

PROPOSED RESOLUTION NO. 161- 2021

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AND EXECUTE SUBRECIPIENT AGREEMENTS ON BEHALF OF THE COUNTY WITH VARIOUS NOT-FOR-PROFIT ORGANIZATIONS THAT ARE FUNDED WITH MONEYS RECEIVED BY THE COUNTY UNDER THE AMERICAN RESCUE PLAN'S CORONAVIRUS LOCAL FISCAL RECOVERY FUND AND WHICH HAVE BEEN SUPPLEMENTALLY APPROPRIATED TO FUND SUBRECIPIENT AGREEMENTS WITH SUCH NOT-FOR-PROFIT ORGANIZATIONS FOR THE PURPOSES OF RESPONDING TO THE EFFECTS OF THE NEGATIVE ECONOMIC IMPACTS OF THE PUBLIC HEALTH EMERGENCY CAUSED BY THE COVID-19 PANDEMIC ON SMALL BUSINESSES IN THE COUNTY.

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 respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses and nonprofits, or aid to impacted industries such as tourism, travel and hospitality"; 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(b) of the Interim Final Rule, which appears in Title 31 of the Code of Federal Regulations, provides a non-exclusive list of specific permissible uses of SLFRF funds to respond to the public health emergency or its negative economic impacts; and

WHEREAS, these enumerated uses include, among other things, assistance, including loans, grants, in-kind assistance, technical assistance or other services, to small

business and nonprofit organizations, as defined in section 35.3 of the Interim Final Rule, that responds to the negative economic impacts incurred by those small businesses and nonprofit organizations during the COVID-19 public health emergency; and

WHEREAS, there are within Nassau County not-for-profit organizations, including, but not limited to, regional and local organizations as well as chambers of commerce and business improvement districts, that provide technical assistance and support for, as well as outreach to, Nassau County's small businesses; and

WHEREAS, such organizations are eligible subrecipients of SLFRF funds to provide or to facilitate the provision of such services, programs and activities; and

WHEREAS, the County in Ordinance No. 63-2021 supplementally appropriated moneys from the County's SLFRF allocation to provide funding to assist organizations that provide such technical assistance and support for small businesses; and

WHEREAS, the County has identified a non-exhaustive list of Nassau County such not-for-profit organizations in Appendix A of this Resolution; and

WHEREAS, it is in the best interest of the County and its residents to promptly enter into and execute subrecipient agreements authorizing SLFRF 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: (i) subrecipient agreements with not-for-profit organizations listed in Appendix A of this Resolution; as well as (ii) subrecipient agreements with other qualifying not-for-profit organizations. All of these subrecipient agreements 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 all such subrecipient agreements shall be for purposes that are related to responding to the COVID-19 public health emergency or its negative economic impacts, shall be in compliance with all applicable payment terms and conditions, reporting, recordkeeping or other requirements set forth in such subrecipient agreements processed through the Boost Nassau Portal, and a separate close-out procedure that will include a reconciliation of the SLFRF moneys provided under any such subrecipient agreements; and be it further

RESOLVED, that such subrecipient agreements shall not affect County funding that may be provided to such not-for-profit organizations under any existing funding agreements with these entities, if any; and be it further

RESOLVED, that all such subrecipient agreements shall be filed with the Clerk of the Legislature so that they 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 subrecipient agreements and any other instruments, agreements, 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 SLFRF moneys in accordance with this Resolution; and (ii) suspend any vendor disclosure requirements as necessary in order to expedite the disbursement of such SLFRF moneys; 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.

APPENDIX A