



## Travis County Commissioners Court Agenda Request

**Meeting Date:** October 23, 2011

**Prepared By/Phone Number:** Christy Moffett 854-3460

**Elected/Appointed Official/Dept. Head:**

Sherri E. Fleming, County Executive of Travis County Health and Human Services & Veterans Service

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

### **AGENDA LANGUAGE:**

Consider and take appropriate action on a request to approve the certificates of exemption from environmental assessment effective October 1, 2012 for three Community Development Block Grant projects with funding provided by HUD:

- A. Family Support Services Social Work Services Expansion;
- B. Fair Housing Counseling; and
- C. Administrative & Planning Expenses.

### **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

Each year, every project must go through the appropriate level of environmental review as required by HUD. Of the projects funded for PY 2012, three are exempt from environmental review due to the nature of the projects and their lack of impact on the human environment.

In the HUD grant agreement, which is signed by Travis County, it states: "The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulation issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58." In 24 CFR Part 58.2(A)(2), it states "Certifying Officer means the official who is authorized to execute the Request for Release of Funds and Certification and has the legal capacity to carry out the responsibilities of Sec. 58.13." In 58.13, it states " Under the terms of the certification required by Sec. 58.71, a responsible entity's certifying officer is the ``responsible Federal official" as that term is used in section 102 of NEPA and in statutory provisions cited in Sec. 58.1(b). The

Certifying Officer is therefore responsible for all the requirements of section 102 of NEPA and the related provisions in 40 CFR parts 1500 through 1508, and 24 CFR part 58, including the related Federal authorities listed in Sec. 58.5. The Certifying Officer must also:

- (a) Represent the responsible entity and be subject to the jurisdiction of the Federal courts. The Certifying Officer will not be represented by the Department of Justice in court; and
- (b) Ensure that the responsible entity reviews and comments on all EISs prepared for Federal projects that may have an impact on the recipient's program.

In the past, the County Attorney's Office has determined that the County Judge is identified as the Certifying Official; and is therefore responsible for signing the forms on behalf of the County.

**STAFF RECOMMENDATIONS:**

Staff recommends the approval of the certification of exemption for the FSS social work services expansion project, Fair Housing Counseling project and administrative and planning expenses. As outlined in 24 CFR Part 58.34(a)(4), the public service projects, and the administrative and planning costs are exempt from environmental assessment. The U.S. Department of Housing and Urban Development (HUD) requires an authority of the grantee to certify the findings of the environmental review. Staff recommends the Court authorize the County Judge as said authority and allow signature of the HUD required documents provided as attachments.

**ISSUES AND OPPORTUNITIES:**

Approval of the exemptions allows CDBG staff to remain in compliance with HUD environmental review standard.

**FISCAL IMPACT AND SOURCE OF FUNDING:**

Completion of the exemptions allows Travis County to request reimbursement for the expenses related the aforementioned expenses as well as enter into contracts as needed.

**REQUIRED AUTHORIZATIONS:**

Legal.

cc:

Leslie Browder, PBO  
Diana Ramirez, PBO

Jessica Rio, PBO  
Cyd Grimes, Purchasing Office

Jason Walker, Purchasing Office

Caula McMarion, TCHHS&VS

DeDe Bell, Auditor's Office

Steven Manilla, TNR

Cynthia McDonald, TNR

Mary Etta Gerhardt, County Attorney's Office

Kathleen Haas, TCHHS&VS

Nicki Riley, Auditor's Office

Janice Cohoon, Auditor's Office

Lee Turner, TNR

## Certification of Exemption for HUD funded projects

Determination of activities listed at 24 CFR 58.34(a)

May be subject to provisions of Sec 58.6, as applicable

Grant Recipient: Travis County, Texas

Project Name: PY 2012 Family Support

Services Social Work Expansion Project

**Project Description (Include all actions which are either geographically or functionally related):**

Social work services for individuals and families including but not limited to: case management, crisis intervention, information and referral and non-clinical counseling.

