Memorandum

MIAMI-DADE COUNTY

Date:	December 4, 2007
To:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Implementing Order 8-8 Instituting Departmental Policies and Procedures in Furtherance of the County's Sustainable Buildings Program. R#1309-07

Amended
Agenda Item No. 8(F)(1)(I)

This item has been revised to reflect the modification made during the December 4, 2007 Board meeting deleting the following language under Order Overview #3, "Making final determinations on requests for exemption or substitution of rating standards", from the Implementing Order.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached Implementing Order (IO), which shall institute those administrative policies and procedures to be followed by all County departments engaged in activities related to the design, construction, renovation and/or maintenance of County-owned, -financed and -operated buildings, in order to incorporate sustainable development practices in the day-to-day operations of the County.

PURPOSE

This Implementing Order is in furtherance of the County's "Sustainable Buildings Program," as mandated by Sections 9-71 through 9-75 of the Code of Miami-Dade County. The Implementing Order is intended to provide consistent direction to County agencies and departments so as to ensure adherence to principles and processes that comply with the County's Sustainable Building Program. The program, which falls under the oversight of the County's Sustainability Manager, calls for the integration of materials and methods promoting environmental quality, economic vitality, and social benefit through the design, construction and operation of the County's built environment.

SCOPE

This Implementing Order will have a Countywide effect.

BACKGROUND

On October 18, 2005 the Board of County Commissioners approved Resolution R-1200-05, which established Sustainable Building as a policy of Miami-Dade County, and directed the County Manager to prepare a plan to implement the policy. In accordance with that directive, staff from GSA and the County Attorney's Office reviewed a broad variety of similar programs in other jurisdictions across the country, and sought input from the Department of Procurement Management, the Office of Capital Improvements, and all other County agencies with large capital development programs or with regulatory roles in the development process, in order to draft Ordinance 07-65, which was approved by the Board on May 8, 2007. The ordinance amended the Code of Miami-Dade County to establish a Sustainable Buildings Program (The Program) for Miami-Dade County facilities, requires the creation

of a Sustainability Manager (SM) position to oversee the program, and mandates the use of external sustainability rating system(s) to measure the County's efforts.

Order Overview

1- Sustainable ("Green") Design:

The mission of sustainable or "green" design is to promote the design and construction of buildings that are environmentally responsible, economical to operate, and healthy places to live and work. As defined by the U.S. Green Building Council (USGBC), it is "design and construction practices that significantly reduce or eliminate the negative impact of buildings on the environment and occupants in five broad areas including: sustainable site planning, safeguarding water and water efficiency, energy efficiency and renewable energy, conservation of materials and resources, and indoor environmental quality".

2- Rating System:

Except as provided for elsewhere in the Implementing Order, the primary mechanism for determining compliance with the Ordinance shall be the USGBC's Leadership in Energy and Environmental Design (LEED) Green Building Rating System™. The LEED Green Building Rating System helps design teams and facility managers realize and attain green project goals. It is a nationally recognized and utilized voluntary certification process that provides a definitive standard for what constitutes "green" building practices. LEED Certification is obtainable at four levels including Certified, Silver, Gold and Platinum. The LEED Certification process promotes a whole-project integrated design process, provides standards for recognition of sustainable design leaders and buildings, and raises awareness of the importance of "green" design.

3- Sustainability Manager (SM):

The Implementing Order delegates broad discretionary authority to the SM for coordinating the County's sustainability efforts. The SM shall be tasked with directing and coordinating the County's sustainability policy, and with the collection and dissemination of information related to the County's sustainability initiatives. He/She will be instrumental for ensuring specific functions that should be performed within County government, either as a direct task or indirectly by working with designated departments. The SM will also be responsible for the following functions:

- Maintaining a comprehensive list of all current building projects and tracking the progress of each such project as it relates to LEED compliance.
- Preparing annual progress report summarizing County performance under Sustainable Buildings Program.
- Serving as the County liaison with the South Florida Chapter of the U.S. Green Building Council, and other appropriate entities.

4- Scope of Construction:

The extent to which sustainability requirements are sought will depend on the extent of the project. The degree of compliance will be enforced, as predetermined by the selected Rating System, varying in accordance to the type and size of the job to be performed:

- New construction, which includes the construction of any new building or any addition to a building, shall be required to attain "Silver" or higher designation under the LEED for New Construction (LEED-NC) Rating System.

- Renovate to improve or repair the condition of an existing building/structure.

