

MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: Geri Bonzon-Keenan
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 Voluntarios (Volunteer Fire Department) of Carapegua, Paraguay; 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-178-21

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



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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)(3)
3-2-21

RESOLUTION NO. R-178-21

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 VOLUNTARIOS (VOLUNTEER FIRE DEPARTMENT) OF CARAPEGUA, PARAGUAY; 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 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 Cuerpo de Bomberos Voluntarios de Carapeguá (Carapeguá Volunteer Fire Department) (the “Donee”) is a foreign not-for-profit organization that provides firefighting services on behalf of Paraguay 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>
50 sets of bunker pants	Obsolete	\$2,500
50 jackets	Obsolete	\$2,500
50 hoods	Obsolete	\$1,250
50 helmets	Obsolete	\$1,250
50 pairs of fire boots	Obsolete	\$1,250
50 pairs of fire gloves	Obsolete	\$1,250

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.

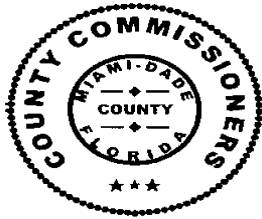
Section 4. The County Mayor or County Mayor's designee is authorized to execute the foreign firefighting entity donation agreement with the Donee in substantially the form attached hereto and incorporated herein by reference and to exercise any and all other rights conferred therein and shall and is 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 Sally A. Heyman. It was offered by Commissioner **Sally A. Heyman**, 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:

	Jose "Pepe" Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of March, 2021. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "CJW", is written over a horizontal line.

Christopher J. Wahl

Foreign Firefighting Entity Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and Cuerpo de Bomberos Voluntarios de Carapeguá (Carapegua Volunteer Fire Department) (hereafter "Donee") as follows:

For and in Consideration of the County donating : "50 sets of bunker pants, 50 Jackets, 50 hoods, 50 helmets, 50 pair of fire boots and 50 pairs of fire gloves to Donee, and Donee agreeing to the use and as described herein: AS IS,

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, 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.

Foreign Firefighting Entity Donation Agreement

“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 VOLUNTARIOS DE CARAPEGUÁ (*Carapeguá Volunteer Fire Department*)



BVCF Brig. Gral. JUAN V. GARCIA
Carapeguá FD Manager

Date: Monday, January 04, 2021

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

Full legal name of the requesting organization:

Cuerpo de Bomberos Voluntarios de Carapegua (Carapegua Volunteer Fire Department)

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

- | | | | |
|-------------------------------------|---|--------------------------|-----------------------------------|
| ☐ | Not-For-Profit or Tax Exempt | ☐ | Local Government or Public Entity |
| ☐ | For-Profit | | |
| ☒ | Other (specify)" Foreign non-profit firefighting entity". | | |

**If Not-For-Profit or Tax Exempt, please attach a copy of letter from Internal Revenue Service designating status under 501c code.

2. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.): Chief Juan V. Garcia Phone# +595981786837

3. Specify the surplus property requested (quantify, if applicable): "50 sets of bunker pants, 50 Jackets, 50 hoods, 50 helmets, 50 pair of fire boots and 50 pairs of fire gloves."

4. Specify the purpose for which the surplus property will be used: Gear will be use for training firefighters in the city of Carapeguá, Paraguay.

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


BVCF Brig. Gral. JUAN V. GARCIA
CARAPEGUA FD MANAGER

Friday, 20th November



CUERPO DE BOMBEROS VOLUNTARIOS DE CARAPEGUA

Miembro Fundador de la Junta Nacional de Cuerpos de Bomberos
Voluntarios del Paraguay - JNCBVP

Miembro Fundador de la Asociación Paraguaya de Rescate - APR

Medalla de Plata "Valor al Heroísmo" Ykua Bolaños 2004

Campeón Nacional en Trauma 2019 - Cat. En Desarrollo - APR

Fundado el 04 de Julio de 1999 - Personería Jurídica N° 5730/99

Mcal. Estigarribia esq. Tte. Alcides González - Ex Impuesto Interno

Email: bomberoscarapegua@gmail.com

Facebook: Fan Page Cuerpo de Bomberos Voluntarios de Carapeguá - CBVC

Telefax: 021-8212728 / Cel.: 0976 - 132 132 Carapeguá - Paraguay



Friday 14th August 2020

Cap. Stephen Martell
Miami Dade Fire Department
Florida

On behalf of and on behalf of the Carapeguá - Paraguay Volunteer Fire Department, we address you and through you to whom with the respect you deserve in order to express the following:

Our institution is a non-profit organization, and declared of public utility by Law 363/94, established on July 4, 1999 by your friend Cap. Carlos Brítez and that it is legally authorized to operate, in accordance with our Bylaws approved by Decree of P.E. No. 5730/99.

Our fire department provides services throughout the city of Carapeguá, which is located 80 km south of the capital, and also in several districts of the department of Paraguari, with a list of 78 firefighters. All these services and coverage are financed with contributions from protective partners, collaborators, charities and fundraising activities.

We are currently working on a project to renew our equipment, because they have already completed their years of service, putting the safety of our firefighters at risk; For this reason, *we ask for your valuable help and your Fire Department to which you belong to donate equipment and tools that may be useful in our station.*

We can mention: Personal Protective Equipment (Helmets, Structural tounot gear, Boots, gloves, etc.) SCBA, Hydraulic Rescue Equipment, hoses, nozzles, Vertical Rescue Set (Ropes, harnesses, pulleys, elevator, descender type 8, carabiners, stop or ID etc.), First Aid Set (cervical collars, stretchers, oxygen therapy kit, oximeter, etc.), pneumatic bags, Circular Saws, Thermal cameras, etc.

Among the institutions that collaborate with us, one is the Guaraní Cultural Foundation, based in the City of Miami - Florida, and which is managed by compatriot Maria Lourdes Cáceres, whose foundation has made minor donations to our unit and that on this occasion can help you with the arrangements to send the equipment.

We attach the note sent to the Paraguayan Consul General in Miami, who continuously with you can manage to gather an important batch of equipment and tools that will be very useful for our fire station.

Without another point to add, and being sure that they can help us, we say goodbye to you.

Sincerely;



Sub. Brig. BVA Ramón Rodríguez
Secretario



Brig. Gral. BVCF Juan V. García Miró
Presidente