

(Second Reading 05-08-07)
Date: March 6, 2007

Agenda Item No. 7(D)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Proposed Amendments to Chapter 9 of the Code of Miami-Dade
County, creating the Sustainable Buildings Program for County-
owned, -financed, and/or -operated buildings

RECOMMENDATION

It is recommended that the Board approve the attached ordinance, which amends Chapter 9 by adding a new article to that chapter encompassing Sections 9-71 through 9-75 of the Code of Miami-Dade County, Florida ("Ordinance"). The Ordinance establishes the Sustainable Buildings Program (the "Program") for buildings owned, financed, and/or operated by the County. The Ordinance also addresses measurement standards and thresholds for compliance, and requires that the County Manager appoint a Sustainability Manager to implement the requirements of the new article.

BACKGROUND

On October 18, 2005, the Board approved Resolution R-1200-05, sponsored by Commissioner Katy Sorenson, which declared sustainable building as a policy of Miami-Dade County. The resolution directed the County Manager to prepare an implementation plan that would address, among other things, the adoption of a well-recognized green building standard for design and construction of County buildings, the development of appropriate legislation, and the creation of a centralized office to coordinate sustainability initiatives for the County. Toward that end, staff reviewed a number of programs currently in place or under implementation by other jurisdictions, consulted with the leadership of the local chapter of the U.S. Green Building Council, and secured input from key County development agencies through the Sustainable Buildings Committee. In addition, the funding necessary to establish the recommended Office of Sustainability was incorporated into the General Services Administration budget in the FY2006-07 Resource Allocation and Multi-Year Capital Plan, as adopted by the Board in September 2006.

The information below summarizes the various proposed amendments to the Code that are required to establish the Program.

➤ Sec. 9-71. Title

The Program is reflected in a proposed new article to Chapter 9 of the Code of Miami-Dade County, Florida. To accommodate the change to Chapter 9, the title of that Chapter would be amended to read "Standards for Construction of County Buildings, Roads, Bridges and Causeways." The title of Chapter 9 currently reads "Construction: Roads, Bridges and Causeways, Etc."

➤ Sec. 9-72. Policy

The policy section of the Ordinance serves to declare the County's formal commitment to green building practices in its construction projects.

➤ Sec. 9-73. Definitions

Definitions of relevant terms ensure consistency in the scope and application of the Program.

➤ Sec. 9-74. Staffing

To implement the contemplated policy and process changes, the proposed Ordinance creates a staff position to be filled by someone with particular knowledge of the subject matter, and who will be dedicated solely to County sustainability issues. In addition, departments involved in design and construction will be required to designate qualified technical liaisons to work with the Sustainability Manager.

➤ Sec. 9-75. Measurement Standards and Compliance

The proposed Ordinance directs broad authority to the Sustainability Manager for purposes of developing a rating system that sets standards to use in evaluating the technical concerns associated with implementing green building practices in the design and construction of County buildings. The particular rating system selected shall be addressed by administrative order, so as to allow flexibility to address future concerns, such as regional differences from the national standard, unique project characteristics, unforeseen administrative difficulties, or otherwise.

FISCAL IMPACT

Operating Expense. The Sustainable Buildings Program, as implemented and administered under the authority of the amended Chapter 9 of the Miami-Dade County Code, will initially require the addition of one full-time position to the overall staffing of the Executive Policy Support Section of the County Manager's Office . Added staffing is anticipated as the program evolves; however, the specific number is, as yet, unknown. The initial fiscal impact of the additional staff support is approximately \$90,000 and is funded in the FY06-07 Budget.

Capital Expense. According to a comprehensive report prepared in October 2003 for the State of California's Sustainable Building Task Force, a group of more than 40 California state government agencies, the average cost premium for the 33 green buildings analyzed for the report fell just under two percent (\$3 to \$5 per square foot). Another study, *Costing Green: A Comprehensive Cost Database and Budgeting Methodology*, July 2004, by Lisa Fay Matthiessen and Peter Morris of Davis Langdon, Santa Monica, CA, concluded that basic LEED certification (not the higher Bronze, Silver, Gold, or Platinum levels) can be achieved for little or no cost premium. Moreover, for the 61 LEED projects of varying certification levels studied by Davis Langdon, researchers found that more than half of the projects had original budgets set without considering sustainable design, yet received no supplemental funding to achieve certification targets. And, where extra funding was provided, it was typically for specific enhancements or requirements, such as photovoltaic systems. Such supplemental funding ranged between 0 and 3 percent of the initial budget.

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Life Cycle Savings. Studies such as those cited above indicate that sustainable building design and construction will result in reduced operating and maintenance costs over the life of the building equal to about 20% of the initial construction cost, which represents a tenfold return on investment.



