

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: INITIATION OF ARBITRATION TO SETTLE CONTROVERSY AND CLAIM FOR MONEY DAMAGES ARISING FROM JOINT USE OF POLO PARK IN THE CITY OF MIAMI BEACH

The City of Miami Beach ("City") and The School Board of Miami-Dade County, Florida ("M-DCPS"), entered into a Joint Use Agreement, dated January 20, 1994, to provide and make available recreational programs, activities and facilities at Polo Park for the mutual use and benefit of M-DCPS and the City. The City and M-DCPS are in controversy over a demand by the City for payment of certain costs associated with alleged corrective work the City claims is necessary at Polo Park. The City is requesting M-DCPS to absorb costs for the corrective work in the amount of \$270,000.00. M-DCPS is in disagreement with the City's cost estimate, and the parties have been unable to negotiate a settlement of the disagreement.

Under the terms of the Joint Use Agreement, any controversy or claim for money arising out of or relating to the Agreement must be settled by binding arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association. Accordingly, the administration has requested the Board Attorney's Office to initiate arbitration to settle the dispute between the City and M-DCPS.

This item does not appear in the regularly published agenda. There is good cause to vary from the published agenda to timely implement the arbitration process.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the initiation of arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association to settle the controversy and claim by the City of Miami Beach for payment of corrective work arising from joint use of Polo Park in the City of Miami Beach.