

# MEMORANDUM

Agenda Item No. 3(A)(10)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** November 1, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution declaring one 2013 Ford Explorer surplus; authorizing its donation to Hispanic Police Officers Association Foundation, Inc.; and authorizing the County Mayor to execute a community-based organization agreement, to exercise any and all rights conferred therein, and to take any and all actions necessary to effectuate the foregoing

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



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Geri Bonzon-Keenan  
County Attorney

GBK/ks

MDC001



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

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Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 3(A)(10)

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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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)(10)  
11-1-22

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

RESOLUTION DECLARING ONE 2013 FORD EXPLORER SURPLUS; AUTHORIZING ITS DONATION TO HISPANIC POLICE OFFICERS ASSOCIATION FOUNDATION, INC.; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A COMMUNITY-BASED ORGANIZATION AGREEMENT, TO EXERCISE ANY AND ALL 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, its continued usage by Miami-Dade County is uneconomical and inefficient, and the vehicle serves no useful purpose; and

**WHEREAS**, Hispanic Police Officers Association Foundation, Inc. (the "Donee") desires to use the vehicle predominantly 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 nonprofit agency, as defined in section 273.01(3), 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 (the "Code"); and

**WHEREAS**, Miami-Dade County's Internal Services Department has complied with the requirements of section 2-11.2.1 of the Code 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, Florida Statutes, and section 2-11.2.1 of the Code,

**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, Florida Statutes, and section 2-11.2.1 of the Code:

<u>Item</u>	<u>I.D. No.</u>	<u>Miles</u>	<u>Condition</u>	<u>Est. Value</u>
2013 Ford Explorer (#2998A)	1FM5K7B85DGC63573	99,683	Fair	\$6,000.00

**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 rights conferred therein. The Donee shall take possession of the vehicle within 60 days of the effective date of this resolution. The 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, then this resolution shall be null and void, and the ownership rights to the vehicle shall remain with the County.

The Prime Sponsor of the foregoing resolution is Chairman Jose “Pepe” Diaz. 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:

- |                                       |                        |
|---------------------------------------|------------------------|
| Jose "Pepe" Diaz, Chairman            |                        |
| Oliver G. Gilbert, III, Vice-Chairman |                        |
| Sen. René García                      | Keon Hardemon          |
| Sally A. Heyman                       | Danielle Cohen Higgins |
| Eileen Higgins                        | Kionne L. McGhee       |
| Jean Monestime                        | Raquel A. Regalado     |
| Rebeca Sosa                           | Sen. Javier D. Souto   |

The Chairperson thereupon declared this resolution duly passed and adopted this 1<sup>st</sup> day of November, 2022. 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. CJW

Christopher J. Wahl

## Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and Hispanic Police Officers Association Foundation, Inc. (hereafter "Donee") as follows:

For and in Consideration of the County donating 2013 Ford Explorer to Donee, and Donee agreeing to the use and as described herein: 1FM5K7B85DGC63573 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."

Hispanic Police Officers Association Foundation, Inc.  
Print Name of CBO

By:   
Signature

Date: 10/07/2022

Carlos Arguelles  
Printed Name

President  
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 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: Hispanic Police Officers Association Foundation, 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.): Carlos Arguelles, President  
1470 NW 107 Avenue, Suite P Miami, Florida 33178  
carlos@hpoadade.org / 305-979-8414
4. Specify the surplus property requested (quantify, if applicable): 2013 Ford Explorer VIN 1FM5K7B85DGC63573
5. Specify the purpose for which the surplus property will be used: The HPOA intends to utilize the surplus property to provide logistical support for our community outreach efforts, including transporting supplies to and from our community-based functions. Some of these events and functions include the HPOA 's annual Ride for Kidz, which raises money for St. Jude Children's Research Hospital, and our Back the Blue Caravan, which raises community awareness and support for law enforcement. The proceeds from the Back the Blue event are utilized to feed our first responders and civilian volunteers who work during natural disasters or critical search and rescue operations like the Surfside Building Collapse. During our yearly Turkey Drive, we provide meals for 60 to 100 families; during our yearly Christmas Toy drive, we hand out toys to migrants children and victims of domestic abuse. At our annual picnic, we feed not only our first responders and their families but the local community. The HPOA also answers the call to support not only the Miami-Dade Police Department when the need arises but also causes supported by Miami-Dade County and many non-profit organizations throughout Miami-Dade County as well.

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

  
\_\_\_\_\_  
Signature of Authorized Representative

10/19/2012  
\_\_\_\_\_  
Date



MIAMI-DADE COUNTY

SURPLUS PERSONAL PROPERTY DONATION DISCLOSURE STATEMENT

1. Name of entity seeking the surplus donation:

Hispanic Police Officers Association Foundation, Inc.

2. Name of person signing this form and position in entity:

Carlos Arguelles, President

3. The identity and extent of ownership interest of each individual, corporation, partnership, joint venture, or other legal entity having an ownership interest in the entity seeking the surplus donation (no need to identify ownership interests that do not exceed five percent or the ownership interests that comprise the ownership of publicly traded companies):

Not Applicable

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true.

Signature: \_\_\_\_\_

Name: Carlos Arguellos, President

Date: 10/07/2012