    - Major renovation/remodel includes those projects in existing buildings where the cost of construction is equal to, or exceeds 50% of the building's replacement cost. Such projects shall be required to attain "Certified" or higher designation under the LEED-NC Rating System

    - Non-major renovation/remodel includes those projects in existing buildings where the cost of construction is less than 50% of the building's replacement cost, but greater than $1 Million. Such projects shall attain "Certified" or higher designation under the appropriate LEED Rating System such as LEED for Existing Building, Commercial Interiors, Core and Shell, et al.

Departmental Responsibilities

Detailed direction regarding implementation of the Sustainable Building Program throughout County departments will be formulated and monitored through the Sustainability Manager. At a minimum, however, departments with roles and/or responsibilities in the design, construction, renovation, management and/or maintenance of County-owned, -financed and -operated buildings shall have responsibilities as follows:

OFFICE OF CAPITAL IMPROVEMENTS (OCI):

Ensure that all County construction contracts governed by the Ordinance contain specific language requiring compliance.

DEPARTMENT OF PROCUREMENT MANAGEMENT (DPM):

As directed by the Sustainability Manager or OCI, include appropriate language in procurement contracts for goods and/or services that ensures compliance with the Ordinance.

ALL OTHER DEPARTMENTS:

- Utilize the most current USGBC LEED criteria available to incorporate green building practices in the planning, design, and construction of new buildings, and in the remodeling, renovation, management and maintenance of existing buildings.

- As required by the Ordinance and/or the Sustainability Manager, ensure that all designated projects are registered as "green building" projects through the USGBC.

- Designate a staff member to act as a liaison with the Office of Sustainability for purposes of coordination and education on existing and future County initiatives as part of an overall sustainability strategy.

- Submit quarterly status reports to the Office of Sustainability providing information relative to LEED checklist accomplishments for registered projects.

- Undertake proactive measures to ensure that all relevant staff becomes knowledgeable about green building practices and the benefits of green building through the:
  - training and accreditation of staff, as appropriate;
  - communication of the substance and benefits of sustainable building practices, in general, and the LEED Green Building Rating System, in particular;
  - commitment of effort and financial support to pursue certification of every project;
  - setting and pursuit of annual sustainability achievement targets;
  - inclusion of sustainability achievement goals in departmental business plan.

Track Record/Monitor:

Oversight will be provided by the County's Sustainability Manager (SM).

Fiscal Impact/Funding Source:

The FY2006-07 Resource Allocation and Multi-Year Capital Plan includes $590,000 for the creation of the Office of Sustainability. Recruitment is underway for the Sustainability Manager who, once hired, will develop a detailed spending plan for the Office.

The degree to which sustainability requirements add cost to construction, renovation, and maintenance projects is contingent on the type and size of the project, and the "degree" of sustainability being sought. Industry research clearly shows that, in recent years, the gap between sustainable ("green") and conventional development has narrowed dramatically, to the point that some level of sustainability can be achieved at virtually the same cost as conventional projects. Higher levels of sustainable development can be achieved at very modest cost premiums – recent studies consistently show the increase in capital development cost at less than 2%. And, in all cases, even where there is a cost premium in the initial development cost, the savings in operating costs over the life of the building will offset that initial "green" investment by a 10 to 1 ratio.

Director
General Services Administration

MEMORANDUM

(Revised)

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

DATE: December 4, 2007

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Amended Agenda Item No. 8(F)(1)(I)

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

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Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 8(F)(1)(I)
12-4-07

RESOLUTION NO. **1309-07**

RESOLUTION AUTHORIZING APPROVAL OF IMPLEMENTING ORDER 8-8: ESTABLISHING GUIDELINES TO FURTHER OUR SUSTAINABLE BUILDINGS PROGRAM INITIATIVE; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves Implementing Order 8-8 which establishes guidelines to further the Sustainable Buildings Program Initiative; in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or his designee to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

Erica Zaron

By:_____
Deputy Clerk

I.O. No.: 8-8
Ordered:
Effective:

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

SUSTAINABLE BUILDINGS PROGRAM

AUTHORITY:
Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, and Chapter 9, Article III, Sections 9-71 thru 9-75 of the County Code.

POLICY:
Resolution No. R-1200-05 established it to be the policy of Miami-Dade County to incorporate sustainable development building measures into the design, construction, renovation and maintenance of County-owned, County-financed, and County-operated buildings.

