

Item 12



Travis County Commissioners Court Agenda Request

Meeting Date: May 14, 2013

Prepared By/Phone Number: Christy Moffett, LMSW 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 certificate of exemption from environmental assessment not to exceed \$15,000 for appraisals to be conducted on two easement acquisitions needed for the Program Year 2012 Lake Oak Estates Street Improvement Project through the Community Development Block Grant program with funding provided by HUD.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

The final environmental report for Lake Oak Estates will be on the Court's agenda for consideration in the next couple of weeks; however, the County needs to move forward with beginning the appraisal process for two drainage easements needed for the project. This cost is considered exempt as it has no impact on the human environment and is considered a planning and strategy study for the project. The cost is not to exceed \$15,000.

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

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by **Tuesdays at 5:00 p.m.** for the next week's meeting.

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 appraisals. Per 24 CFR Part 58.34(a)(1), environmental and other studies, resource identification and the development of plans and strategies 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, and allows the appraisal process to begin.

FISCAL IMPACT AND SOURCE OF FUNDING:

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

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REQUIRED AUTHORIZATIONS:

Legal.

cc:

Leslie Browder, PBO
Diana Ramirez, PBO
Jason Walker, Purchasing Office
DeDe Bell, Auditor's Office
Steven Manilla, TNR
Cynthia McDonald, TNR
Gregory Chico, TNR

Jessica Rio, PBO
Cyd Grimes, Purchasing Office
Nicki Riley, Auditor's Office
Janice Cohoon, Auditor's Office
Lee Turner, TNR
Dee Heap, TNR
Mary Etta Gerhardt, CA Office

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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 Lake Oak Estates
Street Improvement Project, Phase 2,
Appraisal Costs

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

As a part of the street improvement project for Lake Oak Estates, two drainage easements are needed to complete Phase 3; therefore, appraisals are needed.

Location: Lake Oak Estates Subdivision in Precinct 3

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

Funding Amount: NTE \$ 15,000 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:

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 1. Environmental & other studies, resource identification & the development of plans & strategies; |
| <input type="checkbox"/> | 2. Information and financial services; |
| <input 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. |

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

05/14/2013
Date

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