

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 20, 2008 [X] Consent [] Regular [] Public Hearing
Department: Housing and Community Development
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 Application" form (HUD-7015.15) to comply with environmental grant conditions for the following project proposed to be funded under the Community Development Block Grant (CDBG) Program, Countywide Clearance and Remediation Activities.

Summary: CDBG-funded projects approved under the County's Action Plan on July 10, 2007 (R2007-1219), 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: A) aggregate geographically or functionally, all activities into projects; B) determine which project is in need of an environmental assessment and, where applicable, issue an environmental clearance finding; C) publish the finding to receive public input; and D) submit Form HUD-7015.15 to the U.S. Department of Housing and Urban Development (HUD). Steps A through C have been finalized for the Countywide Clearance and Remediation Activities Project. Execution of Form HUD-7015.15 and its submission to HUD will accomplish Step D. This form documents and certifies 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 removal of environmental 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 April 20, 2008 to receive public input. The public comment period expired on May 5, 2008. 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.

Attachments:

- a) Request for Release of Funds and Certification Form (3 original copies); and
- b) Copy of the "Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds".

Recommended By: Edward P. Long Date: 5/7/08
 Department Director

Approved By: [Signature] Date: 5/16/08
 Assistant County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

<u>Fiscal Years:</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Capital Expenditures:	_____	_____	_____	_____	_____
Operating Costs:	_____	_____	_____	_____	_____
External Revenues:	_____	_____	_____	_____	_____
Program Income (County):	_____	_____	_____	_____	_____
In-Kind Match (County):	_____	_____	_____	_____	_____
NET FISCAL IMPACT:	_____	_____	_____	_____	_____
 # OF ADDITIONAL FTE POSITIONS (Cumulative):	_____	_____	_____	_____	_____

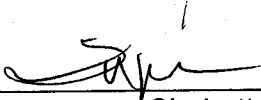
Is Item Included In Current Budget? Yes _____ No _____

Budget Account #: Fund _____ Agency _____ Org. _____ Object _____ Reporting Category _____

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

No fiscal impact.

C. Departmental Fiscal Review:



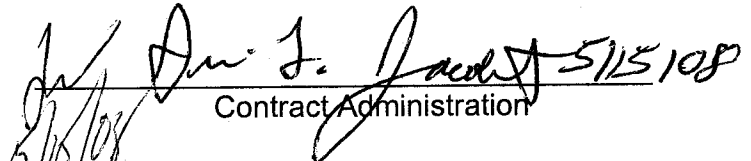
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III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

There is no additional fiscal impact to the original grant award of \$7,308,569.


 C. Atwillhite 5.15.08
 5/13/08 88 5/15/08 OFMB CN 5/12/08


 Dan J. Jacoby 5/15/08
 5/16/08 Contract Administration

B. Legal Sufficiency:



 Senior 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 FORM

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-07-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) 233-3600	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 Clearance and Remediation Activities	10. Location (Street address, city, county, State) PBC Housing and Community Development 160 Australian Avenue Suite 500 West Palm Beach, Florida 33406
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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). Activities under this project were aggregated functionally, since the activities will take place in several locations within the jurisdiction of the Palm Beach County CDBG Program. The estimated activities to be undertaken within the next five years for this project by the CDBG Program includes the clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites and remediation of known or suspected environmental contamination. The estimated range of CDBG funding for the above activities during the five year period is \$500,000.

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. Greene, Chairperson
Palm Beach County Board of County Commissioners

Date signed

X

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

Date signed

X

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)

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)

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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

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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). Activities under this project were aggregated functionally, since the activities will take place in several locations within the jurisdiction of the Palm Beach County CDBG Program. The estimated activities to be undertaken within the next five years for this project by the CDBG Program includes the clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites and remediation of known or suspected environmental contamination. The estimated range of CDBG funding for the above activities during the five year period is \$500,000.

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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.
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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

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Request for Release of Funds
and CertificationU.S. Department of Housing and
Urban Development
Office of Community Planning
and Development

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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

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X	Date signed

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ATTACHMENT "b"

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

NO. 2560152R



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

The 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 May 15, 2008, 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 project listed below.

Activities to be undertaken under the CDBG Program were aggregated functionally into projects. The proposed projects were identified in the Five Year Consolidated Plan (FY 2005-10).