GENERAL TERMS, AS USED IN THIS ORDER SHALL MEAN:

- **Florida Green Building Coalition (FGBC):** a nonprofit Florida Corporation dedicated to improving the built environment, with a specific mission "to provide a statewide Green Building Program with environmental and economic benefits." FGBC has developed and administers individual standards and certification programs to recognize and designate specific projects as achieving the organization's "green standard" for homes, commercial buildings, and land developments. FGBC also has a Green Local Government Standard that recognizes individual cities and counties for outstanding environmental stewardship.

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

- **Green building practices:** 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.

- **LEED**: the Leadership in Energy and Environmental Design Green Building Rating System™ is a nationally accepted benchmark for the design, construction, and operation of high-performance green buildings. Developed and administered by the U.S. Green Building Council, LEED provides a defined process for measuring and documenting the implementation of environmentally responsible practices for multiple building types and phases of a building's lifecycle. It is accessible on-line and supported by a robust program of workshops and professional accreditation.

- **LEED-NC:** LEED for New Construction - the LEED Green Building Rating System that focuses on the design and construction process for new construction and major

reconstruction of buildings. It is most frequently applied to high-performance commercial and institutional projects, with a focus on office buildings, K-12 schools, multi-unit residential buildings, manufacturing plants, laboratories and many other building types.

- **LEED-EB:** LEED for Existing Buildings – the LEED Green Building Rating System that provides a recognized, performance-based benchmark for building owners and operators to measure operations, improvements and maintenance on a consistent scale.

- **LEED-CI:** LEED for Commercial Interiors – the LEED Green Building Rating System that establishes the green benchmark for tenant improvements.

- **New construction:** is the design and construction of any new building, or an addition to an existing building.

- **Major renovation/remodel:** is any design and construction project that alters an existing building where the cost of construction is equal to or exceeds 50% of the building's replacement cost.

- **Non-major renovation/remodel:** is any design and construction project that alters an existing building where the cost of construction is less than 50% of the building's replacement cost, but in excess of $1 million.

- **Ordinance:** is the Sustainable Buildings Program Ordinance that amended Chapter 9 of the Code of Miami-Dade County, Florida.

- **Renovate:** is to improve or repair the condition of a building.

- **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.

- **Sustainable Buildings Program:** The procedures necessary to implement the policy set forth in the Ordinance shall be referred to in the aggregate as the Sustainable Buildings Program.

- **USGBC:** A 501(c)(3) nonprofit organization, the U. S. Green Building Council is a nationally recognized coalition of professionals from across the building industry, whose mandate is to promote the development and operation of buildings that are environmentally responsible, profitable, and healthy places to live and work. USGBC has regional chapters throughout the country (75 chapters in 2007), including the South Florida Chapter, of which Miami-Dade County is a member organization. USGBC developed and administers the LEED Green Building Rating System™.

STANDARDS:

Except as provided for elsewhere in this Implementing Order, the primary mechanism for determining compliance with the Ordinance shall be the U.S. Green Building Council's LEED Rating System. All construction projects for which a design team was selected subsequent to the effective date of this Implementing Order shall be required to meet the standards delineated

herein. Compliance shall be determined by completing a formal certification process with the U.S. Green Building Council, or as otherwise directed by the Sustainability Manager.

- New Construction: All new construction projects shall be required to attain "Silver" or higher level rating under the LEED -NC Rating System.

- Major Renovations & Remodels: All major renovations/remodels shall attain "Certified" or higher level rating under the LEED-NC Rating System.

- Non-major Renovations/remodels: All non-major renovations/ remodels begun shall attain "Certified" or higher level rating under the appropriate LEED Rating System such as LEED-NC, LEED-EB or LEED-CI.

- Renovation, remodels, and other building upgrades not meeting the above criteria are encouraged to incorporate the maximum number of LEED-approved green building practices as are feasible from a practical and fiscal perspective; however, LEED certification will not be required.

- Substitution of Standard: the requirement for applying the appropriate LEED standard under any of the above-referenced categories may be exempted or modified due to special circumstances of the project. Such exemption or modification shall be for the express purpose of ensuring the use of the most appropriate or relevant rating standard, and shall not, in any way, exempt the requirement to apply green building practices to the maximum extent possible. This substitution process shall be administered by and through the Sustainability Manager.

DEPARTMENT RESPONSIBILITY:

All County Departments:

To implement the above policy, all County departments that are responsible for the financing, designing, developing, constructing, and managing County-owned buildings shall implement the following requirements or instructions:

- Utilize the most current USGBC LEED criteria available to incorporate green building practices in the planning, design, and construction of all new buildings, setting at a minimum, the level of "Silver" in the LEED-NC Rating System. Language specific to this requirement shall be incorporated into all related contracts. Additionally, all projects shall be registered as "green building" projects through the USGBC.

