

MEMORANDUM

Agenda Item No. 3(A)(2)

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

DATE: May 4, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring one fire
hose surplus; authorizing its
donation to the Center for
Orangutan and Chimpanzee
Conservation 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

Resolution No. R-389-21

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



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM

(Revised)

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

DATE: May 4, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(A)(2)

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)(2)
5-4-21

RESOLUTION NO. _____ R-389-21

RESOLUTION DECLARING ONE FIRE HOSE SURPLUS;
AUTHORIZING ITS DONATION TO THE CENTER FOR
ORANGUTAN AND CHIMPANZEE CONSERVATION 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 fire hose described below is owned by Miami-Dade County; and

WHEREAS, the fire hose is obsolete, its continued usage by Miami-Dade County is uneconomical and inefficient, and the fire hose serves no useful purpose; and

WHEREAS, the Center for Orangutan and Chimpanzee Conservation Inc., doing business as the Center for Great Apes (the "Donee"), is a non-profit sanctuary for chimpanzees and orangutans located in Wauchula, Florida; and

WHEREAS, Donee operates a permanent sanctuary for orangutans and chimpanzees who have been rescued or retired from the entertainment industry, research, or the exotic pet trade, and Donee desires to use the fire hose at the sanctuary to provide enrichment for the apes, as 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, under section 2-11.2.1(b) of the Code of Miami-Dade County (the “Code”), surplus property may be disposed of in the manner set forth in section 274.06, Florida Statutes, which provides an alternative procedure for disposition of surplus property and allows, under certain circumstances, the donation of surplus property that has no commercial value to organizations and entities outside the County; and

WHEREAS, the fire hose is without commercial value, and this Board finds it in the best interest of the County to donate this obsolete, out-of-service fire hose to Donee to promote animal welfare; and

WHEREAS, the fire hose is eligible for donation under section 274.06, 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 fire hose, with the listed residual value and other characteristics, to be surplus pursuant to section 274.06, Florida Statutes, and section 2-11.2.1 of the Code:

<u>Item</u>	<u>Condition</u>	<u>Est. Value</u>
One out-of-service fire hose	Poor	\$0.00

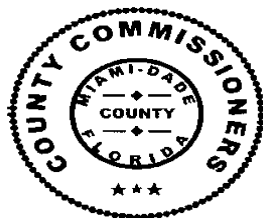
Section 2. This Board authorizes donation of the fire hose to the Donee and authorizes the County Mayor or County Mayor’s designee to execute the community based organization agreement in substantially the form attached hereto and incorporated herein by this reference and to exercise any and all rights conferred therein. The Donee shall take possession of the fire hose within 60 days of the effective date of this resolution. The Donee shall be responsible for any and all costs of transferring the fire hose. 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 fire hose within 60 days of the effective date of this resolution, then this resolution shall be null and void, and the ownership rights to the fire hose shall remain with the County.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of May, 2021. 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) 592-3616

1. Full legal name of the requesting organization: ____ Center for Orangutan and Chimpanzee Conservation Inc. (DBA Center for Great Apes)

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.): _____
For hose donation in Miami-Dade County, contact Board Member Jane Watkins at 8540 SW 160 St Miami, FL 33157,
305-342-5344, jane@watkinspr.com
For direct contact with the Center for Great Apes: Diane Beatty, diane@centerforgreatapes.org , 863.767.8903 ext. 230

4. Specify the surplus property requested (quantify, if applicable): __all available out-of-service fire hose

5. Specify the purpose for which the surplus property will be used: ____we have requested out-of-service hose to be donated to the Center for Great Apes, a non-profit sanctuary for chimpanzees and orangutans. The out-of-service hose is used for enrichment for the apes. The apes swing, climb and play on the hose which hangs high above the apes allowing them to exercise and play. You can see the videos in the links below.

In this video you can see Mowgli (chimpanzee) on a fire hose
<https://www.facebook.com/38280772330/videos/284000235963513>

In this video you can see Harry (orangutan) on a fire hose
<https://www.facebook.com/38280772330/videos/782544375912209>

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



Signature of Authorized Representative

Date

Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and _____Center for Orangutan and Chimpanzee Conservation Inc (DBA Center for Great Apes)_____ (hereafter "Donee") as follows:

For and in Consideration of the County donating ____out-of-service fire hose____ to Donee, and Donee agreeing to the use and as described herein: ____for the enrichment and exercise of the chimpanzees and orangutans at the sanctuary____ 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."

