

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMISSION COMMITTEE, AND DECLINING THE CONSENT TO THE ASSIGNMENT OF INTEREST OF COCA-COLA REFRESHMENTS USA, INC. (BOTTLER) TO COCA-COLA BEVERAGES FLORIDA, LLC (ASSIGNEE), IN CONNECTION WITH THAT CERTAIN AGREEMENT BETWEEN THE CITY, BOTTLER AND COCA-COLA NORTH AMERICA, A DIVISION OF THE COCA-COLA COMPANY, DATED MARCH 14, 2012.

WHEREAS, the City, Coca-Cola Refreshments USA, Inc. (Bottler) and Coca-Cola North America, a division of The Coca-Cola Company, entered into an agreement dated March 14, 2012 as the exclusive beverage sponsor for City owned and operated facilities (the Contract); and

WHEREAS, the Administration received notification from the Bottler, dated January 4, 2017, requesting the City's consent to the transfer of the exclusive distribution rights for Coca-Cola products for the City's area to Coca-Cola Beverages Florida, LLC (Assignee) in a transaction to be completed on or around February 24, 2017 (the Assignment); and

WHEREAS, as part of the sale of the distribution rights, the Assignee will own all of Bottler's operations, including all equipment and facilities, and will continue to operate the bottling services as Bottler had been doing previously; and

WHEREAS, once the transaction is complete, all of Bottler's right, title and interest in and to the Contract would be assigned and transferred to Assignee as part of a transition to new ownership, and Assignee would assume the obligations and liabilities of Bottler under the Contract; and

WHEREAS, at the February 8, 2017 City Commission meeting, the Mayor and City Commission considered whether or not to consent to the Assignment and the City Commission directed the Administration to refer the item to the Finance and Citywide Projects Commission Committee (the Committee); and

WHEREAS, at the February 8, 2017 City Commission meeting, the representative for the Assignee agreed to provide the City until March 2, 2017, in which to make a decision as to whether or not consent to the Assignment; and

WHEREAS, at the February 17, 2017 Committee meeting, the Committee recommended that the Administration not consent to the Assignment, and to have the matter considered by the full City Commission.

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 accept the recommendation of the Finance and Citywide Projects Commission Committee, and declining the consent to the assignment of interest of Coca-Cola Refreshments USA, Inc. (Bottler) to Coca-Cola Beverages Florida, LLC (Assignee), in connection with that certain agreement between the City, Bottler and Coca-Cola North America, a division of the Coca-Cola Company, dated March 14, 2012.

PASSED and ADOPTED this _____ day of _____, 2017.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

2-22-17
City Attorney BT Date