

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE MANAGEMENT AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND THE RHYTHM FOUNDATION, INC., FOR THE OPERATION OF THE MIAMI BEACH BANDSHELL TO PROVIDE THE FOLLOWING ADDITIONAL, NOT-FOR PROFIT EVENT WAIVERS: FOUR (4) ADDITIONAL RENTAL WAIVERS BETWEEN JANUARY 1, 2023 AND JUNE 30, 2023, AND TWO (2) ADDITIONAL RENTAL WAIVERS BETWEEN JULY 1, 2023, AND DECEMBER 31, 2023, WITH THE CITY'S RESPONSIBILITY FOR THE TECHNICAL AND OTHER OUT-OF-POCKET COSTS ASSOCIATED WITH ALL EIGHTEEN (18) RENTAL WAIVERS NOT TO EXCEED \$2,500 FOR A SINGLE-DAY RENTAL AND \$5,000 FOR A MULTI-DAY RENTAL, OR AS OTHERWISE RECOMMENDED BY THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE AT ITS NOVEMBER 14, 2022 MEETING.

WHEREAS, at the October 26, 2022 City Commission meeting, at the request of Commissioner David Richardson, the Mayor and City Commission referred to the Finance and Economic Resiliency Committee ("FERC") a discussion regarding improving the City's Community Benefit Waiver Program and City's support for Non-Profit Events at City Venues such as the Fillmore Miami Beach, the Colony Theatre, and the Miami Beach Bandshell; and

WHEREAS, pursuant to the City's Management Agreement with Live Nation, a surcharge of \$1.50 per ticket sold at the Fillmore Live Nation is allocated to a Community Benefit Fund, which is used to underwrite performing arts activities in Miami Beach; and

WHEREAS, the City's Management Agreement with the Rhythm Foundation, Inc., for the operation of the Miami Beach Bandshell contains provisions to provide for up to twelve (12) annual rental waivers for qualifying non-profit events; and

WHEREAS, the rental waiver applications are reviewed by the Tourism and Culture Department, and awarded by the Cultural Arts Council; and

WHEREAS, at its November 14 meeting, FERC is expected to discuss the referral and make a recommendation to amend the Management Agreement between the City and Rhythm Foundation, Inc., for additional rental waivers for the benefit of non-profit cultural arts events in the City; and

WHEREAS, the proposed amendments to the Management Agreement would provide four (4) additional not-profit event rental waivers between January 1, 2023 and June 30, 2023, and two (2) additional rental waivers between July 1, 2023, and December 31, 2023, with the City's responsibility for the technical and other out-of-pocket costs associated with all 18 rental waivers not to exceed \$2,500 for a single-day rental and \$5,000 for a multi-day rental.

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 approve an amendment to the Management Agreement between the City of Miami Beach and the Rhythm Foundation, Inc., for the operation of the Miami Beach Bandshell to provide the following additional, not-for profit event waivers: four (4) additional rental waivers between January 1, 2023 and June 30, 2023, and two (2) additional rental waivers between July 1, 2023, and December 31, 2023, with the City's responsibility for the technical and other out-of-pocket costs associated with all eighteen (18) rental waivers not to exceed \$2,500 for a single-day rental and \$5,000 for a multi-day rental, or as otherwise recommended by Finance and Economic Resiliency Committee at its November 14, 2022 meeting.

PASSED and **ADOPTED** this _____ day of _____, 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(sponsored by Commissioner David Richardson)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

11-7-22

Date