

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ALLOCATING A ONE-TIME GRANT IN THE TOTAL AMOUNT OF \$25,000 TO THE CAPT. HYMAN P. GALBUT JEWISH LEARNING CENTER CHABAD, PROVIDED THAT THE FUNDS BE STRICTLY USED TOWARDS SECULAR PROGRAMMING AND SERVICES.

WHEREAS, the Capt. Hyman P. Galbut Jewish Learning Center Chabad (JLC) was founded in the City of Miami Beach in 1998, and is currently at 411 West 41st Street; and

WHEREAS, The Establishment Clause of the First Amendment provides that "Congress shall make no law respecting an establishment of religion...." U.S. Const. amend. I.; and

WHEREAS, the U.S. Supreme Court has construed the Establishment Clause, in general, to mean that the government is prohibited from sponsoring or financing religious instruction or indoctrination. *See, e.g., Mitchell v. Helms*, 530 U.S. 793 (2000) (upholding use of federal funds for schools, including private religiously-affiliated schools, for educational materials and equipment, so long as the aid itself was used for secular purposes); and

WHEREAS, recent Supreme Court opinions have considerably relaxed the Establishment Clause jurisprudence and have upheld the constitutionality of public funding of certain secular elements of religious organizations, among other accommodations. *See, e.g., Carson v. Makin* 142 S.Ct. 1987 (2022); *Kennedy v. Bremerton Sch. Dist.*, 142 S.Ct. 2407 (2022); and

WHEREAS, the JLC features educational and cultural programming, and its features including a state of the art library, computer stations, study halls, a children's library, a senior center, video/DVD/CD/tape library, a catering facility, an arts and crafts facility, and a game room; and

WHEREAS, the mission of the JLC, in addition to promote and strength Jewish awareness, pride and observance by providing religious, educational, cultural and social activities to individuals and families regardless of age, background or religious affiliation; and

WHEREAS, the Mayor and City Commission wish to allocate a one-time grant in the total amount of \$25,000 to the JLC, provided that the funds are strictly used towards secular programming and services.

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 allocate a one-time grant in the total amount of \$25,000 to the JLC, provided that the funds are strictly used towards secular programming and services.

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

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney
GA

1-30-23
Date