

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING IN SUBSTANTIAL FORM AND AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A MEMORANDUM OF UNDERSTANDING, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, WITH 41ST ST. BUSINESS IMPROVEMENT DISTRICT, INC., TO ADMINISTER THE SPECIAL ASSESSMENT DISTRICT KNOWN AS THE 41ST STREET BUSINESS IMPROVEMENT DISTRICT, WHICH WAS CREATED BY THE CITY PURSUANT TO RESOLUTION NOS. 2023-32544 AND 2023-32715 IN ORDER TO STABILIZE AND IMPROVE THE 41ST STREET RETAIL BUSINESS DISTRICT, THROUGH PROMOTION, MANAGEMENT, MARKETING, AND OTHER SIMILAR SERVICES.

WHEREAS, on March 27, 2023, the Mayor and City Commission adopted Resolution No. 2023-32544, which created, pursuant to Chapter 170, Florida Statutes, and subject to the approval of a majority of the affected property owners, a special assessment district to be known as the 41st Street Business Improvement District (the "District"), for a term of ten (10) years, to stabilize and improve the 41st Street retail business district through promotion, management, marketing, and other similar services; and

WHEREAS, on April 28, 2023, the Mayor and City Commission adopted Resolution No. 2023-32566, which called for a special mail ballot election (the "Election") to be held from June 5, 2023 to June 27, 2023, to determine whether a majority of the affected property owners approved the creation of the District; and

WHEREAS, according to the Official Election Certificate of the Canvassing Board for the Election, adopted by Mayor and City Commission pursuant to Resolution No. 2023-32630 on June 28, 2023, the affected property owners approved the creation of the District, as follows: thirty-four (34) ballots were cast in favor of the creation of the District, nine (9) ballots were cast in opposition to the creation of the District, one (1) ballot was rejected as improperly cast, and eighteen (18) ballots were not returned; and

WHEREAS, in accordance with Sections 170.07 and 170.08, Florida Statutes, the Mayor and City Commission held a duly noticed public hearing on July 26, 2023, for the owners of the property to be assessed, or any other interested persons, to appear before the Mayor and City Commission and be heard as to the propriety and advisability of making such improvements and providing such services (to be funded with special assessments on property), as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved; and

WHEREAS, following the opportunity for testimony, the Mayor and City Commission voted to levy the special assessments; and

WHEREAS, thereafter, pursuant to Section 170.08, Florida Statutes, the Mayor and City Commission met as an equalizing board to hear and consider any and all complaints as to the special assessments and to adjust and equalize the assessments on a basis of justice and right, following which the Mayor and City Commission approved the final assessment roll for the District pursuant to Resolution No. 2023-32715, adopted on July 26, 2023; and

WHEREAS, a Florida not-for-profit corporation, known as the 41st ST. Business Improvement District, Inc. (the "BID"), has been incorporated to administer the District; and

WHEREAS, the City desires to enter into a Memorandum of Understanding with the BID (the "MOU"), to set forth, among other things, the obligations of the BID to administer the District, as well as the rights and obligations of the City, which include, among other provisions, to collect the special assessments, receive an administrative fee and the reimbursement of costs and expenses incurred while administering the collection process, audit the BID, and conduct an annual review of the BID's budget and activities; and

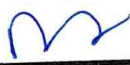
WHEREAS, the City also desires to enter into the MOU to ensure the BID's compliance with Chapter 170, Florida Statutes; the requirements of the Uniform Special District Accountability Act, set forth in Chapter 189, Florida Statutes; and the Florida Sunshine Law, including, without limitation, Chapter 286, Florida Statutes; and


WHEREAS, the MOU shall be in substantially the same form as the agreement attached as an Exhibit to this Resolution.

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 in substantial form and authorize the City Manager to finalize and execute a Memorandum of Understanding, in a form acceptable to the City Attorney, with 41st ST. Business Improvement District., Inc., to administer the special assessment district known as the 41st Street Business Improvement District, which was created by the City pursuant to Resolution Nos. 2023-32544 and 2023-32715 in order to stabilize and improve the 41st Street retail business district, through promotion, management, marketing, and other similar services.

PASSED and ADOPTED THIS ____ day of _____ 2023. APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

ATTEST:



City Attorney  10-11-23
Date

RAFAEL E. GRANADO, CITY CLERK

DAN GELBER, MAYOR