AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE MISSOURI SECRETARY OF STATE FOR THE 2020 HAVA/CARES ACT GRANT AWARDED TO THE ELECTION AUTHORITY AND AMENDING THE 2020 BUDGET ADOPTED AS ORDINANCE 19-108 BY MAKING SUPPLEMENTAL APPROPRIATIONS TO THE ELECTION AUTHORITY FUND IN THE AMOUNT OF $150,000 FOR THE 2020 HELP AMERICA VOTE ACT (“HAVA”) CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT GRANT TO ASSIST WITH FUNDING ELIGIBLE COSTS RELATED TO PREVENTING, PREPARING FOR AND RESPONDING TO CORONAVIRUS FOR THE 2020 FEDERAL ELECTIONS IN AUGUST AND NOVEMBER, 2020

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 2020 HAVA Coronavirus Aid, Relief and Economic Security (CARES) Act Grant funds up to an amount of $150,000, however, these amounts were not included in the 2020 budget; and
WHEREAS, 2020 HAVA CARES Act Grant will provide financial assistance to St. Charles County Election Authority for expenses related to the COVID-19 pandemic to prevent, prepare for, and respond to coronavirus for the 2020 Federal election cycle; and

WHEREAS, 2020 HAVA CARES Act Grant will be beneficial to the residents of St. Charles County and will serve a public purpose; and

WHEREAS, the St. Charles County Charter, Article VI, Section 6.206.1 provides that the County Council may by ordinance make supplemental appropriations if the County Executive certifies that there are available for appropriation revenues in excess of those estimated in the budget; and

WHEREAS, the Election Authority has requested a supplemental appropriation of $150,000 for the purpose of funding eligible costs related to preventing, preparing for and responding to coronavirus for the 2020 federal elections in August and November 2020; and

WHEREAS, the County Executive has so certified said revenue in EXHIBIT A attached hereto.

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

Section 1. The State of Missouri, Elections Division 2020 HAVA Coronavirus Aid, Relief and Economic Security Act Grant in the amount of $150,000 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 B** 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.  The budget of St. Charles County, Missouri for fiscal year 2020, as adopted by Ordinance 19-108, is hereby amended by deleting the amount of $0 from revenue line item 234-33402 Election Grants and inserting in lieu thereof the amended allocation of $150,000 (an increase of $150,000).

Section 5.  The budget of St. Charles County, Missouri for fiscal year 2020, as adopted by Ordinance 19-108, is hereby amended by deleting the amount of $1,200,000 from Operating account line item 2340410-43330 Election Costs and inserting in lieu thereof the amended allocation of $1,275,000 (an increase of $75,000).

Section 6.  The budget of St. Charles County, Missouri for fiscal year 2020, as adopted by Ordinance 19-108, is hereby amended by deleting the amount of $0 from Capital Outlay account line item 2340410-47850 Miscellaneous Capital and inserting in lieu thereof the amended allocation of $75,000 (an increase of $75,000).
Section 7. 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
CERTIFICATE OF DIRECTOR OF FINANCE

I certify that there is a balance otherwise unencumbered to the credit of the appropriation to which this ordinance is chargeable, and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet this obligation.

__________________________________
Director of Finance

__________________________________
Date
EXHIBIT A

TO: The Members of the St. Charles County Council
   The Honorable Terry Hollander, Council Chair
   The Honorable Joe Cronin
   The Honorable Joe Brazil
   The Honorable Mike Elam
   The Honorable Dave Hammond
   The Honorable Nancy Schneider
   The Honorable John White

FROM: Steve Ehlmann, County Executive

DATE: May 14, 2020

RE: Certification of Additional Revenue – 2020 HAVA/CARES Act Grant – Election Authority

By this correspondence, I hereby certify that, pursuant to Section 6.206.1 of the St. Charles County Home Rule Charter, there will be available for appropriation additional revenues in excess of those estimated in the adopted 2020 budget of the Election Authority Fund in the amount of $150,000 for the purpose of a supplemental appropriation.

This additional revenue is the result of a 2020 HAVA Coronavirus Aid, Relief and Economic Security (CARES) Act Grant from the Missouri Secretary of State in the amount of $150,000. Accordingly, the Director of Elections is requesting an increase of $150,000 in revenue account 234-33402 Election Grants.

I am also recommending a supplemental appropriation of $150,000 to the Election Authority Fund budget. The appropriation would be for the purpose of funding eligible costs related to preventing, preparing for and responding to coronavirus for the 2020 federal elections in August and November, 2020. At this time all eligible expenses funded by this grant are not known. Therefore, should the County Council approve this supplemental appropriation, the amount of $75,000 would be allocated to account 2340410-43330 Election Costs and the amount of $75,000 would be allocated to account 2340410-47850 Miscellaneous Capital in the Election Authority Fund budget.

