MEMORANDUM

Agenda Item No. 3(A)(3)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	May 17, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution declaring seven computer monitors surplus; authorizing their donation to Wecount!, Inc.; and authorizing the County Mayor to execute a community based organization agreement, to exercise any and all other rights conferred therein and to take any and all actions necessary to effectuate the foregoing

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

Abigail Price-Williams
County Attorney

APW/cp

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(A)(3)

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**

_____ **Statement of social equity 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
Veto _____
Override _____

Agenda Item No. 3(A)(3)
5-17-16

RESOLUTION NO. _____

RESOLUTION DECLARING SEVEN COMPUTER MONITORS SURPLUS; AUTHORIZING THEIR DONATION TO WECOUNT!, INC; AND AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE A COMMUNITY BASED ORGANIZATION AGREEMENT, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

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

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

WHEREAS, Wecount!, Inc., (the "Donee") desires to use the monitors only within Miami-Dade County to enhance its ability to provide services to its constituents, for the purpose outlined in the attached community based organization agreement; and

WHEREAS, the Donee is a private non-profit agency 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's Internal Services Department has complied with the requirements of Section 2-11.2.1, by offering the monitors to other Miami-Dade County departments and agencies, none of which accepted the monitors; and

WHEREAS, the monitors 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 monitors, 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:

Item	I.D. No.	Condition	Mileage	Est.Value
Dell 14" monitor	s/n: KR-07R477-35830-27A-00HD	Fair		50.00
Dell 14" monitor	s/n: KR-07R477-35830-27A-04X1	Fair		50.00
Dell 13" monitor	s/n: CN-0PM372-72872-78L-1381	Fair		50.00
Dell 13" monitor	s/n: CN-0WH318-72872-67D-EA7I	Fair		50.00
Dell 13" monitor	s/n: CN-0WH317-72872-75P-OU8L	Fair		50.00
Dell 14" monitor	s/n: BN-00171A-00	Fair		50.00
Princeton 12" monitor	s/n: JCCD2100322	Fair		50.00

Section 2. This Board authorizes donation of the monitors to the Donee, and authorizes the County Mayor or the County Mayor's designee to execute the community based organization agreement in substantially the form attached hereto and incorporated herein by this reference and to exercise any and all other rights conferred therein.

The Donee shall take possession of the monitors within sixty (60) days of the effective date of this resolution. Donee shall be responsible for any and all costs of transferring the monitors. The County Mayor or County 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 monitors within sixty (60) days of the effective date of this resolution, then this resolution shall be null and void, and the ownership rights to the monitors shall remain with the County.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Sabrina Levin

Attachment A

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 and sign the following form and submit it along with requested documents to your sponsoring Commissioner. Once accepted, the sponsoring Commissioner will submit the documents to:

Internal Services Department-Fixed Assets Manager
2225 N. W. 72 Ave
Miami, FL 33122

Phone: (305) 592-3752
Fax: (305) 592-3616

1. Full legal name of the requesting organization: WeCount!, 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 letter from Internal Revenue Service designating status under 501c code.

3. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.): Jonathan Fried, 201 N. Krome Ave., 2nd Floor, Homestead, FL. 33030; phone: (305) 247-2202; fax: (305) 247-1640; email: jonathan@we-count.org

4. Specify the surplus property requested (quantify, if applicable): ___(Make, model, and VIN # of vehicle being donated)___ (If requested property is not a vehicle, please include full description of the property) 7 computer monitors

5. Specify the purpose for which the surplus property will be used: ____(Explain how the property will be used to serve the community)_____ The surplus property will be used for our computer lab, which is used for free by community members, and which we use for free computer literacy classes.

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

Signature of Authorized Representative

3/28/16
Date

Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and WeCount!, Inc. (hereafter "Donee") as follows:

For and in Consideration of the County donating 7 computer monitors (1. Dell, 11 ½" x 14 ¼", Serial # KR-07R477-35830-27A-00HD; 2. Dell, 11 ½" x 14 ¼", Serial # KR-07R477-35830-27A-04X1; 3. Dell, 10 ½" x 13 ½", Serial # CN-0PM372-72872-78L-1381; 4. Dell, 10 ½" x 13 ½", Serial # CN-0WH318-72872-67D-EA7I; 5. Dell, 10 ½" x 13 ½", Serial # CN-0WH317-72872-75P-OU8L; 6. Dell, 10 ¾" x 13 3/8", Serial # BN68-00171A-00; 7. Princeton, 9" x 12", Serial # JCCD2100322) to Donee, and Donee agreeing to the use and as described herein: for computer lab for use by community members and for free computer literacy classes 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."

WeCount!, Inc.
Print Name of CBO

By: _____ Date: 3/28/16
Signature

Jonathan Fried
Printed Name

Executive Director
Title

Miami-Dade County:

By: _____ Date: _____

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

DEPARTMENT OF THE TREASURY

Date: AUG 27 2007

WECOUNT! INC
PO BOX 344116
FLORIDA CITY, FL 33034

Employer Identification Number:
56-2638368
DLN:
17053158005007
Contact Person:
THOMAS C KOESTER ID# 31116
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
DECEMBER 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
YES
Effective Date of Exemption:
SEPTEMBER 5, 2006
Contribution Deductibility:
YES
Advance Ruling Ending Date:
DECEMBER 31, 2010

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

If you distribute funds to other organizations, your records must show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), you must have evidence the funds will be used for section 501(c)(3) purposes.

WECOUNT! INC

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)
Statute Extension

1-800-HELP-FLA (435-7352)
www.800helpfla.com
www.freshfromflorida.com

DIVISION OF CONSUMER SERVICES
2005 APALACHEE PKWY
TALLAHASSEE FL 32399-6500

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

October 26, 2015 **Refer To: CH23900**

WECOUNT!, INC.
PO BOX 344116
HOMESTEAD, FL 33034-9581

RE: WECOUNT!, INC.
REGISTRATION#: CH23900
EXPIRATION DATE: October 10, 2016

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 30 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,

Mac Smith

Mac Smith
Regulatory Consultant
850-410-3721
Fax: 850-410-3804
E-mail: kennedy.smith@freshfromflorida.com

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GUIDESTAR Premium Pay As You Go REPORT

GUIDESTAR

GuideStar Report Generated For: ***WE COUNT INC***

Report Generated On: **March 28, 2016 at 8:38 AM ET**

EIN: **56-2638368**

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- 2013
- 2012
- 2011
- 2010

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