

MEMORANDUM

Agenda Item No. 11(A)(14)

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

DATE: March 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to revise protocols for inspections and visitations to property located at 2200 NW 7th Avenue, Miami, Florida commonly known as the Mental Health Center; and further directing County Mayor to report back to this Board

Resolution No. R-280-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: March 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(14)

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. 11(A)(14)
3-15-22

RESOLUTION NO. _____ R-280-22

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO REVISE PROTOCOLS FOR INSPECTIONS AND VISITATIONS TO PROPERTY LOCATED AT 2200 NW 7TH AVENUE, MIAMI, FLORIDA COMMONLY KNOWN AS THE MENTAL HEALTH CENTER; AND FURTHER DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO REPORT BACK TO THIS BOARD

WHEREAS, in November of 2004, Miami-Dade County voters approved the issuance of \$22,100,000.00 in general obligation bonds as part of the Building Better Communities General Obligation Bond ("Bond") Program to fund Bond Program Project No. 193 – "Mental Health Facility" located at 2200 NW 7th Avenue, Miami in order to fund capital improvements 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" (the "Project"); and

WHEREAS, on June 3, 2008, the County, pursuant to Resolution No. R-637-08, approved a lease agreement between the State of Florida Trustees for the Internal Improvement Trust Fund, as landlord, and the County, as tenant, for approximately 217,357 square feet of land and approximately 158,450 of building located at the southwest quadrant of NW 7th Avenue and NW 22nd Street, or 2200 NW 2nd Avenue, in the City of Miami, Florida (the "Property") for the establishment and operation of a mental health diversion facility and/or correctional facility along with other related uses; and

WHEREAS, since that time, this Board has approved additional funding from the Bond Program and from the Public Health Trust ("PHT") capital funds such that the total allocation for the Project is now \$51,100,000.00, inclusive of an additional \$9,000,000.00 of Bond Program funds that were approved on August 31, 2020; and

WHEREAS, in 2014, this Board adopted Ordinance No. 14-93, wherein this Board acknowledged that “[i]t 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 . . . to expedite the delivery of mental health services through the expedited design and construction of the mental health diversion facility located at 2200 NW 7th Avenue, Miami, Florida 33127 (the “Facility”)” and that “[e]xpediting 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;” and

WHEREAS, indeed, this Board has always recognized that the County is undertaking the Project in conjunction with the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, through its Criminal Mental Health Project (“Court”), which always served as the County’s subject matter expert relating to this Project and all matters relating to mental health and guidance on legislative matters; and

WHEREAS, in January 2015, due to the condition of the Property, the County began a project to renovate and/or otherwise improve the seven-story facility on the Property to house a variety of non-custodial treatment and support services to assist individuals with mental illnesses, diverted from the criminal justice system, with adaptive community re-entry; and

WHEREAS, in October 2017, pursuant to Resolution No. R-889-17, this Board approved (1) a sublease agreement with South Florida Behavioral Health Network, Inc., also known by its trademark name of Thriving Mind South Florida (“Thriving Mind”) for the Property to allow Thriving Mind to complete the planned improvements utilizing the remaining funds available for the Project, and thereafter operate the Property to serve as a mental health diversion facility (the “sublease agreement”), and (2) a grant agreement with Thriving Mind for the Bond Program funds and the PHT capital funds to be used to complete the Project (the “grant agreement”); and

WHEREAS, since then, the County and the Court have continued to be involved and desire to oversee the development and construction of the Project pursuant to the terms of the sublease agreement and the grant agreement, in acknowledgment that the Court has served and shall continue to serve as one of the County’s representatives for the Project; and

WHEREAS, Thriving Mind contracted with Thornton Construction Company, Inc. (“Thornton”) to undertake the construction and improvements for the Project; and

WHEREAS, both the sublease agreement and the grant agreement provide the County with audit rights with respect to Thriving Mind’s performance under those agreements, and this Board authorized the County Mayor or Mayor’s designee to exercise those rights on behalf of the County; and

WHEREAS, among other provisions of the sublease agreement, section 10 provides that the State of Florida and the County “or their duly authorized agents, representatives or employees shall have the right at any and all times to inspect the [Property] and the works and operations thereon of [Thriving Mind] in any matter pertaining to this Sublease;” and

