

MEMORANDUM

Agenda Item No. 7(D)

TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:	(Second Reading: 9-1-22) June 14, 2022
FROM:	Geri Bonzon-Keenan 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 and buildings that are owned, built or financed by the County or are on County-owned property; 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

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: September 1, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive style.

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


The implementation of this ordinance will require the County to implement a minimum of Leadership in Energy and Environmental Design (LEED) Silver design rating for all County constructed buildings or any building constructed on County land. It is difficult to determine the fiscal impact relating to the requirements of this ordinance, however there is an anticipated long-term positive fiscal impact to the County through cost savings generated by reduction in energy consumption, water consumption and other operational savings that may partially negate any potential upfront additional capital costs. Since the Sustainable Buildings Program was established in 2008, the County has realized more than \$3.7 million in energy savings across 63 projects. It is anticipated that the existing program will achieve additional energy savings on current ongoing projects of at least \$24 million by 2030.

A handwritten signature in blue ink that reads "Jimmy Morales". The signature is written in a cursive style.

Jimmy Morales
Chief Operations Officer

Date: September 1, 2022

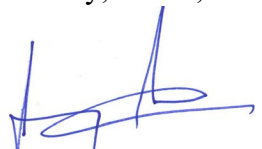
To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

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

The proposed ordinance amends sections 9-72 and 9-75 of the Code of Miami-Dade County (Code) requiring green building practices for infrastructure projects and buildings that are owned, financed, leased or operated by the County, including public private partnership projects, or are on County-owned property; providing for certain minimum standards where Leadership in Energy and Environmental Design (LEED) rating system or Envision Rating System are used. The proposed ordinance also amends section 2-1 of the Code requiring statement by the County Mayor in certain agenda items related to compliance with the sustainable buildings code provisions. The revisions are intended to clarify policies and procedures relating to the Sustainable Buildings Program.

The proposed ordinance is expected to have a positive social equity impact, as it furthers the County’s policies in achieving overall sustainability, particularly of infrastructure projects, along with added benefits of reducing air pollution, reducing energy burden and energy poverty, conserving critical water resources, reducing maintenance costs, and positive resiliency, health, and economic impacts to the community over the long term.



Jimmy Morales
Chief Operations Officer

221239



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(D)

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
Veto _____
Override _____

Agenda Item No. 7(D)
9-1-22

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 AND BUILDINGS THAT ARE OWNED, BUILT OR FINANCED BY THE COUNTY OR ARE ON COUNTY-OWNED PROPERTY; 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, according to a recent Intergovernmental Panel on Climate Change report, a “rapid and far-reaching” sustainable transition in land, energy, buildings, transport and cities is needed to meet global carbon reduction goals; and

WHEREAS, according to the Environmental and Energy Study Institute, residential and commercial buildings account for nearly 40 percent of U.S. carbon dioxide emissions; and

WHEREAS, Miami-Dade County (“the County”) is committed to conserving the region’s natural resources, saving taxpayer dollars through reduced operating expenses, and creating a healthier built environment for its employees and visitors; and

WHEREAS, the County desires to incorporate, and does incorporate, environmentally responsible (“green”) practices into the design, construction, and operation of its buildings; and

WHEREAS, in 2007, this Board created the Sustainable Buildings Program, codified in sections 9-71 through 9-75 of the Code of Miami-Dade County and the associated Implementing Order 8-8, to require buildings owned, financed, leased and/or operated by the County to comply with certain green building requirements; and

WHEREAS, to date, the Sustainable Buildings Program has been successful in reducing emissions and saving taxpayer dollars; and

WHEREAS, for example, according to the Miami-Dade County Office of Resilience, the County has saved over 100,844,488 kWh of electricity and over \$3,700,000.00 in energy costs since the Sustainable Buildings Program was first enacted; and

WHEREAS, this increased efficiency has reduced the County’s greenhouse gas emissions by over 71,700 metric tons of carbon dioxide equivalent, as defined by the U.S. Environmental Protection Agency; and

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

WHEREAS, updating the Sustainable Buildings Program is necessary for the County to meet its carbon reduction goals and further establish itself as a leader in the fight against climate change; and

WHEREAS, further, updating the Sustainable Buildings Program is necessary for the County to ensure that third-party entities and tenants that develop or improve facilities on County property (“Partners”) also contribute to a reduction in carbon emissions and preservation of resources; and

WHEREAS, this ordinance, among other things: (1) adds infrastructure projects that are built or financed by the County; (2) adds references to the Envision Rating System; (3) provides that the minimum standard for Leadership in Energy and Environmental Design (“LEED”) rating system shall be LEED Silver; (4) provides that the minimum standard for the Envision Rating System shall be Silver; (5) clarifies that green building requirements apply to buildings and infrastructure that are financed, leased, or operated by the County or by Partners on County property, including public-private partnership projects; and (6) provides for the substitution of standards; and

WHEREAS, by building and operating more efficiently through sustainable building practices, the County and its Partners can maximize the value of its capital assets as well as support positive resiliency, health, and economic impacts to the community over the long term; and

WHEREAS, this type of approach considers more than initial construction costs when estimating the total cost of developing, maintaining and/or operating a building or infrastructure asset; and

WHEREAS, using a resiliency and sustainability approach ensures that the County’s investments and investments into County property are more cost-effective and strategic over the total useful life of a building or infrastructure project; and

WHEREAS, in fact, the U.S. Green Building Council has reported that LEED buildings have almost 20 percent lower maintenance costs than typical commercial buildings, and green building retrofits typically decrease operation costs by almost 10 percent in just one year; and

WHEREAS, the investment in the resiliency and sustainability of our own County buildings show the same positive payback; and

WHEREAS, for example, in 2018, the County’s LEED-certified Children’s Courthouse used an average of 18 percent less electricity than the County’s average non-LEED courthouses; and

WHEREAS, it is in the long-term interest of the County and its residents to ensure similar results for all County facilities,

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 (the “County Code”) is hereby amended to read as follows:¹

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>>₂<< and decommissioning of >>infrastructure projects and<< buildings >>where such infrastructure projects or buildings are<< owned, financed, ~~[[and/or]]~~>>leased, or<< operated by the County >>or are constructed on County-owned property<<.

Section 2. Section 9-75 of the County Code 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

¹ 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.

of this Article. The rating system >>and standard<< selected for 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 >>and for buildings that are constructed on County-owned property<<. 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 or that are constructed on County-owned property with project costs greater than the threshold set forth in an Implementing Order, 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, that will be owned by the County, or that are built on County-owned property with project costs greater than the threshold set forth in an Implementing Order, 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, and~~ 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 County Code 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

Prior to the placement on the agenda of any item brought to the Board seeking the approval of an advertisement, competitive solicitation, or contract award that relates to the planning, design, construction, management, renovation, maintenance, or decommissioning of any infrastructure project or building where said infrastructure project or building is owned, financed, leased or operated by the County or is to be constructed on County-owned property, the Mayor or Mayor’s designee shall be provided a copy of the proposed item and shall prepare a statement of compliance with sustainable building requirements, and such statement shall be included as part of the agenda.

The statement of compliance with sustainable buildings requirements shall indicate: (1) 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 (2) whether a substitution of standards or exemption from any of the standards and criteria referenced in subsection (1) above has been obtained or will be sought.

For all of the above-mentioned agenda items, an item shall not be placed on an agenda without this required statement of compliance with sustainable buildings requirements.<<

* * *

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
Monica Rizo Perez

Prime Sponsor: Commissioner Eileen Higgins