RESOL	UTION	NO.	
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A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE MANAGEMENT AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND THE RHYTHM FOUNDATION INC. FOR THE MANAGEMENT AND OPERATION OF THE NORTH BEACH BAND SHELL, TO INCREASE THE NUMBER OF RENTAL WAIVERS THAT THE CULTURAL ARTS COUNCIL MAY EXERCISE UNDER THE AGREEMENT FROM 12 FREE CHARITABLE USE WAIVERS TO 36 FREE CHARITABLE USE WAIVERS FOR FISCAL YEAR 2020/2021 ONLY, AND FURTHER PROVIDING THAT THE TOTAL CITY CONTRIBUTION FOR RENTAL WAIVERS AND REIMBURSEMENTS FOR VENUE COSTS FOR EACH QUALIFYING EVENT DURING FISCAL YEAR 2020/2021 SHALL NOT EXCEED AN AGGREGATE AMOUNT OF \$2,500 PER EVENT.

WHEREAS, The Rhythm Foundation, Inc. is a Florida, not-for-profit 501(c)3 arts organization which seeks to increase international awareness and cultural exchange through the presentation of live music and related media programming; and

WHEREAS, on September 10, 2014, the Mayor and City Commission adopted Resolution Number 2014-28722, accepting the written recommendation of the City Manager pertaining to the ranking of proposals pursuant to ITN 2014-215-LR for North Shore Band Shell Management Services and authorizing the Administration to enter into negotiations with the Rhythm Foundation, Inc. as the top-ranking proposer; and

WHEREAS, on February 19, 2015, the City and The Rhythm Foundation executed the Management Agreement for the management of the North Shore Band Shell (the "Agreement") for an initial term of two (2) years (which commenced retroactively on October 1, 2014) with three (3) additional one (1) year renewal terms; the Agreement expired on September 30, 2019; and

WHEREAS, since entering into the Agreement, The Rhythm Foundation has cemented the North Shore Band Shell as an exciting cultural anchor in the North Beach area being voted as the "Best Venue for Local Acts" in 2016 by the New Times; and

WHEREAS, The Rhythm Foundation, Inc. continues to present a well-rounded series of concerts, free community and civic events, cultural programs, popular music and large productions that welcomes the entire South Florida community to the North Shore Band Shell; and

WHEREAS, at the June 5, 2019 City Commission Meeting, the Mayor and City Commission approved Resolution No. 2019-30846 waiving the formal competitive bidding requirement and authorizing the City Manager to execute a new management agreement with The Rhythm Foundation, Inc, and the Agreement was executed on October 23, 2019 (Exhibit A); and

WHEREAS, Section 6.2.2 of the Agreement provides that the Cultural Arts Council may issue up to twelve (12) rental waivers per calendar year to qualified nonprofit organizations for the use of the North Beach Bandshell; and

WHEREAS, in addition, Section 6.2.2 of the Agreement provides that for qualifying events, The Rhythm Foundation is entitled to reimbursement for all actual costs incurred by The Rhythm Foundation to facilitate the Charitable Use, including, without limitation, The Rhythm Foundation's standard charges for janitorial, clean-up, crowd and traffic control, set-up and tear-down costs and fees and charges (including for materials, labor and other services) directly necessitated by the occurrence of any Charitable Use; and

WHEREAS, the Administration recommends amending Section 6.2.2 of the Agreement to increase the rental waivers to thirty-six (36) for fiscal year 2020-2021 only, and to further provide a limit to the City contributions for venue waivers and rental waivers to an aggregate amount not to exceed \$2,500 per qualifying event (Exhibit "B").; and

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 and authorize the City Manager to execute Amendment No. 1 to the Management Agreement between the City of Miami Beach and The Rhythm Foundation Inc. for the management and operation of the North Beach Band Shell, to increase the number of rental waivers that the cultural arts council may exercise under the agreement from 12 free charitable use waivers to 36 free charitable use waivers for fiscal year 2020/2021 only, and further providing that the total city contribution for rental waivers and reimbursements for venue costs for each qualifying event during fiscal year 2020/2021 shall not exceed an aggregate amount of \$2,500 per event.

PASSED AND ADOPTED this 13th day of January, 2021.

ATTEST:	Dan Gelber, Mayor
Rafael E. Granado, City Clerk	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION
	City Attorney # Date