

# MEMORANDUM

Agenda Item No. 11(A)(4)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners


**DATE:** March 5, 2013

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

**SUBJECT:** Resolution declaring one 2002 Dodge pickup and one 1999 Dodge passenger van surplus; authorizing their donation to Humane Society of Greater Miami, Inc., and authorizing the Mayor to execute a community based organization agreement

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

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

RAC/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** March 5, 2013

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

**SUBJECT:** Agenda Item No. 11(A)(4)

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 Mayor'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

Agenda Item No. 11(A)(4)

Veto \_\_\_\_\_

3-5-13

Override \_\_\_\_\_

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

RESOLUTION DECLARING ONE 2002 DODGE PICKUP AND ONE 1999 DODGE PASSENGER VAN SURPLUS; AUTHORIZING THEIR DONATION TO HUMANE SOCIETY OF GREATER MIAMI 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**, Humane Society of Greater Miami, 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# 26700, 2002 Dodge pickup	3B7KC23Z22M287413	Fair	146,674	\$2,397.00
DC# 22670, 1999 Dodge pass.van	2B5WB35Y5XK561106	Fair	95,592	\$2,112.00

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 Commissioner Sally A. Heyman. 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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of March, 2013. 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: Humane Society of Greater Miami

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.): Donna Tallon  
Executive Director, 16101 West Dixie Highway, North  
Miami Beach, FL 33160 (W) (305) 749-1817 (F) 305 1696-4434  
E-mail: Donna@HumaneSocietyMiami.org

4. Specify the surplus property requested (quantify, if applicable):  
#18 DC# 26700  
#19 DC# 22670

5. Specify the purpose for which the surplus property will be used: Transport

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

Donna A. Tallon  
Signature of Authorized Representative

10.2.12  
Date

## Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and Humane Society of Greater Miami, Inc (hereafter "Donee") as follows:

For and in Consideration of the County donating one 2002 Dodge pickup truck, and one 1999 Dodge passenger van surplus to Donee, and Donee agreeing to the use and as described herein:

DC# 26700, 2002 Dodge pickup, 3B7KC23Z22M287413

DC# 22670, 1999 Dodge pass. Van, 2B5WB35Y5XK561106

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.

Community Based Organization 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."

Humane Society of Greater Miami  
Name of CBO

By: Donna A. Tallon

Date: 10.2.12

Donna Tallon  
Printed Name

Executive Director  
Title

Miami-Dade County

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

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



**Internal Revenue Service**

**Date:** October 20, 2006

HUMANE SOCIETY OF GREATER MIAMI INC  
AND DADE COUNTY SOCIETY FOR POCTA  
16101 W DIXIE HWY  
N MIAMI BEACH FL 33160-4309

**Department of the Treasury**  
**P. O. Box 2508**  
**Cincinnati, OH 45201**

**Person to Contact:**  
Viola Wahoff 31-07420  
Customer Service Specialist  
**Toll Free Telephone Number:**  
877-829-5500  
**Federal Identification Number:**  
59-0711176

Dear Sir or Madam:

This is in response to your request of October 20, 2006, regarding your organization's tax-exempt status.

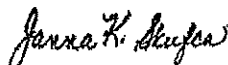
In September 1938 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records indicate that your organization is also classified as a public charity under sections 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

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

Sincerely,



Janna K. Skufca, Director, TE/GE  
Customer Account Services







# Division of Consumer Services

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
1-800-HELP-FLA (435-7352) • 1-800-FL-AYUDA (352-9832) • (850) 410-3800



Adam H. Putnam, Commissioner - Tom A. Steckler, Director



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## Florida Charities GIFT GIVERS' GUIDE

*Know how your money is being spent*

The Gift Givers' Guide is a resource that provides the financial information reported to us from charitable organizations. The information in the Gift Givers' Guide is provided as a public service. The charities listed are currently registered with the Department; inactive or expired registrations will not display. To search an organization, type in the organization's complete or partial name in the text box below and click the "Search" button.

[Download Gift Givers' Guide - PDF](#)

Business Name:

License/Registration Number: CH1529

### Search Results

Expand All (show solicitors, branches, fundraisers and statement of purpose) or select them individually

Sort By: Name: A to Z      Display per page: 5

		1
<input checked="" type="checkbox"/> Humane Society Of Greater Miami, Dade County Society For Prevention Of Cruelty To Animals And Adopt A Pet, Inc., North Miami Beach, FL		
Registration Number :CH1529		Expiration Date : 6/8/2013
Revenue Source : 08 - IRS 990 w/ Sch.A (06/30/2011)		
Total Revenue : \$4,285,094.00	Program Services Expenses : \$3,984,802.00 90%	
Total Expenses : \$4,427,871.00	Administrative Expenses : \$74,014.00 2%	
Surplus/Deficit : -\$142,777.00	Fundraising Expenses : \$369,055.00 8%	
		1