

MEMORANDUM

Agenda Item No. 3(A)(1)

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

DATE: March 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution declaring one Bobcat 853 Skid Loader and one 2004 John Deere 410G Backhoe surplus; authorizing their donation to Turning Point Baptist Church 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-240-22

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



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: March 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(A)(1)

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)(1)
3-15-22

RESOLUTION NO. _____ R-240-22

RESOLUTION DECLARING ONE BOBCAT 853 SKID
LOADER AND ONE 2004 JOHN DEERE 410G BACKHOE
SURPLUS; AUTHORIZING THEIR DONATION TO TURNING
POINT BAPTIST CHURCH 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

WHEREAS, the vehicles described below are owned by Miami-Dade County; and

WHEREAS, the vehicles are obsolete, their continued usage by Miami-Dade County is
uneconomical and inefficient, and the vehicles serve no useful purpose; and

WHEREAS, Turning Point Baptist Church Inc. (the “Donee”) desires to use the vehicles
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 vehicles to other Miami-Dade County
departments and agencies, none of which accepted the vehicles; and

WHEREAS, the vehicles are 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 vehicles, 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>
Bobcat 853 Skid Loader (#20-0255)	512822940	N/A	Fair	\$3,000.00
2004 John Deere 410G Backhoe (#20-0405)	T0410GX940491	N/A	Fair	\$3,000.00

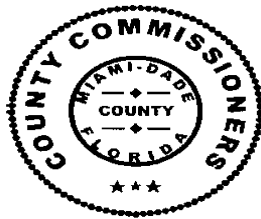
Section 2. This Board authorizes donation of the vehicles to the Donee and authorizes the County Mayor to execute the community based organization agreement in substantially the form attached hereto and incorporated herein by this reference and to exercise any and all rights conferred therein. The Donee shall take possession of the vehicles within 60 days of the effective date of this resolution. The Donee shall be responsible for any and all costs of transferring the vehicles. 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 vehicles within 60 days of the effective date of this resolution, 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 Joe A. Martinez. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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	aye
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 15th day of March, 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

Basia Pruna

By: _____
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: **TURNING POINT BAPTIST CHURCH 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)

Pastor Noel Lozano 3350 SW 144 Ave Miami FL 33175 Noel@turningpointmiami.com 305-322-5186

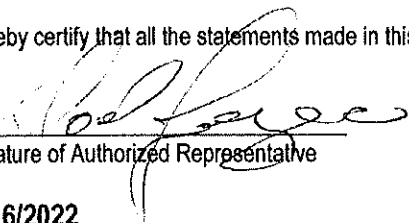
4. Specify the surplus property requested (quantify, if applicable):

**Bobcat Model 853 VIN 512822940 and
2004 John Deere VIN 410G T0410GX940491**

5. Specify the purpose for which the surplus property will be used:

**THIS TWO HEAVY EQUIPMENT FOR CONSTRUCTION WILL HELP WITH THE CONSTRUCTION
PROCESS OF OUR NEW SANCTUARY BUILDING BEING BUILT AS THIS TIME. IT WILL SAVE
THE CHURCH RENTAL MONEY OF SAID EQUIPMENT AND WILL PRODUCE EMPLOYMENT
FOR TWO INDIVIDUALS.**

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



Signature of Authorized Representative

02/16/2022

Date

Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and TURNING POINT BAPTIST CHURCH (hereafter "Donee") as follows:

For and in Consideration of the County donating
Bobcat Model 853 VIN 512822940 and
2004 John Deere VIN 410G T0410GX940491
to Donee, and Donee agreeing to the use and as described herein: **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."

TURNING POINT BAPTIST CHURCH

Print Name of CBO

By: 
Signature

Date: **02/16/2022**

NOEL LOZANO

Printed Name

Sr. Pastor

Title

Miami-Dade County:

By: _____

Date: _____

MIAMI-DADE COUNTY

SURPLUS PERSONAL PROPERTY DONATION DISCLOSURE STATEMENT

1. Name of entity seeking the surplus donation:

TURNING POINT BAPTIST CHURCH INC.

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

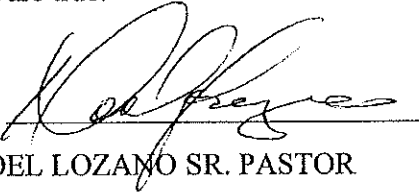
NOEL LOZANO SR. PASTOR

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):

100%

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

Signature:



Name: NOEL LOZANO SR. PASTOR

Date: 2/16/2022