

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO ENTER INTO A GRANT AGREEMENT ("REEFLINE GRANT AGREEMENT") WITH BLUE LAB PRESERVATION SOCIETY INC. ("REEFLINE") TO FUND THE INSTALLATION OF AN ARTIFICIAL REEF ("PROJECT") FROM A PORTION OF THE PROCEEDS OF THE GENERAL OBLIGATION BOND FOR ARTS & CULTURE, SUCH REEFLINE GRANT AGREEMENT TO BE SUBSTANTIALLY IN THE FORM PREVIOUSLY APPROVED BY THE CITY COMMISSION PURSUANT TO RESOLUTION NOS. 2023-32423, 2023-32593 AND 2023-32691, TOGETHER WITH AN ADDENDUM REQUIRING REEFLINE TO FULFILL CERTAIN OBLIGATIONS OF THE CITY PURSUANT TO AN AGREEMENT BETWEEN THE CITY AND THE COUNTY RELATING TO THE PROJECT; AND FURTHER, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE FINALIZED REEFLINE GRANT AGREEMENT.

WHEREAS, on July 20, 2022, the Mayor and Commission approved Resolution 2022-32261, authorizing a special election, submitting to the electorate of the City of Miami Beach the question asking whether the City shall be authorized to issue general obligation bonds, not exceeding \$159,000,000, to improve facilities for resiliency of arts and cultural institutions throughout the City, including museums, performance venues, artistic playgrounds, senior/cultural centers, botanical garden, aquatic sculpture park, and related artist/workforce housing; and.

WHEREAS, on November 8, 2022, the voters of the City of Miami Beach approved the issuance of a General Obligation Bond for Arts & Culture (the "Bond") in the not to exceed amount of \$159 million; and

WHEREAS, on April 28, 2023, the City Commission adopted Resolution No. 2023-32592 accepting the FERC's recommendations and approving Tranche 1 in the not-to-exceed amount of \$101,700,000; and

WHEREAS, on May 17 and June 28, 2023, the first and second public readings of the bond issuance resolution were held, and the issuance was approved; and

WHEREAS, Tranche 1 of the Bond was issued on July 27, 2023; and

WHEREAS, the final list of projects approved as part of the General Obligation Bond for Arts & Culture included a \$5 million allocation for the Aquatic Sculpture Park Project (the "Project"); and

WHEREAS, Miami-Dade County (the "County"), through its Department of Regulatory and Economic Resources, Division of Environmental Resources Management ("DERM"), manages artificial reef activities and is the permittee for various local, state, and federal regulatory permits for artificial reefs in Miami-Dade County outside of Biscayne National Park and Florida Keys National Marine Sanctuary (the "County Permits"); and

WHEREAS, the Project's first phase entails deploying an artificial reef within the boundaries of the area covered by the County Permits; and

WHEREAS, Blue Lab Preservation Society Inc. ("Blue Lab" or "ReefLine") is a 501(c)3 non-profit foundation, led by Ximena Caminos, with a mission to build "positive community impact by addressing ocean pollution, water quality, climate change, and environmental and social issues"; and

WHEREAS, Blue Lab's most significant initiative is the conceptualization and design of the "ReefLine," a series of artist-designed, scientist-informed artificial reefs to be located within swimming distance of Miami Beach's shore; and

WHEREAS, since its inception in 2018, Blue Lab has established partnerships with recognized leaders in artificial reef structure design and deployment, including Coral Morphologic, Ocean Rescue Alliance (ORA), Miami-Dade County Division of Environmental Resources Management (DERM), University of Miami (UM), and Cummins Cederberg, among others; and

WHEREAS, on November 18, 2020, the Miami Beach Mayor and City Commission adopted Resolution No. 2020-31489, accepting the recommendation of the Miami Beach Sustainability Committee and the Miami Beach Cultural Arts Council to support the Project as a concept to create habitats for local aquatic marine life, promote cultural and ecological tourism, create a unique art experience, and provide recreational activities for locals and tourists; and

WHEREAS, the passing of this Resolution marked the beginning of ReefLine's unique partnership with the City of Miami Beach; and

WHEREAS, in 2019, Caminos received a Knight Foundation Arts Challenge Award, which provided the essential seed money to advance the Project to the next stages, which included the development of the technical drawings and specifications required to satisfy all permit requirements with agencies having jurisdiction such as DERM, the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (USACE); and

WHEREAS, given the extensive knowledge, history and involvement with the Project, Blue Lab is uniquely qualified to bring the Project to fruition with the most efficiency; and

WHEREAS, subject to the approval by the County's Board of County Commissioners, DERM has agreed to allow the City to work under the County's permits subject to satisfaction by the City of the terms and conditions set forth in a proposed agreement between the County and the City ("County Agreement"), a copy of which is attached as Attachment B to the Memorandum accompanying the Resolution for a companion item (item C7 A) included in the September 27, 2023 Commission Agenda. The companion item requests approval by the Mayor and City Commission of the County Agreement; and

WHEREAS, the Project will be executed by Blue Lab via a Grant Agreement to be funded out of a portion of the proceeds of the General Obligation Bond for Arts & Culture; and

WHEREAS, the Grant Agreement with Blue Lab will include an addendum requiring Blue Lab to fulfill the City's obligations pursuant to the County Agreement, as well as indemnity provisions in favor of the City and the County consistent with those set forth in the County Agreement; and

WHEREAS, these indemnity provisions will be supplemental to the standard indemnity provisions already included in the Grant Agreement Template approved by the Commission pursuant to Resolution Nos. 2023-32423, 2023-32593 and 2023-32691.

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 authorizes the administration to enter into a Grant Agreement ("ReefLine Grant Agreement") with Blue Lab Preservation Society Inc. ("ReefLine") to fund the installation

of an artificial reef ("Project") from a portion of the proceeds of the General Obligation Bond for Arts & Culture, such ReefLine Grant Agreement to be substantially in the form previously approved by the City Commission, together with an addendum requiring ReefLine to fulfill certain obligations of the City pursuant to an agreement between the City and the County relating to the Project; and further, authorizing the City Manager and City Clerk to execute the finalized ReefLine Grant Agreement.

PASSED and ADOPTED this ____ day of _____, 2023.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

9-21-23

Date