

RESOLUTION NO.: R-2020-067

*Authorizing the City Manager to execute an Intergovernmental Agreement  
between the City of Columbia and the Columbia Housing Authority for  
Environmental Studies*

ORIGINAL  
STAMPED IN RED

BE IT RESOLVED by the Mayor and City Council this 21st day of July, 2020, that the City Manager is authorized to execute the attached Intergovernmental Agreement between the City of Columbia and the Columbia Housing Authority for Environmental Studies, or on a form approved by the City Attorney, for the terms and conditions therein contained.

Requested by:

Assistant City Manager Shealy

  
\_\_\_\_\_  
Mayor

Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

*Teresa A. Knox*

\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Introduced: 7/21/2020  
Final Reading: 7/21/2020

## INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (the "Agreement") is entered into by and between the Housing Authority of the City of Columbia, SC (herein called "Columbia Housing") and the City of Columbia, SC (herein called the "City"), each a "party" and together the "parties," and is effective on the last date signed by a party hereto.

### RECITALS

**WHEREAS**, federal regulations require an Environmental Review for various projects and activities to be undertaken with funding from the U.S. Department of Housing and Urban Development (HUD) in accordance with 24CFR Part 58; and

**WHEREAS**, Columbia Housing administers programs and activities subject to the Environmental Review process including Public Housing Programs under Section 9 of the United States Housing Act of 1937 (the "Act") and Housing Choice Voucher Programs under Section 8 of the of the Act; and

**WHEREAS**, specific statutory authority requires Responsible Entities (RE) to assume environmental responsibilities and the City of Columbia is classified by HUD as a Responsible Entity and Columbia Housing is not classified by HUD as an RE; and

**NOW, THEREFORE**, in consideration of the mutual agreements and covenants hereinafter set forth, the parties hereby agree as follows:

- 1. Assumption Authority** – The City of Columbia is a HUD Responsible Entity because it receives assistance directly from HUD. As a HUD Responsibility Entity, the City is required to assume the responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under the National Environmental Policy Act (NEPA). The assumption of these responsibilities is required through execution of a grant agreement and/or legally binding document with HUD.
- 2. Environmental Review Documentation Package** – Columbia Housing will be responsible for securing all required Environmental Assessment documentation from a licensed and certified Environmental Consultant. The EA documentation shall include a Phase I Environmental Study and Phase II Studies as applicable. The package to be provided shall also include documentation submitted to and responses from entities responsible for compliance with all laws and authorities under NEPA. These include laws and authorities related to Historic Properties; Floodplain Management and Wetland Protection; Coastal Zone Management; Sole Source Aquifers; Endangered Species; Wild and Scenic Rivers; Air Quality; and Farmlands Protection. The City of Columbia is responsible for completion of the Tribal Consultation. Columbia Housing will prepare the Tribal Consultation package and send via email to the City of Columbia for review, signature and mailing to the appropriate Tribes. Columbia Housing will provide a complete package inclusive of the HUD Environmental Review Project Information worksheet (OMB No. 2506-0177), along with Related Law and Authority worksheets documenting compliance with the environmental requirements listed at 24 CFR 50.4 and 58.5-6. Columbia Housing will deliver two (2) single sided hard copies bound in a 3-ring binder and one (1) copy via jump drive.

3. **Environmental Review Process** – Upon receipt of the documentation package from Columbia Housing, the City shall determine if the project or activity is exempt or categorically excluded under 58.34 or 58.35. If the project or activity is not exempt or categorically excluded, the City shall proceed with the Environmental Assessment the documentation package provided by Columbia Housing and make a Finding of No Significant Impact (FONSI) or a Finding of Significant Impact. Columbia Housing will utilize Appendix A – Environmental Review Policies and Procedures Community Development Department (Updated June 2020). The City shall publish all required notices including the FONSI notice and the Notice of Intent to Request Release of Funds (NOI-RROF) in accordance with the required timelines for public comment and finalize the Environmental Review upon expiration of the public comment period. Columbia Housing will reimburse the City of Columbia for all costs associated with publication of the above mentioned notices. The RROF and all applicable supporting documents shall be submitted by the City of the HUD Columbia Field Office who shall finalize the Environmental Review process and provide an approved RROF. The City shall complete this process via the HUD Environmental Review Online System (HEROS) if so directed by HUD.
  
4. **Costs** – Columbia Housing shall be responsible for all costs associated with the Environmental Review process. Columbia Housing shall procure and pay directly all third-party consultant or other costs associated with the preparation of the Environmental Review Documentation Package detailed in #2 above. Columbia Housing will pay the City a flat fee of \$610.00 for each completed EA. Should the City of Columbia find edits, the Environmental Review will be returned to Columbia Housing for correction. Any edits after the 2<sup>nd</sup> revision will require an additional fee of \$41.00 per hour. Upon completion of each environmental review, the City shall invoice Columbia Housing and said invoice shall be paid within thirty days of receipt. Total amount over three-year period should not exceed Twenty Five Thousand Dollars (\$25,000).
  
5. **Time of Performance:** The effective date of this contract shall be the date the parties sign and complete execution of the contract and the Notice to Proceed. The expected engagement of the contract shall be three (3) years from the date of complete execution of the contract, unless extended by the Community Development Department.

IN WITNESS WHEREOF, Columbia Housing and the City are signing this Agreement on the dates indicated below their signatures.

**HOUSING AUTHORITY OF THE CITY OF  
COLUMBIA, SC**

By: 

Name: Ivory N. Mathews

Its: Interim Chief Executive Officer

Date: 07.27.2020

**CITY OF COLUMBIA**

By: Teresa Wilson  
Name: Teresa Wilson

Its: City Manager

Date: July 27, 2020

**Appendices:**

Appendix A – Environmental Review Policies and Procedures Community Development Department  
(Updated June 2020)

**APPROVED AS TO FORM**



Legal Department City of Columbia, SC