

Community Development Block Grant – Disaster Recovery (CDBG-DR)

**Financial Management and Grant Compliance Certification
Requirements for Local Government Grantees
2021 Disasters**

Instructions to grantees:

The term “grantee” refers units of general local government or “local government grantees” that received a direct allocation from HUD of Community Development Block Grant Disaster Recovery (CDBG-DR) funds.

If required an appropriations act, grant agreements will not be executed until the Secretary has issued a certification for the grantee. This Appropriations Act requires the Secretary to certify that the grantee has:

- Proficient financial controls in place;
- Proficient procurement processes in place;
- Adequate procedures to prevent any duplication of benefits as defined by section 312 (42 U.S.C. 5155) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (Stafford Act);
- Adequate procedures to ensure timely expenditure of funds;
- Adequate procedures to maintain comprehensive websites regarding all disaster recovery activities assisted with the CDBG-DR funds; and
- Adequate procedures to detect and prevent fraud, waste, and abuse of funds.

CDBG-DR Certification Checklist:

HUD is adopting a revised process for implementing CDBG-DR grants whereby HUD will incorporate applicable provisions of the Consolidated Notice, to the extent they are consistent with future appropriations acts, in a Federal Register notice that announces allocations of the appropriated CDBG-DR funds (the “Allocation Announcement Notice”). The Allocation Announcement Notice cross references specific provisions of the Consolidated Notice and includes waivers and alternative requirements applicable for the subject grants. The Allocation Announcement Notice also adds or modifies requirements of the Consolidated Notice as necessary to comply with statutory requirements.

The Consolidated Notice describes the grant award process for CDBG-DR grantees, including the certification of financial controls and procurement processes and adequate procedures for proper grant management in Section III.A.1 of the notice. All CDBG-DR grantees must complete the Financial Management and Grant Compliance Certification Requirements and submit the Financial Management and Grant Compliance Certification Checklist (the “Certification Checklist”) to enable certification by the Secretary. This document is the Certification Checklist and incorporates all the Financial Management and Grant Compliance Certification Requirements.

If a CDBG-DR grantee is awarded a subsequent CDBG-DR grant, HUD will rely on the grantee’s prior submissions provided in response to the Financial Management and Grant Compliance Certification Requirements in the applicable Federal Register notice. HUD will continue to monitor the grantee’s submission and updates made to the policies and procedures during the normal course of business.

Note: The grantee must notify HUD of any substantial changes made to these submissions.

If a CDBG-DR grantee is awarded a subsequent CDBG-DR grant, and it has been more than three years since the executed grant agreement for the original CDBG-DR grant or a subsequent grant is equal to or greater than ten times the amount of the original CDBG-DR grant, grantees must update and resubmit the required documents with the completed Certification Checklist to enable the Secretary to certify that the grantee has in place proficient financial controls and procurement processes, and adequate procedures for proper grant management.

Financial Management and Grant Compliance Certification Requirements for Local Governments

If the grantee believes it complies with the requirement, the grantee should check the affirmation (e.g., the grantee “affirms” statement) under each question. The grantee must attach the required documentation, including the appropriate cross references in each Part of the Certification Checklist to demonstrate how the grantee will comply with the requirements. Most statements include citations in brackets, which have been provided for convenience to identify sources that served as the basis for the certification. The statements in this document reflect existing requirements and should not be read to impose additional requirements. Upon completion, a grantee must submit this checklist and the requested documentation to the grantee’s designated HUD representative.

Note: Grant Managers/CPD Representatives and Financial Analysts can assist the grantee in completing the Certification Checklist. grantees may contact their assigned Grant Manager/CPD Representative for questions on this checklist.

Table of Contents

REQUIRED DOCUMENTATION	4
PART A. Financial Management Controls	5
PART B. Procurement Processes	6
PART C. Procedures for Prevention of Duplication of Benefits	6
PART D. Procedures to Determine Timely Expenditures	7
PART E. Procedures to Maintain a Comprehensive Website	8
PART F. Procedures to Detect Fraud, Waste, and Abuse of Funds	9
CERTIFICATIONS	10

Certification Checklist for Local Government CDBG-DR Grantees
Name of Grantee: Lee County, FL
Date of Submission: June 20, 2023

REQUIRED DOCUMENTATION

Attach the following documents. Please select the corresponding box to signify that the documentation has been attached (or received separately).

The most recent single audit.	<input checked="" type="checkbox"/>
The most recent comprehensive annual financial report (CAFR).	<input checked="" type="checkbox"/>
Procurement policies and procedures relevant to the CDBG-DR grant.	<input checked="" type="checkbox"/>
Policies and procedures governing the use of program income.	<input checked="" type="checkbox"/>
Policies and procedures that prevent duplication of benefits.	<input checked="" type="checkbox"/>
Policies and procedures to ensure timely expenditures.	<input checked="" type="checkbox"/>
Policies and procedures to maintain a comprehensive website.	<input checked="" type="checkbox"/>
Policies and procedures to detect and prevent fraud, waste, and abuse.	<input checked="" type="checkbox"/>

In the table below, please list the file names/identifiers, title of the documents, and page numbers, if applicable, for all attachments. Additional attachments can be listed in the tables at the end of the checklist.