Center for Great Apes
Print Name of CBO



By: _____
Signature

Date: 3.31.21

Jane Watkins
Printed Name

Board Member, Center for Great Apes
Title

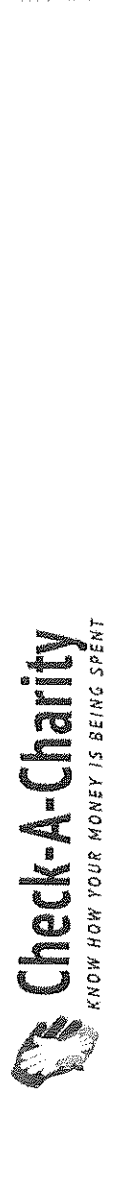
Miami-Dade County:

By: _____

Date: _____

Florida Department of Agriculture and Consumer Services

Department Home Consumer Services



Check-A-Charity is a resource that provides the financial information reported to the department from charitable organizations. The information in Check-A-Charity is provided as a public service. To search an organization type in the organization's complete or partial name in the text box below and click the "Search" button.

Business Name:

License/Registration Number:

Search Results

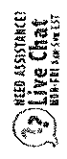
Expand All (show solicitors, branches, fundraisers, statement of purpose, and documents)

Series:	Name: A to Z	Display: per page: 5
Center For Orangutan and Chimpanzee Conservation, Inc., Wauchope, FL		
Also Soliciting as: Center For Great Apes		
Registration Number:	C14072	Expiration Date: 9/7/2021
Revenue Source:	DOS Financial Statement (05/30/2019)	Program Related Expenses: \$1,651,795.00 86%
Total Revenue:	\$2,067,255.00	Administrative Expenses: \$129,607.00 7%
Total Expenses:	\$1,895,575.00	Fundraising Expenses: \$167,122.00 7%
Surplus/Deficit:	\$171,680.00	



Nicole "Nikki" Fried
 Commissioner

- [A-Z Resource Guide](#)
- [Business/Complaint Lookup](#)
- [Florida Do Not Call](#)
- [File a Complaint](#)
- [Consumer E-Newsletter](#)
- [Check-A-Charity](#)
- [Publications](#)
- [Scams and Fraud](#)
- [Live Chat](#)



[Employment](#)
[FAQs](#)
[Site Map](#)
[Web Help](#)



©2012-2019 Florida Department of Agriculture and Consumer Services
 Florida Capitol - Tallahassee, Florida 32399-0800

Home > [Tax Exempt Organization Search](#) > Center For Orangutan And Chimpanzee Conservation Inc.

[Back to Search Results](#)

Center For Orangutan And Chimpanzee Conservation Inc.

EIN: 65-0444725 | Wauchula, 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

Copies of Returns (990, 990-EZ, 990-PF, 990-T)

Electronic copies (images) of Forms 990, 990-EZ, 990-PF or 990-T returns filed with the IRS by charities and non-profits.

> Tax Year 2018 Form 990

Organization Name: Center For Orangutan And Chimpanzee Conservation Inc	Return ID: 1348721	Copy of Return: 2018 Form 990 Filing
EIN: 65-0444725	Filing Type: E	
Tax Period: 201809	Return Type: 990	

> Tax Year 2017 Form 990

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

DEPARTMENT OF THE TREASURY

Date: MAR 13 1994

CENTER FOR ORANGUTAN AND CHIMPANZEE
CONSERVATION INC
8106 SW 81ST CT
MIAMI, FL 33143-6607

Employer Identification Number:
68-0444725
OLN:
17053347961007
Contact Person:
D. A. DOWNING
Contact Telephone Number:
(513) 241-5199
Our Letter Dated:
March 1994
Addendum Applies:
Yes

Dear Applicant:

--- This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(c)(3) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

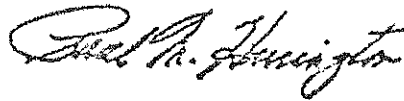
Letter 1050 (00/00)

-2-

CENTER FOR ORANGUTAN AND CHIMPANZEE

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



District Director

Enclosures:
Addendum

-3-

CENTER FOR ORANGUTAN AND CHIMPANZEE

YOUR classification as an organization which is not a private foundation has been changed from section 509(a)(2) to sections 170(b)(1)(A)(vi) and 509(a)(1) because the support you have received is the type described in section 170(b)(1)(A)(vi).

Letter 1050 (00/CB)