Location: Unincorporated areas of the County and the Village of Webberville

Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other

Funding Amount: \$ 106,000 Grant Number: B-12-UC-48-503

**I hereby certify that the abovementioned project has been reviewed and determined an Exempt activity per 24 CFR 58.34(a) as follows:**

|   |   |
|---|---|
|   | 1. Environmental & other studies, resource identification & the development of plans & strategies;  |
|   | 2. Information and financial services;  |
|   | 3. Administrative and management activities;  |
| X | 4. Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;                                   |
|   | 5. Inspections and testing of properties for hazards or defects;  |
|   | 6. Purchase of insurance;   |
|   | 7. Purchase of tools;   |
|   | 8. Technical assistance and training;   |
|   | 9. Engineering or design costs;   |
|   | 10. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration; |
|   | 11. Payment of principal and interest on loans made or obligations guaranteed by HUD;   |
|   | 12. Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in Sec. 58.5.  |

If your project falls into any of the above categories, no Request for Release of Funds (RROF) is required, and no further environmental approval from HUD will be needed by the recipient for the draw-down of funds to carry out exempt activities and projects. The responsible entity must maintain this document as a written record of the environmental review undertaken under this part for each project.

By signing below the Responsible Entity certifies in writing that each activity or project is exempt and meets the conditions specified for such exemption under section 24 CFR 58.34(a). Please keep a copy of this determination in your project files.

Samuel T. Biscoe  
Responsible Entity Certifying Official Name

Travis County Judge  
Title (please print)

\_\_\_\_\_  
Responsible Entity Certifying Official Signature

10/01/2012  
Date

(Certifying Official must sign only if this certification is needed to be sent to HUD. A Responsible Entity authorizing signature is allowable otherwise)

## Certification of Exemption for HUD funded projects

Determination of activities listed at 24 CFR 58.34(a)

May be subject to provisions of Sec 58.6, as applicable

Grant Recipient: Travis County, Texas

Project Name: PY 2012 Fair Housing  
Counseling Project

**Project Description (Include all actions which are either geographically or functionally related):**

Fair Housing counseling, complaint processing and testing in support of an individual complaint as well as marketing materials and operating costs.

Location: Unincorporated areas of the County and the Village of Webberville

Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other

Funding Amount: \$ 28,451 Grant Number: B-12-UC-48-503

**I hereby certify that the abovementioned project has been reviewed and determined an Exempt activity per 24 CFR 58.34(a) as follows:**

|   |   |
|---|---|
|   | 1. Environmental & other studies, resource identification & the development of plans & strategies;  |
|   | 2. Information and financial services;  |
|   | 3. Administrative and management activities;  |
| X | 4. Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;                                   |
|   | 5. Inspections and testing of properties for hazards or defects;  |
|   | 6. Purchase of insurance;   |
|   | 7. Purchase of tools;   |
|   | 8. Technical assistance and training;   |
|   | 9. Engineering or design costs;   |
|   | 10. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration; |
|   | 11. Payment of principal and interest on loans made or obligations guaranteed by HUD;   |
|   | 12. Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in Sec. 58.5.  |

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Travis County Judge  
Title (please print)

\_\_\_\_\_  
Responsible Entity Certifying Official Signature

10/01/2012  
Date

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## Certification of Exemption for HUD funded projects

Determination of activities listed at 24 CFR 58.34(a)

May be subject to provisions of Sec 58.6, as applicable

Grant Recipient: Travis County, Texas

Project Name: PY 2012 Administrative  
& Planning Expenses

Project Description (Include all actions which are either geographically or functionally related):

Personnel and general operating expenses.

Location: Not Applicable

Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other

Funding Amount: \$ 179,268

Grant Number: B-12-UC-48-503

**I hereby certify that the abovementioned project has been reviewed and determined an Exempt activity per 24 CFR 58.34(a) as follows:**

|                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 1. Environmental & other studies, resource identification & the development of plans & strategies;  |
| <input checked="" type="checkbox"/> | 2. Information and financial services;  |
| <input checked="" type="checkbox"/> | 3. Administrative and management activities;  |
| <input type="checkbox"/>            | 4. Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;                                   |
| <input type="checkbox"/>            | 5. Inspections and testing of properties for hazards or defects;  |
| <input type="checkbox"/>            | 6. Purchase of insurance;   |
| <input type="checkbox"/>            | 7. Purchase of tools;   |
| <input type="checkbox"/>            | 8. Technical assistance and training;   |
| <input type="checkbox"/>            | 9. Engineering or design costs;   |
| <input type="checkbox"/>            | 10. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration; |
| <input type="checkbox"/>            | 11. Payment of principal and interest on loans made or obligations guaranteed by HUD;   |
| <input type="checkbox"/>            | 12. Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in Sec. 58.5.  |

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