

PROPOSED RESOLUTION NO. 167 - 2021

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AND EXECUTE GRANT AGREEMENTS ON BEHALF OF THE COUNTY'S DEPARTMENT OF PARKS, RECREATION AND MUSEUMS WITH VARIOUS NOT-FOR-PROFIT MUSEUMS AND OTHER NOT-FOR-PROFIT ARTS AND ENTERTAINMENT CULTURAL INSTITUTIONS 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 GRANT AGREEMENTS WITH SUCH NOT-FOR-PROFIT MUSEUMS AND OTHER NOT-FOR-PROFIT ARTS AND ENTERTAINMENT CULTURAL INSTITUTIONS 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 include, among other things, aid to tourism, travel, hospitality, and other impacted industries that respond to the negative economic impacts of 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, among other things, to support a targeted marketing and promotional campaign to highlight the County's not-for-profit museums and other not-for-profit arts and entertainment cultural institutions that are connected to tourism; and

WHEREAS, the County's Department of Parks, Recreation and Museums has identified a non-exhaustive list of not-for-profit museums that can use these moneys for certain purposes as described, and listed, 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 grant agreements authorizing moneys for such purposes and other related 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 grant agreements with the not-for-profit museums listed in Appendix A of this Resolution and any other qualifying not-for-profit museums or arts and entertainment cultural institutions 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 all such grant agreements shall be for enhanced and/or new services, programs or activities that are related to responding to the COVID-19 public health emergency or its negative economic impacts and shall be subject to such payment terms and conditions, including compliance with all applicable reporting, recordkeeping or other requirements set forth for grant agreements processed through the Boost Nassau

Portal, and a separate close-out procedure that will include a reconciliation of the grant funds provided under any such grant agreements; and be it further

RESOLVED, that such grant agreements shall not affect County funding that may be provided to such not-for-profit museums and other not-for-profit arts and entertainment cultural institutions under existing funding agreements with these entities, if any; and be it further

RESOLVED, that all such grant 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 grant agreements and 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 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.

