



MEMORANDUM

Agenda Item No. 11(A)(27)

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

**DATE:** November 8, 2012

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

**SUBJECT:** Resolution declaring one 1995 Blue  
Bird Bus surplus; authorizing its  
donation to My Options Educational  
Resource and Support Center, Inc.  
Resolution No. R-955-12

The accompanying resolution was placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

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

RAC/cp



# MEMORANDUM

(Revised)

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

**DATE:** November 8, 2012

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

**SUBJECT:** Agenda Item No. 11(A)(27)

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)(27)  
11-8-12

RESOLUTION NO. R-955-12

RESOLUTION DECLARING ONE 1995 BLUE BIRD BUS SURPLUS; AUTHORIZING ITS DONATION TO MY OPTIONS EDUCATIONAL RESOURCE AND SUPPORT CENTER, 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 vehicle described below is owned by Miami-Dade County; and

**WHEREAS**, the vehicle is obsolete, and its continued usage by Miami-Dade County is uneconomical and inefficient and the vehicle serves no useful purpose; and

**WHEREAS**, My Options Educational Resource and Support Center, Inc., (the "Donee") desires to use the vehicle 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 vehicle to other Miami-Dade County Agencies, none of which accepted the vehicle; and

**WHEREAS**, the vehicle 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 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:

<u>Item</u>	<u>I.D. No.</u>	<u>Condition</u>	<u>Mileage</u>	<u>Est. Value</u>
DC#8-0183 1995 Blue Bird Bus	1BAADCSA5SF063444	Fair	151,302	\$9,000.00

Section 2. This Board authorizes donation of the vehicle 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 vehicle within sixty (60) days of the effective date of this resolution and shall promptly cause title to said vehicle to be transferred to Donee. Donee shall be responsible for any and all costs of transferring the vehicle. 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 vehicle 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 Dennis C. Moss. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of November, 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency. JMM

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  
2225 N. W. 72 Ave  
Miami, FL 33122

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

1. Full legal name of the requesting organization: My Options Educational Resource and Support Center 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.): Karen D. Thompson Miller, Telephone# 305-834-8336, Email: myoptionersc@att.net, Address: 15301 SW 102<sup>nd</sup> Court Miami, Florida 33157, P.O.Box 570569 Miami, FL, 33257

4. Specify the surplus property requested (quantify, if applicable): My Options Educational Resource and Support Center Inc. is requesting a passenger bus.

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

My Options Educational Resource and Support Center Inc., mission and commitment is to assist at risk students that have decided to drop out of school or is contemplating on not completing high school with resources, information and support to help achieve their educational goals while guiding them to the road of success.

My Options will utilize the passenger bus to transport our at risk students to schools and program that offers GED/Diploma and assist them with completing the required enrollment forms. The passenger bus will also be used as a mobile educational resource center and will be parked in various location within the Miami Dade County area to provide easy access to our services, locate students that has dropped out of school and accommodate the at risk students and their parents.

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

Andrew Thompson Miller  
Signature of Authorized Representative

7/11/12  
Date

## Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and My Options Educational Resource and Support Center, Inc (hereafter "Donee") as follows:

For and in Consideration of the County donating one 1995 Blue Bird Bus to Donee, and Donee agreeing to the use and as described herein:

**DC#8-0183 1995 Blue Bird Bus VIN# 1BAADCSA5SF063444, 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."

My Options Educational Resource and Support Center  
Name of CBO

By: Karen O Thompson Miller

Date: 7/12/12

Karen O Thompson Miller  
Printed Name

President  
Title

Miami-Dade County

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

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

CINCINNATI, OH 45201

Date **MAY 01 2012**

MY OPTIONS EDUCATIONAL RESOURCE AND  
SUPPORT CENTER INC  
C/O KAREN THOMPSON MILLER  
15301 SW 102ND CT  
MIAMI; FL 33157

Employer Identification Number:  
45-4144444

DLN:  
17053079306002

Contact Person: SHAWNTEL R SANDERS ID# 31456  
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:  
October 3, 2011

Contribution Deductibility:  
Yes

Addendum Applies:  
No

Dear Applicant:

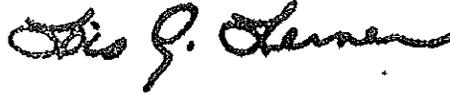
We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive 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. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

Sincerely,

A handwritten signature in cursive script, appearing to read "Lois G. Lerner".

