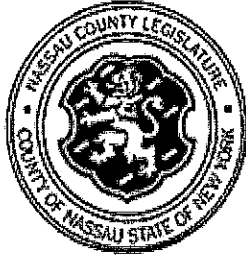


250-22
(LE)

OFFICE OF THE
DEMOCRATIC MINORITY



NASSAU COUNTY LEGISLATURE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING
1550 FRANKLIN AVENUE - ROOM 131
MINEOLA, NEW YORK 11501

Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Robert Miles, Esq, Staff Counsel, Minority Caucus (RM)

CC: Hon. Richard Nicoletto, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: August 5, 2022

Re: A LOCAL LAW TO AMEND THE MISCELLANEOUS LAWS OF NASSAU COUNTY BY ADDING A NEW TITLE 90, IN RELATION TO THE CREATION OF AN ARPA COMMUNITY ADVISORY BOARD.

Attached please find the above referenced local law which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Richard Nicoletto along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.

RECEIVED
NASSAU COUNTY
CLERK OF THE LEGISLATURE
2022 AUG - 5 A 10: 35
1

Introduced by: Legislator Delia DeRiggi-Whitton
Co-sponsored by: Legislator Debra Mulé and Legislator Arnold Drucker

PROPOSED LOCAL LAW NO. – 2022

A LOCAL LAW TO AMEND THE MISCELLANEOUS LAWS OF NASSAU COUNTY BY
ADDING A NEW TITLE 90, IN RELATION TO THE CREATION OF AN ARPA
COMMUNITY ADVISORY BOARD.

APPROVED AS TO FORM



Minority Counsel

RECEIVED
NASSAU COUNTY
CLERK OF THE LEGISLATURE
2022 AUG -5 A 10:35

WHEREAS, on March 11, 2021, the President signed into law the American Rescue Plan Act (ARPA), releasing \$1.9 trillion in federal funds to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses; and

WHEREAS, ARPA allocated \$350 billion dollars in emergency funding, also known as the Coronavirus State and Local Fiscal Recovery Funds, to be utilized by state, local, territorial, and tribal governments to support their response to and recovery from COVID-19; and

WHEREAS, Nassau County received \$385,003,440 in ARPA funding in two equal tranches of \$192,501,720 on May 19, 2021 and June 9, 2022; and

WHEREAS, Nassau County must obligate the ARPA funding it has received by December 31, 2024, and must spend said funds by December 31, 2026; and

WHEREAS, this government has a short window of time to utilize these vital funds to improve the County’s infrastructure, bolster the health of our communities, and provide relief for individuals, families, nonprofit organizations, and businesses in Nassau County who are still recovering from the economic impacts of COVID-19; and

WHEREAS, establishing a community advisory group will not only help the County use these funds in an efficient, effective, and timely manner, it will also give the County’s residents a voice in determining how the ARPA funds can be expended to improve their communities; and

WHEREAS, this Legislature recognizes that it is essential that the County successfully utilizes this unprecedented funding to support our residents and better our county; now therefore

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Title 90

Section 1. Short Title. This law shall be known as the American Rescue Plan Act (ARPA) Community Advisory Board and shall appear in the Miscellaneous Laws as Title 90.

§2. Definitions. As used in this title, the following terms shall have the following meanings:

- A. “American Rescue Plan Act (ARPA)” shall mean and include Public Law 117-2, passed by the U.S. Senate and House of Representatives, and signed into law by the President on March 11, 2021.
- B. “Community Advisory Board” shall mean a board established to advise, make recommendations, and report to the Nassau County Executive and the Nassau County Legislature concerning the appropriation and use of ARPA funds.
- C. “Funds” shall mean and include any funding or monies received by Nassau County pursuant to ARPA.

§ 3. ARPA Community Advisory Board.

- A. An ARPA Community Advisory Board is hereby established to advise and make recommendations to the Nassau County Executive and the Nassau County Legislature on the use and appropriation of ARPA funds, consistent with ARPA and any rules or regulations issued by any United States federal agency or office, including but not limited to the United States Treasury, regarding ARPA. The ARPA Community Advisory Board shall also deliver reports to the County Executive and the Legislature regarding the use of ARPA funds in accordance with the provisions of this title.

