

MEMORANDUM

Agenda Item No. 11(A)(3)

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

DATE: January 19, 2022

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 Segunda Compania de Bomberos de Conchali, Santiago de Chile; 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-59-22

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: January 19, 2022

FROM: 
Gen 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)
1-19-22

RESOLUTION NO. _____ R-59-22

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 SEGUNDA COMPANIA DE BOMBEROS DE CONCHALI, SANTIAGO DE CHILE; 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 Segunda Compania de Bomberos de Conchali, Santiago de Chile (the “Donee”) is a foreign not-for-profit organization that provides firefighting services on behalf of a non-communist foreign government 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>
10 helmets	Obsolete	\$250.00
10 hoods	Obsolete	\$50.00
10 jackets	Obsolete	\$250.00
10 pairs of bunker pants	Obsolete	\$250.00
10 pairs of bunker boots	Obsolete	\$250.00
10 pairs of suspenders	Obsolete	\$0

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.

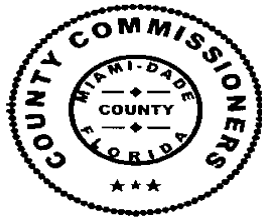
Section 4. The County Mayor or County Mayor's designee is authorized to execute the foreign firefighting entity donation agreement with the Donee in substantially the form attached hereto and incorporated herein by reference and to exercise any and all other rights conferred therein and shall and is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

	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 19th day of January, 2022. 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", with a horizontal line drawn underneath the letters.

Christopher J. Wahl

MIAMI-DADE COUNTY
SURPLUS PERSONAL PROPERTY DONATION DISCLOSURE STATEMENT

1. Name of entity seeking the surplus donation:

Second Company Bomba Recoleta, from Santiago of Chile

2. Name of person signing this form and position in entity:

Victor Lopez Sanchez, Company Treasurer

3. The identity and extent of ownership interest of each individual, corporation, partnership, joint venture, or other legal entity having an ownership interest in the entity seeking the surplus donation (no need to identify ownership interests that do not exceed five percent or the ownership interests that comprise the ownership of publicly traded companies):

Non-profit organization, that work and train, firefighters of our institution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true.

Signature: _____

Name: Victor Lopez Sanchez

Date: 11/17/2021

Page 1 of 1



**SEGUNDA COMPAÑÍA DE BOMBEROS DE CONCHALÍ -
HUECHURABA
"BOMBA RECOLETA"**
Fundada el 4 de Julio de 1959
La Vida por la Comunidad

Santiago 20 of August, 2021

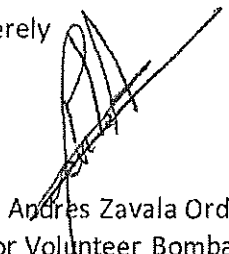
To Miami Dade Fire Rescue :

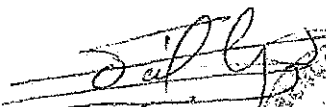
Wishing you are well, my name is Andres Zavala Ordenes, I belong to the second company of Firefighters of Santiago of Chile, Bomba Recoleta, company of Fire Brigade of Conchali, our company is a private entity and we are not for a profit organization, this company was founded on the 04 of July of 1959, for a 30 firefighters, because it was needed, after a big fire, to cover this sector of our community. Actually, this is only possible thanks to the denotation from the neighborhood, as most of the companies in our country are currently funded, and resources of the firefighters themselves.

As you may know in Chile the firefighters perform this work on a voluntary basis, and due to the lack of resources an monetary assistance, and this pandemic, that is sweeping the world, the senior firefighters have had to give up their uniforms to the younger ones. It is essential to work to help others who fall in misfortune in an emergency and to share our knowledge of firefighters work and training with the young firefighters. Is for this reason that we request the help of the disused firefighting uniforms, if it is possible for our colleagues who at this moment don't have them, and this will be; 10 sets of bunker pants, 10 set of jackets, 10 set of helmets and boots for our senior firefighters, the standardized uniform is black in our country.

As we spoke before, we manage to pay the cost of importing the uniforms to Chile, on behalf of our company and our senior firefighters we appreciate your help and your support.

Sincerely


Andres Zavala Ordenes
Senior Volunteer Bomba Recoleta


Victor Lopez Sanchez
Company Treasurer



FEDERICO HEGEL Nº 625 RECOLETA – SANTIAGO – CHILE

bomberoandres@hotmail.com

**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: Bomba Recoleta, Company of Fire Brigade of Santiago of Chile
2. Applicant Status: (Select one of the choices below)

- ☐ Not-For-Profit or Tax Exempt
 ☐ Local Government or Public Entity
☐ For-Profit
☒ Other (specify): Foreing Not Profit Organization

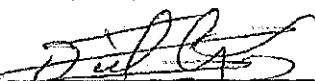
**If Not-For-Profit or Tax Exempt, please attach a copy of letter from Internal Revenue Service designating status under 501c code.

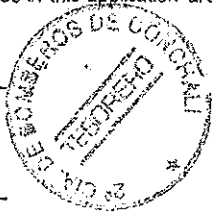
3. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.): Company Treasurer Victor Lopez Sanchez, Federico Hegel N° 625, Recoleta, Santiago of Chile, 56966740484, mail: bomberoandres@hotmail.com

4. Specify the surplus property requested (quantify, if applicable): 10 sets of Bunker gear (pants, jackets, suspenders), 10 sets Fire Helmets and boots

5. Specify the purpose for which the surplus property will be used: The donation will be used for senior fire fighters, that give up their uniform for younger firefighters, do to the lack of resources in this pandemic that is sweeping the world

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


Signature of Authorized Representative



Date

Foreign Firefighting Entity Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and SEGUNDA COMPAÑIA DE BOMBEROS DE CONCHALI, SANTIAGO DE CHILE (hereafter "Donee") as follows:

For and in Consideration of the County donating 10 Sets of Bunker Gear (Coats, pants, suspenders, 10 Fire Helmets, 10 sets of Fire boots and Hoods 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."

BOMBA RECOLETA SEGUNDA COMPAÑIA DE CONCHALI

Print Name of Foreign Firefighting Entity

By: _____
Signature



Date: _____

VICTOR LOPEZ SANCHEZ

Company Treasurer

Printed Name

Title

Miami-Dade County:

By: _____

Date: 20 September 2021