Project:

1. Countywide Clearance and Remediation Activities: 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). All activities will take place within the Palm Beach County CDBG Program jurisdiction, inclusive of the entitlement municipalities of West Palm Beach, Boynton Beach, Boca Raton and Delray Beach, FL. The estimated range of activities to be undertaken include the clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites and remediation of known or suspected environmental contamination. The estimated range of CDBG funding for the five-year period is \$500,000.

FINDING OF NO SIGNIFICANT IMPACT

Palm Beach County has determined that the project will not have a significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) 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) 233-3600, and which may be examined or copied weekdays, 8:00 a.m. to 5:00 p.m.

The environment review and assessment performed 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 day. For this purpose, a broader review was performed for the project area and a Countywide Environmental Monitoring Strategy as developed and incorporated into the review. The assessment review factors such as the presence of floodplains, wetlands, and man-made hazards, and indicate 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 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.

PUBLIC COMMENTS

Any individual, group or agency disagreeing with this determination or wishing to comment on this project may submit written comments to: Palm Beach County Housing and Community Development, 160 Australian Avenue, Suite 500, West Palm Beach, FL 33406. All comments received by May 5, 2008 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 Addie L. Greene, in her capacity as Chair person 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 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 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.

Edward W. Lowery, 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) 233-3600.

PUBLISH: April 20, 2008

Palm Beach Newspapers, Inc.
 The Palm Beach Post • Palm Beach Daily News • PENNYSAVER • La Palma
Publication Date: 04/20/2008
 This E-Sheet(R) is provided as conclusive evidence that the ad appeared in the newspaper on the date and page indicated. You may not create derivative works or in any way exploit or re-purpose any content.

Client Name: **BOCC/HCD**
 Advertiser: **Main/A020/Central**
 Section/Page/Zone: **FONSI**
 Description: **BOCC/HCD**
 Ad Number: **2560152R**
 Insertion Number: **2560152R**
 Size: **2 x 10**
 Color Type: **B&W**

WORLD BRIEFS
Club fire kills 14 in Ecuador
 QUITO, Ecuador — Flames started by fireworks swept through a nightclub in Ecuador's capital on Saturday, killing at least 14 people who were unable to escape through the club's padlocked doors, a fire official said. Sixteen people were injured.
 About 300 people were attending an afternoon event at the Factory club in southern Quito when someone lit fireworks, sending sparks upward that ignited material on the ceiling, Quito Fire Chief Jaime Benalcazar said.

Capsule returning from space station off target
 MOSCOW — A Russian capsule carrying South Korea's first astronaut touched down 260 miles off target in northern Kazakhstan on Saturday after hurtling through the atmosphere in a bone-jarring descent from the international space station.
 It was the second time in a row — and the third since 2003 — that the Soyuz landing went awry. Mission Control spokesman Valery Lyndin said the condition of the crew — South Korean bioengineer Yi So-yeon, American astronaut Peggy Whitson and Russian flight engineer Yuri Malenchenko — was satisfactory, though the three had been subjected to severe gravitational forces during the re-entry.

Aid arrives in Haiti, but many are left out
 PORT-AU-PRINCE, Haiti — Hundreds of Haitians stood in long lines Saturday just as others had walked for hours throughout the week to receive the U.N. and regional food aid pouring into the country after a spate of deadly riots.
 But amid the tenuous calm, aid groups say they are just buying time — and long-term solutions seem remote in the desperately poor nation. Haitian officials handed out 1,000 bags of U.N.-bought food Saturday in Cite Soleil, a huge seaside slum on the eastern edge of the capital. Though aid was limited to women over age 57 and the handicapped, at least 50 people who waited in line were turned away.

Thai leg of Olympic torch relay festive
 BANGKOK, Thailand — Thousands of people followed the Olympic torch through the sweltering streets of Thailand's capital Saturday with little of the dissent that has accompanied some of the relay's earlier stops.
 The nearly three-hour run, with no disruptions by demonstrators protesting China's recent crackdown in Tibet, contrasted with the chaos that accompanied the torch's visits to London, Paris and San Francisco.
 The torch left Thailand Saturday night for Malaysia, where officials say they are not expecting any trouble for a Monday run.

Al-Qaeda in Iraq tape calls for offensive
 CAIRO — A man claiming to be the leader of Al-Qaeda in Iraq vowed in an audiotape released Saturday to launch a monthlong offensive against U.S. troops.
 There was no independent confirmation that the voice belonged to Abu Hamza al-Muhajir, also known as Abu Ayyub al-Masri, but it sounded exactly like the one heard on previous audiotapes. Al-Muhajir has been the leader of Al-Qaeda in Iraq since his predecessor Abu Musab al-Zarqawi was killed in a U.S. airstrike northeast of Baghdad in 2006.



