

## MEMORANDUM

Agenda Item No. 3(A)(3)

---

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

**DATE:** July 8, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution declaring one 2007  
Custom Office Trailer surplus;  
authorizing its donation to the  
Haitian American Emergency  
Relief Committee 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

Resolution No. R-605-20

---

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



Abigail Price-Williams  
County Attorney

APW/uw



# MEMORANDUM

(Revised)

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

DATE: July 8, 2020

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 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)(3)  
7-8-20

RESOLUTION NO. R-605-20

RESOLUTION DECLARING ONE 2007 CUSTOM OFFICE TRAILER SURPLUS; AUTHORIZING ITS DONATION TO THE HAITIAN AMERICAN EMERGENCY RELIEF COMMITTEE 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

**WHEREAS**, the trailer described below is owned by Miami-Dade County; and

**WHEREAS**, the trailer is obsolete, its continued usage by Miami-Dade County is uneconomical and inefficient, and the trailer serves no useful purpose; and

**WHEREAS**, the Haitian American Emergency Relief Committee Inc. (the “Donee”) desires to use the trailer 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 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 trailer to other Miami-Dade County departments and agencies, none of which accepted the trailer; and

**WHEREAS**, the trailer 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 trailer, 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:

| <b><u>Item</u></b>                    | <b><u>I.D. No.</u></b> | <b><u>Miles</u></b> | <b><u>Condition</u></b> | <b><u>Est. Value</u></b> |
|---------------------------------------|------------------------|---------------------|-------------------------|--------------------------|
| 2007 Custom Office Trailer (#12-2914) | K070632799             | N/A                 | Fair                    | \$500.00                 |

**Section 2.** This Board authorizes donation of the trailer to the Donee and authorizes the County Mayor 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 trailer within 60 days of the effective date of this resolution. The Donee shall be responsible for any and all costs of transferring the trailer. The County Mayor 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 trailer within 60 days of the effective date of this resolution, then this resolution shall be null and void, and the ownership rights to the trailer shall remain with the County.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

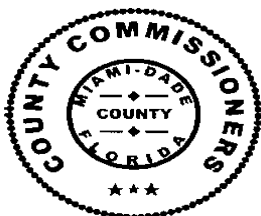
|                                |            |                                 |
|--------------------------------|------------|---------------------------------|
| Audrey M. Edmonson, Chairwoman |            | <b>aye</b>                      |
| Rebeca Sosa, Vice Chairwoman   |            | <b>aye</b>                      |
| Esteban L. Bovo, Jr.           | <b>aye</b> | Daniella Levine Cava <b>aye</b> |
| Jose "Pepe" Diaz               | <b>aye</b> | Sally A. Heyman <b>aye</b>      |
| Eileen Higgins                 | <b>aye</b> | Barbara J. Jordan <b>aye</b>    |
| Joe A. Martinez                | <b>aye</b> | Jean Monestime <b>aye</b>       |
| Dennis C. Moss                 | <b>aye</b> | Sen. Javier D. Souto <b>aye</b> |
| Xavier L. Suarez               | <b>aye</b> |                                 |

The Chairperson thereupon declared this resolution duly passed and adopted this 8<sup>th</sup> day of July, 2020. 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: **Melissa Adames**  
Deputy Clerk



Approved by County Attorney as  
to form and legal sufficiency.

CJW

Christopher J. Wahl

**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) 592-3818

1. Full legal name of the requesting organization: Haitian American Emergency Relief Committee

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.

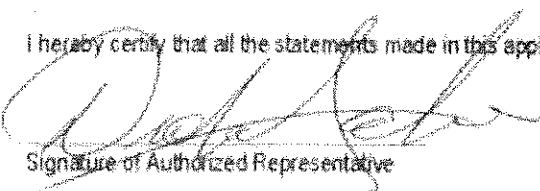
3. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.):

Didier J Fabien  
305-588-2200  
djfabien@aol.com

4. Specify the surplus property requested (quantify, if applicable):  
12-2914/2007 Custom Office Trailer, Fleet 20-02, VIN Number  
KO70632799

5. Specify the purpose for which the surplus property will be used:  
The trailer will be used as a designated space for the organization

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

  
Signature of Authorized Representative

June 8, 2020  
Date

## Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and Haitian American Emergency Relief Committee (hereafter "Donee") as follows:

For and in Consideration of the County donating 12-2914/2007 Custom Office Trailer, Fleet 20-02 to Donee, and Donee agreeing to the use and as described herein: KO70632799 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."

Haitian American Emergency Relief Committee

Print Name of CBO

By

Signature

Date:

Dec 8, 2020

DORIS GADIER

Printed Name

Receiv. Director

Title

Miami-Dade County:

By:

Date:



# Check-A-Charity

*KNOW HOW YOUR MONEY IS BEING SPENT*

✓ Haitian American Emergency Relief Committee, Inc., Miami, FL  
Registration Number : CH37027      Expiration Date : 8/15/2020 ✓  
Revenue Source : DCS Financial Statement w/audit (12/31/2018)  
Total Revenue : \$9,631.14      Program Services Expenses : \$8,480.23    100%  
Total Expenses : \$8,480.23      Administrative Expenses : \$.00    0%  
Surplus/Deficit : \$1,150.91      Fundraising Expenses : \$.00    0%



[Home](#) > [Tax Exempt Organization Search](#) > Haitian American Emergency Relief Committee Inc.

[< Back to Search Results](#)

## ✓ Haitian American Emergency Relief Committee Inc.

✓ EIN: 26-4145360 | Miami, FL, United States

> Other Names

## ✓ Publication 78 Data ⓘ

Organizations eligible to receive tax-deductible charitable contributions. Users may rely on this list in determining deductibility of their contributions.

✓ On Publication 78 Data List: Yes

Deductibility Code: PC

## ✓ Form 990-N (e-Postcard) ⓘ

Organizations who have filed a 990-N (e-Postcard) annual electronic notice. Most small organizations that receive less than \$50,000 fall into this category.

✓ > Tax Year 2019 Form 990-N (e-Postcard)

> Tax Year 2018 Form 990-N (e-Postcard)

> Tax Year 2017 Form 990-N (e-Postcard)

> Tax Year 2016 Form 990-N (e-Postcard)

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

DEPARTMENT OF THE TREASURY

Date: **AUG 17 2010**

HAITIAN AMERICAN EMERGENCY RELIEF  
COMMITTEE INC  
17150 SW 184 ST  
MIAMI, FL 33187

Employer Identification Number:  
26-4014536  
DLN:  
17053179312000  
Contact Person:  
DANIEL RENNER ID# 31697  
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:  
November 19, 2008  
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)

HAITIAN AMERICAN EMERGENCY RELIEF

Sincerely,  


Robert Choi  
Director, Exempt Organizations  
Rulings and Agreements

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)