Accordingly, I am requesting that the St. Charles County Council approve this supplemental appropriation ordinance for the purpose described above. I appreciate your favorable consideration of this request.
cc: Joann Leykam, Director of Administration
    John Watson, County Counselor
    Kurt Bahr, Director of Elections
    Bob Schnur, Finance Director
    Brenda Hinton, County Registrar
    Donna Vogt, Executive Assistant, St. Charles County Council
2020 HAVA Coronavirus Aid, Relief and Economic Security (CARES) Act
Grant Agreement

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 Secretary of State. In consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

LEA Name (Grantee): St. Charles County Election Authority

Grant Period: Begins on Secretary of State Official’s signature date in Execution section below
End Date is December 31, 2020

Grant Award Amount: $150,000.00

Final Financial Status Report Due: January 6, 2021

I. Purpose

The purpose of this grant is to provide assistance to Local Election Authorities for expenses related to the COVID-19 pandemic, specifically to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle. The grant is for the 2020 federal elections, which are the August 2020 primary election and the November 2020 general election.

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

II. General Instructions

- This grant is subject to appropriation and cash availability.
- Sign, scan and email 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 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, 2020.
III. CFDA Number

- The CFDA number associated with this grant is 90.404.
- 83.33% of the grant will be federal funds. 16.67% of the grant will be state funds.
- The federal portion of the amount received must be reported on your Schedule of Expenditures of Federal Awards (SEFA).

IV. 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 disburse properly all funds provided by the Secretary of State pursuant to this Agreement.
- The LEA shall deposit funds provided pursuant to this Agreement in an interest bearing account and use any accrued interest from the account for the work and services to be provided pursuant to this Agreement.
- The LEA shall retain, for not less than 4 years from the termination date of the grant period, records documenting the expenditure of all funds provided by the Secretary of State pursuant to this Agreement. The LEA shall provide the Secretary of State with reasonable on-site access to any records so retained.

V. Allowable Uses of Funds

Grant funds shall only be used to prevent, prepare for, and respond to coronavirus for the 2020 federal elections, which are the August 2020 primary election and the November 2020 general election. Allowable uses include, but are not limited to:

- Supplies – electronic poll books, additional voting equipment (including high speed or central count tabulators), additional computers and/or laptops, installation of absentee ballot boxes, protective shields (example: Plexiglass type of screen between voter and poll worker on a table top), cleaning and disinfecting supplies, hand sanitizer, plastic bottles for hand sanitizer, gloves, masks, stylus pens for electronic poll books, or pens for each voter that are dropped in a container after use for sanitizing, costs specific to rental of buildings, supplies, and/or additional needs.
- Staffing – increased hazard pay for poll workers and/or additional staffing needs related to the COVID-19 pandemic.
- Voting Processes - additional costs for printing and mailing ballots, automated letter opening, etc.
- Security and Training – pre- and post-election deep cleaning and disinfecting of polling places, staff and poll worker training on routine cleaning and disinfection of polling location areas and associated voting equipment, hand hygiene, and preventive actions at polling places, etc.
- Communications – notifying public of information concerning voting - not to include the normal publication requirements.
VI. Equipment

- Equipment purchased with the use of grant funds will be allowed based on the percentage used for elections; and
- Single year maintenance cost only, unless the vendor supplies written documentation showing a justifiable cost savings for a two year maintenance agreement.
- The LEA shall dispose of equipment purchased with HAVA funds in accordance with federal requirements.
- Maintenance, service, and warranty repairs of the qualifying equipment purchased pursuant to this agreement are the sole responsibility of the LEA. The LEA shall contact the manufacturer or vendor directly for maintenance, warranty, service and repair of the qualifying computer equipment.
- The LEA shall keep records and track equipment by:
  - serial or identification number;
  - source of the property;
  - name of the title holder;
  - acquisition date;
  - cost;
  - location;
  - use and condition of the property; and
  - disposal information.

VII. Payment and Reporting

- The LEA will receive the funds in advance; however, the CARES Act requires reporting on specific categories.
- Costs incurred after December 31, 2020 are NOT allowable.
- Vendor invoices must be detailed to clearly show what was purchased.
- Allowable expenses must be incurred on or after March 28, 2020.

A. Final Financial Status Report

The LEA must complete the attached Final Financial Status Report and submit it to the Secretary of State with a copy of invoices, proof of payment and any other payment documentation by January 6, 2021.

B. Delivery of Report

- The Final Financial Status Report and required documentation shall be delivered by U.S. mail to:
  US Mail: Secretary of State, Elections Division
  PO Box 1767
  600 W Main
  Jefferson City, MO 65102

  Or by Email: elections@sos.mo.gov
VIII. Repayment of Grant Funds

- The Secretary of State may require repayment of a grant under this Agreement in FULL from any LEA failing to submit the Final Financial Status Report with all supporting documentation to the Secretary of State by January 6, 2021. Such repayment is due by January 31, 2021.

- Any LEA not using all the Grant funds as set forth in this Agreement shall repay such amounts, with any applicable interest earned, to the Secretary of State no later than January 31, 2021.

IX. 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.
X. 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 as well as the Standard Certifications included in Attachment A to this Agreement. We will carry out the Grant Agreement according to the purpose stated above. We agree that all grant funds not returned will be expended as set forth in this Agreement. The LEA represents it is duly authorized to enter into this Agreement.

____________________________________
Authorized Representative of Secretary of State
(type or print)

____________________________________
Authorized Representative of LEA
(type or print)

____________________________________
Signature, above official

____________________________________
Signature, above official

____________________________________
Date signed

____________________________________
Date signed

____________________________________
Local Election Authority
(type or print)

____________________________________
Mailing Address
(type or print)

____________________________________
City, State, Zip Code
(type or print)