Lois G. Lerner  
Director, Exempt Organizations

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)

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

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June 18, 2012

Refer To: CH36699

MY OPTIONS EDUCATIONAL RESOURCE AND SUPPORT CENTER, INC.  
PO BOX 570569  
MIAMI, FL 33257-0569

RE: MY OPTIONS EDUCATIONAL RESOURCE AND SUPPORT CENTER, INC.  
REGISTRATION#: CH36699  
EXPIRATION DATE: June 18, 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

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QZ 00 201201 201219 6544  
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Department of the Treasury  
Internal Revenue Service  
06DEN UT 84201-0016

Date of this notice: May 21, 2012  
Notice Number: CP- 299  
Taxpayer Identification Number:  
45-4144444  
Tax Form:  
Tax Period:

000188.968336.0002.001 1 AT 0.374 536



MY OPTIONS EDUCATIONAL RESOURCE AND  
% KAREN THOMPSON MILLER  
15301 SW 102ND CT  
MIAMI FL 33157-1431

For assistance, call:  
1-877-829-5500

000188

## Annual Electronic Notice Form 990-N (e-Postcard)

### Why Are You Getting This Notice?

Our records indicate that your organization may be required to file an annual electronic notice (e-Postcard). If your organization has already filed this year's e-Postcard or a Form 990 or 990-EZ, no action is required.

### Electronic Notice (e-Postcard) Requirements

- Tax-exempt organizations, other than political and foreign organizations not required to file Form 990 (or Form 990-EZ), because their gross receipts are normally \$50,000 or less must file an annual electronic notice, Form 990-N.
- A Section 509(a)(3) supporting organization of a religious organization whose gross receipts are normally \$5,000 or less may file an e-Postcard instead of Form 990 (or Form 990-EZ).
- Supporting organizations, not of a religious organization, generally must file a paper or electronic Form 990 (or Form 990-EZ) even if gross receipts are normally \$50,000 or less.
- The annual electronic notice, Form 990-N, is due by the 15th day of the fifth month after the close of the organization's tax period. For example, the tax period ends on December 31 the Form 990-N is due May 15.

### What Information is Required for the e-Postcard?

The e-Postcard requires the following information:

- Organization's legal name,
- Any other names the organization uses,
- Organization's mailing address,
- Organization's website address (if applicable),
- Organization's employer identification number (EIN),
- Name and address of a principal officer of the organization,
- Organization's annual tax period,
- Verify that the organization's annual gross receipts are still normally \$50,000 or less, and

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TIN: 45-4144444

Form:

Tax Period:

### How Does the Organization File the e-Postcard?

Information about the e-Postcard and a link to file the e-Postcard at no cost is available at [www.irs.gov/eo](http://www.irs.gov/eo) under Annual Electronic Filing Requirement for Small Exempt Organizations.

### What Happens if the Organization Fails to File the e-Postcard or Return?

Failure to file Form 990, Form 990-EZ, Form 990-PF or the e-Postcard, for three consecutive years will result in the organization's tax-exempt status being revoked as of the filing due date of the third year the return or e-Postcard is due

### Can an Organization Have Its Tax-Exempt Status Reinstated if It Was Revoked for Failing to File for Three Consecutive Years?

If the organization's tax-exempt status is revoked for failing to file the e-Postcard or information return, such as Form 990, Form 990-EZ, or Form 990-PF, for three consecutive years, the organization must apply (or reapply) for exemption using:

- Form 1023, Application for Recognition of Exemption, or
- Form 1024, Application for Exemption Under Section 501(a), and
- Pay the appropriate user fee.

Reinstatement of tax-exempt status may be retroactive if the organization can show that it had reasonable cause for not filing the e-Postcards or information returns.

### Keep This Letter for Your Records

Be sure to keep a copy of this letter for your records and provide a copy to future officers. It will serve as a reminder of your filing requirement.



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