MEMORANDUM

Agenda Item No. 11(A)(6)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	February 19, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution rescinding donation of surplus property to Farm Share, Inc. and authorizing donation of 2001 Dodge Pickup to Farm Share, Inc.

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez.

R. A. Cuevas, Jr.
County Attorney

RAC/bw

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: February 19, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)
02-19-08

RESOLUTION NO. _____

RESOLUTION RESCINDING THE DONATION OF ONE 1995 FORD PICKUP TO FARM SHARE, INC., AND AUTHORIZING THE DONATION OF A 2001 DODGE PICKUP TO FARM SHARE, INC.

WHEREAS, the vehicles described below are owned by Miami-Dade County; and

WHEREAS, the Board declared one of those vehicles, a 1995 Ford Pickup Truck, to be surplus on October 02, 2007; and

WHEREAS, the Board donated the 1995 Ford Pickup Truck to Farm Share, Inc. on October 02, 2007 pursuant to Resolution No. 1128-07, but Farm Share, Inc. did not take possession of the 1995 Ford Pickup Truck due to the vehicle's severe mechanical issues; and

WHEREAS, the other vehicle described below, a 2001 Dodge Pickup Truck, is obsolete and its continued usage by Miami-Dade County is uneconomical and inefficient and the 2001 Dodge Pickup serves no useful purpose; and

WHEREAS, Farm Share, Inc., (the "Donee") desires to use the 2001 Dodge Pickup Truck only within Miami-Dade County to enhance its ability to provide services to its constituents; and

WHEREAS, the Donee is a private not for profit organization as defined in Section 273.01 (3) of the Florida Statutes, and is exempt from Federal Income Taxation by virtue of Section 501 of the Internal Revenue Code; and

WHEREAS, the Donee is an eligible community-based organization, as defined in Section 2-11.2.1 of the Code of Miami-Dade County; and

WHEREAS, Miami-Dade County General Services Administration has complied with the requirements of Section 2-11.2.1, by offering the 2001 Dodge Pickup Truck to other Miami-Dade County Agencies, none of which accepted the vehicle; and

WHEREAS, the 2001 Dodge Pickup is eligible for donation under Section 274.05 of the Florida Statutes, and Section 2-11.2.1 of the Code of Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board rescinds the donation of the following surplus vehicle, with the listed residual value and other characteristics, to Farm Share, Inc.:

Rescind Item	I.D. No.	Condition	Mileage	Est. Value
1995 Ford Pickup	1FTDF15Y4SNB60523	Fair	38,810	$2,000

Section 2. This Board declares the following vehicle with the listed residual value and other characteristics, to be surplus pursuant to Section 274.05 of the Florida Statutes and Section 2-11.2.1. of the Code of Miami-Dade County:

New Item	I.D. No.	Condition	Mileage	Est. Value
2001 Dodge Pickup	3B7HF12Y01G205468	Fair	120,674	$3,500

Section 3. This Board authorizes donation of the 2001 Dodge Pickup Truck to the Donee. The Donee shall be responsible for any and all costs of transferring the 2001 Dodge Pickup Truck. The County Manager shall and is hereby directed to take any and all actions necessary to effectuate the intent of this resolution.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez, and offered by Commissioner, who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

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Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of February, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Monica Rizo

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: NOV 0 2 1997

FARM SHARE INC
C/O PATRICIA ROBBINS
300 N KROME AVE
FLORIDA CITY, FL 33034-3414

Employer Identification Number:
65-0342192
DLN:
17053271800007
Contact Person:
D. A. DOWNING
Contact Telephone Number:
(513) 241-5199
Our Letter Dated:
October 1993
Addendum Applies:
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

C. Ashley Bullard

District Director

Letter 1050 (DO/CO)

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