

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A GRANT IN THE AMOUNT OF \$72,500 TO THE MIAMI BEACH ERUV COUNCIL, INC., FOR THE PURPOSE OF OFFSETTING COSTS RELATED TO THE MAINTENANCE AND REPAIRS OF THE PORTIONS OF THE ERUV LINE LOCATED ON THE CITY'S PUBLIC RIGHT OF WAYS, IN FURTHERANCE OF THE CITY'S INTEREST IN ENSURING THE SAFETY OF STRUCTURES INSTALLED ON PUBLIC RIGHT OF WAYS WITHIN THE CITY; AND FURTHER, AUTHORIZING THE CITY CLERK AND CITY MANAGER TO EXECUTE THE CITY'S STANDARD GRANT AGREEMENT WITH RESPECT TO THE FOREGOING.

WHEREAS, the City has accommodated an Eruv line within the City's territorial limits since as early as the 1970s, if not earlier; and

WHEREAS, an Eruv line currently exists not only in Miami Beach, but extends to Surfside, Bal Harbour, Bay Harbour Islands, Aventura, and other municipalities, making the South Florida Eruv one of the largest known Eruvs in the country; and

WHEREAS, Eruv lines have been repeatedly upheld by the courts as a government entity's neutral accommodation that facilitates residents and visitors engaging in certain secular outdoor activities on the Sabbath, including activities such as the carrying of items such as medication, or the pushing of a baby stroller. *See, e.g., Jewish People for the Betterment of Westhampton Beach v. Village of Westhampton Beach*, 778 F.3d 390 (2d Cir. 2015); and

WHEREAS, the City has currently issued a right of way permit to the Miami Beach Eruv Council, Inc., a Florida not-for-profit organization that has assumed responsibility for the installation and continued maintenance of the Eruv in Miami Beach; and

WHEREAS, as the City has an interest in ensuring that all structures installed on public property are safe and do not present any risk or hazard of tripping or deterioration, the Mayor and City Commission desire to approve a one-time grant in the amount of \$72,500, for the limited purpose of funding repair and maintenance activities of the Eruv line on public property installed within the City of Miami Beach.

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 a grant in the amount of \$72,500 to the Miami Beach Eruv Council, Inc., for the purpose of offsetting costs related to the maintenance and repairs of the portions of the Eruv line located on the City's public right of ways, in furtherance of the City's interest in ensuring the safety of structures installed on the public right of

way; and further, authorize the City Clerk and City Manager to execute the City's standard grant agreement with respect to the foregoing.

PASSED and **ADOPTED** this ____ day of February, 2023.


ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Laura Dominguez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *PAZ*

1-24-23
Date