

MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: November 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 Benemerito Cuerpo Voluntario de Bomberos de Guatemala; 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-1052-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz and Co-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: November 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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)(2)
11-2-21

RESOLUTION NO. _____ R-1052-21

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 BENEMERITO CUERPO VOLUNTARIO DE BOMBEROS DE GUATEMALA; 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 Benemerito Cuerpo Voluntario de Bomberos de Guatemala (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>
55 helmets	Obsolete	\$1,375.00
100 pairs of pants	Obsolete	\$2,500.00
100 jackets	Obsolete	\$2,500.00
100 pairs of shoes	Obsolete	\$2,500.00
100 pairs of fire gloves	Obsolete	\$1,500.00
100 suspenders	Obsolete	\$0.00
100 hoods	Obsolete	\$500.00

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.

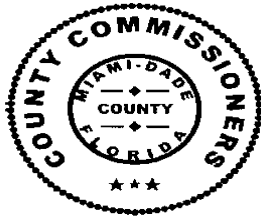
Section 4. The County Mayor or County Mayor’s designee is authorized to execute the foreign firefighting entity donation agreement with the Donee in substantially the form attached hereto and incorporated herein by reference and to exercise any and all other rights conferred therein and shall and is 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 Chairman Jose “Pepe” Diaz 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 **Danielle Cohen Higgins** 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	absent
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 November, 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.

CJW

Christopher J. Wahl



FUERZA ACTIVA

Teléfono de emergencia 122
Teléfono: 2232-6205

BENEMÉRITO CUERPO VOLUNTARIO DE BOMBEROS DE GUATEMALA

ENTIDAD AUTÓNOMA RECONOCIDA POR EL GOBIERNO DE LA REPÚBLICA
DISCIPLINA - HONOR - ABNEGACIÓN

Estación Central
"LIC. RODRIGO GONZALEZ ALLENDES"

August 3th, 2021

Administración
1a. Avenida 18-97, Zona 3
Guatemala, Centro América
PBX: 2422-1470
www.bomberosvoluntariosdeguatemala.com

Mr. Jose "Pepe" Diaz
Chairman
Miami-Dade County Commissioners

Dear Commissioner Diaz:

On behalf of the Benemérito Cuerpo Voluntario de Bomberos de Guatemala let me express my gratitude and desire on continuing building a strong relationship between Miami Dade County and Guatemala.

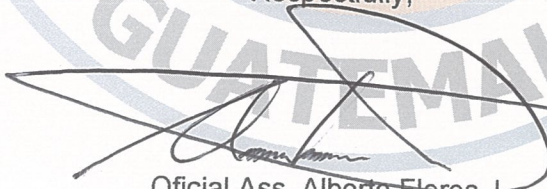
We are a non for profit agency which mission is to prevent and fight fires, aid people and property in the case of fires, accidents, disasters, public calamities and provide the collaboration requested by the country and those in needs.

On this occasion we are requesting a donation of used fire bunker gear, to equippe the Fire Station # 10" of Bomberos Voluntarios" in the city of Guatemala. This equipment will be greatly appreciated and will be used to train our firefighter department personnel.

In order to receive this equipment into the country, we have our own franchise which is tax exempted, since we are a non for profit organization. The logistic and transportation to Guatemala will be covered by one of the shipping companies located in Miami Dade County.

Once again, we thank you Chairman Diaz and Miami Dade County for this important donation to the Republic of Guatemala.

Respectfully,


Oficial Ass. Alberto Flores J.
Director de la 10ma. Compañía


DIRECTOR
X Compañía
Bomberos Voluntarios

Foreign Firefighting Entity Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and **_Benemérito Cuerpo Voluntario de Bomberos de Guatemala** (hereafter "Donee") as follows:

For and in Consideration of the County donating **bunker gear such as 25 helmets, 100 pants, 100 jackets, 100 pair of shoes, 100 pairs of gloves, 100 suspenders, 100 hoods.** for training purposes 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."

Print Name of Foreign Firefighting Entity

By: _____
Signature

Date: 21-07-2021

Alberto Flores
Printed Name



Title: Director de Compañía

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

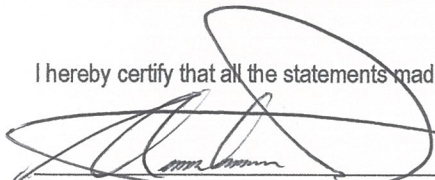
1. Full legal name of the requesting organization: **Benemerito Cuerpo Voluntario de Bomberos de Guatemala**
2. Applicant Status: (Select one of the choices below)

- ☐ Not-For-Profit or Tax Exempt
 ☐ Local Government or Public Entity
☐ 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:
Name: Alberto Flores J. Address: 5a. Ave. Zona 11, Colonia El Progreso, Guatemala-Ciudad, Phone # (502) 2471 5012 & (502) 5942 0202
Email: albertofj@yahoo.coml
4. Specify the surplus property requested (quantify, if applicable): 25 helmets, 100 pants, 100, jackets, 100 pair of shoes, 100 pairs of gloves, 100 suspenders, 100 hoods.
5. Specify the purpose for which the surplus property will be used:
 The donated fire firefighter equipment will be used to train the personnel of the Station # 10 of the Volunteer Firefighter Department in Guatemala City. The equipment will be utilized during a fire training program that will conform to the highest professional standards of the station, as well as operate a safe fire training ground at all times. This equipment will help to obtain the best skill to respond in a number of incidents, including the handling of hazardous materials, conducting rescue operations engaging in structural firefighting, performing emergency medical operations and countless other situations.

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


Signature of Authorized Representative



**DIRECTOR
X Compañía
Bomberos Voluntarios**

21/07/2021
Date