

**RESOLUTION NO. 2019-012**

**A RESOLUTION AUTHORIZING THE MAYOR AND DIRECTOR OF COMMUNITY DEVELOPMENT TO SIGN DOCUMENTATION REQUIRED FOR ENVIRONMENTAL REVIEWS ASSOCIATED WITH PROJECTS FUNDED BY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

WHEREAS, the United States Department of Housing and Urban Development and the United States Environmental Protection Agency impose upon the City of Rapid City an obligation to comply with certain signatory and reporting requirements for environmental reviews associated with projects funded by Community Development Block Grant Funds; and

WHEREAS, in order to fulfill its obligations under 24 CFR Part 58, the City 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 City must certify to HUD that the Mayor, or his/her designee in his/her 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, the City of Rapid City may use the Community Development Block Grant 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 that for any potential CDBG-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, or 3) categorically excluded and subject to review with 24 CFR § 58.5 but no compliance/consultation with regulatory authorities is required, the City designates the Mayor of Rapid City or the Rapid City Director of Community Development as the Certifying Officer. As the Certifying Officer, the Mayor of Rapid City or the Rapid City Director of Community Development 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

BE IT FURTHER RESOLVED that for any potential CDBG-funded project where either: 1) the project is categorically excluded and subject to review with 24 CFR § 58.5 and compliance/consultation is required or 2) the project requires an environmental assessment and/or environmental impact statement, the City designates the Mayor of Rapid City as the Certifying Officer. As the Certifying Officer, the Mayor of Rapid City 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

BE IT FURTHER RESOLVED that for any project where an environmental review was submitted to the federal government prior to January 25, 2019, and where any potentially CDBG-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 City ratifies all actions, signatory approvals, and certifications by employees of the City that were necessary to complete those environmental reviews submitted to the federal government. The City designates any such employee as a Certifying Officer for the City of Rapid City for the projects acted upon and certified by the employee prior to January 25, 2019.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF RAPID CITY

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Steve Allender, Mayor

ATTEST:

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Pauline Sumption, Finance Officer  
(SEAL)