- Utilize the most current USGBC LEED criteria available to incorporate green building practices in the planning, design, and construction of major remodel/renovations, setting as a minimum a "Certified" rating in the LEED-NC Rating System. Language specific to this requirement shall be incorporated into all related contracts. All such projects shall be registered as "green building" projects through the USGBC.

- Utilize the most current USGBC LEED criteria available to incorporate green building practices in the planning, design, and construction of non-major renovation/remodels, setting as a minimum a "Certified" rating under the appropriate LEED Rating System such as LEED-NC, LEED-EB or LEED-CI. Language specific to this requirement shall be

incorporated into all related contracts. All such projects shall be registered as "green building" projects through the USGBC.

- Submit quarterly status reports to the Office of Sustainability providing information relative to LEED checklist accomplishments for registered projects.

- County departments that develop, construct, and/or manage County-owned buildings, or those that have a role in the development regulatory process, shall be expected to designate, as liaison with the Office of Sustainability, a staff member who has knowledge or expertise in project management, architecture, landscape architecture, design, engineering, resource conservation, budget analysis and/or other skills as needed.

- All other County departments shall designate a staff member to act as a liaison with the Office of Sustainability for purposes of coordination and education on existing and future County initiatives as part of an overall sustainability strategy.

Office of Capital Improvements

The Office of Capital Improvements (OCI) will be responsible for:

- Ensuring that all qualifying County construction contracts contain specific language requiring compliance with the Sustainable Building Ordinance.

Department of Procurement Management

The Department of Procurement Management (DPM) will be responsible for:

- Including, as directed by the Sustainability Manager or OCI, appropriate language into procurement contracts to ensure compliance with the Sustainable Building Ordinance.

Sustainability Manager

The Sustainability Manager shall be tasked with directing and coordinating the County's sustainability ("green") policy, and with the collection and dissemination of information related to the County's sustainability initiatives. Specifically, the Sustainability Manager will be responsible for ensuring that the following functions are performed within County government, either as a direct task or indirectly by working with designated departments within Miami-Dade County:

- Maintaining a comprehensive list of all current building projects, including new construction, major and non-major renovations/remodels, and tracking the progress of each such project as it relates to LEED compliance. This file will contain, but not be limited to, data relating to the specific LEED criteria targeted during the design phase, and the progress of each desired criteria throughout the building process.

- Chair the Sustainable Buildings Committee, which will be comprised of departmental Sustainability Liaisons and/or other technically knowledgeable representatives from key County agencies. This committee shall support the Sustainability Manager in the implementation of the policies set forth in this Implementing Order. Every effort should be made to ensure that the Committee includes members or support staff with professional accreditations, certifications, licenses or special proficiencies that can provide technical

support to the Sustainable Building Program on such matters as training on LEED or other compliance standards, green building technologies, specific project reviews, and sustainability policy and research. The Committee shall be comprised of, at a minimum, representatives from the following departments: Miami-Dade Aviation, Building, Building Code Compliance, Consumer Services, DERM, Miami-Dade Fire Rescue, GSA, Office of Capital Improvements, Planning and Zoning, Park and Recreation, Procurement, Public Works, Solid Waste Management, and Miami-Dade Water and Sewer.

- Establishing guidelines for evaluating requests for exemption from the LEED certification standards. The Sustainable Building Committee (or designated staff thereof) shall be tasked with addressing petitions for specific exemptions from the ordinance and making recommendations to the Sustainability Manager or designee. The unique characteristics of a particular project shall not exempt it from applying green building practices to the maximum extent possible, and it is expected that all projects will incorporate as many LEED-approved green building practices as are feasible from a practical and fiscal perspective. The Sustainable Building Committee may, where it deems appropriate, recommend that the Sustainability Manager or designee substitute an alternative rating system (e.g. FGBC "Green Home" or "Green Development" Standard); substitute an alternative rating standard (e.g. LEED- CI, rather than LEED-EB); or craft a specific rating methodology for evaluating a project that is deemed to be exempt from, or infeasible to comply with, LEED certification standards.

- Preparing annual progress report summarizing County performance under Sustainable Buildings Program.

- Maintaining a database of all existing County sustainability initiatives.

- Serving as the County liaison with the South Florida Chapter of the U.S. Green Building Council, and other appropriate entities to ensure that the County is current with "best practices" in sustainability.

- Coordinating with other departments to develop and implement green building practices in Miami Dade County and provide support for their participation.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Manager