



Council Report

776 N.E. 125 Street, North Miami, Florida 33161

To: The Honorable Mayor and City Council

From: Gary C. Eugene, Chief of Police

for R. J. Boye

Date: September 8, 2016

RE: PROPOSED RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND RETIRING POLICE OFFICER MICHAEL CHIN TO RETAIN POSSESSION OF HIS CITY-ISSUED FIREARM FOLLOWING HIS RETIREMENT.

RECOMMENDATION

That the City Council adopt a resolution authorizing the City of North Miami to enter into an Agreement with Retiring Police Officer Michael Chin for possession of his City-issued firearm (Sig Sauer 229, serial number AM30113) subsequent to his retirement on August 1, 2016.

BACKGROUND

Officer Chinn has been employed by the City of North Miami Police Department for 22 years and is retiring in good standing. Officer Chin agrees to indemnify and hold the City of North Miami and the Police Department harmless from and against any and all claims of action, causes of action, damages and losses arising from or relating in any way to said firearm.

Attachments

Proposed Resolution

Waiver & Hold Harmless Agreement

NORTH MIAMI POLICE DEPARTMENT MEMORANDUM



To: Chief Gary Eugene

Date: August 9, 2016

From: Officer Michael Chin

Subject: Duty Firearm

A handwritten signature in black ink, appearing to read "Michael Chin".

As you are aware, I am retiring from the North Miami Police Department. I would like to request that you allow me to retain my duty firearm.

Thank you.

Handwritten notes and a signature in the bottom right corner. The notes include "ACIC." and "8-11-16". There is a large, stylized signature above the date and another smaller signature to the right.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE AWARD OF A CITY-ISSUED FIREARM TO RETIRED POLICE OFFICER MICHAEL CHIN IN RECOGNITION OF TWENTY-TWO (22) YEARS OF SERVICE TO THE CITY OF NORTH MIAMI AND THE NORTH MIAMI POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, Michael Chin was a Police Officer with the City of North Miami Police Department, who retired on August 1, 2016 with twenty-two (22) years of service as a sworn law enforcement officer; and

WHEREAS, Retired Police Officer Chin was assigned a service firearm, which he has utilized during his career as a Police Officer with the North Miami Police Department; and

WHEREAS, Retired Police Officer Chin has met Florida Department of Law Enforcement qualification standards with said firearm; and

WHEREAS, the Florida Department of Law Enforcement allows retired police officers/detectives to carry concealed firearms because it promotes public safety in the state and local municipalities; and

WHEREAS, Police Officer Chin retired in good standing and wishes to retain possession of his city-issued firearm (Sig Sauer P229R, 40 caliber, serial number AM30113) effective on the date of his retirement, August 1, 2016; and

WHEREAS, the City of North Miami has no further use of the described firearm and wishes to award retiring Police Officer Chin with the firearm in recognition of his service to the City of North Miami and as encouragement to other officers/detectives to have long term employment in the department.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Authority to Award.** The Police Chief, by and through the City Manager, is authorized to award to Police Officer Chin, upon his retirement, his city-issued firearm in

recognition of his twenty-two (22) years of distinguished service to the City of North Miami and the North Miami Police Department.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of _____, 2016.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Alix Desulme
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Philippe Bien-Aime

_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)

WAIVER OF LIABILITY AND HOLD HARMLESS AGREEMENT

ON THIS _____ day of _____, 2016, Michael Chin does warrant and state the following:

Whereas, the undersigned was a Police Officer with the City of North Miami Police Department, who had over twenty-two (22) years of service as a sworn law enforcement officer; and

Whereas, the undersigned was assigned a service firearm, which he has utilized during his career as a Police Officer with the North Miami Police Department; and

Whereas, the Florida Department of Law Enforcement allows retired police officers/detectives to carry concealed firearms because it promotes public safety in the state and local municipalities; and

Whereas, the undersigned has met the Florida Department of Law Enforcement qualification standards with said firearm; and

Whereas, the undersigned retired in good standing and wishes to retain possession of his city issued firearm (Sig Sauer P229R, 40 caliber, serial number AM30113), effective on the effective date of this resolution; and

Whereas, the City of North Miami has no further use of the described firearm and wishes to award the undersigned with the firearm in recognition of his service to the City of North Miami and as encouragement to other officers to have long term employment in the department.

The undersigned hereby agrees to indemnify and hold harmless the City of North Miami, Florida and the City of North Miami Police Department from and against any and all claims of action, causes of action, damages and losses arising from or relating in any way to possession and usage of said firearm regardless if claims of action, causes of action, damages and losses are suffered by the undersigned or a third party.

The undersigned agrees to abide by any and all laws of the State of Florida governing possession of a firearm by a retired police officer including, but not limited to, taking any courses required to stay proficient in the use of said firearm.

The undersigned further agrees to carry in his possession identification as a retired City of North Miami law enforcement officer (i.e. retired police officer) while in possession of such firearm.

The undersigned, his assigns, successors and heirs, waives any claims, causes of action or losses which he has or may have in the future against the City of North Miami and/or the City of North Miami Police Department regarding the award of said firearm.

SIGNED AND WITNESSED on this _____ day of _____, 2016.

WITNESS:

MICHAEL CHIN

Print Name