WHEREAS, similarly, section 7 of the grant agreement provides that the County Mayor or Mayor’s designee “may monitor and conduct an evaluation of [Thriving Mind]’s operations and the Project, which may include visits by County representatives to observe the Project or [Thriving Mind]’s programs, procedures, and operations; discuss [Thriving Mind]’s programs with [Thriving Mind]’s personnel; and/or evaluate the public impact of the Project;” and

WHEREAS, recently, and following objections by Thriving Mind to certain inspections and visits to the Property and Project by representatives of the County and the Court, Thornton sent a letter to the County Mayor (attached as Exhibit A hereto) setting forth a protocol for safely visiting and inspecting the Property and the progress of the Project, as it is an active construction site; and

WHEREAS, Thornton's letter advised the County that "[t]here are currently no restrictions on visits to the [P]roperty, provided they do not interfere substantially with construction activities and can be reasonably accommodated by [Thornton's] staff at the job site;" and

WHEREAS, Thornton's letter further requested that "notification of desired visits be provided at least one week in advance whenever possible to make certain the project is accessible to non-construction personnel based on the construction activities occurring at the site" and also set forth basic Occupational Safety and Health Administration ("OSHA") safety requirements and requirements associated with insurance coverage that visitors would have to meet; and

WHEREAS, on February 4, 2022, the County Mayor sent a letter to Thriving Mind (attached as Exhibit B hereto) advising Thriving Mind that the County, in conjunction with the Court's representative, would coordinate and schedule all future visits with Thriving Mind and Thornton in accordance with the process and guidelines set forth by Thornton; and

WHEREAS, it was reported to County officials and staff that since that time, Thornton advised the Court that 48-hours advanced notification is sufficient in most instances; and

WHEREAS, further, Thriving Mind requested that all persons accompanying County officials, staff and its representatives on visits to the Property and Project be provided advance notice of the conditions of the site and advised of safety and liability requirements; and

WHEREAS, finally, as Thornton is the construction contractor and in control of the Project site and has secured same, Thornton is in the best position to advise the County and its representatives of the appropriate times for visitation and for the scheduling of same; and

WHEREAS, it is therefore in the best interest of the County, and this Board desires, to have the County Mayor or Mayor's designee confer with Thornton to revise the inspection and visitation protocols for the Property laid out in Thornton and the Mayor's respective letters to

address, at a minimum, (a) a preferred 48-hour advance notice of all site visits and inspections to the Property rather than the originally stated one week notice; (b) the provision, in advance, to all visitors to the Property and Project of notice as to the conditions of the site and advise of safety and liability requirements; and (c) the coordination and scheduling with Thornton of visits and inspections to the Property in accordance with the revised protocols along with notification to Thriving Minds,

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

Section 1. The above recitals are incorporated herein by reference and are approved.

Section 2. This Board directs the County Mayor or Mayor's designee to confer with Thornton to revise the inspection and visitation protocols for the Property and Project laid out in Thornton and the Mayor's letters, Exhibits A and B hereto, respectively, to address, at a minimum: (a) a preferred 48-hour advance notice of all site visits and inspections to the Property rather than the originally stated one week notice; (b) the provision, in advance, to all visitors to the Property and Project of notice as to the conditions of the site and advise of safety and liability requirements; and (c) the coordination and scheduling with Thornton of visits and inspections to the Property in accordance with the revised protocols along with notification to Thriving Minds.

Section 3. This Board directs the County Mayor or Mayor's designee to provide a written report to this Board within 10 days of the effective date of this resolution to notify the Board of the revised protocols for inspection and visitation of the Property and Project pursuant to section 2 above. The County Mayor or Mayor's designee shall place the completed report directly on the next available agenda of the Board without committee review pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert III, Vice Chairman	aye		
Sen. René García	nay	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	absent
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

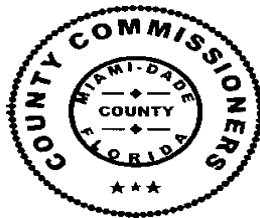
The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of March, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

Basia Pruna

By: _____
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

MRP

Monica Rizo Perez



January 31, 2022

The Honorable Daniella Levine Cava
Mayor, Miami-Dade County
Stephen P. Clark Center
111 N.W. 1st Street, 29th Floor
Miami, Florida 33128

Re: Visits to Mental Health Facility Diversion Facility Construction Site

Dear Mayor Levine Cava:

I am writing on behalf of Thornton Construction Company, Inc (TCCI) regarding visits by the County and/or the County's representatives to the mental health diversion facility under construction at 2200 NW 7th Avenue, Miami, FL 33127. There are currently no restrictions on visits to the property, provided they do not interfere substantially with construction activities and can be reasonably accommodated by TCCI staff at the job site. To this end, we request that visits be scheduled in the afternoon, preferably after 3pm, when construction activity is less intensive. In addition, we request that notification of desired visits be provided at least one week in advance whenever possible to make certain the project is accessible to non-construction personnel based on the construction activities occurring at the site.

