

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND ALLISON ISLAND ASSOCIATION, INC. (HOA), AUTHORIZING THE HOA TO SELECT, AND CONTRACT DIRECTLY WITH, A PRIVATE SECURITY PROVIDER AND RECEIVE PAYMENTS FROM THE CITY FOR THE SECURITY GUARD SERVICES, ON A REIMBURSABLE BASIS, FROM THE FUNDS APPROPRIATED PURSUANT TO THE ALLISON ISLAND SECURITY GUARD SPECIAL TAXING DISTRICT FOR EACH FISCAL YEAR; SAID MOU HAVING AN INITIAL TERM COMMENCING UPON THE TERMINATION OF THE CONTRACT WITH THE CURRENT SECURITY GUARD PROVIDER AND EXPIRING ON SEPTEMBER 30, 2024, AND SUBJECT TO ANNUAL RENEWALS BY AGREEMENT OF THE PARTIES FOR EACH SUBSEQUENT FISCAL YEAR; AND FURTHER AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE MOU.

WHEREAS, the Allison Island Security Guard Special Taxing District (the "Special Taxing District"), was created pursuant to Miami Beach City Commission Resolution No. 89-19604, adopted on May 10, 1989 ("the City Resolution"), and Miami-Dade County ("County") Ordinance No. 89-125, adopted on December 5, 1989, for the purpose of constructing a guardhouse and installing gates within City of Miami Beach ("City") land at the entrance of the Special Taxing District; and

WHEREAS, the City Resolution approved a 24 hour a day, seven day a week, 365 day a year, unarmed and uniformed, security guard service, with a duly licensed and bonded, State of Florida approved, security guard service (the "Security Guard Services"); and

WHEREAS, on November 8, 2016, the County Board adopted Ordinance No. 16-14, creating a new Section 18-3.1 in the Miami-Dade County Code, which provides, in part, that by joint resolutions of the Board of County Commissioners and the governing body of a municipality, the governing body of a municipality may be designated as the governing body of an existing Special Taxing District located entirely within its municipal boundaries, with the transfer of control being subject to a majority vote of the qualified electors residing in the Special Taxing District at an election called by and conducted as provided by the County Board; and

WHEREAS, on December 17, 2019, the voters of the existing Special Taxing District approved the transfer of control of the Special Taxing District from Miami-Dade County to the City; and

WHEREAS, as a result of this vote, and pursuant to City Commission Resolution No. 2020-31145, adopted on January 15, 2020, the City and Miami-Dade County entered into an Interlocal Agreement memorializing the transfer of control of the Special Taxing District from the County to the City, thereby designating the City as the governing body of the Special Taxing District; and

WHEREAS, the Special Taxing District currently includes fifty (50) homeowners and is located in Allison Island; and

WHEREAS, the City currently provides Security Guard Services to the Special Taxing District pursuant to a Professional Services Agreement, dated April 1, 2021, between the City and FPI Security Services, Inc.; and

WHEREAS, because the Special Taxing District experienced a series of break-ins and other incidents, between June 17, 2023 and August 25, 2023, 41 of the 50 homeowners located within the Special Taxing District voted yes to authorize Allison Island Association, Inc. (the "HOA") to take over the selection of the security company for the Special Taxing District and to increase the expenditures for heightened security for the Special Taxing District; and

WHEREAS, the adopted Fiscal Year 2023-2024 budget for the Special Taxing District, in the amount of \$324,000.00, includes an allocation, in the amount of \$275,000.00, for the hiring of a security services company, with the remainder of the budget funding other components, including utilities and other maintenance services provided by the City; and

WHEREAS, at the September 27, 2023 City Commission meeting, the Mayor and City Commission considered an agenda item, entitled "Discuss and Take Action Regarding a Request from the Allison Island Association ("HOA") to negotiate an Agreement between the HOA and the City, to permit the HOA to Select and Contract Directly with a Private Security Provider, and Authorize the City to reimburse the HOA with Special Assessment Revenue from the Allison Island Security Guard Special Taxing District", and the Mayor and City Commission authorized the City Attorney to negotiate an agreement with the HOA to transfer responsibility for the management and contracting of the Security Guard Services from the City to the HOA on a reimbursement basis; and

WHEREAS, the City and the HOA have negotiated a Memorandum of Understanding (the "MOU"), a draft copy of which is attached to the City Commission Memorandum accompanying this Resolution, commencing on the date following the effective date of termination/removal of the Security Guard Services from the FPI Agreement and expiring at the end of FY 2023-2024, September 30, 2024; and

WHEREAS, the proposed MOU is subject to annual renewals for subsequent Fiscal Years by agreement of the parties, based upon the approved budget for the applicable Fiscal Year for the Security Guard Services under the Special Taxing District; and

WHEREAS, the MOU provides each party with the right to terminate the MOU for convenience upon providing the other party with thirty (30) days notice; and

WHEREAS, the MOU further authorizes the City to advance the first month of reimbursement, in an amount equal to 1/12th of the total annual budgeted amount for the Security Guard Services for a given fiscal year, and, thereafter, requires the HOA to pay directly for the Security Guard Services and submit monthly reimbursement requests to the City; and

WHEREAS, based upon the approval by the Mayor and City Commission at the September 27, 2023 City Commission meeting, the Administration recommends that the Mayor and City Commission approve, in substantial form, the proposed MOU and authorize the City Manager to finalize and execute the MOU.

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, in substantial form, a Memorandum of Understanding (MOU) between the City and Allison Island Association, Inc. (HOA), authorizing the HOA to select, and contract directly with, a private security provider and receive payments from the City for the security guard services, on a reimbursable basis, from the funds appropriated pursuant to the Allison Island Security Guard Special Taxing District for each Fiscal Year; said MOU having an initial term commencing upon the termination of the contract with the current security guard provider and expiring on September 30, 2024, and subject to annual renewals by agreement of the parties for each subsequent Fiscal Year; and further authorize the City Manager to finalize and execute the MOU.

PASSED and ADOPTED this 13th day of December, 2023.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael E. Granado

City Attorney *RAG*
RAG

12/13/23

Date