.

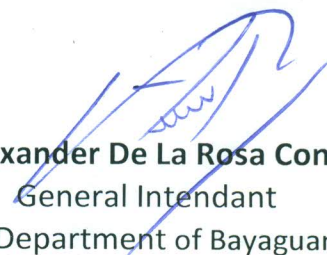
We, the firefighters of the Dominican Republic, do this job because we love it, because we want to help people, and because we want to make a difference in our communities, even though we don't have all the necessary tools to do our job.

We make this pledge due to the low possibilities of getting all this equipment from the government of our country, here in the community of Bayaguana we provide assistant to other communities like Monte Plata, Yamasá, Don Juan, Peralvillo and Los Botados.

Thanking you in advanced for the time you may take to read our letter and we really hope you take us in consideration.

Without other particular,

Very attentively


Jhonys Alexander De La Rosa Constanza

General Intendant

Fire Department of Bayaguana





CUERPO DE BOMBEROS DE BAYAGUANA

Valor, Disciplina y Abnegación

RNC: 423002239

March 18th, 2019

Bayaguana, D. R.

To : Members of Miami Dade county
Commissions
Miami Florida.

From : Firefighter Corp of the City of Bayaguana
Dominican Republic.

Subject : Request for donation of Vehicular Extraction
Equipment.

We kindly address you, with a cordial greeting, for a request of a donation of vehicular extraction equipment, here in the Dominican we heard about the programs and donations you do for the firefighters with low incomes.

We, the firefighters of the Dominican Republic, do this job because we love it, because we want to help people, and because we want to make a difference in our communities, even though we don't have all the necessary tools to do our job.

We make this pledge due to the low possibilities of getting all this equipment from the government of our country, since we receive many emergencies about car crashes and people trapped in vehicles and we do not have the necessary equipment to do our job.

Thanking you in advanced for the time you may take to read our letter and we really hope you take us in consideration.

Without other particular,

Very attentively:

Jhonys Alexander De La Rosa Constanza

General Intendant

Fire Department of Bayaguana

