

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH A NATIONAL SALUTE TO AMERICA'S HEROES, LLC FOR THE SOLE PURPOSE OF INCLUDING THE 2024 AIR AND SEA SHOW EVENT AS PART OF THE AGREEMENT, ON THE SAME TERMS AND CONDITIONS AS APPLICABLE TO THE 2021-2023 ANNUAL SHOWS, TO TAKE PLACE DURING MEMORIAL DAY WEEKEND OF EACH YEAR.

WHEREAS, on or about February 1, 2016, the City and A National Salute to America's Heroes, LLC, a for-profit entity of the State of Florida ("Producer"), executed an Agreement with respect to the production of an annual Air & Sea show event (each, an "Event" or "Annual Show") subject to the terms and conditions therein; and

WHEREAS, on April 26, 2017, the Mayor and City Commission adopted Resolution No. 2017-29848, authorizing Amendment No. 1 to the Agreement, to waive special event permit fees for the 2017 Annual Show; and

WHEREAS, on October 18, 2017, the Mayor and City Commission approved Amendment No. 2 to the Agreement, which amendment delineated the terms and conditions for the 2018 Annual Show activation, and the City's waiver of special event permit fees in the amount of approximately \$154,000, and contribution for Event-related Public Services (Police, Fire, Ocean Rescue and Sanitation, in the maximum amount not-to-exceed \$350,000; and

WHEREAS, on February 14, 2018, the Mayor and City Commission authorized additional funding to the Producer, in the maximum not-to-exceed amount of \$250,000, for the production of a concert to take place during the 2018 Annual Show, which was subsequently memorialized in Amendment No. 3 to the Agreement, dated March 29, 2018; and

WHEREAS, on July 2, 2018, the Mayor and City Commission directed the Administration to negotiate revisions to the Agreement for the 2019 Annual Show activation, and further specified that no City funding would be provided for any concert that may be produced in conjunction with the 2019 Annual Show, if any; and

WHEREAS, on September 21, 2018, the Mayor and City Commission authorized the terms and conditions for the activation and City's sponsorship of the 2019 Annual Show (and each Annual Show for the remainder of the term) to take place May 25-26, 2019 including the City's payment of a maximum not-to-exceed amount of \$350,000 for Event-related Public Services, as well as the City's waiver of special event permit fees estimated to total \$154.062, which was memorialized in Amendment No. 4, dated September 21, 2018; and

WHEREAS, on April 22, 2020, the Mayor and City Commission adopted Resolution No. 2020-31231, authorizing the parties to execute Amendment No. 5 to the Agreement, approving

the Annual Shows for the years 2021, 2022, and 2023, specifying the terms and conditions for the activation of each Annual Show, including the City's payment of a maximum contribution of \$350,000 for Event-related public services for each Annual Show, and the City's waiver of special event permit fees, user fees and square footage fees for each Annual Show; and

WHEREAS, upon presenting the draft Amendment No. 5 to the Producer, the Producer advised that he was under the impression that the City Commission's extension of the agreement would include the 2024 Annual Show; and

WHEREAS, the Producer further advised that securing of sponsorships has been a challenge for the Air and Sea Show event, particularly given that the 2020 Annual Show was cancelled last year due to COVID-19 restrictions, and the 2021 Annual Show will similarly be restricted (with no concert element approved in connection therewith), and accordingly, offering a longer-term sponsorship through the 2024 Annual Show is critical to the Producer's ability to secure additional sponsorships; and

WHEREAS, the City retains the ability to determine, following each Annual Show, whether or not it wants to discontinue the Event; and

WHEREAS, since Resolution No. 2020-31231 was limited to approval of the 2021-2023 Annual Shows, additional direction is required from the City Commission in order to add the 2024 Annual Show as part of the Agreement, on the same terms and conditions as applicable to every other Annual Show; and

WHEREAS, the Administration is supportive of including the 2024 Annual Show as part of the Agreement, in that, providing the Air & Sea programming during this high impact weekend is in the best interest of the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the Mayor and City Clerk to execute an amendment to the Agreement with A National Salute to America's Heroes, LLC, for the sole purpose of including the 2024 Air and Sea Show as part of the Agreement, on the same terms and conditions as applicable to the 2021-2023 Annual Shows, to take place during Memorial Day weekend of each year.

PASSED and ADOPTED this ____ day of _____ 2021.

Mayor Dan Gelber

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

4-13-21

Date