

MEMORANDUM

Agenda Item No. 3(A)(4)

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

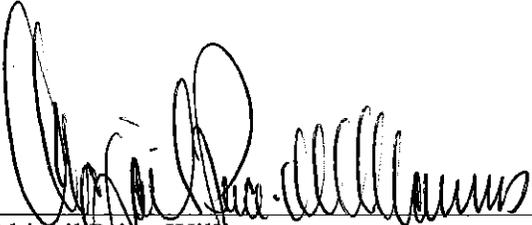
DATE: November 3, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution declaring one
2004 Bluebird City Transit Bus
surplus; authorizing its donation
to Mount Pleasant Missionary
Baptist Church Inc.

Resolution No. R-960-15

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



Abigail Price-Williams
County Attorney

APW/smm

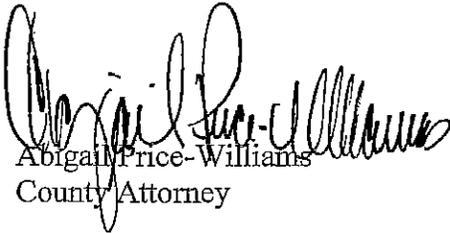


MEMORANDUM

(Revised)

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

DATE: November 3, 2015

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(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
- 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)(4)
11-3-15

RESOLUTION NO. R-960-15

RESOLUTION DECLARING ONE 2004 BLUEBIRD CITY TRANSIT BUS SURPLUS; AUTHORIZING ITS DONATION TO MOUNT PLEASANT MISSIONARY BAPTIST CHURCH INC.; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY 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 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, Mount Pleasant Missionary Baptist Church, Inc., (the "Donee") desires to use the vehicle only within Miami-Dade County, for the purposes outlined in the attached community based organization agreement and surplus property application, in order to enhance its ability to provide services to its constituents; 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 vehicle to other Miami-Dade County departments and 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>
2004 Bluebird City Transit Bus	1BAGDBPA64F215912	Fair	113,586	\$5,000

Section 2. This Board authorizes donation of the vehicle to the Donee, and authorizes the County Mayor or 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 vehicle within 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 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 vehicle within 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 **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman		aye	
Esteban L. Bovo, Jr., Vice Chairman		aye	
Bruno A. Barreiro	absent	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Dennis C. Moss	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 2015. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Sabrina Levin

Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and Mt. Pleasant Missionary Baptist Church, Inc (hereafter "Donee") as follows:

For and in Consideration of the County donating a surplus county bus to Donee, and Donee agreeing to the use and as described herein: 2004 Blue Bird City Transit Bus, VIN# 1BAGDBPA64F215912, 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."

Mt. Pleasant Missionary Baptist Church, INC

Name of CBO

Celeste Washington

Date: June 15, 2015

Celeste Washington
Printed Name

Clerk
Title

Miami-Dade County

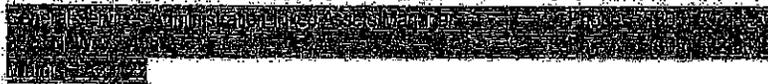
By: _____

Date: _____

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:



1. Full legal name of the requesting organization: Mt. Pleasant Missionary Baptist Church

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 the not-for-profit or tax exempt status.

3. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.): Celeste Washington
11591 SW 220 Street Goulds, Fla 33170 305-232-2861 2007@yahoo.com

4. Specify the surplus property requested (quantity, if applicable): Blue Bird Bus VIN# 1BAGDBPA64F215912

5. Specify the purpose for which the surplus property will be used: The Bus will be used to help the elderly and disable residents in the community. With grocery shopping once a month and farm share food events held in the community by non-religious organizations.

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

Celeste Washington Celeste Washington
Signature of Authorized Representative

June 15, 2015
Date

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

July 9, 2015

Refer To: DTN2715315

MT PLEASANT MISSIONARY BAPTIST CHURCH
ATTN CELESTE WASHINGTON
11261 SW 220TH ST
MIAMI, FL 33170-2914

Subject: RELIGIOUS EXCEPTION

Dear Sir or Madam:

You requested the Department provide a letter confirming your organization is excluded from Chapter 496, Florida Statutes, as a religious institution. The Department is not authorized to issue binding statements confirming whether an organization is excluded from the Solicitation of Funds Act.

