

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AUTHORIZING THE COUNTY MANAGER AND DESIGNATED ASSISTANT COUNTY MANAGER TO SIGN DOCUMENTATION REQUIRED FOR ENVIRONMENTAL REVIEWS ASSOCIATED WITH PROJECTS FUNDED BY COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY FUNDS.**

**WHEREAS**, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

**WHEREAS**, the United States Department of Housing and Urban Development and the United States Environmental Protection Agency impose upon the Lee County an obligation to comply with certain signatory and reporting requirements for environmental reviews associated with projects funded by Community Development Block Grant – Disaster Recovery Funds (CDBG-DR); and,

**WHEREAS**, in order 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**, in order to administer federal Community Development Block Grant Funds, the County must certify to HUD that the County Manager, or his designee in his 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, Lee County may use the Community Development Block Grant – Disaster Recovery 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 by the Board of County Commissioners,  
Lee County, Florida, that:**

1. For any potential CDBG-DR 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, 3) categorically excluded and subject to review with 24 CFR § 58.5 but no compliance/consultation with regulatory authorities is required, 4) the project is categorically excluded and subject to review with 24 CFR § 58.5 and compliance/consultation is required, or 5) the project requires an environmental assessment and/or environmental impact statement, Lee County designates the County Manager or the Assistant County Manager of the lead department for CDBG-DR as the Certifying Officer. As the Certifying Officer, the County Manager or the Assistant County Manager of the lead department for CDBG-DR 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,
2. For any CDBG-DR project where an environmental review was submitted to the federal government prior to September 20, 2023, and where any potentially CDBG-DR 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 Lee County for the

projects acted upon and certified by the employee prior to September 20, 2023.

3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any provision of this Resolution is held unconstitutional by a court of competent jurisdiction, the decision of such court shall not affect or impair the remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.
5. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

Commissioner \_\_\_\_\_ made a motion to adopt the foregoing resolution, seconded by Commissioner \_\_\_\_\_. The vote was as follows:

Kevin Ruane	_____
Cecil L Pendergrass	_____
Ray Sandelli	_____
Brian Hamman	_____
Mike Greenwell	_____

DULY PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:  
KEVIN C, KARNES, CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY,

BY: \_\_\_\_\_

\_\_\_\_\_  
Chairman

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

BY: \_\_\_\_\_  
Office of County Attorney