

PROPOSED RESOLUTION NO. 33- 2024

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO A SUBRECIPIENT AGREEMENT ON BEHALF OF THE COUNTY WITH THE VILLAGE OF FARMINGDALE THAT IS FUNDED WITH MONEY RECEIVED BY THE COUNTY UNDER THE AMERICAN RESCUE PLAN'S CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND AND WHICH HAS BEEN APPROPRIATED TO FUND CONTRACTS WITH ENTITIES TO PROVIDE SERVICES THAT WILL COMPLY WITH THE ELIGIBLE USE CATEGORIES OF PUBLIC HEALTH AND NEGATIVE ECONOMIC IMPACTS; PREMIUM PAY; WATER, SEWER AND BROADBAND INFRASTRUCTURE; AND EMERGENCY RELIEF FROM NATURAL DISASTERS.

WHEREAS, the County has received monies 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, pursuant to Resolution 6-2024, the Nassau County Legislature appropriated \$15,000,000 of ARP Funds received from the U.S. Treasury to provide immediate and necessary support to eligible recipients impacted by the COVID-19 Pandemic under a program titled "Legislative Initiatives"; 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 a Final Rule providing guidance further detailing the permissible uses of the SLFRF moneys (the "Final Rule"); and

WHEREAS, section 35.6(e) of the 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 water, sewer or broadband infrastructure”; and

WHEREAS, these enumerated uses include 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 Village of Farmingdale owns its local public water system which is operated by the Village’s water department; and

WHEREAS, changes in state regulations that lowered allowable levels of 1,4 Dioxane and other contaminants have forced water suppliers to install or upgrade water treatment systems to remove these and other emerging contaminants; and

WHEREAS, the Village of Farmingdale has embarked on a project estimated to cost approximately \$18 million to improve its treatment systems and has requested County assistance to offset the financial impact on its tax base; and

WHEREAS, the Village of Farmingdale’s project is an allowable use of SLFRF funds pursuant to the Final Rule; and

WHEREAS, it is in the best interest of the County and its residents to promptly enter into and execute subrecipient 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 Village of Farmingdale in the amount of \$1,000,000, 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 Final Rule, applicable federal contract provisions, and all other applicable federal law and regulation, and which have been appropriated pursuant to Resolution 6-2024 for the County to enter into agreements for authorized purposes; and be it further

RESOLVED, that such agreement 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, record keeping or other requirements set forth in such agreements, and a separate close-out procedure that will include a reconciliation of the SLFRF moneys provided under any such agreements; and be it further

RESOLVED, that such agreement shall not affect County funding that may be provided to such entity under any existing funding agreements, if any; 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 funds 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.