In preparation for visits to the site, please note that there are basic OSHA safety requirements that visitors will need to comply with, as well as requirements related to insurance coverage. The TCCI field team will provide visitors with hardhats, as well as eye protection, hearing protection, and safety vests when needed. In addition, the following are basic clothing requirements visitors are required to comply with:

1. Hard soled shoes with full upper coverage are required. No sneakers, top-siders, sandals, or flip-flops are allowed on site. No high heels, wedge heels, or open toe shoes are allowed.
2. Full length pants are required for all visitors. Capri pants, leggings, shorts, skirts, and dresses are not allowed.
3. Short or long sleeve shirts and blouses are required. No tank-tops, sleeveless 'muscle shirts', or any loose attire of any type is allowed.
4. All visitors will be required to stay together and will be escorted by TCCI personnel.
5. Based on recent US Centers for Disease Control recommendations, please endeavor to come to the job site with face masks (preferably KN95 or N95) that should be worn throughout the visit.

TCCI will make every effort to accommodate visits as requested, but please be aware that, from time to time, there may be construction activities, site conditions, or safety concerns that make requested visits inadvisable or unfeasible. In these situations, TCCI will be more than happy to work with the County and/or the County's representative to find a more suitable time to visit.

Thank you very much for the opportunity to be part of this important project and please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dagoberto Diaz', is written over a light blue horizontal line.

Dagoberto Diaz, RA, CGC
Executive Vice President

CC: Felipe Laserna, CGC, VP, TCCI
Carlos Arrebola, PM, TCCI
Alex Ortiz, Sr. Superintendent, TCCI

13290 NW 42 Ave. Opa-Locka, FL 33054 • 2081 Vista Parkway, Suite 302, West Palm Beach, FL 33411

Telephone: 305.649.1995 • Fax: 305.649.1295 • CGC 058425 • www.thornton-inc.com



DANIELLA LEVINE CAVA
MAYOR
MIAMI-DADE COUNTY

February 4, 2022

John W. Newcomer, M.D.
President & Chief Executive Officer
Thriving Mind South Florida
Contracting as South Florida Behavioral Health Network, Inc.
7205 Corporate Center Drive, Suite 200 Miami, FL 33126

Subject: Visits to and Inspections of Mental Health Facility Diversion Construction Site located at 2200 NW 7th Avenue, Miami, FL 33127

Dear Dr. Newcomer:

Thank you for your continued cooperation with Judge Leifman and my administration on the construction of the Mental Health Facility. During our recent visit to inspect the Mental Health Facility, Thornton Construction Company, Inc. (TCCI) provided clear guidance regarding scheduling facility visits/tours and proper protocol to ensure safety. TCCI's guidance was consistent with that which you had previously provided us; namely, that one week's advance notice should be provided for visits to the construction site and all visits and inspections should not unreasonably interfere with the progress of construction. TCCI offered to put, and did put, their procedures and requirements in writing. TCCI's letter is attached and enclosed with this letter. To quote from TCCI's letter: "There are currently no restrictions on visits to the property, provided they do not interfere substantially with construction activities and can be reasonably accommodated by TCCI staff at the job site". TCCI agreed to facilitate subsequent visits/tours upon request by my administration and Judge Leifman in accordance with the attached letter that outlines the process. Judge Leifman has been and will continue to act as one of the County's authorized representatives for this project.

I look forward to your continued cooperation and I want to assure you that my administration, in partnership with Judge Leifman, will coordinate and schedule all future visit/tours with you and TCCI and will do so in accordance with the process and guidelines set forth by TCCI.

We look forward to a continued constructive and collaborative relationship.

Sincerely,

A handwritten signature in blue ink that reads "Daniella Levine Cava".

c: The Honorable Commissioner Sally Heyman

Attachment