

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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**Meeting Date:** November 21, 2006 ☒ Consent ☐ Regular

**Department:** Housing and Community Development ☐ Public Hearing

**Submitted By:** Housing and Community Development

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**I. EXECUTIVE BRIEF**

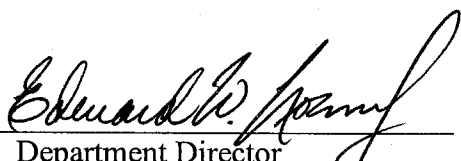
**Motion and Title:** Staff recommends motion to approve: Two "Request for Release of Funds (RROF) and Certification" forms (HUD 7015.15) to comply with environmental grant conditions for project areas funded under the Community Development Block Grant (CDBG) Program for Fiscal Year 2006-07, as follow: **A)** Town of Lake Park Project Area - \$ 45,353 for drainage improvements on Bayberry Drive; and **B)** City of Pahokee Project Area - \$ 400,000 for replacement of water and sewer lines between Banyan Avenue, Cypress Avenue, Annona Avenue, and South Lake Avenue.

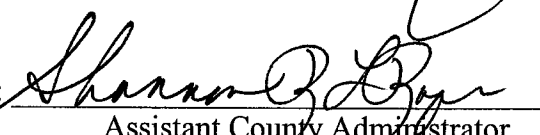
**Summary:** CDBG-funded projects approved via the Action Plan on July 11, 2006 (R2006-1333), must comply with 24 CFR Part 58, which establishes regulations concerning the Environmental Review procedures for the CDBG Program. Under these regulations, the County is required to: **1)** aggregate geographically or functionally, all activities into projects; **2)** determine which projects are in need of an environmental assessment and, where applicable, issue an environmental clearance finding; **3)** publish the finding to receive public input; and **4)** request release of funds from U.S. Department of Housing and Urban Development (HUD). Steps 1 through 3 have been finalized. Execution of RROFs and their submission to HUD will accomplish Step 4. The RROF forms document and certify that all steps have been taken with respect to HUD's environmental procedures. Before expending any CDBG funds for these activities, the County must receive a notification from HUD of the release of funds. Countywide (TKF)

**Background and Justification:** Under Part 58, Palm Beach County assumes the responsibilities that would otherwise apply to HUD under the National Environmental Policy Act (NEPA), in addition to whatever other responsibilities the County may have to comply with (local, state and federal environmental laws and authorities). As part of the process, the County must group together and evaluate as a single project, all individual activities which are related either geographically or functionally; and maintain a written record (Environmental Review Record or ERR) for the environmental review undertaken for each project.  
(Continued on page 3)

**Attachments:**

- a) Two (2) Requests for Release of Funds and Certification Forms; and
  - b) Copy of a "Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds".
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Recommended By:  10/31/06  
Date  
Department Director

Approved By:  11-13-06  
Date  
Assistant County Administrator

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years:	2007	2008	2009	2010	2011
Capital Expenditures:					
Operating Costs:					
External Revenues:					
Program Income (County):					
In-Kind Match (County):					
NET FISCAL IMPACT:					

# OF ADDITIONAL FTE  
POSITIONS (Cumulative):

Is Item Included In Current Budget? Yes No

Budget Account #: Fund Agency Org. Object Reporting Category

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact.

### C. Departmental Fiscal Review:

NAK for LDB  
Larry D. Brown

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Administration Comments:

[Signature] 11-6-06  
OFMB

[Signature] 11/7/06  
Contract Administration

### B. Legal Sufficiency:

[Signature] 11/9/06  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

This summary is not to be used as a basis for payment.

Background and Justification: (Continued from page 1)

A combined Notice of No Significant Impact and Notice of Intent to Request Release of Funds have been issued for the projects, and were published in a local newspaper on September 24, 2006 to receive public input. The public comment period expired on October 9, 2006. Any public input received prior to the BCC meeting is provided as additional back-up.

After submission to HUD of the Request for Release of Funds and Certification for the new projects, HUD will issue a removal of grant conditions and release the funds. Palm Beach County will have satisfied the Environmental Review process for the projects.

