

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, DISSOLVING THE BUSINESS IMPROVEMENT DISTRICT OF CORAL GABLES AS A SPECIAL DISTRICT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on December 19, 1995, the City of Coral Gables (“City”) created the Business Improvement District of Coral Gables (“BID”), subject to approval through a referendum of affected property owners, by passage of Resolution 29246 for the purpose of levying and collecting special assessments as provided for in Chapter 170, *Florida Statutes*; and

WHEREAS, in 1997, following approval by referendum, the City passed Resolution 29339, establishing the final assessment roll and thereby providing a funding mechanism for the BID to perform the services for which it was created; and

WHEREAS, the continued existence of the BID was dependent on approval by referendum reaffirmed by resolution and confirmed by majority vote of the affected property owners every five years thereafter, specifically in 2002, 2007, 2012, and 2017; and

WHEREAS, in 2022 the continued existence of the BID was again subject to approval by referendum; and

WHEREAS, on September 11, 2022, the City Clerk notified the City Commission that the referendum approving the continued existence of the BID failed to pass; and

WHEREAS, on October 11, 2022, the City Commission adopted Resolution 2022-234, ceasing all assessments and dissolving the BID as of the earlier of December 31, 2022, or the date upon which all assets of the BID have been exhausted or transferred to the City; and

WHEREAS, the BID was authorized to continue in existence until such dissolution date “for the sole purpose of winding down the affairs of the BID, performing under any existing contracts, and executing [the BID Events listed in Section 5 of Resolution No. 2022-234];” and

WHEREAS, pursuant to Resolution 2022-291, the BID had until November 14, 2022, to confirm it would execute the events described above; and

WHEREAS, the BID failed to provide such confirmation; and

WHEREAS, pursuant to Resolution 2022-291, the BID dissolved as a special assessment district effective November 18, 2022; and

WHEREAS, in 2014, the City received a legal opinion from the Florida Department of Economic Opportunity that the BID functioned as a special district; and

WHEREAS, pursuant to § 189.071, *Florida Statutes*, dissolution of dependent special districts is effectuated by ordinances; and

WHEREAS, the City Commission desires to effectuate, ratify and confirm the dissolution of the BID such that it no longer exists as a special assessment district, dependent special district, or in any other public or government form;

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. The BID, as it may exist as a special district, is hereby dissolved as of the effective date of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. This Ordinance shall become effective upon the date of its adoption.