Reference File Name/Identifier	Title of Document	Relevant Page Number (s)	Related Certification Question
FY 2022 Single Audit	FY 2022 Single Audit Report	12-14	Part A Question 1)
FY 2022 ACFR	FY 2022 ACFR	1-7	Part A Question 2)
Lee County Procurement Ordinance	Ord 22-06	9-12 & 45-46	Part B Questions 1) & 2)
Lee Co CDBG-DR DOB	Lee Co CDBG-DR DOB	All	Part C Questions 1), 2) & 3)
Lee Co CDBG-DR Timely Expenditures	Lee Co CDBG-DR Timely Expenditures	All	Part D Question 1)
Lee Co CDBG-DR CPP	Lee Co CDBG-DR CPP	3-4	Part E Questions 1)-4)
Lee Co CDBG-DR Fraud Waste Abuse	Lee Co CDBG-DR Fraud Waste Abuse	All	Part F Questions 1)-7)

OPTIONAL DOCUMENTATION: Grantees can choose to provide additional documentation to support their certification. If providing additional documentation, grantees should list the file names/identifiers, title of the documents, page numbers, and related certification question the documentation is addressing in the table below. Additional attachments can be listed in the tables at the end of the checklist.

Reference File Name/Identifier	Title of Document	Page Number (s)	Related Certification Question

PART A. Financial Management Controls

The grantee must have proficient financial controls. For purposes of the Secretary's certification, a grantee has in place proficient financial controls if the following statements are true:

1) The most recent single audit does not indicate weaknesses, deficiencies, or concerns related to CPD programs? [Section III.A.1.a.(1)(a)]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2) The most recent CAFR does not indicate weaknesses, deficiencies, or concerns? [Section III.A.1.a.(1)(a)]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3) If the single audit indicates deficiencies related to CPD programs, the grantee has documentation showing how those weaknesses have been or are being addressed? [Section III.A.1.a.(1)(a)]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4) If the CAFR does indicate deficiencies, the grantee has documentation showing how those weaknesses have been or are being addressed? [Section III.A.1.a.(1)(a)]	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
5) Has the grantee completed and submitted the certification documentation required in the applicable Certification Checklist? [Section III.A.1.a.(1)(b)]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

The grantee should select one of the statements below.

- Grantee affirms that it does not have weaknesses, deficiencies, or concerns in the single audit or CAFR. ☒

OR

- If the grantee indicated weaknesses, deficiencies, or concerns related to CPD programs, the grantee has included documentation to address the weakness, deficiencies, or concerns. ☐

Reference File Name/Identifier	Title of Document	Page Number (s)	Related Certification Question
FY 2022 Single Audit	FY 2022 Single Audit Report	12-14	Part A Question 1)
FY 2022 ACFR	FY 2022 ACFR	1-7	Part A Question 2)

PART B. Procurement Processes

The grantee must have in place proficient procurement processes. For purposes of the Secretary's certification, a grantee has in place proficient procurement processes if the following statement is true.

1) The grantee has adopted the specific procurement standards at 2 CFR 200.318 through 2 CFR 200.327. [Section III.A.1.a.(2)(b)(i)]
2) The grantee has adopted procurement standards that uphold the principles of full and open competition. [Section III.A.1.a.(2)(b)]
Grantee affirms it meets this requirement: <input checked="" type="checkbox"/>

Reference File Name/Identifier	Title of Document	Page Number (s)	Related Certification Question
Lee County Procurement Ordinance	Ord 22-06	45-46	Part B Question 1)
Lee County Procurement Ordinance	Ord 22-06	9-12	Part B Question 2)

Note: As required by Consolidated Notice, the grantee's Implementation Plan must indicate which personnel or unit is responsible for CDBG-DR procurement, along with contact information.

PART C. Procedures for Prevention of Duplication of Benefits

The grantee must have adequate procedures to prevent any duplication of benefits as defined by section 312 (42 U.S.C. 5155) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). For purposes of the Secretary's certification, a grantee has adequate procedures to prevent any duplication of benefits if the following statements are true:

<p>1) The grantee's Duplication of Benefits policies and procedures include a uniform process that:</p> <ul style="list-style-type: none"> determines all disaster assistance received by the grantee or applicant and all reasonably identifiable financial assistance available to the grantee or applicant, as applicable, before committing funds or awarding assistance; determines a grantee or an applicant's unmet need(s) for CDBG-DR assistance before committing funds or awarding assistance; and requires beneficiaries to enter into a signed agreement to repay any duplicative assistance if they later receive additional assistance for the same purpose for which the CDBG-DR award was provided. [Section III.A.1.a.(3)(a) – (c)]
<p>2) The grantee's identifies a method to monitor compliance with the agreement for a reasonable period (i.e., a time period commensurate with risk) and articulates this method in its policies and procedures, including the basis for the period during which the grantee will monitor compliance. This agreement must also include the following language: "Warning: Any person who knowingly makes a false claim or statement to HUD or causes another to do so may be subject to civil or criminal penalties under 18 U.S.C. 2, 287, 1001 and 31 U.S.C. 3729." [Section III.A.1.a.(3)(c)]</p>

- 3) The policies and procedures provide that before the award of assistance, the grantee will use the best, most recent available data from FEMA, the Small Business Administration (SBA), insurers, and any other sources of local, state, and Federal sources of funding to prevent the duplication of benefits. [Section III.A.1.a.(3)(c)]

Grantee affirms it meets this requirement: ☒

Reference File Name/Identifier	Title of Document	Page Number (s)	Related Certification Question
Lee Co CDBG-DR DOB	Lee Co CDBG-DR DOB	All	Part C Questions 1), 2) & 3)

Note: As required by applicable Federal Register notices, the grantee's Implementation Plan must indicate which personnel or unit is responsible for DOB compliance, along with contact information.