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ATTACHMENT "a"

REQUEST FOR RELEASE OF FUNDS  
AND CERTIFICATION FORMS

# Request for Release of Funds and Certification

U.S. Department of Housing and  
Urban Development  
Office of Community Planning  
and Development

Print Form

OMB No. 2506-0087  
(exp. 12/31/2007)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

## Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Community Development Block Grant (CDBG) Program	2. HUD/State Identification Number  B-06-UC-12-0004	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)  14-218	5. Name and address of responsible entity  Palm Beach County Board of County Commissioners 301 North Olive Avenue West Palm Beach, Florida 33401	
6. For information about this request, contact (name & phone number)  Edward W. Lowery (561) 233-3601	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request  HUD Florida State Office Brickell Plaza Federal Building 909 SE 1st Avenue, Suite 500 Miami, Florida 33131		

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

### 9. Program Activity(ies)/Project Name(s)

Lake Park Project Area

### 10. Location (Street address, city, county, State)

Town of Lake Park  
650 Old Dixie Highway  
Lake Park, Florida 33403

### 11. Program Activity/Project Description

This is a multi-year project, to be implemented in a five-year period as described in the County's Five Year Consolidated Plan (FY 2005-10). The estimated range of activities to be undertaken within the next five years for this project includes infrastructure installation and/or improvements, drainage improvements, construction or improvements of public facilities (buildings) and parks, removal of architectural barriers, acquisition of structures or land, demolition of structures, historical preservation and economic development. All activities will be carried out within the municipal boundaries of the Town of Lake Park, Palm Beach County, Florida. The estimated range of CDBG funding for the five year period is \$225,000. During Fiscal Year 2006-07, the following activity will be implemented: Drainage improvements within the Town of Lake Park's Target Area to include engineering, swale reconstruction, and installation and/or replacement of drainage inlets, pipes, catch basins, and manholes - \$45,353.

**Part 2. Environmental Certification** (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

- 1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
- 2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
- 3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☒ did not require the preparation and dissemination of an environmental impact statement.
- 4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
- 5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
- 6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

- 7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
- 8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

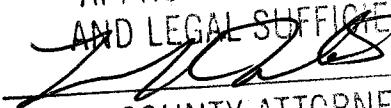
Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer Addie L. Green, Chairperson Palm Beach County Board of County Commissioners
X	Date signed

Address of Certifying Officer  
  
Palm Beach County Board of County Commissioners  
301 North Olive Avenue  
West Palm Beach, Florida 33401

**Part 3. To be completed when the Recipient is not the Responsible Entity**  
The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
X	Date signed

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
  
COUNTY ATTORNEY

# Request for Release of Funds and Certification

U.S. Department of Housing and  
Urban Development  
Office of Community Planning  
and Development

Print Form

OMB No. 2506-0087  
(exp. 12/31/2007)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

## Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Community Development Block Grant (CDBG) Program		2. HUD/State Identification Number  B-06-UC-12-0004	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)  14-218		5. Name and address of responsible entity  Palm Beach County Board of County Commissioners 301 North Olive Avenue West Palm Beach, Florida 33401	
6. For information about this request, contact (name & phone number)  Edward W. Lowery (561) 233-3601		7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request  HUD Florida State Office Brickell Plaza Federal Building 909 SE 1st Avenue, Suite 500 Miami, Florida 33131			

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)  Pahokee Project Area	10. Location (Street address, city, county, State)  City of Pahokee 171 N. Lake Avenue Pahokee, Florida 33476
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### 11. Program Activity/Project Description

This is a multi-year project, to be implemented over a five-year period as described in the County's Five Year Consolidated Plan (FY 2005-2010). The estimated range of activities to be undertaken under this project over the next five years includes infrastructure installation or improvements, construction or improvements of public facilities (buildings) and parks, removal of architectural barriers, acquisition of structures or land, demolition of structures, and historic preservation. All activities will be carried out within the municipal boundaries of the City of Pahokee, Palm Beach County, Florida. The estimated range of CDBG Program funding for the five year period is \$1,000,000. During FY 2006-07, the following activity will be implemented: replacement of water and sewer lines within the Pahokee Target Area - \$400,000.

**Part 2. Environmental Certification** (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☒ did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer  
Addie L. Green, Chairperson  
Palm Beach County Board of County Commissioners

X

Date signed

Address of Certifying Officer

Palm Beach County Board of County Commissioners  
301 North Olive Avenue  
West Palm Beach, Florida 33401

**Part 3. To be completed when the Recipient is not the Responsible Entity**

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

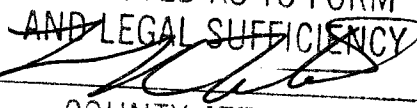
Signature of Authorized Officer of the Recipient

Title of Authorized Officer

X

Date signed

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
  
COUNTY ATTORNEY



## ATTACHMENT "b"

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT  
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS



## PALM BEACH COUNTY NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by Palm Beach County.

### REQUEST FOR RELEASE OF FUNDS

On or about November 17, 2006, Palm Beach County will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant (CDBG) Program funds, under Title I of the Housing and Community Development Act of 1974, as amended, to undertake the projects listed below.

