

## MEMORANDUM

Agenda Item No. 11(A)(4)

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

**DATE:** April 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 Autorite Aeroportuaire Nationale of Haiti; 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-372-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



\_\_\_\_\_  
Geri Bonzon-Keenan  
County Attorney

GBK/gh



## MEMORANDUM

(Revised)

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

**DATE:** April 19, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(4)

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)(4)  
4-19-22

RESOLUTION NO. \_\_\_\_\_ R-372-22

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 AUTORITE AEROPORTUAIRE NATIONALE OF HAITI; 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 Autorite Aeroportuaire Nationale of Haiti (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 foreign firefighting entity donation agreement and surplus property allocation application,

**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:

| <b><u>Description</u></b> | <b><u>Condition</u></b> | <b><u>Est. Value</u></b> |
|---------------------------|-------------------------|--------------------------|
| 10 helmets                | Obsolete                | \$250.00                 |
| 50 coats                  | Obsolete                | \$3,250.00               |
| 50 pairs of bunker pants  | Obsolete                | \$2,500.00               |
| 50 pairs of bunker boots  | Obsolete                | \$1,250.00               |

**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.

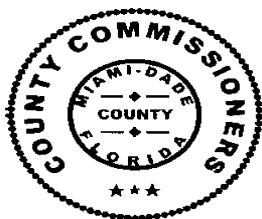
**Section 4.** The County Mayor or County Mayor’s designee is authorized to execute the foreign firefighting entity donation agreement with the Donee in substantially the form attached hereto and incorporated herein by reference and to exercise any and all other rights conferred therein and shall and 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. 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            | <b>aye</b>             |               |
|                      | Oliver G. Gilbert, III, Vice-Chairman | <b>aye</b>             |               |
| Sen. René García     | <b>aye</b>                            | Keon Hardemon          | <b>aye</b>    |
| Sally A. Heyman      | <b>aye</b>                            | Danielle Cohen Higgins | <b>aye</b>    |
| Eileen Higgins       | <b>aye</b>                            | Joe A. Martinez        | <b>aye</b>    |
| Kionne L. McGhee     | <b>aye</b>                            | Jean Monestime         | <b>absent</b> |
| Raquel A. Regalado   | <b>aye</b>                            | Rebeca Sosa            | <b>aye</b>    |
| Sen. Javier D. Souto | <b>absent</b>                         |                        |               |

The Chairperson thereupon declared this resolution duly passed and adopted this 19<sup>th</sup> day of April, 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

**Basia Pruna**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "CJW", is written over the text of the County Attorney's approval.

Christopher J. Wahl



# AUTORITE AEROPORTUAIRE NATIONALE

B. P. 1792, Port-au-Prince, Haiti • Tel.: 2227-0798 / 2227-0797 / 2227-0795 Fax : (509) 2250-5866

February 16, 2022

Mr. Gus Cruz  
Executive Director of Military & Veteran Affairs  
Board of County Commissioners  
Stephen P. Clark Center  
111 NW 1<sup>st</sup> Street, Suite 251  
Miami, Florida 33128

Dear Sir:

Thank you for your consideration in working with the National Airport Authority (AAN), Toussaint Louverture Airport, in Port-au-Prince Haiti. I am the Director General for AAN and the Haitian Government point of contact for this initiative.

AAN hereby requests a donation from Miami-Dade County to assist in our critical need for firefighting equipment. AAN is a Haitian governmental entity and part of the Ministry of Public Works, Transport and Communications. All gear that may be donated will be used to train firefighters at Toussaint Louverture Airport and nearby fire stations.

Listed below is our request for equipment and we fully realize that you may not be able to provide all the items that are requested. Please know that we are grateful for any equipment that you may be able to donate, including any available equipment that we have not listed. We will certainly put it to good use.

## Boots

- Size 8 (35 pair), size 9 (45 pair), size 10 (14 pair), size 11 (13 pair), size 12 (3 pair)

## Helmets

- 60

## Bunker Pants

- Medium – 30
- Large - 30

#### Thermic Aluminum Outfit Gears

- Medium – 26
- Large – 62
- Extra-large – 22

#### Hoses

- 1 ½ inch – 24 units of 50 feet long
- 2 ½ inch – 12 units of 50 feet long
- Nozzle – 1 ½ -6

#### Gas Masks

- 40

#### Oxygen Tanks

- 40

#### Any offense tools

Thank you for your thoughtful consideration of our request and I look forward to hearing from you.

Sincerely,



Ing. Yves Ducarmel **FRANCOIS**

General Director

Toussaint Louverture International Airport

Port-au-Prince, Haiti

(509) 28 11 09 67 (Office)

(509) 37 01 43 10 (Cell)

[ducyfrancois@yahoo.com](mailto:ducyfrancois@yahoo.com)

[secretariatdg@aan.ht](mailto:secretariatdg@aan.ht)



SENSITIVE BUT UNCLASSIFIED



## Foreign Firefighting Entity Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and **Autorite Aeroportuaire Nationale (AAN) de Haiti** (hereafter "Donee") as follows:

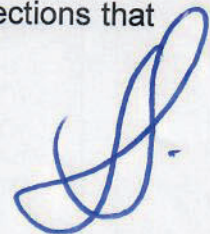
For and in Consideration of the County donating **10 helmets, 50 coats, 50 pants, 50 pairs of boots** to Donee, and Donee agreeing to the use and as described herein: **to provide firefighting training equipment the Toussaint Louverture International Airport firefighting unit AS IS,**

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."

\_\_\_\_ Autorite Aeroportuaire Nationale (AAN) \_\_\_\_\_  
Print Name of Foreign Firefighting Entity

By: \_\_\_\_\_  
Signature

Ing. Yves Ducarmel Francois \_\_\_\_\_  
Printed Name



Date

03/10/2022

General Director \_\_\_\_\_  
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: Autorite Aeroportuaire Nationale (AAN) de Haiti -

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 (address, phone, fax, e-mail address, etc.): \_\_\_\_\_

Ing. Yves Ducarmel Francois  
B. P. 1792, Port-au-Prince, Haiti      +509-2227-0798      Fax: +509-2250-5866  
DucyFrancois@yahoo.com      SecretariatDG@aan.ht

4. Specify the surplus property requested (quantify, if applicable): 10 helmets, 50 coats, 50 pants, 50 pairs of boots \_\_\_\_\_

5. Specify the purpose for which the surplus property will be used: Provide protection in the training to fight fires at Toussaint Louverture International Airport.

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

Signature of Authorized Representative

Date