PART D. Procedures to Determine Timely Expenditures

A grantee must have adequate policies and procedures to determine timely expenditures. For purposes of the Secretary's certification, a grantee has adequate procedures to ensure the timely expenditure of funds if the following statement is true:

- 1) The grantee's timely expenditure policies and procedures indicate how it will track and document expenditures of the grantee and its subrecipients (both actual and projected reported in the performance report); how it will account for and manage program income; how it will reprogram funds in a timely manner for activities that are stalled; and how it will project expenditures of all CDBG-DR funds within the period provided in Section V.A. of the Consolidated Notice and applicable Allocation Announcement Notice. [Section III.A.1.a.(4)]

Grantee affirms it meets this requirement: ☒

Reference File Name/Identifier	Title of Document	Page Number (s)	Related Certification Question
Lee Co CDBG-DR Timely Expenditures	Lee Co CDBG-DR Timely Expenditures	All	Part D Question 1)

Note: As required by applicable Federal Register notices, the grantee's Implementation Plan must indicate which personnel or unit is responsible for timely expenditures, along with contact information.

PART E. Procedures to Maintain a Comprehensive Website

A grantee must have adequate policies and procedures to maintain a comprehensive accessible website. For purposes of the Secretary's certification, a grantee has adequate procedures to maintain a comprehensive website if the following statements are true:

- 1) The policies and procedures indicate to HUD that the grantee will have a separate webpage dedicated to its disaster recovery activities assisted with CDBG-DR funds and meet all requirements in the applicable *Federal Register* notice(s).

Note: The grantee's policies and procedures must indicate that the required items will be on its website. The required items in Section III.D.1.e of the Consolidated Notice are:

- the action plan created using DRGR (including all amendments);
- each performance report (as created using the DRGR system);
- citizen participation plan;
- procurement policies and procedures;
- all executed contracts that will be paid with CDBG-DR funds as defined in 2 CFR 200.22 (including subrecipients' contracts); and
- a summary including the description and status of services or goods currently being procured by the grantee or the subrecipient (e.g., phase of the procurement, requirements for proposals, etc.).

Contracts and procurement actions that do not exceed the micro-purchase threshold, as defined in 2 CFR 200.67, are not required to be posted to a grantee's website. [Section III.A.1.a.(5)]

- 2) For items required in Section III.D.1.d of the Consolidated Notice to be available to the public on its website, the grantee will make these documents available in a form accessible to persons with disabilities and those with limited English proficiency. [Section III.A.1.a.(5)]

- 3) The grantee will take reasonable steps to ensure meaningful access to their programs and activities by LEP persons, including members of protected classes, vulnerable populations, and individuals from underserved communities as described in Section III.D.1.d of the Consolidated Notice.

[Section III.A.1.a.(5)]

- 4) The grantee will update its website at least quarterly. [Section III.A.1.a.(5)]

Grantee affirms it meets this requirement: ☒

Please provide a link to the grantee's CDBG-DR Website, if available.

<https://www.leegov.com/recovery/cdbg-dr>

Reference File Name/Identifier	Title of Document	Page Number (s)	Related Certification Question
Lee Co CDBG-DR CPP	Lee Co CDBG-DR CPP	3-4	Part E Questions 1)-4)

Note: As required by applicable Federal Register notices, the grantee's Implementation Plan must indicate which personnel or unit is responsible for website management, along with contact information.

PART F. Procedures to Detect Fraud, Waste, and Abuse of Funds

The grantee must have adequate procedures to detect fraud, waste, and abuse of funds. For purposes of the Secretary's certification, a grantee has adequate procedures to detect fraud, waste, and abuse of funds if the following statements are true:

1) The grantee has policies and procedures to detect fraud, waste, and abuse. The grantee's procedures are adequate if the procedures indicate: <ul style="list-style-type: none"> a. how the grantee will verify the accuracy of information provided by applicants; b. the criteria to be used to evaluate the capacity of potential subrecipients; and c. the frequency with which the grantee will monitor other agencies that will administer CDBG-DR funds, how it will monitor subrecipients, contractors, and other program participants, and why monitoring is to be conducted and which items are to be monitored. [Section III.A.1.a.(6)(a)-(c)]
2) The grantee has or will hire an internal auditor that provides both programmatic and financial oversight of grantee activities, and has adopted policies that describes the auditor's role in detecting fraud, waste, and abuse (which must be submitted to HUD). [Section III.A.1.a.(6)(d)]
3) The grantee has a written standard of conduct and conflicts of interest policy that complies with the requirements of 24 CFR 570.489(g), 24 CFR 570.489(h), and other sections described in the applicable Federal Register notice, which includes the process for promptly identifying and addressing such conflicts. [Section III.A.1.a.(6)(e)(i)]
4) The grantee assists in investigating and taking action when fraud occurs within the grantee's CDBG-DR activities and/or programs. All grantees receiving CDBG-DR funds for the first time shall attend and require subrecipients to attend fraud-related training provided by HUD OIG, when offered, to assist in the proper management of CDBG-DR funds. [Section III.A.1.a.(6)(f)]
5) The grantee indicates that instances of fraud, waste, and abuse will be referred to the HUD OIG Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov). [Section III.A.1.a.(6)(f)]
6) The grantee has procedures that indicate how the grantee will make CDBG-DR beneficiaries aware of the risks of contractor fraud and other potentially fraudulent activity that can occur in communities recovering from a disaster. Grantees must provide CDBG-DR beneficiaries with information that raises awareness of possible fraudulent activity, how the fraud can be avoided, and what local or state agencies to contact to take action and protect the grantee and beneficiary investment. [Section III.A.1.a.(6)(f)]
7) The grantee's procedures address the steps it will take to assist a CDBG-DR beneficiary if the beneficiary experiences contractor or other fraud. If the beneficiary is eligible for additional assistance as a result of the fraudulent activity and the creation of remaining unmet need, the procedures also address what steps the grantee will follow to provide the additional assistance. [Section III.A.1.a.(6)(f)]
Grantee affirms it meets this requirement: <input checked="" type="checkbox"/>

