

Bill No. 5102

Ordinance No. _____

Requested by: Tracy Bayne

Sponsored by: Nancy Schneider

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE MISSOURI SECRETARY OF STATE FOR THE HAVA ELECTION SECURITY GRANT PROGRAM AWARDED TO THE ELECTION AUTHORITY IN THE AMOUNT OF \$10,000 TO PROVIDE ASSISTANCE TO THE LOCAL ELECTION AUTHORITY FOR EXPENSES RELATED TO PHYSICAL SECURITY SERVICES AND SOCIAL MEDIA THREAT MONITORING FOR COSTS INCURRED PRIOR TO DECEMBER 31, 2023

WHEREAS, St. Charles County Government, through the Election Authority, submitted applications to the Secretary of State of the State of Missouri for financial assistance in improving election processes; and

WHEREAS, the Secretary of State, Elections Division recently awarded HAVA Election Security Grant funds up to an amount of \$10,000, however, these amounts were not included in the 2022 budget; and

WHEREAS, the HAVA Election Security Grant will provide financial assistance to St. Charles County Election Authority for expenses related to physical security services and social media threat monitoring for costs incurred by the Election Authority prior to December 31, 2023; and

WHEREAS, the HAVA Election Security Grant will be beneficial to the residents of St. Charles County and will serve a public purpose; and

WHEREAS, Section 70.220 RSMo., authorizes intergovernmental agreements between political subdivisions for the purposes herein set out.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The State of Missouri, Elections Division HAVA Election Security Grant in the amount of \$10,000 is hereby accepted from the Secretary of State for the Election Authority.

Section 2. The grant agreement attached hereto and incorporated herein by reference as **EXHIBIT A** is hereby approved, and the County Executive, or his designee, is authorized to execute the grant agreements and any and all required ancillary documents, including but not limited to: disclosures, assurances, and certifications.

Section 3. All requirements of the grant shall be the responsibility of the St. Charles County Election Authority.

Section 4. This ordinance shall be in full force and effect from and after the date of its passage and approval and such financial assistance agreement shall be valid upon its lawful execution by the appropriate officials of each governing entity entering into such agreement as

required by Chapter 70 of the Revised Statutes of the State of Missouri.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR

EXHIBIT A

MISSOURI SECRETARY OF STATE | ELECTIONS DIVISION
PO BOX 1767 | JEFFERSON CITY, MO 65102

HAVA ELECTION SECURITY GRANT

This Agreement is entered into between the Missouri Secretary of State's Office ("Secretary of State") and the Local Election Authority ("LEA") identified below. The effective date of this Agreement is the date signed by the authorized officer of the Secretary of State. In consideration of the mutual covenants, promises, and representations in this Agreement, the parties agree as follows:

Local Election Authority | Name of Grantee: ST. CHARLES County

Grant Period: Begin date is upon the Secretary of State Official's signature date listed below

End Date: December 31, 2023

Grant Award Amount: \$10,000.00

Final Payment Reimbursement Request Due: February 14, 2024

I. Purpose

The purpose of this grant agreement is to provide assistance to LEA's for expenses related to physical security services and social media threat monitoring.

Due to the receipt of federal funds, the LEA must sign and submit the Standard Certifications (Attachment A) with this grant agreement.

II. General Instructions

- This grant agreement is subject to appropriation and cash availability
- Sign, scan, and email the grant agreement to the Secretary of State along with the signed Standard Certifications page (Attachment A).
- A copy will be sent back to the LEA.
- The grant agreement period will begin on the date the grant agreement is signed by an authorized official of the Secretary of State.
- Costs cannot be incurred after **December 31, 2023**.

III. CFDA Number

- The CFDA number associated with this grant agreement is 90.404.
- The amount received must be reported on your Schedule of Expenditures of Federal Awards (SEFA).

IV. Payment

Grant payments are paid in advance directly to the LEA upon commencement of the grant agreement period.

V. Audit and Accounting

- The LEA shall comply with the Single Audit Act, as amended, an OMB Circular No. A-133.
- The LEA shall use adequate fiscal control and accounting procedures to properly disburse all funds provided by the Secretary of State pursuant to this Agreement.
- The LEA shall retain records documenting the expenditure of all funds provided by the Secretary of State pursuant to this Grant Agreement and until further advised by the Secretary of State. The LEA shall provide the Secretary of State with reasonable on-site access to any records so retained.

VI. Allowable Uses of Funds

To be allowable under the grant, costs must be necessary and reasonable for the proper and efficient performance and administration of elections for federal office.

VII. Additional Terms and Conditions

APPLICABLE LAW. This Agreement shall be construed according to the laws of the State of Missouri.

SUBCONTRACTING. The LEA may subcontract work and services set forth in this Agreement, provided that the Secretary of State shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract. The LEA shall be solely responsible for the services provided in connection with this Agreement and solely liable to any subcontractor for all expenses and liabilities incurred under the subcontract. The LEA shall follow all procurement requirements applicable under Missouri law, including but not limited to compliance with sections 285.525 to 285.550, RSMo.

AMENDMENTS. Any change in this Agreement, whether by modification or supplementation, shall be accomplished by a formal written amendment signed and approved by the duly authorized representatives of the LEA and the Secretary of State,

INDEMNIFICATION. The LEA shall be responsible for the acts, omissions to acts or negligence of the LEA, its agents, employees, and assigns. To the extent allowed by law, and subject to any applicable sovereign immunity, the LEA shall hold harmless and indemnify the Secretary of State, including its agents, employees, and assigns, from every injury, damage, expense, liability, or payment, including legal fees, arising out of any activities conducted by the LEA in connection with or in any way relating to this Agreement.

SOVEREIGN IMMUNITY. The Secretary of State, the State of Missouri, its agencies, and its subdivisions do not waive any defense of sovereign or official immunity upon entering into this Agreement.

INDEPENDENT CONTRACTOR. The LEA, its agents, employees, and assigns shall act in the capacity of an independent contractor in performance of this Agreement and not as an agent, employee, or officer of the Secretary of State.

HEADINGS. The headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

EXECUTION. This Agreement may be executed in counterparts, each of which shall constitute an original instrument and all of which together shall constitute one and the same Agreement. Facsimile or photocopied signatures shall be considered as valid signatures.

VIII. Execution

The Missouri Secretary of State's Office and the Local Election Authority agree to comply with the terms of this Grant Agreement and all local, state, and federal provisions and assurances required under this grant program. We will carry out the Grant Agreement according to the purpose stated above. The LEA represents it is duly authorized to enter into this Agreement.

Trish Vincent

Authorized Representative of Secretary of State

Authorized Representative of LEA (Print Name)

Signature of Secretary of State Official

Signature of LEA Official

Date Signed

Date Signed

Local Election Authority (County, BOE, or City)