

RESOLUTION NO. 2021-147

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AUTHORIZING THE DONATION OF POLICE CANINE "KIRA" AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ATTACHED AS EXHIBIT "A"; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, police canine Kira's handler, Amado Herrera is retiring from the City after 21 ½ years of service; and

WHEREAS, Kira is no longer of use for the City and is surplus; and

WHEREAS, the City Council finds that the donation of Kira to Armando Herrera, which is not feasible of commercial disposition, serves a charitable purpose; and

WHEREAS, Amado Herrera wishes to adopt Kira and agrees to maintain ownership of Kira and shall immediately license Kira under his name and at his expense; and

WHEREAS, Amado Herrera acknowledges that Kira is being donated in "AS IS" condition with no guarantees or warranties, either expressed or implied.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

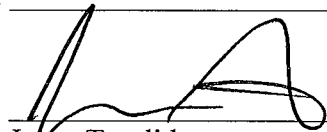
Section 2: Kira is hereby declared surplus to the City's needs and donated to Amado Herrera pursuant to the terms of the Agreement attached as Exhibit "A", and the Mayor is authorized to execute the agreement to accomplish the donation.

RESOLUTION NO. 2021-147

Page 2

Section 3: This resolution shall become effective when approved by majority vote of the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED AND ADOPTED this 26 day of October, 2021.



Jesus Tundidor
Council President

Attest:

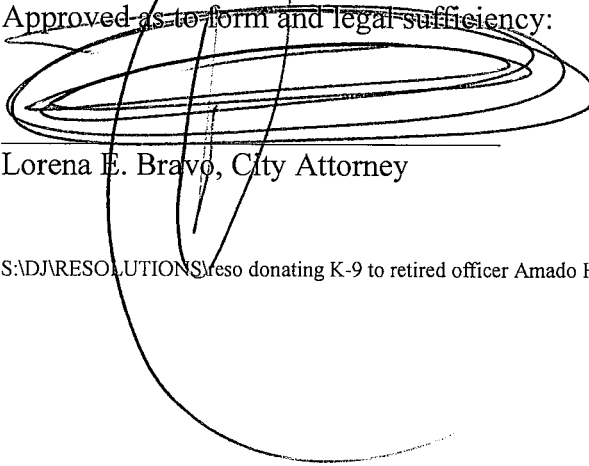
Approved on this 3 day of NOVEMBER, 2021.


for: Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

~~Approved as to form and legal sufficiency:~~



Lorena E. Bravo, City Attorney

Resolution was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Hernandez, Tundidor, and Zogby voting "Yes" and with Council Vice President Perez absent.

EXHIBIT "A"

**GENERAL RELEASE AND HOLD HARMLESS AGREEMENT REGARDING THE
DONATION OF SURPLUS PROPERTY OF THE CITY OF HIALEAH, FLORIDA**

Agreement made this _____ day of October, 2021, between the City of Hialeah, Florida ("City") and AMADO HERRERA, W/M, DOB 11/23/1973, regarding the donation of property described as:

Police Canine KIRA (hereinafter referred to as
"KIRA") a Eight (8) year old German Shepperd canine
DOB 04/27/2013
Registration number #528224000973755,

Pursuant to Hialeah Code § 2-901, the City is authorized to donate surplus property if the donation serves a charitable or public purpose without public sale. The City may dispose of surplus property if it is not commercially feasible to dispose of the property through public sale. The City does hereby agree to relinquish all of its right, title, and ownership interest in the property referenced above.

In consideration of the donation of the above described surplus property, receipt of which is hereby acknowledged, AMADO HERRERA has released, acquitted, and discharged and by these presents does release, acquit and forever discharges the City of Hialeah, its successors, assigns, employees, agents, representative, attorneys, of and from any and all actions, causes of action, damages or demands of whatever name or nature in any manner arisen, whether caused by negligence or otherwise, arising or in connection with the donated property.

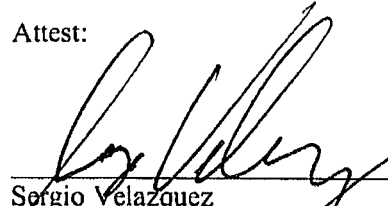
In further consideration of the said donation, AMADO HERRERA acknowledges that KIRA had been used by the Chief of Police of the City of Hialeah Police Department and/or his duly qualified officers as a law enforcement K-9, but will be deactivated because KIRA'S handler (AMADO HERRERA) will be retiring from the City of Hialeah Police Department after 21 ½ years of service. Amado Herrera agrees, in addition to, maintaining ownership of KIRA, that he shall immediately license KIRA in the name of AMADO HERRERA and at the recipient's own expense. AMADO HERRERA acknowledges that KIRA is being donated in "AS IS" condition with no guarantees or warranties, either express or implied.

In further consideration of the said donation, AMADO HERRERA hereby agrees to indemnify, hold harmless, and defend the City of Hialeah, including its officers, agents, representatives and employees, as a result of any claim or suit arising from or in connection with the use by AMADO HERRERA of the property or premises herein described and pay any and all personal injury or property damage claims, liabilities, losses and causes of action that may arise out of or in connection with the performance of this Agreement, including reasonable attorney's fees and costs incurred at the trial or administrative level or on appeal. The indemnification granted herein by AMADO HERRERA shall apply to any and all claims and suits resulting from the negligence of AMADO HERRERA to any other party, including third parties.

The parties have hereunto set their hands and seals at Hialeah, Miami-Dade County, Florida on the date first above written.

CITY OF HIALEAH, FLORIDA
501 Palm Avenue
Hialeah, Florida 33010

Attest:




Sergio Velazquez
Chief of Police

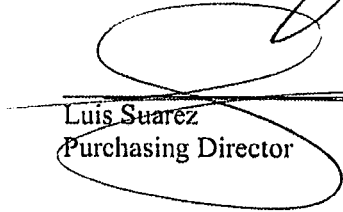
10/29

Date

Carlos Hernandez
Mayor



Date



Luis Suarez
Purchasing Director

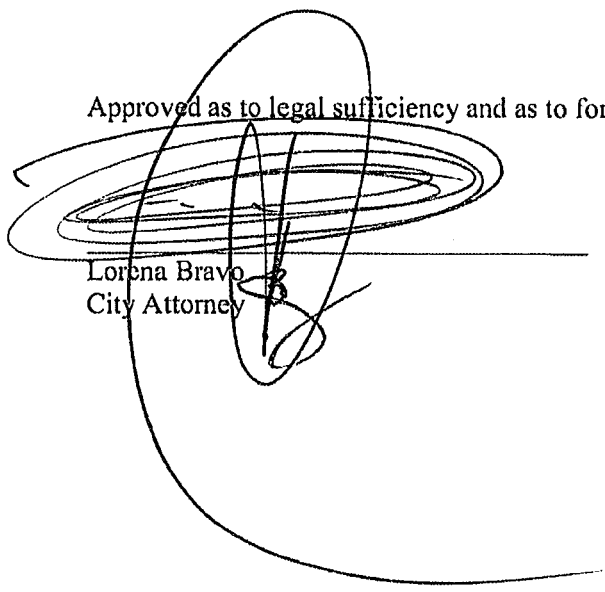
10/29/2021

Date

Marbelys Fatjo
City Clerk

Amado Herrera
Date

Approved as to legal sufficiency and as to form:



Lorena Bravo
City Attorney