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: May 8, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

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Veto _____

05-08-07

Override _____

ORDINANCE NO. _____

ORDINANCE CONCERNING THE SUSTAINABLE BUILDINGS PROGRAM; ESTABLISHING AS THE POLICY OF MIAMI-DADE COUNTY THE INSTITUTION OF SUSTAINABLE DEVELOPMENT PRACTICES AND MEASURES INTO BUILDINGS OWNED, FINANCED, AND/OR OPERATED BY MIAMI-DADE COUNTY; ESTABLISHING MEASUREMENT STANDARDS AND THRESHOLDS FOR COMPLIANCE; AMENDING CHAPTER 9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTIONS 9-71 THROUGH 9-75 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the County is committed to conserving the region’s natural resources, saving taxpayer dollars through reduced operating expenses, and creating a healthier built environment for its employees and visitors; and

WHEREAS, the County intends to incorporate environmentally responsible (“green”) practices into the design, construction, and operation of its buildings; and

WHEREAS, the County can set a healthy standard of sustainability for the entire community; and

WHEREAS, properly-implemented, sustainable buildings and communities can be designed, built, and operated in a way that will achieve environmental goals without sacrificing either social responsibility or economic success,

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitations are hereby incorporated herein as a portion of this ordinance.

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Section 2. Chapter 9 of the Code of Miami-Dade County, Florida is hereby amended as follows:¹

Chapter 9 ~~[[CONSTRUCTION: ROADS, BRIDGES AND CAUSEWAYS, ETC.]]~~ >>STANDARDS FOR CONSTRUCTION OF COUNTY BUILDINGS, ROADS, BRIDGES AND CAUSEWAYS<<

Section 3. Article III of Chapter 9 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>Sec. 9-71. Title

This Article shall be entitled, "The Sustainable Buildings Program."

Sec. 9-72. Policy

It shall be the policy of Miami-Dade County to incorporate, wherever practical, green building practices into the planning, design, construction, management, renovation, maintenance and decommissioning of buildings owned, financed, and/or operated by the County.

Sec. 9-73. Definitions

Unless specifically defined elsewhere in this Chapter, the definitions provided in this Section shall apply.

(a) Green building is a structure that is designed, built, renovated, operated and reused in an ecological and resource-efficient manner.

(b) Green building practices are environmentally and socially-conscious practices that emphasize processes and methods of design and construction that (i) reduce exposure to noxious materials, (ii) conserve non-renewable energy and scarce materials, (iii) minimize life-cycle ecological impact of energy and materials, (iv) employ renewable energy or materials that are sustainably harvested, (v) protect and restore local air, water, soils, flora and fauna, and (vi) support pedestrians, bicycles, mass transit and other alternatives to fossil-fueled vehicles.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (c) New construction is the design and construction of any new building, or an addition to an existing building.
- (d) Major renovation/remodel is any design and construction project that alters the structure of an existing building where the cost of construction is equal to or exceeds 50% of the building's replacement cost.
- (e) Non-major renovation/remodel is any design and construction project that alters the structure of an existing building where the cost of construction is less than 50% of the building's replacement cost.
- (f) Renovate is to improve or repair the condition of a building.
- (g) Sustainable building means building processes that integrate materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction and operation of the built environment.

Sec. 9-74. Staffing

- (a) Sustainability Manager. The County Manager, or his designee, shall appoint a qualified staff person to serve as the Sustainability Manager, who will be charged with implementing the requirements of this Article, as well as coordinating the sustainability initiatives of other County departments and agencies. The Sustainability Manager shall be authorized to interpret and enforce all of the provisions of this Article.
- (b) Sustainability Liaison. All County departments engaged in designing and constructing County-owned buildings shall designate a staff member with authority or expertise in project management, architecture, landscape architecture, design, engineering, resource conservation, budget analysis and other skills to act as a liaison with the Sustainability Manager.

Sec. 9-75. Measurement Standards and Compliance

- (a) Rating System. The Sustainability Manager shall select a nationally-recognized rating system that sets standards for implementing green building practices in design and construction, which may include, but not be limited to, the Leadership in Energy and Environmental Design Rating System administered by the U.S. Green Building Council. This rating system will be used to measure compliance with the terms of this Article. The rating system selected for each category of construction by

the Sustainability Manager shall be set forth in an Implementing Regulation to be approved by the Board of County Commissioners.

(b) Standard for County-owned buildings. All new construction, major renovations/remodels, and non-major renovations/remodels of County-owned buildings shall adhere to the nationally-recognized rating system standards designated by the Sustainability Manager for that particular category of construction, as described in subsection (a) above.

(c) Standard for County-financed, County-leased, and County-operated buildings. The Sustainability Manager shall evaluate and propose criteria for the use of green building practices in connection with County-financed, County-leased, and County-operated buildings. The criteria shall be set forth in an Implementing Regulation to be approved by the Board of County Commissioners.

(d) Interpretations, exemptions and waivers. The Sustainability Manager shall establish such processes, policies, and procedures as may be necessary to guide the consideration of requests for interpretations of this Article, or for exemption or waiver from the requirements of this Article. <<

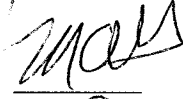

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Erica S. Zaron