



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: June 22nd, 2022

Department: Board of Commissioners

Agenda Planning Date:

Time required:

5 min

Audio/Visual aids

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Contact: Tim Glisson

Phone:

503-302-4700

Department Head Signature:

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TITLE

Approve Board Order amending Board Order No. 22-034 to include additional language required in the Order delegating the Chief Administrative Officer the Authority to Certify all Environmental Review Records under the federal Community Development Block Group (CDBG) and HOME Investment Partnerships Programs.

Issue, Description & Background

Marion County Board of Commissioners approved Board Order #22-034 on March 23, 2022 designating authority to the Chief Administrative Officer the authority to be the certifying officer for all environmental review records under the Community Development Block Grant and HOME Investment Partnerships Programs. In a subsequent conversations with the Environmental Team at the United States Department of Housing and Urban Development office additional language needed to be added to the Board Order specifically in relation to CFR 58.13 which states the following:

Under the terms of the certification required by CFR 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 CFR 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 CFR 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 EIS prepared for Federal projects that may have an impact on the recipient's program.

Financial Impacts:

none

Impacts to Department & External Agencies

none

Options for Consideration:

- A.) Approve the new Board Order
B.) Do Not Approve the Board Order

Recommendation:

Recommend approval of the Board Order

List of attachments:

Board Order, Original Board Order, 24 CFR 58.13

BEFORE THE BOARD OF COMMISSIONERS  
FOR MARION COUNTY, OREGON

In the matter of Delegating )  
authority to the Chief Administrative )  
Officer for Environmental Review Records )  
under the federal Community Development )  
Block Group and Home Investment )  
Partnerships Programs )

BOARD ORDER No

This matter came before the board of commissioners at its regularly scheduled public meeting on June 22, 2022, to consider amending Board Order No. 22-034 which pertains to delegating certain authority to the Chief Administrative Officer in relation to the Community Development Block Grant Program and the Home Investments Partnerships Programs Environmental Review Records.

WHEREAS, on December 1, 2021 Marion County officially became an entitlement community under the federal Community Development Block Gant (CDBG) Program and Home Investment Partnerships Programs with the approval of its Consolidated Plan; and

WHEREAS, as part of the requirements under these programs Marion County is the Responsible Entity for Environmental Review Records for all federally assisted projects.

WHEREAS, the amended order designates the responsibilities of the certifying officer pursuant to 24 CFR 58.13 as follows: Under the terms of certification required by CFR 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 24 CFR 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 CFR 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 EIS prepared for Federal projects that may have an impact on the recipient's program.

IT IS HEREBY ORDERED that the Marion County Chief Administrative Officer is delegated the authority and responsibility of the Board of Commissioners to sign all Environmental Review Records produced under the federal Community Development Block Grant and Home Investment Partnerships Programs.

DATED at Salem, Oregon this 22<sup>nd</sup> day of June, 2022

MARION COUNTY BOARD OF COMMISSIONERS

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Chair

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Commissioner

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Commissioner

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Orig: Clerk  
BOC  
Community  
Development  
Division

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

In the matter of Delegating )  
authority to the Chief Administrative )  
Officer) for Environmental Review Records )  
under the federal Community Development )  
Block Group and Home Investment )  
Partnerships Programs )

ORDER No. 22-034

This matter came before the board of commissioners at its regularly scheduled public meeting on March 23, 2022, to consider delegating certain authority to the Chief Administrative Officer in relation to the Community Development Block Grant Program and the Home Investments Partnerships Programs Environmental Review Records.

WHEREAS, on December 1, 2021 Marion County officially became an entitlement community under the federal Community Development Block Gant (CDBG) Program and Home Investment Partnerships Programs with the approval of its Consolidated Plan; and

WHEREAS, as part of the requirements under these programs Marion County is the Responsible Entity for Environmental Review Records for all federally assisted projects.


IT IS HEREBY ORDERED that the Marion County Chief Administrative Officer is delegated the authority and responsibility of the Board of Commissioners to sign all Environmental Review Records produced under the federal Community Development Block Grant and Home Investment Partnerships Programs.

DATED at Salem, Oregon this 23<sup>rd</sup> day of March, 2022.

MARION COUNTY BOARD OF COMMISSIONERS

  
Chair

  
Commissioner

  
Commissioner

Orig: Clerk BOC

### **§ 58.13 Responsibilities of the certifying officer.**

Under the terms of the certification required by [§ 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 [§ 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 § 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.