

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 3, 2023

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 de Bomberos de la Republica de Panama, Zona Regional de Colon; 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-885-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez and Co-Sponsor Commissioner Kevin Marino Cabrera.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 3, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

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)(1)
10-3-23

RESOLUTION NO. _____ R-885-23

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 DE BOMBEROS DE LA REPUBLICA DE PANAMA, ZONA REGIONAL DE COLON; 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 Benemerito Cuerpo de Bomberos de la Republica de Panama, Zona Regional de Colon (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 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:

<u>Description</u>	<u>Condition</u>	<u>Est. Value</u>
7 jackets	Obsolete	\$455.00
7 pants	Obsolete	\$341.25
15 hoods	Obsolete	\$75.00
15 sets of gloves	Obsolete	\$375.00
15 pairs of shoes	Obsolete	\$375.00
15 earflaps	Obsolete	\$15.00
7 suspenders	Obsolete	\$0.00
7 helmets	Obsolete	\$375.00

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.

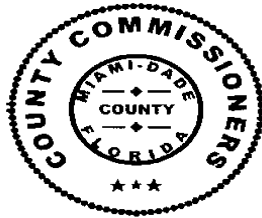
Section 4. The County Mayor or County Mayor's designee is authorized to execute the foreign firefighting entity donation agreement with the Donee in substantially the form attached hereto and incorporated herein by reference and to exercise any and all other rights conferred therein and shall and is 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 Commissioner Juan Carlos Bermudez and the Co-Sponsor is Commissioner Kevin Marino Cabrera. It was offered by Commissioner **Anthony Rodriguez**, 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:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of October, 2023. 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

JUAN FERNANDEZ-BARQUIN, 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".

Christopher J. Wahl



Benemérito Cuerpo de Bomberos de la República de Panamá

Apdo. 0301-00641, Colón República de Panamá. Correo Electrónico: bomberoscl@hotmail.com Teléfonos: 475-3018/3019/3020/3023 Ext.:1203/1212

Zona Regional Colón COMANDANCIA

April 10, 2023

Ms. Ingrid Bethune, MPA
Government & Legislative Affairs Manager
Miami-Dade Fire Rescue
9300 NW 41st Street
Doral, FL 33178

Dear Ms Bethune,

We hope that this request finds you in good health and truly appreciate consideration by the Board of County Commissioners to help our community of Colon, Republic of Panama that is in need of equipment to properly service its' community. We have undergone severe cuts in personnel and equipment and find ourselves unable to address some of our basic requirements. We understand that you can only donate "Bunker Gear" (pants, coats, helmets, shoes). Very difficult to put out fires when those items are missing so everything helps. We understand that there is a process to qualify for a donation and are prepared to properly adhere to the requirements and hope that someday we can meet and extend our personal gratitude for anything sent our way. Should the Board be kind enough to donate some equipment we will undertake efforts to collect the items and ship them to Colon, Panama.

Thanking you in advance for your consideration, I remain respectfully yours,

Coronel Paul Batiste
Comandante Primer Jefe
Benemérito Cuerpo de Bomberos de la República de Panamá
Zona Regional Colón



MDC007

Foreign Firefighting Entity Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and the Benemérito Cuerpo de Bomberos de la Republica de Panama: Zona Regional de Colón (hereafter "Donee") as follows:

For and in Consideration of the County donating 7 Jackets, 7 Pants, 15 Hoods, 15 Sets of Gloves, 15 pairs of shoes, 15 ear flaps, 7 suspenders, and 7 helmets 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.

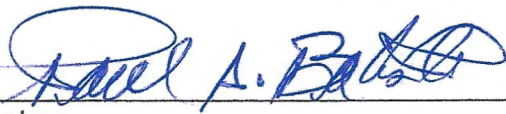
This Agreement is governed by and shall be construed according to the laws of the State of Florida. Donee hereby irrevocably submits in any suit, action or proceeding arising out of or relating to this Agreement or any transaction contemplated hereby to the exclusive jurisdiction of the United States 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."

Benemérito Cuerpo de Bomberos de la Republica de Panama: Zona Regional de Colón

BENEMERITO CUERPO DE BOMBEROS DE LA REP. DE PANAMA - ZONA REGIONAL COLÓN
Print Name of Foreign Firefighting Entity

By: 
Signature

Date: 20-6-23

Coronel Paul Batiste
Printed Name
PAUL BATISTE

Comandante Primer Jefe
Title
CORONEL: PAUL BATISTE
COMANDANTE PRIME JEFE
ZONA REGIONAL COLON

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: Benemérito Cuerpo de Bomberos de la Republica de Panamá: Zona Regional Colón

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 Non-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.):

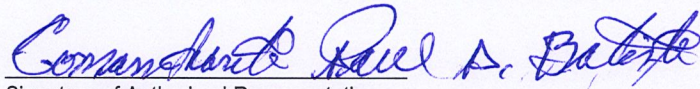
Coronel Paul Batiste	or	Jimmy Butler
Apdo 0301-00641		3750 Park Avenue
Colon, Republica de Panama		Miami, FL 33133.
Cel# +507 6640 7741		Cel# 305 299 5492
email: pbatiste@bomberos.gob.pa		email: mayordomo3@gmail.com

4. Specify the surplus property requested (quantify, if applicable):

7 Jackets
7 Pants
15 Hoods
15 sets of gloves
15 pairs of shoes
15 ear flaps
7 suspenders
7 helmets

5. Specify the purpose for which the surplus property will be used: We are in dire need of equipment to put out fires for the Province of Colon. Due to unfortunate funding problems we have very limited equipment to put out fires for our community. Your donation will help build morale and make us better equipped to serve our community.

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



Signature of Authorized Representative

20-6-23

Date