

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 13, 2007 ☒ [X] Consent ☐ [] Regular
Department: Housing and Community Development ☐ [] Public Hearing
Submitted By: Housing and Community Development

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A "Request for Release of Funds (RROF) and Certification Form" for Countywide Infrastructure Development and Infrastructure Activities, to be funded with Community Development Block Grant (CDBG) Program funds.

Summary: Every activity funded under the CDBG Program is required to comply with environmental grant conditions established by the U.S. Department of Housing and Urban Development (HUD) at 24 CFR Part 58. The Countywide Infrastructure Development and Improvement Activities ERR covers projects funded over a five (5) year period (2006-2011). Per 24 CFR Part 58, the County is required to: **a)** aggregate geographically or functionally, all activities into projects; **b)** determine which projects are in need of an environmental assessment and, where applicable, issue an environmental clearance finding; **c)** publish the finding to receive public input; and **d)** request release of funds from U.S. Department of Housing and Urban Development (HUD). Steps **a** through **c** have been finalized. Execution of RROF and its submission to HUD will accomplish Step **d**. The RROF and Certification Form documents and certifies that all steps have been taken with respect to HUD's environmental grant conditions. Before expending any CDBG funds for these activities, the County must receive a notification from HUD of the removal of grant conditions. 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.

A combined Notice of No Significant Impact and Notice of Intent to Request Release of Funds was issued for the project, and was published in a local newspaper on January 21, 2007 to receive public input. The public comment period expired on February 5, 2007. No public input was received.

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

Attachments:

- a) One (1) Request for Release of Funds and Certification Form; and
- b) Copy of a "Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds".

Recommended By: Edward W. Spang

Department Director

2/14/07
Date

Approved By: Sharon G. B.

Assistant County Administrator

2/15/07
Date

II. FISCAL IMPACT ANALYSIS


A. Five Year Summary of Fiscal Impact:

<u>Fiscal Years:</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
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:



Larry D. Brown

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

_____	_____
OFMB	Contract Administration

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

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

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

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 P.O. Box 1989 West Palm Beach, Florida 33402	
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) Countywide Infrastructure Development and Improvement Activities	10. Location (Street address, city, county, State)
--	--

11. Program Activity/Project Description

The environmental review and assessment performed for the project was tiered functionally to cover a five-year period (FY2006-2011) and to facilitate the review of those specific sites where a more narrow or focused analysis is better done at a later date. For this purpose, a broader review was performed for the project area, and a Countywide Environmental Monitoring Strategy (CEMS) -- which establishes the policy and process to be followed in site-specific review -- was developed and incorporated into this review. The CEMS includes a checklist containing 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 broad assessment 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.

The estimated range of activities to be undertaken under this project include construction, rehabilitation or replacement of streets, drainage, sidewalks, water or sewer, and landscaping within the Palm Beach County CDBG Program jurisdiction, including those municipalities that have an inter-local agreement with the County. Estimated total funding for the five year period is \$2 million.

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. Greene, 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)

ATTACHMENT "b"

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

THE PALM BEACH POST
Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION


STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Marc Kramer**, who on oath says that he is **Inside Sales Supervisor** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **FONSI** was published in said newspaper in the issues of **January 21, 2007**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before 22nd day of January A.D. 2007

Kristen J. Maxfield

Personally known XX or Produced Identification _____
Type of Identification Produced _____

NOTARY PUBLIC-STATE OF FLORIDA
 **Kristen J. Maxfield**
Commission # DD528685
Expires: MAR. 14, 2010
Bonded Thru Atlantic Bonding Co., Inc.

NO. 7495475
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 March 12, 2007,
Palm Beach County will
submit a request to the U.S.
Department of Housing and
Urban Development (HUD)
for the release of Commu-
nity Development Block
Grant (CDBG) Program
funds, under Title I of the
Housing and Community
Development Act of 1974,
as amended, to undertake
the project listed below.