Activities to be undertaken under the CDBG program were aggregated either geographically or functionally into projects. The category of activities were identified in the Five Year Consolidated Plan (FY 2005-10), which also identified the geographical areas and Target Areas in which the activities are planned to be carried out. The determination of need for each Target Area was done via a previous Study that was incorporated into the Five Year Plan. The estimated range of CDBG funding and assumptions were identified in the Five Year Plan.

### Projects:

1. **Lake Park Project Area:** The estimated range of activities to be undertaken within the next five years for this project includes infrastructure installation or improvements, construction or improvements of public facilities (buildings) and parks, removal of architectural barriers, acquisition and disposition real property, demolition of structures, historic preservation and economic development. All activities will be carried out within the municipal boundaries of the Town of Lake Park, Palm Beach County, Florida. The estimated range of CDBG funding for the five-year period is \$225,000. During FY 2006-07, the following activities will be implemented: Drainage improvements on Boyberry Drive (175' west of 7th Court and 340' west of 8th Street) - \$45,353.
2. **Pahokee Project Area:** The estimated range of activities to be undertaken within the next five years for this project includes infrastructure installation or improvements, construction or improvements of public facilities (buildings) and parks, removal of architectural barriers, acquisition and disposition of real property, demolition of structures, and historic preservation. All activities will be carried out within the municipal boundaries of the City of Pahokee, Palm Beach County, Florida. The estimated range of CDBG funding for the five-year period is \$1,000,000. During FY 2006-07, the following activity will be implemented: Replacement of water/sewer lines on alleyways between Banyan Avenue, Cypress Avenue, Annona Avenue, and South Lake Avenue - \$400,000.

### FINDING OF NO SIGNIFICANT IMPACT

Palm Beach County has determined that the projects will have no significant impact on the human environment. Therefore, Environmental Impact Statements under the National Environmental Policy Act of 1969 (NEPA) are not required. Additional project information is contained in the Environmental Review Records (ERRs) on file at the Palm Beach County Department of Housing and Community Development at 3323 Belvedere Road, Building 501, West Palm Beach, FL 33406, (561) 233-3616, and which may be examined or copied weekdays, 8:00 a.m. to 5:00 p.m.

Environmental reviews and assessments performed were tiered to cover areas identified in the Five Year Consolidation Plan to facilitate the review of those sites where a more narrow or focused analysis is not currently feasible and better done at a later date. For this purpose, a broader review was performed for each project area and a Countywide Environmental Monitoring Strategy was developed and incorporated into each individual review. The Monitoring Strategy establishes the policy and process to be followed in site specific review. The Strategy includes a checklist which contains the factors included in the broader assessment including, but not limited to historic properties, floodplain management, wetlands, endangered species, noise, runway clear zones, toxic sites, solid waste, soil suitability, asbestos review, and accessibility to services. The assessments indicated that there are no findings of significant impact to the environment. All activities will be in compliance with local, state and federal regulations prior to implementation.

### PUBLIC COMMENTS

Any individual, group or agency disagreeing with this determination or wishing to comment on these projects may submit written comments to: Palm Beach County Housing and Community Development, 3323 Belvedere Road, Building 501, West Palm Beach, FL 33406. All comments received by October 9, 2006 will be considered by Palm Beach County prior to authorizing submission of a request for release of funds. Comments should specify which notice they are addressing.

### RELEASE OF FUNDS

Palm Beach County certifies to HUD that the Honorable Tony Masiotti, in his capacity as Chairman of the Palm Beach County Board of County Commissioners, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows Palm Beach County to use Program funds.

### OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and Palm Beach County's certification for a period of fifteen (15) days following the anticipated submission date or its actual date or its actual receipt of the request (whichever is later) only if they are on one of the following basis: a) that the certification was not executed by the Certifying Officer of Palm Beach County; b) Palm Beach County has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of release of funds by HUD; or d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58), and shall be addressed to the U.S. Department of Housing and Urban Development, Office of the Field Director, Brickell Plaza Federal Building, 909 SE 1st Avenue, Suite 500, Miami, Florida 33131. Potential objectors should contact HUD at (305) 536-5678, to verify the actual last day of the objection period.

Remar M. Harvin, Director, Palm Beach County Housing and Community Development

**IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS AD AND DOCUMENTS LISTED ABOVE MAY BE REQUESTED IN AN ALTERNATE FORMAT. PLEASE CONTACT HCD AT (561) 233-3616.**

Publication Date: September 24, 2006