

PROPOSED RESOLUTION NO. 162- 2021

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO A SUBRECIPIENT AGREEMENT WITH THE NASSAU COUNTY LOCAL ECONOMIC ASSISTANCE CORPORATION TO ADMINISTER A PROGRAM ON BEHALF OF THE COUNTY TO PROVIDE LOW INTEREST LOANS TO QUALIFIED SMALL BUSINESSES AND QUALIFIED NOT-FOR-PROFIT CORPORATIONS 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 A LOAN PROGRAM FOR QUALIFIED SMALL BUSINESSES AND QUALIFIED NOT-FOR-PROFIT ORGANIZATIONS FOR THE PURPOSES OF RESPONDING TO THE EFFECTS OF THE PUBLIC HEALTH EMERGENCY CAUSED BY THE COVID-19 PANDEMIC OR ITS NEGATIVE ECONOMIC IMPACTS.

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 includes, among other things, loan assistance to "small businesses" and "nonprofit" organizations, as defined in section 35.3 of the

Interim Final Rule, that respond to the negative economic impacts incurred by those small businesses and nonprofit organizations during the COVID-19 public health emergency; and

WHEREAS, the County in Ordinance No. 63-2021 supplementally appropriated moneys from the County's SLFRF allocation to provide funding for a low-interest loan program for qualified small businesses and nonprofit organizations with fewer than 200 employees to provide working capital to assist them with their recovery from the negative economic impacts of the COVID-19 pandemic; and

WHEREAS, the County has determined that the most efficient and effective way of providing such loans within the County is by entering into a subrecipient agreement with the Nassau County Local Economic Assistance Corporation to administer this loan program, subject to its own procurement rules and to applicable Federal regulations and SLFRF fund and related requirements; and

WHEREAS, the Nassau County Local Economic Assistance Corporation ("LEAC") is a local development corporation authorized under §1411 of the New York Not-For-Profit Corporation Law to relieve and reduce unemployment and promote job opportunities; and

WHEREAS, the Nassau County Legislature authorized the formation of LEAC pursuant to Resolution No. 255-2010 adopted by the County Legislature on September 20, 2010 and approved by the County Executive of Nassau County on September 21, 2010, with the corporation incorporated pursuant to said authorization by the County Legislature by the filing of its Certificate of Incorporation with Office of the Secretary of State of the State of New York on November 30, 2010; and

WHEREAS, it is in the best interest of the County and its residents to promptly enter into and execute loan 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 Nassau County Local Economic Assistance Corporation,

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 Boost Nassau Small Business Recovery Loan Program, 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 loan funds provided under the subrecipient agreement; and be it further

RESOLVED, that a template of such subrecipient agreement is attached hereto and a fully executed copy of 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 loan funds by the Nassau County Local Economic Assistance Corporation in accordance with this resolution; and (ii) suspend any vendor disclosure requirements as necessary in order to expedite the disbursement of such 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.

