

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE LETTER AGREEMENT WITH THE FRIENDS OF THE BASS MUSEUM OF ART, INC., (THE FRIENDS) IN THE FORM ATTACHED TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION, TO MEMORIALIZE THE PARTIES' RESPECTIVE OBLIGATIONS WITH REGARD TO CERTAIN MANAGEMENT AND OPERATION RESPONSIBILITIES OF THE MUSEUM THROUGH SEPTEMBER 30, 2019; AND FURTHER, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE FINAL LETTER AGREEMENT WITH THE FRIENDS, SUBJECT TO REVIEW AND FORM APPROVAL BY THE CITY ATTORNEY.

WHEREAS, the Bass Museum (Museum) was established from its inception as a strong public/private partnership through a contractual agreement entered into in 1963 between the City of Miami Beach (City) and John and Johanna Bass, whereby the City accepted the gift of the art collection of John and Johanna Bass (the Collection), in exchange for making the Collection open and available to the public in a building maintained by the City (the 1963 Agreement and all subsequent amendments thereto are hereinafter referred to as the "1963 Bass Agreement"); and

WHEREAS, the 1963 Bass Agreement, requires the City to maintain the Bass Collection in perpetuity; provide for the exhibition of the Collection; keep it open and available to the public; and provide funding for the maintenance and exhibition of the Collection; and

WHEREAS, the City fulfills this obligation by funding the operational elements of the Bass Museum and maintaining the building, which is a City asset; and

WHEREAS, on March 10, 2010, the City Commission adopted Resolution No. 2010-27349 which approved an Amended and Restated Bass Museum Agreement between the City and Dennis Alan Richard (as successor in interest to John and Johanna Bass); and

WHEREAS, the Amended and Restated Agreement was intended to replace and supersede the 1963 Bass Agreement, and, among other things: (1) reaffirmed the city's continual obligation to fund the administration, operation and maintenance of the Collection at the Museum building, under the current name, "The Bass Museum of Art"; (2) provided guidelines for the maintenance of the Museum building; (3) confirmed governance of the Museum pursuant to an independent 501(c)3 corporation, the Friends of the Bass, Inc. (the "Friends"), through its board of directors, with the City Manager holding one of the seats on the board and twenty percent (20%) voting power; and (4) established oversight by an independent executive director; and

WHEREAS, since 2009, the City has approved Resolution Nos. 2009-27089, 2009-27216, 2010-27505, 2011-27757, 2012-28027, 2013-28363, 2014-28764, 2015-29168, 2016-29689 and 2018-30172, all with corresponding letter agreements, whereby the City agreed to appropriate and transfer budgeted operating funds for the Museum, in consideration of the Friends' agreement to undertake certain management and operational responsibility (on behalf of the City) for the Museum; and

WHEREAS, as part of the Fiscal Year (FY) 2018/19 budget, the Mayor and City Commission approved \$884,058 for the Friends to continue to provide certain oversight and management responsibilities relative to the Bass Museum through September 30, 2019; and

WHEREAS, the Administration recommends that the City Commission approve the Letter Agreement attached and incorporated herein by reference as Exhibit "A" hereto, and authorize the City Manager and City Clerk to execute the final Letter Agreement.

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 the Letter Agreement with the Friends of the Bass Museum of Art, Inc. (the "Friends"), attached to the Commission Memorandum accompanying this Resolution, to memorialize the parties' respective obligations with regard to certain management and operation responsibilities of the Museum through September 30, 2019; and further, authorize the City Manager and City Clerk to execute the final letter agreement with the Friends, subject to review and form approval by the City Attorney .

PASSED and **ADOPTED** this 26th day of September 2018.

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 9-18-18

City Attorney *RNF* Date