

MEMORANDUM

TO: Board of Directors, Buffalo Erie Niagara Land Improvement Corporation

FROM: Brendan Mehaffy, Chairperson

SUBJECT: **Resolution #2024-3** – Authorize BENLIC to Enter into an American Rescue Plan Allocation Agreement with the County of Erie

DATE: January 25th, 2024

WHEREAS, New York Not-For-Profit Corporation Law §1610(a) authorizes BENLIC to receive funding through grants and loans from certain sources including other municipalities;

WHEREAS, the County of Erie (the “County”) and BENLIC desire to enter into a certain Subrecipient Agreement for the purpose of allocating American Rescue Plan Act of 2021 (“ARP”) and State and Local Fiscal Recovery Funds (“SLFRF”) in substantially the form attached hereto as Schedule A, and as otherwise in form and content agreeable to their respective counsel, (the “Agreement”); and

WHEREAS, under the material terms of the Agreement, the County will provide up to thirteen-million five-hundred thousand dollars (\$13,500,000.00) to BENLIC during fiscal years 2024-2026 for the purpose of completing an affordable housing infill development program.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO ERIE NIAGARA LAND IMPROVEMENT CORPORATION AS FOLLOWS:

Section 1. The recitals above are hereby incorporated into this Resolution as if fully set forth herein.

Section 2. The Executive Director is hereby authorized, on behalf of BENLIC, to execute and deliver the Agreement, in form and content agreeable to counsel and the Executive Director, with such changes, variations, omissions and insertions thereto as the Executive Director shall approve, the execution thereof by the Executive Director to constitute conclusive evidence of such approval.

Section 3. The Executive Director of BENLIC is hereby authorized and directed to execute all documents on behalf of BENLIC which may be necessary or desirable to further the intent of this Resolution and do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 4. The other officers, employees and agents of BENLIC are hereby authorized and directed for and in the name and on behalf of BENLIC to do all acts and things required or provided for by the provisions of the Agreement and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing Resolution and to cause compliance by BENLIC with all of the terms, covenants and provisions of the Agreement binding upon BENLIC.

Section 5. This Resolution shall take effect immediately.