

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND
SOUTH BEACH BID PARTNERS, INC.
TO CONDUCT A SPECIAL MAIL BALLOT ELECTION
TO APPROVE THE CREATION OF THE SPECIAL ASSESSMENT DISTRICT
TO BE KNOWN AS THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT
AND TO PROVIDE FUNDING FOR THE CITY'S COSTS ASSOCIATED THEREWITH**

This Memorandum of Understanding ("MOU") is hereby entered into this ____ day of _____, 2024, by and between the City of Miami Beach, a Florida municipal corporation with offices at 1700 Convention Center Drive, Miami Beach, Florida 33139 ("City"), and South Beach BID Partners, Inc., a Florida not-for-profit corporation with offices at 760 Ocean Drive, Suite 9, Miami Beach, FL 33139 ("South Beach BID Partners") (altogether, the "Parties").

RECITALS

WHEREAS, on September 11, 2024, the Mayor and City Commission adopted Resolution No. 2024-33229, amending and restating Resolution No. 2020-31144, 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 South Beach Business Improvement District (the "District"), for a term of ten (10) years, to stabilize and improve the Ocean Drive and Collins Avenue retail business district, through promotion, management, marketing, and other similar services;

WHEREAS, the District consists of commercial properties abutting Collins Avenue and Ocean Drive, generally bounded on the north by the northern boundaries of 1601 Collins Avenue and 1610 Collins Avenue and on the south by 5th Street; provided, however, that the following properties will be excluded and exempted from the District: (1) residential properties; (2) common areas owned by condominium associations; (3) properties owned by governmental entities or school districts; (4) properties owned or occupied by a religious institution and used as a place of worship or education (as defined in Section 170.201 (2), Florida Statutes); and (5) properties that are sixty (60) square feet or less; and

WHEREAS, a special mail ballot election shall be held to determine whether, pursuant to Chapter 170, Florida Statutes, a majority (50% plus one) of the affected property owners approve the creation of the District (the "Election"); and

WHEREAS, the City and South Beach BID Partners hereby agree to the terms of this MOU, which shall set forth the obligations of the Parties with respect to the Election.

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. **RECITALS**

The recitals are true and correct and hereby incorporated into and made a part of this MOU.

2. **CITY'S OBLIGATIONS**

The City, through the Office of the City Clerk and Office of the City Attorney, shall provide the following services relative to the Election:

- A. Conduct the Election, pursuant to the Special Mail Ballot Election Procedures, attached hereto and incorporated herein as Exhibit "A."
- B. Prepare and disseminate any documents necessary to effectuate the Election, including the official ballot, instruction sheet, and form affidavit affirming the voter's authority to vote on behalf of a property owner, as well as any notices and advertisements required by law.
- C. Communicate with the Mayor and City Commission regarding the progress of the Election.

3. **TERM AND EXPIRATION DATE**

This MOU and the Parties' obligations hereunder shall commence upon the full execution of this MOU, and shall terminate upon the City Clerk's certification of the results of the Election to the City Commission.

4. **COMPENSATION**

South Beach BID Partners shall pay and/or reimburse the City for all costs necessary to conduct the Election, including the City's staff costs, as well as the cost of postage, printing, mailing, supplies, advertising, and translation (the "Fee"), as set forth in the proposed budget, attached hereto as Exhibit "B." The total Fee due to the City shall not exceed **\$30,000**, unless otherwise mutually agreed to and approved, in writing, by the Parties. For purposes of this Section 4, the City Manager shall be authorized to act on behalf of the City.

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