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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# MEMORANDUM

Agenda Item No. 7(B)
(Second Reading 12-4-12)

**TO:** Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

**DATE:** October 2, 2012

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

**SUBJECT:** Ordinance amending Section 2-11.2.1 of the Code, relating to procedure and requirements for disposition of County surplus property
Ordinance No. 12-100

The accompanying ordinance was placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell and Co-Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

# Memorandum

MIAMI-DADE COUNTY

**Date:** December 4, 2012

**To:** Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez
Mayor

**Subject:** Ordinance Amending Section 2-11.2.1 of the Code Relating to Procedure and Requirements for Disposition of County Surplus Property

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The proposed ordinance amends Section 2-11.2.1 of the Code, adding charitable organizations as eligible to receive County surplus property. The implementation of this ordinance will not have a fiscal impact to the County.

Edward Marquez
Deputy Mayor

Fis0813

# MEMORANDUM
**(Revised)**

**TO:** Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

**DATE:** December 4, 2012

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

**SUBJECT:** Agenda Item No. 7(B)

**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. 7(B)
12-4-12

ORDINANCE NO. 12-100

ORDINANCE AMENDING SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO PROCEDURE AND REQUIREMENTS FOR DISPOSITION OF COUNTY SURPLUS PROPERTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 2-11.2.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

**CHAPTER 2. ADMINISTRATION**

**ARTICLE I. IN GENERAL**

* * *

**Sec. 2-11.2.1. - Disposition of County surplus property.**

(a) *Definitions.* For the purposes of this section, the following definitions shall be effective:

(1) *Surplus property* shall mean property classified as surplus pursuant to Section 274.05, Florida Statutes.

(2) *Property* means all tangible personal property owned by Miami-Dade County of a nonconsumable nature.

(3) *Eligible community based organization* means a not-for-profit >>charitable<< 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

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

to improve or enhance the well-being of certain individuals within this community that have special needs. An eligible community based organization shall be tax exempt under the provisions of Section 501[[~~(c)(3)~~]] of the Internal Revenue Code of 1954 and otherwise be a qualified recipient of surplus property pursuant to Section 274.05, Florida Statutes.

(4) *Retired county animal* means an animal that has been withdrawn from County service, following a determination by a licensed veterinarian under contract with the County that the animal no longer meets the criteria for service to the department that employed the animal.

(b) *Sale, donation or other disposition of surplus property.* To the extent not inconsistent with state or federal law, surplus property may be sold, donated or otherwise disposed of only in the manner set forth in this section. Within the reasonable exercise of its discretion and having consideration for the best interests of the County, the value and condition of the surplus property, and the probability of such property being desired by the prospective bidder to whom offered, the County shall offer surplus property in the following order of preference: first, to the Parks and Recreation Department at no cost for use in the Department's preventative programs; and thereafter, to other County departments and agencies at no cost for use in Miami-Dade County. The County shall thereafter offer such surplus property by sale or donation to other governmental units located within Miami-Dade County for use in Miami-Dade County or shall have the discretion to offer the property to eligible community based organizations by sale or donation. Any surplus property not accepted by the Parks and Recreation Department or by other County departments or agencies and which is determined to be without commercial value shall be offered for sale or donation to eligible community based organizations. The types of surplus property which shall be offered to the Parks and Recreation Department hereunder at no cost are: step vans (one (1) ton and up), dump trucks, trash trucks, buses, water trucks, tractor trailers, low boy trailers, flat bed trucks, bulldozers, front-end loaders, backhoes, road rollers, trenchers, chippers, graders, large four-wheel drive vehicles, farm tractors, root pruners, cranes, garbage trucks, boom trucks, bucket trucks and large riding lawn mowers. Surplus property to be offered to eligible community based organizations by sale or donation pursuant to this section predominantly shall be used by such organization in Miami-Dade County. The offer shall disclose the value, condition, and intended use of the surplus property. Prior to the County Commission approving a sale, donation or other disposition of surplus property to a community based organization, the organization shall specify to the County the intended use of such property. The community based organization shall predominantly use such property for the intended use, and shall not resell such property at a profit or otherwise transfer such property without County approval for no less than three (3) years from the date of receipt of the surplus property. The three year requirement may be waived administratively by the Mayor or designee upon a showing that it is in the best interest of the County. Agreements between the County and a community based organization shall include a reverter clause in the event surplus property is not used for the stated purposes within the three (3) year time period. The community based organization shall notify the County when it disposes of the surplus property.

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: December 4, 2012

Approved by County Attorney as
to form and legal sufficiency: _____

Prepared by: MR

Monica Rizo

Prime Sponsor: Commissioner Lynda Bell
Co-Sponsor: Commissioner Rebeca Sosa