



City of Coral Gables
CITY COMMISSION MEETING
February 13, 2024

ITEM TITLE:

Resolution. A Resolution of the City Commission approving a Stipulated Settlement Agreement between the City of Coral Gables and Business Improvement District of Coral Gables, Inc.

BRIEF HISTORY:

The City of Coral Gables (“the City”) possesses assessment powers under Chapter 170, Florida Statutes, and home rule authority, pursuant to Article VIII, Florida Constitution and Chapter 166, Florida Statutes. The City adopted Resolution No. 28987 in 1995, creating the Business Improvement District of Coral Gables (“the District”) and approved the levying of special assessments pursuant to Chapter 170, Florida Statutes, to stabilize and improve the retail business district within the District’s borders through promotion, management, marketing, and other similar services. A majority of the affected property owners approved the creation of the District by the City in a vote held in 1997.

The Business Improvement District of Coral Gables, Inc. (“the Corporate BID”), is a private, Florida Non-profit Corporation, incorporated under the laws of Florida in 1997, for the following stated purposes:

The purposes for which the corporation is organized shall be to foster the downtown Coral Gables business district as the center of commerce and culture in Coral Gables, Florida and (i) to represent and act as an advocate for the business owners and property owners located within the boundaries of the Business Improvement District of Coral Gables (the “District”), as approved by majority vote of the property owners located within those boundaries in the election held in June, 1997 for the purpose of enacting a special assessment to fund the operations of the District, together with any additions to the District approved in future elections, (ii) to stabilize and improve the District through marketing, management, promotion, fund raising and other similar services and (iii) to pursue any other lawful activity permitted or not prohibited by Chapter 170 of the Florida Statutes, as amended from time to time, or other applicable Florida law. In furtherance of these purposes, the corporation will work toward creating a favorable environment which will increase commercial and cultural activity within the District. The corporation will encourage a spirit of cooperation and maintenance of high standards among its members.

The City levied and collected special assessments pursuant to Chapter 170, Florida Statutes, (“170 Funds”) annually on commercial properties within the District from 1997 to 2022, when a majority of the affected property owners failed to vote for its renewal. During the period between

1997 and 2022, the Corporate BID coordinated with the City and otherwise provided valuable services to the efforts for which the City created the District. The Corporate BID current holds the remaining unspent 170 Funds levied by the City pursuant to Chapter 170, Florida Statutes, for the District. The City filed an action in the Eleventh Judicial Circuit in and for Miami-Dade County in a case styled City of Coral Gables, Florida v. Business Improvement District of Coral Gables, Inc., Case No. 2023-003192-CA-01 (“the Litigation”) to recover possession of the remaining, unspent 170 Funds from the Corporate BID, which disputes all claims made in the Litigation.

The parties seek to bring a final resolution to all pending or currently anticipated litigation between the Parties regarding the 170 Funds. The proposed Resolution finds that it is in the best interests of the City to resolve this matter and approve the Stipulated Settlement Agreement, attached as Exhibit A, which includes the following key terms:

- Expenditures of the 170 Funds by the Corporate BID in a manner consistent with Chapter 170, Florida Statutes and the Corporate BID’s purpose;
- Enumerated prohibitions on the use of the 170 Funds;
- Coordination to include notice to the City of the Corporate BID’s activities and services;
- Corporate BID shall provide certain existing financial documentation to the City within specified timeframes;
- Corporate BID shall provide annual audits;
- Corporate BID shall provide a semi-annual report containing general description of total approximate expenditures of preceding six months and a narrative of those expenditures reasonably sufficient to determine compliance with spending guidelines;
- Corporate BID will provide the City with copies of monthly Board Meeting agendas and financial reports provided to the Board
- City will file a Notice of Voluntary Dismissal within ten (10) business days of the Effective Date; and
- Mutual releases by the City and the Corporate BID

ATTACHMENT(S):

1. Draft Resolution