Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Infrastructure and Land Use Committee

Tuesday, May 10, 2005
9:30 AM
Commission Chamber

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INLUC COMMITTEE

May 10, 2005

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INLUC ITEMS 2(A) & 3(C)
May 10th, 2005

LEGISLATIVE ANALYSIS

ITEM 2(A) RESOLUTION AMENDING ADMINISTRATIVE ORDER 4-120: BUILDING PERMIT PROCESS ALTERNATIVES

Building Department

ITEM 3(C) ORDINANCE CREATING PROGRAM FOR EXPEDITED REVIEW AND APPROVAL OF BUILDING PERMIT APPLICATIONS FOR GREEN BUILDINGS; DEFINING GREEN BUILDINGS; PROVIDING FOR ADMINISTRATIVE ORDER; CREATING SECTION 8-8 OF THE CODE.

Commissioner Katy Sorenson

I. SUMMARY

Items 2(A) and 3(C) should be addressed collectively.

Item 3(C) proposes an Ordinance that creates Section 8-8 of the Code of Miami-Dade County, allowing for the creation of an expedited permit program for structures that incorporate environmentally sensitive design and construction methods.

Item 2(A) proposes a Resolution that revises Administrative Order 4-120, incorporating Section 8-8 of the Code, allowing for the expedited review of permit applications for green buildings to be implemented by the Building Department.

II. PRESENT SITUATION

Presently the Miami Dade County Building Code does not address green buildings. One of three methods can be employed to expedite the Building Department's permitting process:

- Section 8-7 of the Code allows for a County Department Director to request an expedited process in respect to the construction, alterations, or repair of County owned buildings;
- Administrative Order 4-120 allows for the owner to take advantage of the Professional Certification Program, utilizing a registered person to review the permitting plans and inspect the building's construction;
- Administrative Order 4-120 also allows for the Optional Expedited Plan Review Program.

In the Professional Certification Program, the Building Department functions as the quality control measure, performing audit reviews of at least 20% of the permitting plans submitted. The Building Department reviews all plans submitted under the Optional Expedited Plan Review Program.

The Professional Certificate Program, although not considered an expedited procedure but an alternative, has the added effect of accelerating the permitting process. Once

registered, the person reviewing and inspecting the structure sets their own schedule for review.

III. POLICY IMPLICATIONS

Section 8-8 of the Code will define and address the expedited permitting process of green buildings.

The proposed revision of Administrative Order 4-120, Building Permit Process Alternative, will integrate Section 8-8 of the Code, the expedited permitting process for green buildings.

IV. ECONOMIC IMPACT

No additional staff or monies would be required to handle the additional review of green buildings.

V. COMMENTS AND QUESTIONS

The Building Department will not have the additional responsibility to determine if a building meets the criteria to be considered a green building. The applicant will have to submit a letter from the Florida Green Building Coalition or the United States Green Building Council indicating that the design has been registered or certified as a green building at the time submitting expedited permit review application.

INLUC ITEM 2(V) AND 2(W)
May 10, 2005

LEGISLATIVE ANALYSIS

ITEM 2(V) *CHANGE ORDER NO. AND FINAL SAFETY LIGHTING RETROFIT CONTRACT NO. 1 PROJECT NO. 621610A*

ITEM2 (W) *CHANGE ORDER NO. AND FINAL SAFETY LIGHTING RETROFIT CONTRACT NO. 2 PROJECT NO. 621611A*

Public Works Department

I. SUMMARY

- These Change Orders will provide retroactive payments for projects that have been completed.

II. PRESENT SITUATION

- Both of these change orders involve contracts between Miami-Dade County and Horsepower Electric, Inc.

- Horsepower provided the services needed to upgrade existing street lighting in North Miami-Dade County and South Miami-Dade County to meet New Safety Standards. All work within these two respective contracts was completed as of March 15, 2004.

- On January 19, 2005, the County Manager issued debarment proceedings against Horsepower Electric, Inc.

III. POLICY CHANGE AND IMPLICATION

- There were many unforeseeable changes that were made subsequent to the contract being agreed to. The scope of work changed as a number of underground items made the project more complex and time consuming then agreed to within the original contract.

- Note both of these change orders are 1st and final for their respective contract(s).

IV. ECONOMIC IMPACT

2(V) *CHANGE ORDER NO. AND FINAL SAFETY LIGHTING RETROFIT CONTRACT NO. 1 PROJECT NO. 621610A (South Miami-Dade)*

- *Original Contingency Fund:* *$ 90,909.09*
- *This Change Order (1st and Final):* *$167,900.91*
- *Total Amount for Change Order(s):* *$258,810.00*

2(W) CHANGE ORDER NO. AND FINAL SAFETY LIGHTING RETROFIT CONTRACT NO. 2 PROJECT NO. 621611A (North Miami-Dade)

➢ *Original Contingency Fund:*	*$ 90,909.09*
This Change Order (1st and Final):	*$ 90,872.91*
Total Amount for Change Order(s):	*$181,782.00*

V. COMMENTS AND QUESTIONS

- The department has expressed that this is the last of the Horsepower Electric, Inc. change orders/contracts they will be bringing before the BCC.

