

MEMORANDUM

Amended
Agenda Item No. 11(A)(20)

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

DATE: December 2, 2014

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

SUBJECT: Resolution directing the County Mayor to close the Miami-Dade County Courthouse at 73 West Flagler Street in the event of hazardous conditions, correct or repair such hazardous conditions using Building Better Communities General Obligation Bond Program funds, if available, or other funds identified by the Mayor and subject to Board approval Resolution No. R-1084-14

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata, and Co-Sponsors Commissioner Esteban L. Bovo, Jr., Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman and Chairwoman Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

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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 _____

Amended
Agenda Item No. 11(A)(20)
12-2-14

RESOLUTION NO. R-1084-14

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CLOSE THE MIAMI-DADE COUNTY COURTHOUSE AT 73 WEST FLAGLER STREET IN THE EVENT OF HAZARDOUS CONDITIONS, CORRECT OR REPAIR SUCH HAZARDOUS CONDITIONS USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS, IF AVAILABLE, OR OTHER FUNDS IDENTIFIED BY THE MAYOR AND SUBJECT TO BOARD APPROVAL, DEVELOP A PROCESS FOR IDENTIFICATION OF HAZARDOUS CONDITIONS AND A PLAN FOR THE TEMPORARY RELOCATION OF COURT FACILITIES, AND PROVIDE A REPORT TO THE BOARD WITHIN 30 DAYS

WHEREAS, the Miami-Dade County Courthouse at 73 W. Flagler Street ("1928 Courthouse") was initially constructed over four years from 1925-1928; and

WHEREAS, the 1928 Courthouse is over 80 years old and the aging structure is experiencing corrosion, rust, water intrusion, algae and mold penetration, termites, poor air quality, and potential asbestos exposure; and

WHEREAS, on September 3, 2014, this Board heard testimony from judges, litigants, and courthouse employees regarding hazardous conditions existing at the 1928 Courthouse; and

WHEREAS, although some portions of the 1928 Courthouse have been closed as a result of the existing hazardous conditions at the 1928 Courthouse, the majority of the 1928 Courthouse currently remains in use and open to the public; and

WHEREAS, the deteriorating condition of the 1928 Courthouse may create hazards to the life, health and safety of judges, employees and visitors at the courthouse; and

WHEREAS, this Board desires to provide safe and adequate facilities for the administration of the judicial process in Miami-Dade County; and

WHEREAS, should the condition of all, or a portion, of the 1928 Courthouse continue to deteriorate thereby creating an unsafe condition for judges, employees or visitors to the 1928 Courthouse, this Board desires to immediately close down the unsafe portion of the facility and repair such condition; and

WHEREAS, Miami-Dade County is responsible for funding repair and maintenance costs at trial court facilities including the 1928 Courthouse; and

WHEREAS, failure to adequately maintain the 1928 Courthouse may subject the County to litigation and allegations of negligence in the event judges, employees or the public are injured by any hazardous conditions at the 1928 Courthouse; and

WHEREAS, on August 21, 2014 and September 2, 2014, respectively, the County Mayor issued a memorandum to the Board regarding the Circuit Courts' capital construction needs and the potential costs and financing options to meet those needs and identified approximately \$78 million of Building Better Communities General Obligation Bond Program (the "Bond Program") funds that are currently unallocated to eligible projects; and

WHEREAS, these Bond Program funds, listed in Appendix A to Resolution No. R-915-04 as Project No. 180-Additional Courtrooms and Administration Facilities ("Project No. 180"), are currently designated for the "expansion of court facilities in accordance with the master plan;" and

WHEREAS, this Board may, in accordance with the process set forth in Implementing Order 3-47 and after a public hearing, reallocate a portion of Project No. 180 Bond Program funds to a new project in order to fund emergency repairs to the 1928 Courthouse; and

WHEREAS, pursuant to the provisions of Implementing Order 3-47, a separate resolution reallocating Project No. 180 funds to a new project will be presented to the Building Better Communities Citizen's Advisory Committee for its recommendation regarding the

reallocation of Project No. 180 surplus funds to the new project for the funding of emergency repairs as and when needed, and then to this Board for its consideration after a public hearing; and

