



To: Diana Gomez, Finance Director for the City of Coral Gables

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables

MSR

RE: Legal Opinion Regarding Green Building Bond

Date: December 17, 2020

With regard to the new Public Safety Building, which is a City building under construction at a site that is owned by the City, section 5-1302(B)(2.) of the Zoning Code applies the green building requirements to City buildings and buildings constructed on City property but also allows for the City Manager to waive the requirement under certain circumstances. The City Manager has no intention of waiving the requirement and looks forward to having the building comply with the green building requirements.

Section 5-1302(C) of the Zoning Code requires that, "prior to the issuance of a Building Permit for a project subject to this section, the developer/owner/contractor shall provide the City with a performance bond, cash or irrevocable letter of credit payment ("Green Building Bond") in the amount of three (3%) percent of the master building permit construction cost value." The purpose of the Green Building Bond is to secure the funds necessary for the City to fulfill the green building requirements should the developer/owner/contractor fail to do so during the specified period of time. In the case where the City is the owner, it serves no purpose for the City to hold a bond to protect itself from its own potential failure to fulfill the requirements.

Accordingly, it is my opinion that the City is not required to pay the Green Building Bond set forth in section 5-1302(C) of the Zoning Code.

This opinion is issued pursuant to section 2-252(e)(1) and (8) of the City Code and section 2-702 of the Zoning Code.

Paulk, Enga

From: Ramos, Miriam
Sent: Thursday, December 17, 2020 4:50 PM
To: Paulk, Enga
Subject: FW: Green Building Bond

Enga, please publish.

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

Board Certified by the Florida Bar in City, County, and Local Government Law

City of Coral Gables
405 Biltmore Way, 2nd Floor
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From: Ramos, Miriam
Sent: Thursday, December 17, 2020 4:49 PM
To: Gomez, Diana <dgomez@coralgables.com>
Cc: Suarez, Cristina <csuarez@coralgables.com>; Cejas, Devin <dcejass@coralgables.com>
Subject: Green Building Bond

Diana,

With regard to the new Public Safety Building, which is a City building under construction at a site that is owned by the City, section 5-1302(B)(2.) of the Zoning Code applies the green building requirements to City buildings and buildings constructed on City property but also allows for the City Manager to waive the requirement under certain circumstances. The City Manager has no intention of waiving the requirement and looks forward to having the building comply with the green building requirements.

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This opinion is issued pursuant to section 2-252(e)(1) and (8) of the City Code and section 2-702 of the Zoning Code.

Miriam Soler Ramos, Esq., B.C.S.

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