

MEMORANDUM

Agenda Item No. 11(A)(12)

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 Cuerpo de Bomberos Bonao of the Dominican Republic; and authorizing the County Mayor to execute a foreign governmental 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-1061-21

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/jp



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)(12)

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)(12)
11-2-21

RESOLUTION NO. _____ R-1061-21

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 BONA0 OF THE DOMINICAN REPUBLIC; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A FOREIGN GOVERNMENTAL 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 Bonao of the 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 governmental 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>
30 helmets	Obsolete	\$750.00
30 hoods	Obsolete	\$150.00
30 jackets	Obsolete	\$750.00
30 pairs of bunker pants	Obsolete	\$750.00
30 pairs of bunker boots	Obsolete	\$750.00
30 pairs of fire gloves	Obsolete	\$450.00

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.

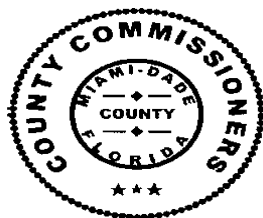
Section 4. The County Mayor or County Mayor’s designee is authorized to execute the foreign governmental entity donation agreement with the Donee in substantially the form attached hereto and incorporated herein by reference and to exercise any and all other rights conferred therein and shall and is 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 **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

**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 Bonao, Dominican Republic.

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 Coronel Modesto Espinal Phone# 809-296-8053 and 809-525-3247
bomberosbonao@hotmail.com

4.

4. Specify the surplus property requested (quantify, if applicable): 30 helmets, 30 bunker boots, 30 Jackets, 30 bunker pants, 30 hoods and 30 fire gloves.

5. Specify the purpose for which the surplus property will be used: surplus property will be used to train firefighters from Cuerpo de Bomberos Bonao, in Dominican Republic.

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

Coronel Modesto Espinal, Fire Chief
Signature of Authorized Representative

Date



Foreign Governmental Entity Donation Agreement

This agreement is entered into between Miami-Dade County and Cuerpo de Bomberos Bonao in Dominican Republic and Fire Department as follows:

For and in Consideration of the County donating 30 fire helmets, 30 bunker pants, 30 bunker jackets, 30 pairs of boots and 30 fire hoods and 30 sets 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.

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 Governmental 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 Bonao, Dominican Republic
Fire Department

Print Name of Foreign Governmental Entity

By: 
Signature

Date: 09/01/2021

Modesto Espinal
Printed Name



Title

Miami-Dade County:

By: _____

Date: _____



Cuerpo de Bomberos Bonao

FUNDADO EL 20 DE ENERO DE 1934
RNC: 430-030554

24 de Agosto del 2021
Rep. Dom.

To: **Members of Miami Dade Country Commissioners.
Miami, Florida.**

From: **Coronel Modesto Espinal
Intendente General Cuerpo de Bomberos Bonao**

To whom it May concern: Request of Structural Fire Protection Equipment for governmental entity Bonao, Dominican Republic.

We are requesting from Miami Dade fire Request the donation of thirty (30) complete personal protective equipment for structural firefighter (helmets, face hoods, firefighter, gloves, firefighter boots, pants, jackets) with the purpose of improving safety during the practices and training of our governmental entity in the city of Bonao Dominican Republic.

We appreciate the opportunity that you have given us to be able to make this donation request, we will be wating to manage the corresponding procedures in the sending of what it is to approve.

Thank you in advance for your help.

Sincerely,


Coronel Modesto Espinal
Intendente Cuerpo Bomberos Bonao



Calle 16 de Agosto No. 91 / Información: (809) 296-8053 / Emergencia: (809) 525-3247
bomberosbonao@hotmail.com