FRANCOIS POISSON/The Associated Press
 Defense Minister Carme Chacon shakes hands Saturday with a Spanish soldier on a peacekeeping mission in northwest Afghanistan.

Spain's 1st female defense chief, 7 months pregnant, visits troops

The Associated Press
 MADRID — Spain's first female defense minister, Carme Chacon, arrived in Afghanistan on Saturday to visit peacekeeping troops, a ministry spokesman said.
 Chacon, 37, who is seven months pregnant, was accompanied by a medical team including a gynecologist, the spokesman said on condition of anonymity in keeping with government rules.
 She arrived at Spain's military base in Herat, northwest Afghanistan.
 Chacon is the most visible symbol of gender equality in a government that has brought in sweeping social legislation designed to rid traditionally male-dominated Spain of discrimination.
 Prime Minister Jose Luis Rodriguez Zapatero, who was re-elected in March, has nine women and eight men in his Cabinet. Women's rights advocates have praised Chacon's appointment while some conservatives have raised objections.
 Right-leaning newspapers and some retired officers have criticized her lack of military background, but no one has said her pregnancy is a problem.

U.S. deaths in Operation Enduring Freedom
 In addition to Afghanistan, Pakistan and Uzbekistan, Enduring Freedom includes Guantanamo Bay Naval Base, Cuba; Djibouti; Entrea; Jordan; Kenya; Kyrgyzstan; the Philippines; Seychelles; Sudan; Tajikistan; Turkey and Yemen.
 Total since late 2001 488
 In combat 293
 Other causes 195
 Source: The Associated Press

Wounded in action
 Total since late 2001 1,928
 Returned to duty 751
 Not returned to duty 1,177
 Note: The Pentagon updates the number of wounded each Tuesday.
 Source: U.S. Department of Defense
 a problem.
 Chacon also will visit Spanish peacekeeping troops in Lebanon in the next few days, news reports said, citing unnamed government officials.

ADVERTISING
Herniated Disc? Degenerative Disc? Sciatica?
 Free report reveals a FDA cleared non-surgical solution for serious and chronic low back pain. For your free report, call 1-800-644-3482 (Toll-free 24 Hour recorded message) or go to www.herniateddiscinfo.com
 Dr. Brian Reimer D.C.

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NO. 2560152R PALM BEACH COUNTY NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS
 The notice shall verify the approval for related procedural requirements for activities to be undertaken by Palm Beach County.
REQUEST FOR RELEASE OF FUNDS
 On or about May 15, 2008, Palm Beach County will submit 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 finance the project listed below.
 Activities to be undertaken under the CDBG Program were approved functionally on projects. The proposed project was identified in the final HUD Consolidated Plan FY 2005-2010.
FINANCING OF NO SIGNIFICANT IMPACT
 Palm Beach County has determined that the project will not have a significant impact on the environment. The project is an Environmental Impact Statement under the National Environmental Policy Act (NEPA). The project is not a major federal action as defined in the NEPA regulations. The project is not a major federal action as defined in the NEPA regulations. The project is not a major federal action as defined in the NEPA regulations.
RELEASE OF FUNDS
 Palm Beach County is authorized to release of funds to the project. The release of funds is subject to the approval of the U.S. Department of Housing and Urban Development. The release of funds is subject to the approval of the U.S. Department of Housing and Urban Development. The release of funds is subject to the approval of the U.S. Department of Housing and Urban Development.
CONDITIONS TO RELEASE OF FUNDS
 HUD will accept the release of funds and Palm Beach County certification for a period of three (3) days following the certified submission date or to actual receipt of the request for release of funds, only if the project is approved by HUD. The release of funds is subject to the approval of the U.S. Department of Housing and Urban Development. The release of funds is subject to the approval of the U.S. Department of Housing and Urban Development. The release of funds is subject to the approval of the U.S. Department of Housing and Urban Development.
 In accordance with the PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS AND DOCUMENTS LISTED ABOVE MAY BE REQUESTED IN AN ALTERNATE FORMAT. PLEASE CONTACT HCD AT (561) 233-2400.
 PUBLISH: April 20, 2008

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