

C7 AO A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, (1) SUSPENDING THE GRANT AGREEMENT AND ALL RELATED GRANT DISBURSEMENTS BETWEEN THE CITY AND THE SOUTH FLORIDA ART CENTER, INC. (OOLITE ARTS), AND (2) PAUSING THE EXECUTION OF ALL FUTURE GRANT AGREEMENTS BETWEEN THE CITY AND THE SOUTH FLORIDA ART CENTER, INC. UNTIL OTHERWISE DIRECTED BY THE MAYOR AND CITY COMMISSION TO ALLOW OOLITE TO HIRE A NEW EXECUTIVE DIRECTOR AND TO ENABLE THE CITY COMMISSION TO REVIEW AND APPROVE OOLITE'S STATEMENT OF INTERNAL CONTROLS.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: September 11, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, (1) SUSPENDING THE GRANT AGREEMENT AND ALL RELATED GRANT DISBURSEMENTS BETWEEN THE CITY AND THE SOUTH FLORIDA ART CENTER, INC. (OOLITE ARTS), AND (2) PAUSING THE EXECUTION OF ALL FUTURE GRANT AGREEMENTS BETWEEN THE CITY AND THE SOUTH FLORIDA ART CENTER, INC. UNTIL OTHERWISE DIRECTED BY THE MAYOR AND CITY COMMISSION TO ALLOW OOLITE TO HIRE A NEW EXECUTIVE DIRECTOR AND TO ENABLE THE CITY COMMISSION TO REVIEW AND APPROVE OOLITE'S STATEMENT OF INTERNAL CONTROLS.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The attached Resolution was prepared at the request of the sponsor, Vice-Mayor Alex Fernandez.

### **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-notices/>

### **FINANCIAL INFORMATION**

### **CONCLUSION**

### **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**

City Attorney

**Sponsor(s)**

Commissioner Alex Fernandez

**Co-sponsor(s)**

Commissioner David Suarez

**Condensed Title**

Suspend/Pause Grant Agmt. and Disbursements related to So. FL Art Center (Oolite Arts).  
(Fernandez/Suarez) CA

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, (1) SUSPENDING THE GRANT AGREEMENT AND ALL RELATED GRANT DISBURSEMENTS BETWEEN THE CITY AND THE SOUTH FLORIDA ART CENTER, INC. (OOLITE ARTS), AND (2) PAUSING THE EXECUTION OF ALL FUTURE GRANT AGREEMENTS BETWEEN THE CITY AND THE SOUTH FLORIDA ART CENTER, INC. UNTIL OTHERWISE DIRECTED BY THE MAYOR AND CITY COMMISSION TO ALLOW OOLITE TO HIRE A NEW EXECUTIVE DIRECTOR AND TO ENABLE THE CITY COMMISSION TO REVIEW AND APPROVE OOLITE'S STATEMENT OF INTERNAL CONTROLS.**

**WHEREAS**, each Fiscal Year, the Miami Beach Culture and Arts Council ("CAC") prepares, and the Mayor and City Commission approves, a budget for the implementation of arts and culture programming around the City; and

**WHEREAS**, for Fiscal Year 2024, the Mayor and City Commission approved the CAC recommended budget of \$1,950,000 for arts and culture programs in the City; and

**WHEREAS**, pursuant to the CAC recommendation, Oolite Arts ("Oolite") executed a grant agreement with the City on December 11, 2023, and received a grant of \$30,637; and

**WHEREAS**, on March 27, 2024, Oolite, as part of an installation designed to "highlight water as a unifying focus that transcends borders and cultures," displayed artwork on a Walgreens storefront located at 67<sup>th</sup> street and Collins Avenue (the "Artwork"); and

**WHEREAS**, members of the Oolite leadership team were not aware of the content of the Artwork until May 3, 2024, when members of the Miami Beach community contacted the organization with concerns; and

**WHEREAS**, after speaking with concerned residents, Oolite confirmed that the artwork violated the organization's Diversity, Equity, and Inclusion policy ("DEI Policy") and had the Artwork removed on May 3, 2024; and

**WHEREAS**, following its removal of the Artwork, Oolite temporarily suspended much of its programming while the organization evaluated its future; and

**WHEREAS**, the City must balance its interest in funding high quality arts and culture programming with its interest in cultivating an environment that makes residents and visitors feel welcome in Miami Beach; and

**WHEREAS**, the Mayor and City Commission would like to suspend all current and future grant agreements with, and distributions to, Oolite until Oolite hires a new Executive Director and provides the City a statement reflecting the internal controls to be established to prevent a recurrence of the incident involving the offensive Artwork; and

**WHEREAS**, the Administration is hereby directed to (1) suspend the grant agreement and all related funding disbursements between the City and Oolite and (2) pause the execution of all future grant agreements between the City and Oolite until otherwise directed by the Mayor and

City Commission to allow Oolite to hire a new Executive Director and to enable the City Commission to review and approve Oolite's statement of internal controls.

**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 (1) suspend the current grant agreement and all related grant disbursements between the City and the South Florida Art Center, Inc. (Oolite Arts), and (2) pause the execution of all future grant agreements between the City and Oolite Arts until otherwise directed by the Mayor and City Commission to allow Oolite to hire a new Executive Director and to enable the City Commission to review and approve Oolite's statement of internal controls.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2024.


**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsor Vice-Mayor Alex J. Fernandez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION



\_\_\_\_\_  
City Attorney

9/4/2024

\_\_\_\_\_  
Date