

RESOLUTION NO. 147-D- 2021

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO A SUBRECIPIENT AGREEMENT WITH THE LONG ISLAND WATER CONFERENCE TO ADMINISTER A PROGRAM ON BEHALF OF THE COUNTY'S DEPARTMENT OF PUBLIC WORKS TO PROVIDE GRANTS TO WATER SUPPLIERS IN NASSAU COUNTY FOR THE PURPOSE OF DEFRAYING THE COSTS ASSOCIATED WITH TREATMENT AND REMOVAL OF CONTAMINANTS FROM THE DRINKING WATER, WHICH SHALL BE FUNDED WITH MONEYS RECEIVED BY THE COUNTY UNDER THE AMERICAN RESCUE PLAN'S CORONAVIRUS LOCAL FISCAL RECOVERY FUND AND WHICH HAVE BEEN SUPPLEMENTALLY APPROPRIATED AS PART OF THE COUNTY'S WATER QUALITY PROTECTION INITIATIVE FOR THE PURPOSE OF MAKING NECESSARY INVESTMENTS IN DRINKING WATER INFRASTRUCTURE.

WHEREAS, the County has appropriated \$62,900,000 from the Coronavirus State and Local Fiscal Recovery Fund that was established pursuant to Subtitle M of Title IX of the American Rescue Plan Act of 2021; and

WHEREAS, the legislation establishing the Coronavirus State and Local Fiscal Recovery Funds (the "SLFRF") authorizes counties to use such funds, among other things, "to make necessary investments in water, sewer or broadband infrastructure"; and

WHEREAS, the United States Department of the Treasury has published an Interim Final Rule and guidance further detailing the permissible uses of the SLFRF moneys (the "Interim Final Rule"); and

WHEREAS, section 35.6(e) of the Interim Final Rule, which appears in Title 31 of the Code of Federal Regulations, provides a list of specific permissible uses of SLFRF funds to make necessary investments in infrastructure; and

WHEREAS, these enumerated uses includes "projects or activities" that would be eligible under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12); and

WHEREAS, the County in Ordinance No. 63-2021 supplementally appropriated moneys from the County's SLFRF allocation to provide funding to public and/or private

water suppliers to address ground water contamination from legacy pollutants as well as emerging contaminants such as 1,4-Dioxane (the “Water Quality Protection Initiative”), which the County’s Department of Public Works has determined would be a purpose eligible for funding under the Safe Drinking Water Act; and

WHEREAS, the County’s Department of Public Works has determined that the most efficient and effective way of distributing this funding to water suppliers in the County is by entering into a subrecipient agreement with the Long Island Water Conference to administer this grant program to the County’s water suppliers; and

WHEREAS, it is in the best interest of the County and its residents to promptly enter into and execute grant agreements authorizing moneys for such purposes so that they can be provided as expeditiously as possible;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into and execute a subrecipient agreement with the Long Island Water Conference, which will be funded exclusively by SLFRF moneys received by the County under the American Rescue Plan Act of 2021 to be spent in compliance with such legislation, the Interim Final Rule (and final rule when effective), applicable federal contract provisions, and all other applicable federal law and regulation, and which have been supplementally appropriated in Ordinance No. 63-2021 for the County to enter into agreements for purposes specified in that Ordinance; and be it further

RESOLVED, that such subrecipient agreement shall be exclusively for the purpose of administering the County’s water supplier grant program in furtherance of the County’s Water Quality Protection Initiative, and shall be subject to such payment terms and conditions, including compliance with all applicable reporting, recordkeeping or other requirements set forth for such subrecipient agreement processed through the Boost Nassau Portal, and a separate close-out procedure that will include a reconciliation of the grant funds provided under the subrecipient agreement; and be it further

RESOLVED, that such subrecipient agreement shall be filed with the Clerk of the Legislature so that it may be listed at the end of the legislative calendar, as appropriate; and be it further

RESOLVED, that the County Executive is authorized to (i) execute any and all agreements and other instruments, ancillary agreements, funding notices, contracts, amendments, and to take such other action as is necessary to effectuate and carry out the receipt and disbursement of such grant funds in accordance with this resolution; and (ii) suspend any vendor disclosure requirements as necessary in order to expedite the disbursement of such grant funds; and be it further

RESOLVED, that pursuant to the provisions of SEQRA, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., the proposed action under this Resolution has been determined not to have any significant adverse impacts on the environment and no further review is required.