

# MEMORANDUM

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Agenda Item No. 1G1

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

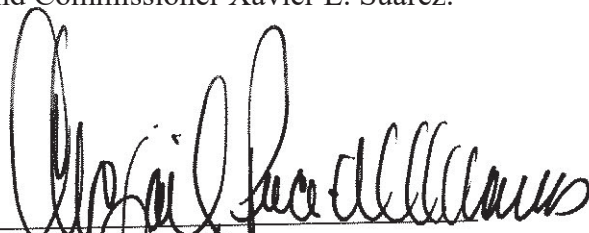
**DATE:** October 14, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to the County's Sustainable Buildings Program; amending sections 9-72, 9-75, and 2-1 of the Code; requiring green building practices for infrastructure projects that are owned, built or financed by the County; adding references to the Envision Rating System; providing for certain minimum standards where the Leadership in Energy and Environmental Design (LEED) rating system or the Envision Rating System are used; providing for applicability to buildings that are owned, financed, leased, or operated by the County, including public private partnership projects; providing for substitution of standards; amending rules of procedure for the County Commission; requiring statement by the County Mayor in certain agenda items related to compliance with the Sustainable Buildings Code provisions and associated Implementing Order

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava and Co-Sponsors Chairwoman Audrey M. Edmonson, Commissioner Barbara J. Jordan and Commissioner Xavier L. Suarez.



Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:** November 19, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive, flowing style.

**Subject:** Fiscal Impact Statement for Ordinance Relating to the County's Sustainable Buildings Program

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All scopes of work for future infrastructure projects that are related to County owned property, and/or built or financed by the County, are currently being developed to include Green building practices and will also refer to the Envision Rating System. Therefore, the implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Edward Marquez". The signature is written in a cursive, flowing style.

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Edward Marquez  
Deputy Mayor

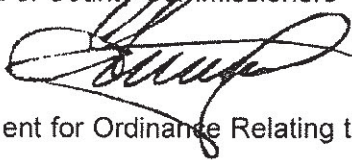
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# Memorandum



**Date:** November 19, 2020

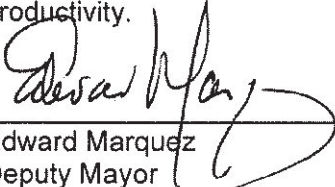
**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Social Equity Statement for Ordinance Relating to the County's Sustainable Buildings Program

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Implementation of this ordinance may have a social equity benefit including but not limited to the preservation of natural resources and overall cost savings as a result of higher performance. In addition, research shows that occupants in certified sustainable buildings are healthier and have increased productivity.

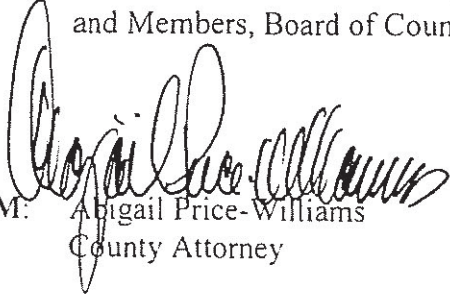
  
Edward Marquez  
Deputy Mayor



**MEMORANDUM**  
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

DATE: November 19, 2020

FROM:   
Abigail Price-Williams  
County Attorney

SUBJECT: Agenda Item No.

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
- Statement of social equity 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4(A)

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO THE COUNTY’S SUSTAINABLE BUILDINGS PROGRAM; AMENDING SECTIONS 9-72, 9-75, AND 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING GREEN BUILDING PRACTICES FOR INFRASTRUCTURE PROJECTS THAT ARE OWNED, BUILT OR FINANCED BY THE COUNTY; ADDING REFERENCES TO THE ENVISION RATING SYSTEM; PROVIDING FOR CERTAIN MINIMUM STANDARDS WHERE THE LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) RATING SYSTEM OR THE ENVISION RATING SYSTEM ARE USED; PROVIDING FOR APPLICABILITY TO BUILDINGS THAT ARE OWNED, FINANCED, LEASED, OR OPERATED BY THE COUNTY, INCLUDING PUBLIC PRIVATE PARTNERSHIP PROJECTS; PROVIDING FOR SUBSTITUTION OF STANDARDS; AMENDING RULES OF PROCEDURE FOR THE COUNTY COMMISSION; REQUIRING STATEMENT BY THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE IN CERTAIN AGENDA ITEMS RELATED TO COMPLIANCE WITH THE SUSTAINABLE BUILDINGS CODE PROVISIONS AND ASSOCIATED IMPLEMENTING ORDER; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, Miami-Dade County currently requires County buildings to comply with certain green building requirements, pursuant to sections 9-71 through 9-75 of the Code of Miami-Dade County and Implementing Order; and

