

MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 7, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution waiving Resolution No. R-636-08 regarding the distribution of certain surplus property; declaring one 2006 Ford E350 van surplus, subject to the requirements of section 2-11.2.1 of the Code; authorizing its donation to Fit Kids of America, Corp.; waiving Resolution No. R-130-06; 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-414-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Anthony Rodríguez.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 7, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(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. 11(A)(3)
5-7-24

RESOLUTION NO. R-414-24

RESOLUTION WAIVING RESOLUTION NO. R-636-08 REGARDING THE DISTRIBUTION OF CERTAIN SURPLUS PROPERTY; DECLARING ONE 2006 FORD E350 VAN SURPLUS, SUBJECT TO THE REQUIREMENTS OF SECTION 2-11.2.1 OF THE CODE; AUTHORIZING ITS DONATION TO FIT KIDS OF AMERICA, CORP.; WAIVING RESOLUTION NO. R-130-06; 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 (the "County"); and

WHEREAS, it is the intention of the County to offer the vehicle to County departments in accordance with section 2-11.2.1(b) of the Code of Miami-Dade County (the "Code"); and

WHEREAS, if no County department seeks to use the vehicle, the vehicle can be deemed obsolete if its continued usage by the County is uneconomical and inefficient and the vehicle serves no useful purpose; and

WHEREAS, Fit Kids of America, Corp. (the "Prospective Donee") desires to use the vehicle predominantly within the County to enhance its ability to provide services to its constituents; and

WHEREAS, the Board of County Commissioners (the "Board") seeks to waive Resolution No. R-130-06, which requires a contract be fully executed by non-County parties prior to its presentation to the Board; and

WHEREAS, the Prospective 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 Prospective Donee is an eligible community-based organization under section 2-11.2.1 of the Code and operates in the County; and

WHEREAS, this Board seeks to donate the vehicle to the Prospective Donee and to waive the provisions of Resolution No. R-636-08 regarding the distribution of surplus passenger vans to community-based organizations; and

WHEREAS, before the County can donate the vehicle to the Prospective Donee, the County Mayor or County Mayor's designee shall have complied with the requirements of section 2-11.2.1 of the Code by offering the vehicle to other County departments and agencies; and

WHEREAS, if no County department seeks to use the vehicle, the vehicle will be 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 directs the County Mayor or County Mayor's designee to comply with the requirements of section 2-11.2.1 of the Code by offering the following vehicle to other County departments and agencies and, subject to the condition precedent that no County department or agency seeks to use the vehicle, 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>
2006 Ford E350 Van	1FBSS31L06DA77017	39,165	Fair	\$9,415.00

Section 2. This Board (1) waives the requirement of Resolution No. R-636-08 regarding the distribution of surplus passenger vans to community-based organizations; (2) authorizes donation of the vehicle to the Prospective Donee; (3) 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; and (4) waives Resolution No. R-130-06 requiring that a contract be fully executed by non-County parties prior to its presentation to the Board.

Section 3. The Prospective Donee shall take possession of the vehicle within 90 days of the effective date of this resolution. The Prospective 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 4. If, for any reason, the Prospective Donee fails to take possession of the vehicle within 90 days of the effective date of this resolution or fails to transfer title, 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 Vice Chairman Anthony Rodríguez. It was offered by Commissioner **Danielle Cohen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Anthony Rodriguez** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of May, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SMG

Sophia Guzzo

Community Based Organization Donation Agreement

This agreement is entered into between Miami-Dade County (hereafter "County") and _____ (hereafter "Donee") as follows:

For and in Consideration of the County donating _____ 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.”

Print Name of CBO

By: _____
Signature

Date: _____

Printed Name

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: _____
2. Applicant Status: (Select one of the choices below)

☐ Not-For-Profit or Tax Exempt
☐ For-Profit
☐ Other (specify): _____

☐ Local Government or Public Entity

****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.): _____

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

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

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

Signature of Authorized Representative

Date