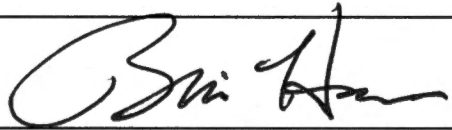
Reference File Name/Identifier	Title of Document	Page Number (s)	Related Certification Question
Lee Co CDBG-DR Fraud Waste Abuse	Lee Co CDBG-DR Fraud Waste Abuse	All	Part F Questions 1)-7)

CERTIFICATIONS

As required by the Consolidated Notice and the Allocation Announcement Notice, the grantee must make the certification below by signing where indicated.

Compliance Certification

The grantee certifies that: it has reviewed the requirements of Public Law(s) 117-328, which appropriates CDBG-DR funds, and the Consolidated Notice and Allocation Announcement Notice that establish the rules, waivers, and alternative requires and allocate CDBG-DR funds; that its responses to this checklist and submitted supporting documentation are accurate; that it will adhere to the controls, standards, processes, corrective actions, and procedures it described in this checklist and supporting documentation; and that it has in place proficient financial controls and procurement processes and that it has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Stafford Act, to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds.



Signature of Certifying Official

Brian Hamman - CHAIR 6/23/23
(Printed Name of Certifying Official) (Date)

Approved as to Form for the
Reliance of Lee County Only

By: Christina Fraser
Office of the County Attorney

Financial Management and Grant Compliance Certification Requirements for Local Governments

Additional attachments can be listed in this table.

[illegible]

The attached document has been approved by the Board of County Commissioners. Please review the instructions below and forward to the appropriate office when complete.

Meeting Date:	06/20/2023
Agenda Item #:	C23
Agenda Item Title:	Approve CDBG-DR Financial Management and Grant Compliance Certification Submission to HUD
	(2) CDBG-DR Financial Management Certification

Department	Instructions
County Attorney	<p>Please review the attached document(s) at the BLUE sticker. If you have any questions concerning the document(s), contact the originating department.</p> <p>After completion, forward to the CHAIR/VICE CHAIR for signature.</p>
Chair/Vice Chair	<p>Sign the attached document(s) at the RED sticker.</p> <p>After completion, forward to the MINUTES OFFICE for execution.</p>
Minutes Office	<p>Execute the attached document(s).</p> <p>After document(s) are completely executed, return the remaining originals to Laurel Chick, County Administration for distribution.</p>

Date out from Administration: 06/20/23

Return to Dept. ☐ Novus ☐

2023 JUN 20 PM 2:12
RECEIVED BY
LEE CO. ATTORNEY

2023 JUN 26 AM 8:47

RECEIVED
MINUTES OFFICE

AGENDA ITEM REPORT

DATE: June 20, 2023
DEPARTMENT: County Manager
REQUESTER: Glen Salyer
TITLE: Approve CDBG-DR Financial Management and Grant Compliance Certification Submission to HUD

I. MOTION REQUESTED

- A.) Approve Financial Management and Grant Compliance Certification submission to HUD for CDBG-DR Funding.
- B.) Authorize the Chair to execute required Compliance Certification documents on behalf of the Board of County Commissioners.
- C.) Authorize Chair to sign forms, certifications, and other related documents for HUD Environmental Review Records, on behalf of the Board of County Commissioners.
- D.) Authorize Chair to execute any additional forms, revisions to current submissions, or other documents required for Financial Management and Grant Compliance with CDBG-DR funding.

II. ITEM SUMMARY

Certifies to the U.S. Department of Housing and Urban Development (HUD) that Lee County complies with federal requirements for Community Development Block Grant - DR grantee management controls. The CDBG-DR Financial Management and Grant Compliance Certification submission includes the following policies and procedures: CDBG-DR Citizen Participation Plan; CDBG-DR Anti-fraud, Waste and Abuse Policy; CDBG-DR Timely Expenditure of Fund Procedure; CDBG-DR Duplication of Benefits; and Lee County's Procurement Ordinance.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A) Board Action and Other History

HUD officially announced the \$1.1 billion allocation of CDBG-DR funding directly to Lee County through Federal Register Notice 6393-N-01 published on May 18, 2023. HUD's Federal Register notice triggers an approximate six-month process to produce a HUD-approved plan for the use of the grant funds.

B) Policy Issues

C) BoCC Goals

D) Analysis

The CDBG-DR funding is a direct allocation from HUD to Lee County, Florida. It is the second largest direct allocation award to a local government in HUD's history. HUD's Secretary is required to certify that Lee County has proficient controls in place to manage and implement the CDBG-DR funds. Lee County reviewed HUD requirements for each element of the Financial Management and Grant Compliance Certification and has prepared new CDBG-DR specific policies and procedures to support the requirements.