INLUC ITEMS 2(DD)
May 10th, 2005

LEGISLATIVE ANALYSIS

ORDINANCE AMENDING SECTION 8-4 OF THE CODE RELATING TO THE AUTHORITY OF THE BOARD OF RULES AND APPEALS; AMENDING SECTION 8-5 OF THE CODE RELATING TO UNSAFE STRUCTURES; MODIFYING THE AUTHORITY OF THE UNSAFE STRUCTURES BOARD; ESTABLISHING UNSAFE STRUCTURES APPEALS PANELS; PROVIDING FOR CERTAIN APPEALS TO UNSAFE STRUCTURES APPEAL PANELS

Building Department

I. SUMMARY

This Ordinance amends Sections 8-4 and 8-5 of the Code allowing for unsafe structures appeal hearings involving single family and duplex residences throughout the unincorporated areas of Miami-Dade County to be conducted by hearing officers instead of the Unsafe Structure Boards.

II. PRESENT SITUATION

Presently appeals go before the quasi-judicial Unsafe Structures Board which has the exclusive jurisdiction in both the incorporated and unincorporated areas of Miami Dade County. There is an average of 25-35 appeal cases involving unincorporated areas. They are either appeals from owners who have been ticketed for having an unsafe structure or from building officials who would like the Board to review a case.

The Board has cancelled 5 of the 22 regularly scheduled meeting over the past two calendar years, causing delays in processing time of appeals.

III. POLICY IMPLICATIONS

If the proposed amendment is adopted, the Unsafe Structures Board will continue to have jurisdiction in the incorporated areas and the Unsafe Structures Appeals Panel, composed of three hearing officers, will assume jurisdiction in the unincorporated areas of Miami-Dade County. The adoption of the proposed amendment will have the added benefit of:

- reducing the average processing time of appeals
- flexibility in time and frequency in scheduling appeal hearings
- the Clerk of the Court can choose from a pool of eligible hearing officers

IV. ECONOMIC IMPACT

Minimal.

V. COMMENTS AND QUESTIONS

The Building Department will evaluate the alternate appeal process one year after its implementation. At which time either a recommendation to continue the process and expand its use to commercial properties, or to return the appeal process under the jurisdiction of the Board.

INLUC ITEM 3(E)
May 10, 2005

LEGISLATIVE ANALYSIS

ORDINANCE RELATING TO INCORPORATION AND ANNEXATION AND AREAS AND FACILITIES OF COUNTYWIDE SIGNIFIGANCE

Commissioner Jose "Pepe" Diaz
Commissioner Joe A. Martinez

I. SUMMARY

- The ordinance being proposed will designate locations in unincorporated Miami-Dade County as "Areas and Facilities of Countywide Significance". This proposal will also give the Board of County Commissioners (BCC) ultimate jurisdiction over these "Areas and Facilities of Countywide Significance".

II. PRESENT SITUATION

- "Areas and Facilities of Countywide Significance" are not currently identified nor labeled. The issues of "Areas and Facilities of Countywide Significance" are currently address on a case by case basis as incorporation and annexation proposals are sought.

- County staff, Municipal Advisory Committees (MACs), steering committees, and new municipalities negotiate the fine details of certain areas of interests as they address mitigation agreements, municipal charter agreements, annexation requirements, and interlocal agreements on a case by case basis.

III. POLICY CHANGE AND IMPLICATION

- This proposal defines "Areas and Facilities of Countywide Significance" and establishes the areas Miami-Dade County will initially designate as "Areas or Facilities of Countywide Significance".

- This ordinance will also authorize the Board of County Commissioners to retain regulatory control over "Areas and Facilities of Countywide Significance" for purposes of land use, development and service delivery to protect and promote the health, safety, order, convenience, prosperity, and welfare for the residents of Miami-Dade.

- Additionally, this ordinance allows the BCC the opportunity to add or relinquish locations from this list if deemed necessary to comply with the definition of "Areas and Facilities of Countywide Significance".

- The areas that have been designated as "Areas and Facilities of Countywide Significance" are private and public location within Miami-Dade County's (1) Police (2) Fire Rescue, (3) Water and Sewer, and (4) Solid Waste Departments as well as (5) Florida Power Light Facilities.

- This ordinance states the BCC will retain jurisdiction over specific locations despite being incorporated or annexed, due to the important resources and services provided by the identified areas and facilities.

- By the BCC retaining jurisdiction over these locations they will have the power to properly provide and distribute resources and services in an equal fashion across the County.

IV. ECONOMIC IMPACT

N/A

V. COMMENTS AND QUESTIONS

N/A