**WHEREAS**, these green building requirements for County buildings are in need of updating; and

**WHEREAS**, this ordinance, among other things, adds infrastructure projects that are built or financed by the County, adds references to the Envision Rating System; provides that the minimum standard for Leadership in Energy and Environmental Design (LEED) rating system

shall be LEED Silver; provides that the minimum standard for the Envision Rating System shall be Silver; clarifies that green building requirements apply to buildings that are financed, leased, or operated by the County, including public private partnership projects; and provides for the substitution of standards,

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

**Section 1.** Section 9-72 of the Code of Miami-Dade County is hereby amended to read as follows:<sup>1</sup>

**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 >>infrastructure projects and<< buildings >>where such infrastructure projects or buildings are<< owned, financed, ~~[[and/or]]~~>>leased, or<< operated by the County.

**Section 2.** Section 9-75 of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 9-75. - Measurement Standards and Compliance.**

(a) Rating System. The Sustainability Manager shall select a nationally-recognized rating system >>or systems<< 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 Counsel >>and the Envision Rating System administered by the Institute for Sustainable Infrastructure<<. This rating system >>or systems<< will be used to measure compliance with the terms of this Article. The rating system >>and standard<< selected for

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<sup>1</sup> 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.

each category of construction by the Sustainability Manager shall be set forth in an Implementing ~~Order~~ ~~Regulation to be~~ approved by the Board of County Commissioners. ~~For the Leadership in Energy and Environmental Design (LEED) Rating System, the minimum rating system standard for all categories of construction covered by this article shall be LEED Silver. For the Envision Rating System, the minimum rating system standard for all categories of construction covered by this Article shall be Silver. For LEED and Envision, the most recent versions of such rating systems shall be utilized, as adopted, respectively, by the United States Green Building Council and the Institute for Sustainable Infrastructure. For all of the above, the Implementing Order approved by the Board may set higher standards for each category of construction.~~

- (b) Standard for County-owned buildings. All new construction, major renovations/remodels, ~~and~~ non-major renovations/remodels ~~and~~ maintenance of County owned buildings shall adhere to the nationally recognized rating system standards designated by the Sustainability Manager for that particular category of construction, ~~and set forth in an Implementing Order approved by the Board~~ as described in subsection (a) above, unless specifically exempted in the ~~Implementing Order~~.
- (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 that are financed, leased, or operated by the County, including, but not limited to, public private partnership projects. The criteria shall be set forth in an Implementing ~~Order~~ ~~Regulation~~ to be approved by the Board of County Commissioners.
- (d) ~~Standard for infrastructure projects. To the extent not already covered by the provisions of this article, all infrastructure projects that are built or financed by the County shall adhere to the nationally recognized rating system standards designated by the Sustainability Manager for that particular category of construction, and set forth in an Implementing Order as described in subsection (a) above.~~
- (e) ~~Interpretations, substitution of standards, and 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, ~~substitution of standards,~~ or for exemption ~~or waiver~~ from the requirements of this Article.

**Section 3.** Section 2-1 of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 2-1. Rules of Procedure of County Commission**

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**Rule 5.09. STATEMENT OF CONSIDERATION OF IMPACT OF SEA LEVEL RISE**

For all agenda items brought to the Board that relate to the planning, design and/or construction of County infrastructure projects, including but not limited to, County building elevation projects, County installation of mechanical and electrical systems, County infrastructure modifications and County infrastructure renovations, the Mayor or Mayor’s designee shall include a statement in the item that the impact of sea level rise has been considered in the project.

>>Rule 5.10 STATEMENT OF COMPLIANCE WITH SUSTAINABLE BUILDINGS REQUIREMENTS

For all agenda items brought to the Board recommending the approval of advertisements, competitive solicitations, or contract awards that relate to the planning, design, construction, management, renovation, maintenance or decommissioning of infrastructure projects and buildings, where said infrastructure project(s) or building(s) are owned, financed or operated by the County, the Mayor or Mayor’s designee shall include a statement in the item indicating (a) whether the project or contract adheres to the standards and criteria set forth in chapter 9, article III of the Code, entitled “Sustainable Buildings Program,” and in the associated Implementing Order, as such may be amended from time to time; and (b) whether a substitution of standards or exemption from any of the standards and criteria referenced in subsection (a) above has been obtained or will be sought .<<

\* \* \*

**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:



Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Daniella Levine Cava  
Co-Sponsors: Chairwoman Audrey M. Edmonson  
Commissioner Barbara J. Jordan  
Commissioner Xavier L. Suarez