



**MEMORANDUM**

Agenda Item No. 11(A)(20)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 23, 2012

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

**SUBJECT:** Resolution declaring one 2002 Dodge pickup, one 2002 Dodge Durango, and one 1997 Freightliner Ambulance surplus; authorizing their donation to Haitian American Emergency Relief Committee Inc.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 23, 2012

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

**SUBJECT:** Agenda Item No. 11(A) (20)

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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) 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)(20)  
10-23-12

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING ONE 2002 DODGE PICKUP, ONE 2002 DODGE DURANGO, AND ONE 1997 FREIGHTLINER AMBULANCE SURPLUS; AUTHORIZING THEIR DONATION TO HAITIAN AMERICAN EMERGENCY RELIEF COMMITTEE INC., AND AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE A COMMUNITY BASED ORGANIZATION AGREEMENT AND EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

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

**WHEREAS**, the vehicles are obsolete, and their continued usage by Miami-Dade County is uneconomical and inefficient and the vehicles serve no useful purpose; and

**WHEREAS**, Haitian American Emergency Relief Committee, Inc., (the "Donee") desires to use the vehicles 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 Internal Services Department has complied with the requirements of Section 2-11.2.1, by offering the vehicles to other Miami-Dade County Agencies, none of which accepted the vehicles; and

**WHEREAS**, the vehicles are 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 declares the following vehicles, 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:

<u>Item</u>	<u>I.D. No.</u>	<u>Condition</u>	<u>Mileage</u>	<u>Est. Value</u>
DC# 26690 2002 Dodge pickup	3D7HA18N52G177203	Fair	107,720	\$3,850
DC# 26663 2002 Dodge Durango	1B4HR38N12F182069	Fair	123,925	\$2,450
DC# 21-0227 '97 Frghtlnr Ambulance	1FV3GFBC4VL623750	Fair	94,628	\$3,500

Section 2. This Board authorizes donation of the vehicles to the Donee, and authorizes the County Mayor or the Mayor's designee to execute a community based organization agreement and exercise any and all other rights conferred therein. The Donee shall take possession of the vehicles within sixty (60) days of the effective date of this resolution and shall promptly cause title to said vehicles to be transferred to Donee. Donee shall be responsible for any and all costs of transferring the vehicles. The County Mayor or Mayor's designee shall and is hereby authorized to take any and all actions necessary to effectuate the intent of this resolution.

Section 3. If, for any reason, the donee fails to take possession of the vehicles within sixty (60) days of the effective date of this resolution and or fails to transfer title, then this resolution shall be null and void, and the ownership rights to the vehicles shall remain with the County.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez. It was 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:

The foregoing resolution was 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 23<sup>rd</sup> day of October, 2012. 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.

GKS

Gerald K. Sanchez

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 the following form and submit completed form along with requested materials, if applicable, to:

Internal Services Department-Fixed Assets Manager      Phone: (305) 592-3752  
2225 N. W. 72 Ave      Fax: (305) 592-3616  
Miami, FL 33122

1. Full legal name of the requesting organization: Haitian American Emergency Relief Committee Inc

2. Applicant Status: (Select one of the choices below)

- Not-For-Profit or Tax Exempt       Local Government or Public Entity
- For-Profit
- Other (specify): \_\_\_\_\_

\*\*If Not-For-Profit or Tax Exempt, please attach a copy of Internal Revenue Service 501C3 certification.

3. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.):

4. DJ FABIEN\_\_17150 SW 184 ST MIAMI FL 33187 305-588-2200 Email djfabien@haerc.org

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

5. Specify the purpose for which the surplus property will be used: TO HELP TRANSPORT VOLUNTEER TO AND FROM SITES IN TIMES OF EMERGENCY AND TO COLLECT DONATIONS THE (AMBULANCE) HAS BEEN STRIPPED OF ALL LIGHTS AND SIREN'S TRANSFORMING IT IN TO A BOX TRUCK TO STORE SUPPLIES AND TRANSPORT VOLUNTEER'S IN TIMES OF NEED

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

  
Signature of Authorized Representative

8/29/12  
Date

## Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and Haitian American Emergency Relief Committee Inc (hereafter "Donee") as follows:

For and in Consideration of the County donating one 2002 Dodge pickup truck, one 2002 Dodge Durango, and one 1997 Freightliner Ambulance surplus to Donee, and Donee agreeing to the use and as described herein:

DC# 26690, 2002 Dodge pickup truck, VIN # 3D7HA18N52G177203

DC# 26663, 2002 Dodge Durango, VIN # 1B4HR38N12F182069

DC# 21-0227, 1997 Freightliner Ambulance, VIN # 1FV3GFBC4VL623750

AS IS,

Donee certifies that it is a not-for-profit agency, group, organization, society, association, corporation, partnership or individual that provides a community service designed to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community that have special needs.