Project:
1. Countywide Infrastructure
Development and Improv-
ement Activities: Activities
under this project were
aggregated functionally,
since the activities will take
place in several locations
within the Palm Beach
County CDBG program
jurisdiction, including those
municipalities that have an
inter-local agreement with
the County. The estimated
activities to be undertaken
within the next five years for
this project include, but are
not limited to, construction,
rehabilitation or replace-
ment of streets, drainage,
sidewalks, water and sewer,
and landscaping. The esti-
mated range of CDBG
funding for the five-year
period is \$2,000,000. Dur-
ing FY 2006-07, the follow-
ing activities will be imple-
mented: Extension of
Mango Drive in the City of
Delray Beach - \$170,910,
and the extension of SW 7th
Avenue in the City of Del-
ray Beach - \$81,590.

FINDING OF NO
SIGNIFICANT IMPACT

Palm Beach County has
determined that the project
will have no significant
impact on the human envi-
ronment. Therefore, Envi-
ronmental Impact State-
ments under the National
Environmental Policy Act of
1969 (NEPA) are not re-
quired. 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
160 Australian Avenue,
Suite 500, West Palm
Beach, FL 33406, (561)
233-3616, which may be
examined or copied week-
days, 8:00 a.m. to 5:00 p.m.
The environmental review
and assessment performed
for the project was tiered 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 the
project area, and a County-
wide Environmental Moni-
toring Strategy was devel-
oped and incorporated into
this review. The Monitoring
Strategy establishes the
policy and process to be
followed in site-specific
review. The Strategy
includes a checklist that
contains the factors
included in the broader
assessment including, but
not limited to, historic prop-
erties, floodplain manage-
ment, wetlands, endan-
gered species, noise,
runway clear zones, toxic
sites, solid waste, soil suit-
ability, asbestos review, and
accessibility to services.
The assessment 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 imple-
mentation.

PUBLIC COMMENTS

Any individual, group or
agency disagreeing with this
determination or wishing to
comment on this projec
may submit written com-
ments to: Palm Beach
County Housing and Com-
munity Development, 160
Australian Avenue, Suite
500, West Palm Beach, FL
33406. All comments re-
ceived by February 5, 2007,
will be considered by Palm
Beach County prior to auth-
orizing submission of a re-
quest for release of funds.
Comments should specify
which notice they are
addressing.

RELEASE OF FUNDS

Palm Beach County certifies
to HUD that the Honorable
Addie L. Greene, in her
capacity as Chairperson of
the Palm Beach County
Board of County Commis-
sioners, consents to accept
the jurisdiction of the
Federal Courts if an actor
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 auth-
orities, and allows Palm
Beach County to use Pro-
gram 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 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 auth-
orized by 24 CFR Part 58
before approval of release
of funds by HUD; or d,
another Federal agency
acting pursuant to 40 CFF
Part 1504 has submitted a
written finding that the
project is unsatisfactory
from the standpoint of envi-
ronmental quality. Objec-
tions must be prepared and
submitted in accordance
with the required proce-
dures (24 CFR Part 58), and
shall be addressed to the
U.S. Department of Housing
and Urban Development
Office of Field Director
Brickell Plaza Federa
Building, 909 SE 1st Ave-
nue, Suite 500, Miami
Florida 33131. Potentia

objectors should contact
HUD at (800) 536-5678, to
verify the actual last day of
the objection period.
Edward W. Lowery, Director
Palm Beach County
Housing and Community
Development

IN ACCORDANCE WITH
THE PROVISIONS OF THE
AMERICANS WITH DISA-
BILITIES ACT (ADA), THIS
AD AND DOCUMENT IS
LISTED ABOVE BY
REQUESTED IN AN
ALTERNATE FORMAT
PLEASE CONTACT HCI
AT (561) 233-3616.
PUB: The Palm Beach Post
January 21, 2007