

Attachment 5

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**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.:

Adopting a Resolution of the Board of)
Supervisors of the County of Monterey to)
authorize the Director of Housing and)
Community Development or their)
designee to sign documentation required)
for environmental reviews associated)
with projects funded by Community)
Development Block Grant funds.)

WHEREAS, the United States Department of Housing and Urban Development and the United States Environmental Protection Agency impose upon the County of Monterey an obligation to comply with certain signatory and reporting requirements for environmental reviews associated with projects funded by Community Development Block Grant Funds; and

WHEREAS, to fulfill its obligations under 24 CFR Part 58, the County as a “Responsible Entity” must designate a “Certifying Officer” to certify compliance with the National Environmental Policy Act and other relevant federal laws; and

WHEREAS, to administer federal Community Development Block Grant Funds, the County must certify to HUD that the Chair of the Board of Supervisors, or his/her designee in his/her official capacity, consents to accept the jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action and that these responsibilities have been satisfied; and

WHEREAS, the legal effect of the certification is that upon its approval, the County of Monterey may use the Community Development Block Grant funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969 and other environmental responsibilities listed in 24 CFR Parts 50 and 58; and

NOW, THEREFORE, BE IT RESOLVED that for any potential CDBG-funded project where the project is: 1) exempt by definition pursuant to 24 CFR § 58.34, 2) categorically excluded and not subject to 24 CFR Part 58.5, or 3) categorically excluded and subject to review with 24 CFR § 58.5 but no compliance/consultation with regulatory authorities is required, the County designates the Director of Housing and Community Development or their designee as the Certifying Officer. As the Certifying Officer, the Director of Housing and Community Development or their designee may do all acts necessary to approve the submission of the environmental review documents to the federal government and certify compliance in accordance with this resolution; and

BE IT FURTHER RESOLVED that for any potential CDBG-funded project where either: 1) the project is categorically excluded and subject to review with 24 CFR § 58.5 and compliance / consultation is required or 2) the project requires an environmental assessment and/or environmental impact statement, the County designates the Director of Housing and Community Development or their designee as the Certifying Officer. As the Certifying Officer, the Director of Housing and Community Development or their designee may do all acts necessary to approve the submission of the environmental review documents to the federal government and certify compliance in accordance with

this resolution; and

BE IT FURTHER RESOLVED that for any project where an environmental review was submitted to the federal government prior to July 1, 2021, and where any potentially CDBG-funded project was: 1) exempt by definition pursuant to 24 CFR § 58.34, 2) categorically excluded and not subject to 24 CFR § 58.5, or 3) categorically excluded and subject to review with 24 CFR § 58.5 but no compliance/consultation with regulatory authorities was required, the County ratifies all actions, signatory approvals, and certifications by employees of the County that were necessary to complete those environmental reviews submitted to the federal government. The County designates any such employee as a Certifying Officer for the County of Monterey for the projects acted upon and certified by the employee prior to July 1, 2021.

PASSED AND ADOPTED on this 15th day of May 2024, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisor duly made and entered into the minutes thereof of Minute Book ____ for the meeting on May 15, 2024.

Dated

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____,
Deputy