WHEREAS, this Board desires that the County be prepared for the possibility of closing the 1928 Courthouse for emergency repairs,

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

Section 1. The County Mayor or County Mayor's designee is hereby directed to immediately close all or a portion of the 1928 Courthouse if the County Mayor in consultation with the County Building Official determines that evidence of a condition exists that creates a hazard to the life, health or safety of the judges, employees or visitors at the 1928 Courthouse. The County Mayor or County Mayor's designee is further directed to correct or repair the hazardous condition using Building Better Communities General Obligation Bond Program funds, in the event such funds are available to fund such repairs to the 1928 Courthouse. Such funds shall be used only to the extent necessary to repair the identified hazardous condition and only to meet current operational needs. In the event Bond Program funds are unavailable or are insufficient to fund the necessary improvements, the County Mayor or County Mayor's designee shall propose alternative funding sources and, in accordance with the Board's rules of procedure, present such proposal for approval to the Board at the next regularly scheduled meeting or a special meeting called to consider the matter. All 2004 Building Better Communities General Obligation Bond Program funds available for such repairs to the 1928 Courthouse must be expended prior to utilizing any alternative funding source proposed by the Mayor.

Section 2. The County Mayor or County Mayor's designee is further directed to collaborate with the County Building Official to create a process for the identification of hazardous conditions at the 1928 Courthouse and the orderly and immediate closure of all or a portion of the 1928 Courthouse once such condition has been identified. The County Mayor or County Mayor's designee, in consultation with the Chief Judge of the Eleventh Judicial Circuit, is also directed to develop a plan for the temporary relocation of court facilities from the 1928 Courthouse to another facility or other facilities in the event that all, or a portion, of the 1928 Courthouse is closed for the purpose of emergency repairs and the Chief Judge of the Circuit Court determines that relocation is required during the repair period.

Section 3. The County Mayor or County Mayor's designee shall provide a report to this Board within 30 days of the effective date of this Resolution setting forth whether any hazardous conditions currently exist as well as the process for identifying future hazardous conditions at the 1928 Courthouse, the relocation plan for court operations, the expected costs of relocation, and the funding sources available to fund emergency repairs and relocation costs, if needed. The County Mayor shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 4. The County Mayor or County Mayor's designee shall conduct a thorough inspection of all court facilities located in Miami-Dade County and identify any hazardous conditions at those facilities. The Mayor, in consultation with the Chief Judge of the Eleventh Judicial Circuit, is further directed to identify all County owned buildings which have vacant space suitable for the temporary relocation of court operations for those facilities deemed to presently contain hazardous conditions. The County Mayor or County Mayor's designee shall present such findings in a report to the Board within ninety (90) days of the effective date of this

Resolution. Such report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 5. The Miami-Dade County Inspector General is requested to conduct a review, audit and investigation regarding the condition of the 1928 Courthouse including all inspections done or required by law to have been done and shall provide a report to the Board.

Section 6. The County Mayor or County Mayor's designee is further directed that future work to repair and/or replace the 1928 Courthouse be done through transparent, competitive solicitation processes open to all qualified vendors in accordance with Florida and County law.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata, and the Co-Sponsors are Commissioner Esteban L. Bovo, Jr., Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman and Chairwoman Rebeca Sosa. It was offered by Commissioner **Juan C. Zapata**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	aye	
Bruno A. Barreiro	aye	Esteban L. Bovo, Jr.	aye
Daniella Levine Cava	aye	Jose "Pepe" Diaz	absent
Audrey M. Edmonson	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Jean Monestime	aye
Dennis C. Moss	absent	Sen. Javier D. Souto	absent
Xavier L. Suarez	aye	Juan C. Zapata	aye

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of December, 2014. This resolution shall become effective upon the earlier of (1) ten (10) days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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



HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "OR", is written over a horizontal line.

Oren Rosenthal