

## MEMORANDUM

Agenda Item No. 5(C)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:**

(Public Hearing 10-7-14)  
September 16, 2014

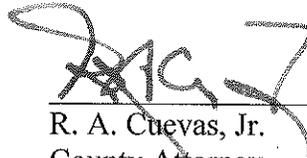
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:**

Ordinance creating the Mental  
Health Diversion Facility Capital  
Expedite Program; providing for  
the efficient construction of the  
Mental Health Facility located at  
2200 NW 7<sup>th</sup> Avenue  
Ordinance No. 14-93

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Commissioner Audrey M. Edmonson.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** October 7, 2014

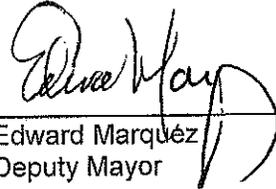
**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance relating Mental Health Diversion Facility Expedite

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The proposed ordinance creates the Mental Health Diversion Facility Capital Expedite Program and provides for the efficient construction of the Mental Health Facility located at 2200 NW 7th Avenue. Also, establishes policy, providing for the designation of a construction manager and team; including the facility under the economic stimulus ordinance subject to certain amendments. Implementation of this ordinance will not have a fiscal impact to the County.

  
Edward Marquez  
Deputy Mayor

Fis10214



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** October 7, 2014

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

**SUBJECT:** Agenda Item No. 5(C)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(C)  
10-7-14

ORDINANCE NO. 14-93

ORDINANCE CREATING THE MENTAL HEALTH DIVERSION FACILITY CAPITAL EXPEDITE PROGRAM; PROVIDING FOR THE EFFICIENT CONSTRUCTION OF THE MENTAL HEALTH FACILITY LOCATED AT 2200 NW 7<sup>th</sup> AVENUE; ESTABLISHING POLICY; PROVIDING FOR THE DESIGNATION OF A CONSTRUCTION MANAGER AND TEAM; INCLUDING THE FACILITY UNDER THE ECONOMIC STIMULUS ORDINANCE SUBJECT TO CERTAIN AMENDMENTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AN EFFECTIVE DATE AND A SUNSET DATE

**WHEREAS**, in November of 2004, Miami-Dade County voters approved the issuance of \$22,100,000 in general obligations funds as part of the Building Better Communities General Obligation Bond (“BBC GOB”) Program to fund BBC GOB Project No. 193 – “Mental Health Facility” located at 2200 NW 7<sup>th</sup> Avenue in order to “free up jail space and provide an effective and cost efficient alternative facility to house the mentally ill as they await a trial date”; and

**WHEREAS**, the County currently has the funds available to be utilized for the development of the Mental Health Facility, which development will consist of the rehabilitation and renovation of the existing facility and will not be the erection of a new, standalone facility; and

**WHEREAS**, the County, in consultation with the Eleventh Judicial Circuit in and for Miami-Dade County Florida, has determined that the adoption of an ordinance to provide for the expeditious construction of the facility will simplify the process of design and construction of the necessary improvements, promote better communication between the County and the Court, provide greater transparency and accountability in the procurement process, and assist in the

construction of the necessary improvements, all consistent with the best interests of Miami-Dade County; and

**WHEREAS**, indeed, on February 4, 2014 this Board adopted Resolution No. R-134-14 directing the Mayor or designee to fund capital costs related to the Mental Health Facility in an expeditious manner; and

**WHEREAS**, such expeditious construction is also consistent with the will of the electorate in approving the funding for the improvement of the facility in the BBC GOB Program; and

**WHEREAS**, to accomplish these objectives this Board wishes to adopt an ordinance to provide for the efficient construction of the mental health facility,

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

**Section 1.** Section 2-8.2.13 of the Code of Miami-Dade County is hereby created to read in its entirety as follows:

**Sec. 2-8.2.13 Mental Health Diversion Facility Capital Expedite Program.**

- (1) Policy. It is the policy of Miami-Dade County and the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, through its Criminal Mental Health Project (referred to in this Section as the "Court") to expedite the delivery of mental health services through the expedited design and construction of the mental health diversion facility located at 2200 NW 7<sup>th</sup> Avenue, Miami, Florida 33127 (the "Facility"). Expediting the design, construction and improvement of the Facility will also allow for the reduction of the County's jail population by providing for an alternative setting to treat those persons who suffer from serious mental illnesses. For these reasons, the design and construction of the Facility is hereby declared to be a County priority. To advance these policies, Miami-Dade

County hereby enacts this Section creating the "Mental Health Diversion Facility Capital Expedite Program". The provisions of this Section shall be liberally construed to accomplish this policy.

- (2) Construction Manager. The County shall designate a construction manager (the "Construction Manager"), who shall be principally responsible for overseeing the design and construction of the Facility. The Construction Manager shall be a person experienced in design and construction of major capital facilities, who shall be designated by the Mayor or the Mayor's designee and subject to the approval of the Court. Work related to the Facility shall be the priority of the Construction Manager and he or she may be employed in other projects subject to this limitation. The Construction Manager shall provide a report of the status of the design and construction of the Facility to the Court on a monthly basis.
- (3) Construction Team. In the design and construction of the Facility, the Mayor or the Mayor's designee, in consultation with the Construction Manager and the Court, shall designate a team of construction professionals as necessary to supervise the design and construction of the Facility. Work related to the Facility shall be the priority of each member of the team and such members may be employed in other projects subject to this limitation.
- (4) Delegation of authority. The Facility shall be subject to the Economic Stimulus Ordinance, codified under Section 2-8.2.7 of this Code, except that there shall be no bid protest as provided in Section 2-8.4 of this Code in connection with the construction of the Facility or the award of any contract for the acquisition of goods or services for the Facility. Accordingly, Section 2-8.2.7(4)(d)(4), providing that the Mayor or the Mayor's designee shall award bids or contracts only where none of the bidders have filed a timely bid protest, shall be inapplicable to the Facility. The appointment of all selection and negotiation committees for the Facility shall contain at least one representative from the Court.
- (5) Implementation. The Mayor or the Mayor's designee shall include the provisions necessary to implement this Section in the contract documents related to the Facility.

**Section 2.** 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 3.** 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 4.** 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.

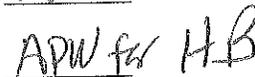
**Section 5.** This ordinance shall sunset five (5) years after the effective date of its enactment.

PASSED AND ADOPTED: October 7, 2014

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Prime Sponsor: Commissioner Sally A. Heyman  
Co-Sponsor: Commissioner Audrey M. Edmonson