- B. The board shall consist of fourteen members, including the Nassau County Comptroller or their designee, the Nassau County Attorney or their designee, the Budget Director of the Office of Management and Budget or their designee, one Nassau County legislator appointed by the Presiding Officer, and one Nassau County legislator appointed by the Minority Leader. The remaining nine members shall be appointed by the County Executive subject to confirmation by the Legislature, of which three shall be appointed upon the recommendation of the Presiding Officer and three shall be appointed upon the recommendation of the Minority Leader.
- C. The members of the board, other than the Nassau County Comptroller and the legislators appointed by the Presiding Officer and the Minority Leader, shall serve at pleasure of the County Executive or until the termination of the board, whichever comes first. The legislators appointed by the Presiding Officer and the Minority Leader shall serve at the pleasure of their respective leaders or until the termination of the board, whichever comes first. If the County Executive chooses to remove a member that had been appointed at the recommendation of the Presiding Officer or the Minority Leader, or a member recommended by the Presiding Officer or the Minority Leader can no longer serve on the board or chooses to resign, the Presiding Officer or the Minority Leader, whoever made the original recommendation, shall make a new recommendation to the County Executive, and if the new appointee is confirmed by the Legislature, the new appointee shall serve the remaining term of the member that has been removed or departed.
- D. The board shall exist until all ARPA funds have been exhausted and a final report has been delivered to the County Executive and the Legislature. The County Executive, the Presiding Officer, and the Minority Leader may also jointly terminate the board prior to exhaustion of the ARPA funds, by way of a written approval from the County Executive, the Presiding Officer, and the Minority Leader. The board shall terminate within ninety days of the final written approval.
- E. The board members will not receive compensation for their service on the board, however, board members may be reimbursed for reasonable expenses incurred in the performance of their duties.
- F. A person's public office or employment shall not bar appointment as a member of the board nor shall membership serve as a bar to other public office or employment; provided, however, that no employee of the Nassau County Comptroller, the Nassau County Attorney, or the Office of Management and Budget shall be appointed as a member of the board, unless such employee is serving as a designee pursuant to subdivision B of this section.

§ 4. Meetings.

- A. The ARPA Community Advisory Board shall meet at least four times per calendar year until the board is terminated or all ARPA funds have been exhausted, whichever comes first. If an appointed board member does not attend at least two meetings per calendar

year, they shall be deemed unable to serve, and shall be removed from the board and a new member shall be appointed in accordance with section three of this title.

- B. The board shall provide the County Executive and the Legislature with written recommendations regarding the appropriations and use of ARPA funds biennially.
- C. The first set of the biennial recommendations must be delivered to the County Executive and the Legislature by April fifteenth of each year. The second set of the biennial recommendations must be delivered to the County Executive and the Legislature by September fifteenth of each year.

§ 5. Reporting.

- A. The board shall prepare and submit an annual report to the County Executive and the Legislature indicating the recommendations that have been submitted by the board for the calendar year, the actions that have been taken pursuant to the biennial recommendations, the funds that have been appropriated for the calendar year, including amounts, the funds that have been disbursed or exhausted during the calendar year, including amounts, any progress made in earmarking and appropriating funds, and any established dates for future meetings. The annual report shall be submitted to the County Executive and the Legislature by December first of each year.
- B. A final report shall be submitted within sixty days after all funds have been exhausted or after the board has been termination pursuant to section three of this title, whichever comes first. The final report shall include all recommendations that have been submitted by the board, the actions that have been taken pursuant to the recommendations, all funds that have been appropriated, including amounts, and all funds that have been disbursed or exhausted, including amounts.

§ 6. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this ordinance, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 2. SEQRA Determination. This legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this action is an unlisted action under the provisions of Title 6 NYCRR Part 617, and that based on an evaluation of the environmental criteria set forth in §617.7(c) that are considered to be indicia of significant adverse environmental impacts, along with the recommendation of the Nassau County Planning Commission acting in its advisory capacity to the legislature, that such action will not have significant adverse impacts on the environment, and that no additional environmental review or action is necessary.

Section 3. Effective date. This law shall take immediately.

Introduced by: Legislator Delia DeRiggi-Whitton
Co-sponsored by: Legislator Debra Mulé and Legislator Arnold Drucker

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