

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT BETWEEN THE PARTIES IN THE ACTION STYLED CHRISTIAN CONTI V. CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS, AS MAY BE REQUIRED, IN ORDER TO EFFECTUATE THE TERMS OF THE SETTLEMENT, AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO TAKE ANY AND ALL NECESSARY AND APPROPRIATE STEPS FOR THE IMPLEMENTATION THEREOF.

WHEREAS, on November 16, 2020, Christian Conti filed a class action complaint against the City of Miami Beach (the "City") on behalf of a class of property owners who were charged monetary fines for violating the City's short term rental laws in the action styled *Christian Conti v. City of Miami Beach, Florida*, Case No. 2020-024684-CA-01, which is presently pending in the 11th Judicial Circuit Court, in and for Miami-Dade County, Florida; and

WHEREAS, the parties wish to avoid the expense, delay, and uncertainty of lengthy litigation and appeals, and agree that it is in their respective mutual best interests to resolve their disputed issues; and

WHEREAS, pursuant to Court Order, the parties engaged in mediation and have entered into a tentative settlement, subject to approval by the Mayor and the City Commission, and by the Court; and

WHEREAS, for purposes of settlement, the parties propose a settlement class of all persons who paid fines to the City for violation of its short term rental laws in excess of the statutory amount of \$1,000 for a first violation, and in excess of \$5,000 for a second or subsequent violation; and

WHEREAS, on March 9, 2022, the Mayor and City Commission held a Closed Attorney-Client Session regarding the proposed settlement terms; and

WHEREAS, upon the City Commission approving the proposed settlement, pursuant to the Florida Rules of Civil Procedure governing class action lawsuits, the settlement must be submitted for preliminary approval by the Circuit Court, followed by the Court's subsequent final approval of the settlement and dismissal of the action.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby approve the settlement between the parties in the action styled Christian Conti v. City of Miami Beach, Florida, authorizing the Mayor and City Clerk to execute any documents and/or agreements, as may be required, in order to effectuate the terms of the settlement, and further authorizing the City Manager and City Attorney to take any and all necessary and appropriate steps for the implementation thereof.

PASSED AND ADOPTED this ____ day of _____, 2022.

ATTEST:

Rafael E. Granado, City Clerk

Dan Gelber, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

3-3-22

Date

MAE