The Consolidated Notice describes the grant award process for CDBG-DR grantees, including the certification of financial controls and procurement processes and adequate procedures for proper grant management in Section III.A.1 of the notice. All CDBG-DR grantees must complete the Financial Management and Grant Compliance Certification Requirements and submit the Financial Management and Grant Compliance Certification Checklist (the "Certification Checklist") to enable certification by the Secretary.

Upon submission of the checklist, HUD will review the County's Annual Comprehensive Financial Report and Single Audit (both of which can be located on the Clerk of Courts website - <https://www.leeclerk.org/departments/finance/financial-reports>), along with submitted CDBG-DR policies and procedures to ensure sufficient financial management capacity and internal controls to manage CDBG-DR funds.

HUD will continue to monitor Lee County's submission and updates made to the policies and procedures

HUD will continue to monitor Lee County's submission and updates made to the policies and procedures during the normal course of business. Lee County must notify HUD of any substantial changes made to these submissions.

E) Options

IV. FINANCIAL INFORMATION

A)	Current year dollar amount of item:	No funding required.
B)	Is this item approved in the current budget?	N/A
C)	Is this a revenue or expense item?	N/A
D)	Is this Discretionary or Mandatory?	Mandatory Required by HUD CDBG-DR as a prerequisite to funding award.
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	No
F)	Fund: Program: Project: Account Strings:	
G)	Fund Type?	N/A
H)	Comments:	

V. RECOMMENDATION

Approve

VI. TIMING/IMPLEMENTATION

The submission of the CDBG-DR Financial Management and Grant Compliance Certification is required by the U.S. Department of Housing and Urban Development for compliance with the CDBG-DR grant award under Federal Register Notice 6393-N-01.

VII. FOLLOW UP

- A) The Board of County Commissioners will need to approve the draft CDBG-DR action plan and subsequently authorize submission of the final Action Plan to HUD.
 B) Strategic Resources and Government Affairs staff will conduct required planning and necessary steps to implement CDBG-DR projects and activities.

ATTACHMENTS:

Description	Upload Date	Type
Financial Management and Grant Compliance Certification Requirements for		
Local Government Grantees	6/6/2023	Backup Material
FY 2022 Single Audit Reports	6/6/2023	Backup Material
Draft Duplication of Benefits Procedure	6/8/2023	Backup Material
Draft Timely Expenditures Procedure	6/8/2023	Backup Material
Draft Citizen Participation Plan	6/13/2023	Backup Material
Draft Anti-Fraud, Waste, and Abuse Policy	6/12/2023	Backup Material
Lee County Procurement Ord 22-06	6/8/2023	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
County Manager	Salzer, Glen	Approved	6/8/2023 - 9:28 AM
Budget Services	Henkel, Anne	Approved	6/9/2023 - 9:40 AM
Budget Services	Winton, Peter	Approved	6/9/2023 - 10:42 AM
County Attorney	Wesch, Richard Wm.	Approved	6/12/2023 - 8:30 AM
County Manager	Salzer, Glen	Approved	6/13/2023 - 9:45 AM



U.S. Department of Housing and Urban
Development
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5 Pursuant to 24 CFR Part 58.34(a) and 58.35(b)

This is a suggested format that may be used by Responsible Entities to document completion of an Exempt or Categorically Excluded Not Subject to Section 58.5 environmental review.

Project Information

Project Name: CDBG-DR Administration

Responsible Entity: Lee County, FL

Grant Recipient (if different than Responsible Entity): N/A

State/Local Identifier: B-23-UN-12-0002

Preparer: Jeannie Sutton

Certifying Officer Name and Title: Brian Hamman, Chair, Board of County Commissioners

Consultant (if applicable): N/A

Project Location: Lee County Administrative Offices

Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]:

Up to five percent of the overall CDBG-DR grant, \$55,394,050, will be used for administration of the grant. Funding will be allocated to administration to fund the necessary costs of administering CDBG-DR recovery programs including the following exempt administrative type activities:

- (1) Environmental and other studies, resource identification and the development of plans and strategies;
- (2) Information and financial services;
- (3) Administrative and management activities;
- (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) Engineering or design costs;
- (9) Technical assistance and training;
- (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 § 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in § 58.5.

All activities will be eligible in accordance with 24 CFR 570.206 and will be undertaken at Lee County Administrative Offices.

Level of Environmental Review Determination:

- ☒ Activity/Project is Exempt per 24 CFR 58.34(a): Exempt CDBG-DR Administration
- ☐ Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

Funding Information

Grant Number	HUD Program	Funding Amount
B-23-UN-12-0002	Community Development Disaster Recovery Funds – Administrative Expenses	\$55,394,050

Estimated Total HUD Funded Amount: \$55,394,050

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable): None

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$55,394,050

Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
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STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Administrative activities will be undertaken at Lee County administrative offices and are exempt per 24 CFR 58.34(a)(3). The location of the activities are outside of all Airport Clear Zones and Accident Potential Zones. See attached map.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Administrative activities will be undertaken at Lee County administrative offices and are exempt per 24 CFR 58.34(a)(3). The location of the activities is NOT within the Coastal Barrier Resource System. See attached map.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Administrative activities will be undertaken at Lee County administrative offices and are exempt per 24 CFR 58.34(a)(3). The location of the activities is in Zone X , 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. See attached map.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
N/A	

Preparer Signature: _____ Date: _____

Name/Title/Organization: Jeannie Sutton, Deputy Director, Lee County Strategic Resources and Government Affairs

Responsible Entity Agency Official Signature:



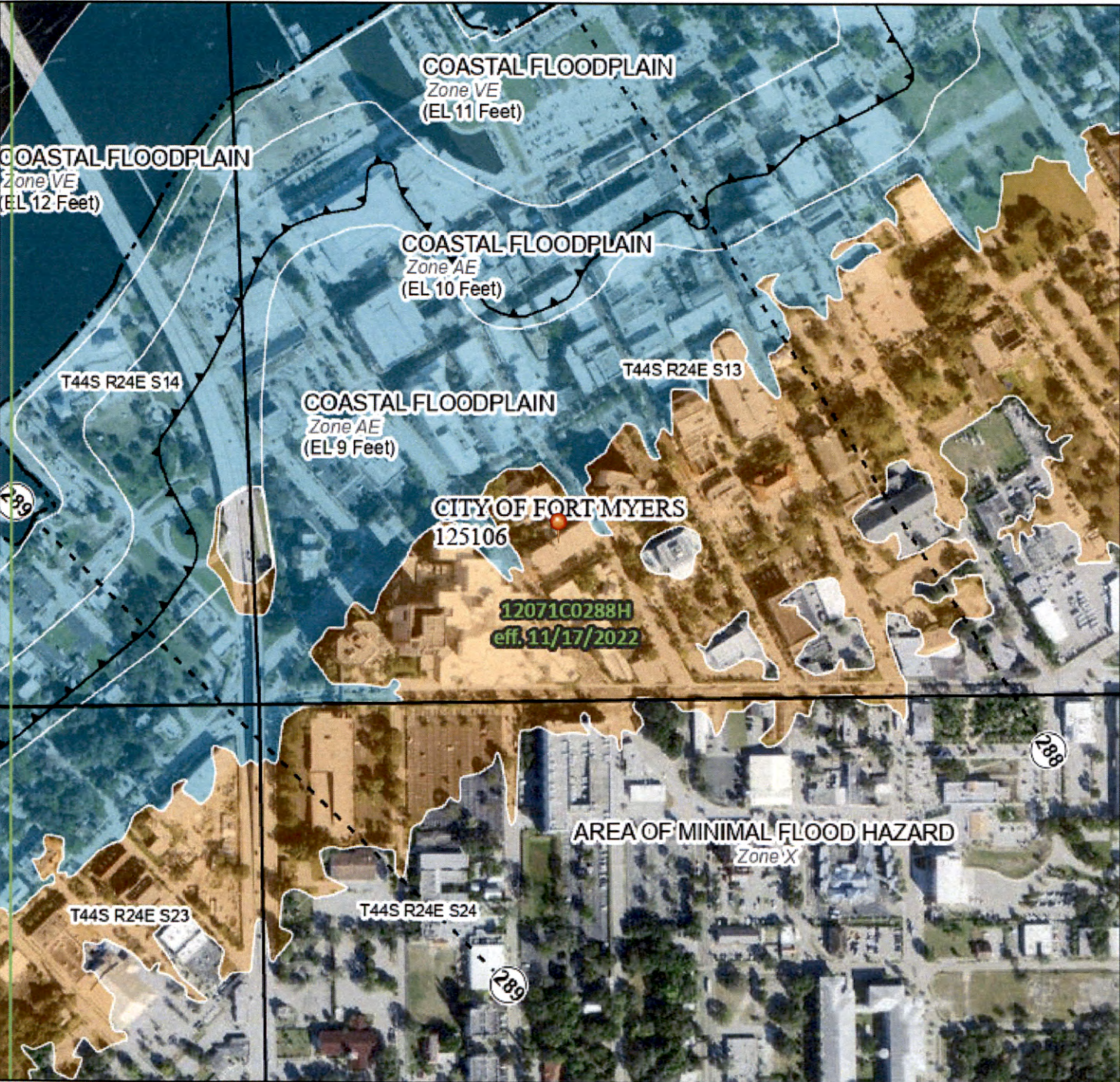
Date: 7/10/23

Name/Title: Brian Hamman, Chair

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

National Flood Hazard Layer FIRMette

81°52'30"W 26°38'47"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) - Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone Y
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X

OTHER AREAS OF FLOOD HAZARD		Area with Flood Risk due to Levee Zone D
		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs

OTHER AREAS		Area of Undetermined Flood Hazard Zone
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall

GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
		Channel, Culvert, or Storm Sewer

OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)

MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/30/2023 at 3:39 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Coastal Barrier Resources System Mapper Documentation



CBRS Units

- Otherwise Protected Area
- CBRS Buffer Zone
- System Unit
- 81.869952, 26.641969

0 30 60 120 180 ft

1:2,257

The pin location displayed on the map is a point selected by the user. Failure of the user to ensure that the pin location displayed on this map correctly corresponds with the user supplied address/location description below may result in an invalid federal flood insurance policy. **The U.S. Fish and Wildlife Service (Service) has not validated the pin location with respect to the user supplied address/location description below. The Service recommends that all pin locations be verified by federal agencies prior to use of this map for the provision or denial of federal funding or financial assistance.** Please note that a structure bisected by the Coastal Barrier Resources System (CBRS) boundary (i.e., both "partially in" and "partially out") is within the CBRS and therefore affected by CBRA's restrictions on federal flood insurance. A pin placed on a bisected structure must be placed on the portion of the structure within the unit (including any attached features such as a deck or stairs).