Section 496.403, Florida Statutes, states:

Sections 496.401-496.424 do not apply to bona fide religious institutions, educational institutions, and state agencies or other government entities or persons or organizations who solicit or act as professional fundraising consultants solely on their behalf, or to blood establishments as defined in s. 381.06014(1)(a). Sections 496.401-496.424 do not apply to political contributions solicited in accordance with the election laws of this state.

Section 496.404(23), Florida Statutes, states:

(23) "Religious institution" means a church, ecclesiastical or denominational organization, or established physical place for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on and includes those bona fide religious groups that do not maintain specific places of worship. The term also includes a separate group or corporation that forms an integral part of a religious institution that is exempt from federal income tax under the provisions of s. 501(c)(3) of the Internal Revenue Code and that is not primarily supported by funds solicited outside its own membership or congregation.

The key to exclusion under Section 496.403, Florida Statutes, is whether your organization meets the definition of "bona fide religious institution" as described in detail in the Act. Exclusions from the Act are not granted by the Department but apply automatically to qualifying organizations. Whether your particular circumstances meet the requirements of the exclusion should be discussed with your attorney. The Department is not authorized to give informal, non-binding opinions on the applicability of Chapter 496, Florida Statutes.

I trust this provides some guidance in your situation. Please be aware this is neither a legal opinion nor an interpretation binding on the Department or any other authority.

Sincerely,

Don Dietrich

Don Dietrich
Regulatory Consultant
850-410-3756
Fax: 850-410-3804
E-mail: don.dietrich@freshfromflorida.com

Internal Revenue Service United States Department of the Treasury

Exempt Organizations Select Check

[Exempt Organizations Select Check Home](#)

Organizations Eligible to Receive Tax-Deductible Charitable Contributions (Pub. 78 data) - Search Results

The following list includes tax-exempt organizations that are eligible to receive tax-deductible charitable contributions. Click on the "Deductibility Status" column for an explanation of limitations on the deductibility of contributions made to different types of tax-exempt organizations.

Results are sorted by EIN. To sort results by another category, click on the icon next to the column heading for that category. Clicking on that icon a second time will reverse the sort order. Click on a column heading for an explanation of information in that column.

1-1 of 1 results Results Per Page 25 « Prev | 1-1 | Next »

[OK](#)

EIN	Legal Name (Doing Business As)	City	State	Country	Deductibility Status
59-2131540	Mount Pleasant Missionary Baptist Goulds		FL	United States	PC

« Prev | 1-1 | Next »

[Return to Search](#)

Internal Revenue Service
District Director

Department of the Treasury

P.O. BOX 941, RM 1112
ATLANTA, GA 30301

Date: **SEP 09 1988**

MOUNT PLEASANT MISSIONARY BAPTIST
CHURCH INC
11891 SW 220TH STREET
GOULDS, FL 33170

Employer Identification Number:
67-2191540
Contact Person:
ED BRADLEY
Contact Telephone Number:
(404) 531-6040

Accounting Period Ending:
12-31
Form 990 Required:
No
Caveat Applies:
Yes

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 17 (1)-(A)(1).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and found status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

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 Code sections 2055, 2106, and 2522.

The heading of this letter indicates whether you must file Form 990, Return of Organization Exempt from Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally

MOUNT PLEASANT MISSIONARY BAPTIST

more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 513 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

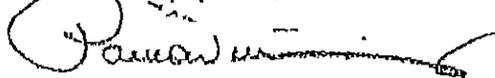
You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If the heading of this letter indicates that a caveat applies, the caveat below or on the enclosure is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,



Paul Williams
District Director

SOINT PLEASANT MISSIONARY BAPTIST

ou are not liable for taxes under the Federal Insurance Contributions Act (social security taxes) if you make or have made a timely election under section 5121(a) of the Code to be exempt from such tax.



Detail by FEI/EIN Number

Florida Not For Profit Corporation

MOUNT PLEASANT MISSIONARY BAPTIST CHURCH, INC.

Filing Information

Document Number	N16801
FEI/EIN Number	892131540
Date Filed	09/22/1988
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	04/08/1988
Event Effective Date	NONE

Principal Address

11591 S.W. 220 ST.
GOULDS, FL 33170

Mailing Address

11591 S.W. 220 ST.
GOULDS, FL 33170

Registered Agent Name & Address

WISE, JAMES C
11516 S. W. 220th Street
Goulds, FL 33170

Name Changed: 01/16/2014

Address Changed: 01/16/2014

Officer/Director Detail

Name & Address

Title Treasurer

Dowdell, Willie J.
22110 S. W. 114th Avenue
Goulds, FL 33170

Title Financial Secretary

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