



Legislation Details (With Board Report)

File #: 14-393 **Name:** Delegation of Responsibilities
Type: General Agenda Item **Status:** Passed
File created: 4/24/2014 **In control:** Board of Supervisors
On agenda: 5/6/2014 **Final action:** 5/6/2014

Title: Approve delegation of the responsibilities of the Certifying Officer described in 24 C.F.R. 58.13, to authorize the Planning Director or his named designee to certify legally required environmental review of Urban County activities on behalf of the County

Sponsors: Jim Cook

Indexes:

Code sections:

Attachments: 1. HUD Environmental Delegation of Authority letter 4-23-14, 2. Completed Board Order

Date	Ver.	Action By	Action	Result
5/6/2014	1	Board of Supervisors	approved	

Approve delegation of the responsibilities of the Certifying Officer described in 24 C.F.R. 58.13, to authorize the Planning Director or his named designee to certify legally required environmental review of Urban County activities on behalf of the County

RECOMMENDATION:

It is recommended that the Board of Supervisors:
Approve delegation of the responsibilities of the Certifying Officer described in 24 C.F.R. 58.13, to authorize the Planning Director or his named designee to certify legally required environmental review of Urban County activities on behalf of the County

SUMMARY:

The County has been designated as an Urban County by HUD and thereby receives annual funding to carry out both services/programs and projects. A requirement of receiving this funding is to undertake review of the potential environmental impacts of all services/programs and projects. Pursuant to 42 U.S.C. section 12838 and implementing regulations, HUD requires that the County, as a recipient of HUD funding, designate a Certifying Officer to be responsible for environmental review. The County’s Certifying Officer is currently the County Administrative Officer. The Board is asked to authorize the County Administrative Officer to delegate those responsibilities to the County Planning Director, in order to increase efficiency and ensure compliance with federal and state environmental protection laws.

DISCUSSION:

HUD makes annual funding awards to participating jurisdictions. The Urban County process is to issue a public Notice of Funding Availability, review submitted applications, and make recommendations regarding allocation of funds to the Urban County Ad Hoc Committee. The Ad Hoc Committee, in turn, recommends recipients and funding amounts to the Board of Supervisors for their consideration and action. Once approved by the Board, all services/programs and projects must undergo environmental review in order to proceed. Review can be relatively

simple, where a program or project is designated by law as exempt or categorically excluded. Funded projects may instead require full environmental review meeting all specifications of the National Environmental Policy Act of 1969, as amended (NEPA) and related laws.

As a part of this process, HUD requires that the County Administrative Officer complete and approve a Delegation of Certifying Officer form which names the County Officer authorized to carry out the responsibilities of Certifying Officer described in 24 C.F.R. 58.13, part of the Code of Federal Regulations at 24 C.F.R. Part 58 et seq., "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities." These regulations implement NEPA, and NEPA-related federal environmental laws cited in 24 C.F.R. 58.5 and 58.6.

It is recommended that the County Planning Director be named as the Certifying Officer, with the County Resource Management Agency Service Manager named as designee if the Planning Director is unavailable or otherwise not able to make a finding.

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

There is no impact to the General Fund as a result of this action. Revenue and expenses associated with the HUD Urban County grant are budgeted in Community Development Fund 013, Unit 8200.

Prepared by:

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Approved by:

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ATTACHMENTS:

HUD Environmental Delegation of Authority Letter dated April 23, 2014