Donee agrees that it shall predominantly utilize the donated surplus property for the intended use specified in section no. 5 of the "Surplus Property Allocation Application", attached hereto. (Attachment A) Moreover, this Community Based Organization (CBO) shall not resell or otherwise dispose of or transfer such property without prior County approval for a period of not less than three (3) years from the date of receipt of the surplus property. This three (3) year requirement may be waived administratively by the Mayor or designee upon showing that it is in the best interest of Miami Dade County. Upon the disposal of such property, Donee agrees to notify Miami Dade County. Upon the failure of the Donee to use the property as set forth in the "Surplus Property Allocation Application", or upon the Donee's attempt to dispose of or transfer the property prior to the expiration of the three (3) year period set forth herein, title to the surplus property shall immediately revert to the County and Donee shall immediately return possession of the property to the County.

The 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.

"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."

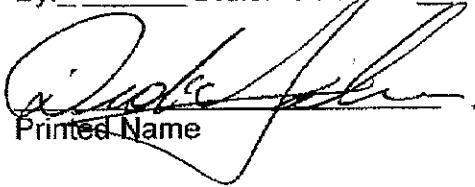
**Community Based Organization Donation Agreement**

Haitian American Emergency Relief Committee Inc

\_\_\_\_\_  
Name of CBO

By: \_\_\_\_\_ Didier J Fabien \_\_\_\_\_

Date: 7/6/12

  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
\_ExecutivDirector  
Title

Miami-Dade County

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

Date: \_\_\_\_\_





Department of the Treasury  
Internal Revenue Service  
P.O. Box 2508  
Cincinnati OH 45201

In reply refer to: 0248164798  
Sep. 19, 2011 LTR 4168C E0  
26-4145360 000000 00

00014868  
BODC: SB

HAITIAN AMERICAN EMERGENCY RELIEF  
COMMITTEE INC  
% DIDIER FABIEN  
17150 SW 184TH ST  
MIAMI FL 33187



12233

Employer Identification Number: 26-4145360

~~Person to Contact: Mr. Bayer~~

Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Sep. 08, 2011, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in August 2010.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.


Please refer to our website [www.irs.gov/eo](http://www.irs.gov/eo) for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

0248164798  
Sep. 19, 2011 LTR 4168C E0  
26-4145360 000000 00  
00014869

HAITIAN AMERICAN EMERGENCY RELIEF  
COMMITTEE INC  
% DIDIER FABIEN  
17150 SW 184TH ST  
MIAMI FL 33187

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,



S. A. Martin, Operations Manager  
Accounts Management Operations

Form **990-N**  
Department of the Treasury  
Internal Revenue Service

**Electronic Notice (e-Postcard)**  
for Tax-Exempt Organizations not Required To File Form 990 or  
990-EZ

OMB No. 1545-2085

**2011**

Open to Public Inspection

**A** For the 2011 calendar year, or tax year beginning 1/1/2011, and ending 12/31/2011.

**B** Check if applicable

Terminated, Out of Business

Gross receipts are normally \$50,000 or less

**C** Name of organization: HAITIAN AMERICAN EMERGENCY RELIEF COMMITTEE INC  
d/b/a:

17150 SW 184 Street  
Miami, FL, US, 33187

**D** Employer Identification Number  
26-4145360

**F** Name of Principal Officer: Didler Fabien

**E** Website: www.haerc.org

17150 SW 184 Street  
Miami, FL, US, 33187

**Privacy Act and Paperwork Reduction Act Notice.** We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws.

The organization is not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. The rules governing the confidentiality of the Form 990-N is covered in Code section 6104.

The time needed to complete and file this form and related schedules will vary depending on individual circumstances. The estimated average times is 15 minutes.

**Note:** This image is provided for your records only. Do NOT mail this page to the IRS. The IRS will not accept this filing via paper. You must file your Form 990-N (e-Postcard) electronically.



**FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES**  
**COMMISSIONER ADAM H. PUTNAM**

---

August 15, 2012

Refer To: CH37027

HAITIAN AMERICAN EMERGENCY COMMITTEE, INC.  
17150 SW 184TH ST  
MIAMI, FL 33187-4824

RE: HAITIAN AMERICAN EMERGENCY COMMITTEE, INC.  
REGISTRATION#: CH37027  
EXPIRATION DATE: August 15, 2013

Dear Sir or Madam:

The above-named organization/sponsor has complied with the registration requirements of Chapter 496, Florida Statutes, the Solicitation of Contributions Act. A COPY OF THIS LETTER SHOULD BE RETAINED FOR YOUR RECORDS.

Every charitable organization or sponsor which is required to register under s. 496.405 must conspicuously display the registration number issued by the Department and in capital letters the following statement on every printed solicitation, written confirmation, receipt, or reminder of a contribution:

"A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE (800-435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE."

The Solicitation of Contributions Act requires an annual renewal statement to be filed on or before the date of expiration of the previous registration. The Department will send a renewal package approximately 60 days prior to the date of expiration as shown above.

Thank you for your cooperation. If we may be of further assistance, please contact the Solicitation of Contributions section.

Sincerely,

*Sherni Neal*

Sherni Neal  
Regulatory Consultant  
850-410-3680  
Fax: 850-410-3804  
E-mail: sherni.neal@freshfromflorida.com