User Name: Lee County - CDBG-DR

User Organization: Strategic Resources and Govt. Affairs

User Supplied Address/Location Description: 2115 Second St, Fort Myers, FL 33901

Pin Location: Outside CBRS

Pin Flood Insurance Prohibition Date: N/A

Pin System Unit Establishment Date: N/A

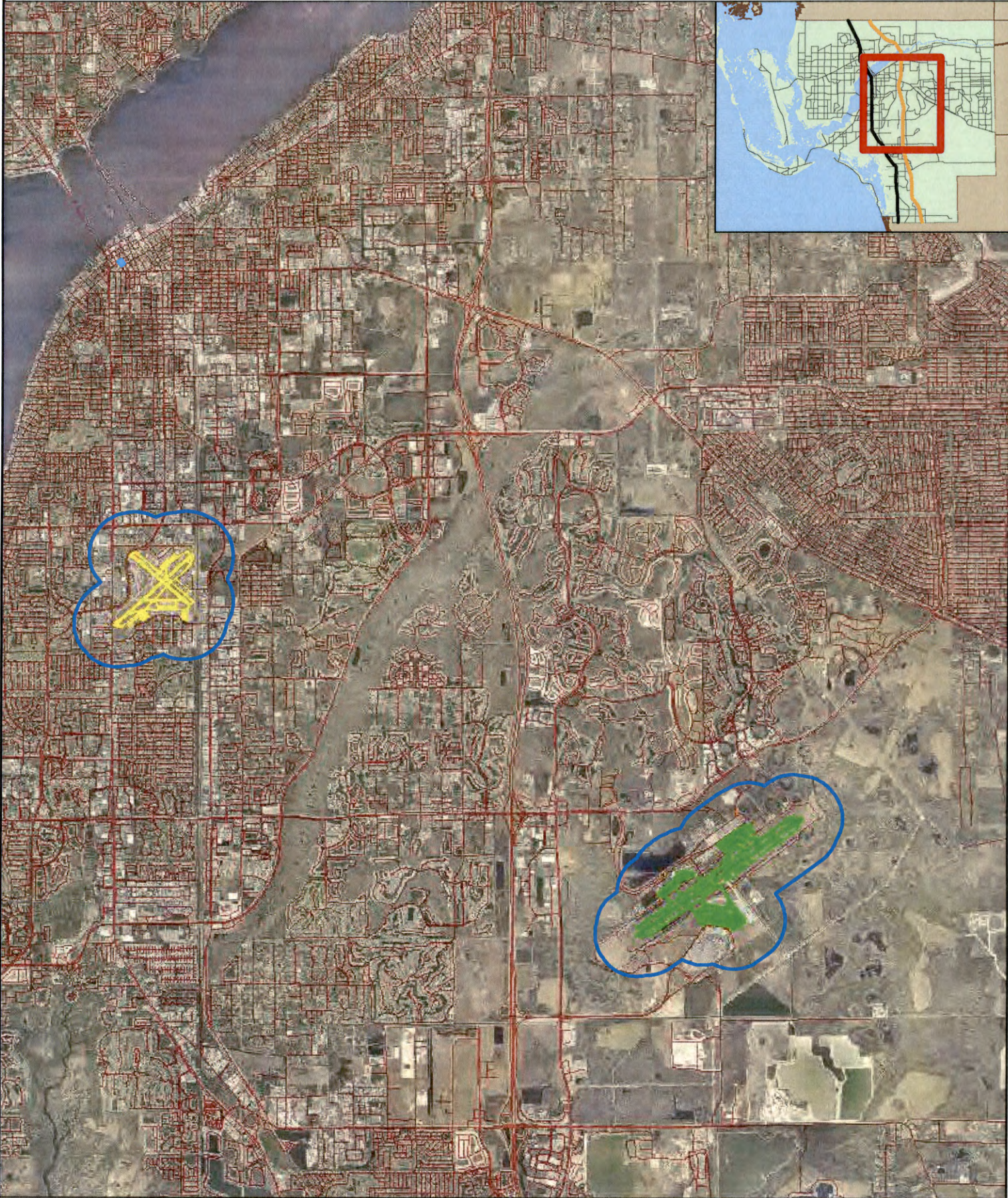
The user placed pin location is not within the CBRS. The official CBRS maps are accessible at <https://www.fws.gov/library/collections/official-coastal-barrier-resources-system-maps>.

The CBRS information is derived directly from the CBRS web service provided by the Service. This map was exported on 6/30/2023 and does not reflect changes or amendments subsequent to this date. The CBRS boundaries on this map may become superseded by new boundaries over time.

This map image may be void if one or more of the following map elements do not appear: basemap imagery, CBRS unit labels, prohibition date labels, legend, scale bar, map creation date. For additional information about flood insurance and the CBRS, visit: <https://www.fws.gov/node/263838>.



Airport Runway Clear Zones and Accident Potential Zones



Project Location
2,500ft Airport Buffer Zone

Southwest Florida International Airport
Page Field



Feet
0 2,500 5,000 10,000



Date: 5/24/2022

ROUTING CHECKLIST

SUBJECT: CDBG-DR Environmental Review Exemption for
Administrative Funds

Reference: Board action approving document and execution

Board Date: 6/20/2023

Agenda Item No.:

C23

Please sign the attached documents on appropriate signature lines. When complete, please send entire packet to the next Department on the numbered list below. Please return to the Office of Strategic Resources & Government Affairs when fully completed.

