



COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	Rickelle Williams, Interim City Manager
DATE:	July 24, 2024
TITLE:	REFERRAL TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE TO DISCUSS THE SCHOOL BOARD JOINT USE AGREEMENT REVIEW REGARDING MIAMI BEACH NAUTILUS MIDDLE SCHOOL FENCE REQUEST AT POLO PARK.

**RECOMMENDATION**

The Administration recommends that the Mayor and City Commission approve the referral to the Public Safety and Neighborhood Quality of Life Committee (PSNQLC) to discuss the item and provide a recommendation.

**BACKGROUND/HISTORY**

The School Board of Miami-Dade County, Florida, transmitted a letter dated July 12, 2024 (attachment A) regarding the monitoring of the current legislative session in an attempt to implement changes that may be required in the immediate future. Through this monitoring, the School Board has become aware of the new regulations being promulgated regarding school safety and security. Specifically, an additional emphasis is being placed on locking and monitoring access points to school sites when students are present on campus.

During the School Board's compliance review, they identified Miami Beach Nautilus Middle School as an area of concern. Per their review, there are perimeter fencing enclosure areas lacking where, during regular school hours, students are present for outdoor activities. Additionally, School Board site administration has observed individuals utilizing the basketball courts and baseball fields during school hours resulting in intervention by the resource officer.

The School Board is aware of the long and fruitful history of collaboration with the City of Miami Beach regarding Miami Beach Nautilus Middle School, as well as the forty-year Joint Use Agreement that has been in effect since 1994. At this time, the School Board is requesting a review of the Joint Use Agreement to determine the best way to allow for fencing to be placed around Miami Beach Nautilus Middle School to limit access to the property during instructional time.

**ANALYSIS**

The Joint Use Agreement (JUA) regarding Polo Park was adopted by the City of Miami Beach per Resolution No. 93-21003 (Attachment B) at its December 1, 1993 meeting and the School Board in accordance with Board Item No. A-17 at its December 8, 1993 meeting. The original term of the agreement is for forty (40) years commencing on January 20, 1994. A Settlement Agreement was executed on December 9, 2009 (Attachment C).

Per the JUA, the jointly owned premises may be utilized as a playground, athletic and recreation area. The School Board has full control, custody, right and use of the premises during regular school hours on regular school days. During summer school and for after-school activities the

administrators of Miami Beach Nautilus Middle School and City's Parks Department shall coordinate access. The City staff, as well as the general public, have the right to access and use of the following areas of the premises during school hours: tot lot, racquetball and tennis courts. Per the JUA, the School Board has reserved the right to promulgate and enforce reasonable rules and regulations governing the use of the recreational facilities by the public during school hours.

### **FISCAL IMPACT STATEMENT**

N/A

### **Does this Ordinance require a Business Impact Estimate?** (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on .  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

### **CONCLUSION**

Per the letter dated July 12, 2024 the School Board will submit any documentation necessary to satisfy the requirements of the Improvements section (IV.) of the agreement and is willing to pay for the fencing and its installation at Polo Park.

### **Applicable Area**

Citywide

### **Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

No

### **Is this item related to a G.O. Bond Project?**

No

### **Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

Education and Performance Initiatives

### **Sponsor(s)**

### **Co-sponsor(s)**

### **Condensed Title**

Ref: PSNQLC - MDCPS Joint Use Agmt Review of Nautilus Middle School Fence at Polo Park.  
EPI