The subject document is forwarded herewith for review and/or endorsements:

(1) **By:** Routed by SRGA
Project Sponsoring Department

X Recommendation to execute

 Not recommending execution for the following reason(s):

Date received: 7/6/23 Date returned/forwarded:

Signed: Sandra Ryzan

(2) **Board**
Strategic Resources & Government
(3) **Affairs**

2023 JUL 10 PM 3:10
RECEIVED
MINUTES OFFICE
DW

AGENDA ITEM REPORT

DATE: June 20, 2023
DEPARTMENT: County Manager
REQUESTER: Glen Salyer
TITLE: Approve CDBG-DR Financial Management and Grant Compliance Certification Submission to HUD

I. MOTION REQUESTED

- A.) Approve Financial Management and Grant Compliance Certification submission to HUD for CDBG-DR Funding.
- B.) Authorize the Chair to execute required Compliance Certification documents on behalf of the Board of County Commissioners.
- C.) Authorize Chair to sign forms, certifications, and other related documents for HUD Environmental Review Records, on behalf of the Board of County Commissioners.
- D.) Authorize Chair to execute any additional forms, revisions to current submissions, or other documents required for Financial Management and Grant Compliance with CDBG-DR funding.

II. ITEM SUMMARY

Certifies to the U.S. Department of Housing and Urban Development (HUD) that Lee County complies with federal requirements for Community Development Block Grant - DR grantee management controls. The CDBG-DR Financial Management and Grant Compliance Certification submission includes the following policies and procedures: CDBG-DR Citizen Participation Plan; CDBG-DR Anti-fraud, Waste and Abuse Policy; CDBG-DR Timely Expenditure of Fund Procedure; CDBG-DR Duplication of Benefits; and Lee County's Procurement Ordinance.

III. BACKGROUND AND IMPLICATIONS OF ACTION

- A) Board Action and Other History
 HUD officially announced the \$1.1 billion allocation of CDBG-DR funding directly to Lee County through Federal Register Notice 6393-N-01 published on May 18, 2023. HUD's Federal Register notice triggers an approximate six-month process to produce a HUD-approved plan for the use of the grant funds.
- B) Policy Issues
- C) BoCC Goals
- D) Analysis
 The CDBG-DR funding is a direct allocation from HUD to Lee County, Florida. It is the second largest direct allocation award to a local government in HUD's history. HUD's Secretary is required to certify that Lee County has proficient controls in place to manage and implement the CDBG-DR funds. Lee County reviewed HUD requirements for each element of the Financial Management and Grant Compliance Certification and has prepared new CDBG-DR specific policies and procedures to support the requirements.

 The Consolidated Notice describes the grant award process for CDBG-DR grantees, including the certification of financial controls and procurement processes and adequate procedures for proper grant management in Section III.A.1 of the notice. All CDBG-DR grantees must complete the Financial Management and Grant Compliance Certification Requirements and submit the Financial Management and Grant Compliance Certification Checklist (the "Certification Checklist") to enable certification by the Secretary.

 Upon submission of the checklist, HUD will review the County's Annual Comprehensive Financial Report and Single Audit (both of which can be located on the Clerk of Courts website - <https://www.leeclerk.org/departments/finance/financial-reports>), along with submitted CDBG-DR policies and procedures to ensure sufficient financial management capacity and internal controls to manage CDBG-DR funds.

 HUD will continue to monitor Lee County's submission and updates made to the policies and procedures during the normal course of business. Lee County must notify HUD of any substantial changes made to these submissions.
- E) Options

IV. FINANCIAL INFORMATION

A)	Current year dollar amount of item:	No funding required.
B)	Is this item approved in the current budget?	N/A
C)	Is this a revenue or expense item?	N/A
D)	Is this Discretionary or Mandatory?	Mandatory Required by HUD CDBG-DR as a prerequisite

		to funding award.
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	No
F)	Fund: Program: Project: Account Strings:	
G)	Fund Type?	N/A
H)	Comments:	

V. RECOMMENDATION

Approve

VI. TIMING/IMPLEMENTATION

The submission of the CDBG-DR Financial Management and Grant Compliance Certification is required by the U.S. Department of Housing and Urban Development for compliance with the CDBG-DR grant award under Federal Register Notice 6393-N-01.

VII. FOLLOW UP

- A) The Board of County Commissioners will need to approve the draft CDBG-DR action plan and subsequently authorize submission of the final Action Plan to HUD.
B) Strategic Resources and Government Affairs staff will conduct required planning and necessary steps to implement CDBG-DR projects and activities.

ATTACHMENTS:

Description	Upload Date	Type
<u>Financial Management and Grant Compliance Certification Requirements for Local Government Grantees</u>	6/6/2023	Backup Material
<u>FY 2022 Single Audit Reports</u>	6/6/2023	Backup Material
<u>Draft Duplication of Benefits Procedure</u>	6/8/2023	Backup Material
<u>Draft Timely Expenditures Procedure</u>	6/8/2023	Backup Material
<u>Draft Citizen Participation Plan</u>	6/13/2023	Backup Material
<u>Draft Anti-Fraud, Waste, and Abuse Policy</u>	6/12/2023	Backup Material
<u>Lee County Procurement Ord 22-06</u>	6/8/2023	Backup Material
<u>062023R-C-23-Compliance Certification for Local Government Grantees</u>	6/27/2023	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
County Manager	Salyer, Glen	Approved	6/8/2023 - 9:28 AM
Budget Services	Henkel, Anne	Approved	6/9/2023 - 9:40 AM
Budget Services	Winton, Peter	Approved	6/9/2023 - 10:42 AM
County Attorney	Wesch, Richard Wm.	Approved	6/12/2023 - 8:30 AM
County Manager	Salyer, Glen	Approved	6/13/2023 - 9:45 AM