

RESOLUTION NO. 2022- 18

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, RECOGNIZING 2021 FEDERAL ELECTIONS SECURITY GRANT FUNDS AS UNANTICIPATED REVENUE; AND APPROPRIATING SUCH FUNDS WITHIN THE SUPERVISOR OF ELECTIONS' 2022 FISCAL YEAR BUDGET.**

**WHEREAS**, the St. Johns County Supervisor of Elections has been selected to receive a Help Americans Vote Act (HAVA) Election Security Grant, which is a federally-funded grant administered by the Florida Department of State, Division of Elections ("Department"); and

**WHEREAS**, the 2021 Election Security Grant award is in the amount of \$71,813; and

**WHEREAS**, when preparing the budget for Fiscal Year 2022 the County did not anticipate receiving proceeds from the Election Security Grant.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of St. Johns County, Florida:

1. The above recitals are hereby adopted as legislative findings of fact and incorporated herein.
2. The Board of County Commissioners hereby recognizes the grant proceeds described herein as unanticipated revenue and directs the County Administrator, or designee, to appropriate the funds in the Supervisor of Elections' 2022 Fiscal Year budget for use consistent with the grant requirements.
3. To the extent there are administrative, typographical or scriveners' errors that do not substantively change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 18<sup>th</sup> day of January 2022.

[OFFICIAL SEAL]

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By: Henry Dean  
Henry Dean, Chair

**ATTEST:** Brandon J. Patty, Clerk of the Circuit Court and Comptroller

By: Pam Halterman  
Deputy Clerk

RENDITION DATE 1/20/22





## MEMORANDUM OF AGREEMENT FOR 2021 ELECTION SECURITY FUNDS

This agreement is between the State of Florida, Department of State, Division of Elections ("Department"), an agency of the State of Florida, and Vicky Oakes Supervisor of Elections ("Sub-recipient") for St. Johns County, Florida. This agreement governs the receipt and use of federal funds as specified herein. Unless otherwise specified herein, all required submissions shall be through the Department of State Online Grants System.

### I. Governing Law

Grant funds are available from the 2020 Help America Vote Act (HAVA) Election Security Grant funds through Specific Appropriation 3131A in Chapter 2020-111, Laws of Florida.

The Department of State hereby establishes a sub grant program to address Sub-recipients' election security needs as assessed by the Department for federal elections (hereinafter "2021 ESF1 Grant") and for the purpose of complying with the 2020 Memorandum of Agreement for Minimum Security Standards for the Florida Voter Registration System.

The total sum available for distribution is three million, four hundred seventy-five thousand dollars (\$3,475,000) in non-recurring funds for fiscal year 2020-2021. The funds are appropriated from the Federal Grants Trust Fund, pursuant to section 101 of the Help America Vote Act of 2002 (HAVA) and section 90.404 ("Help America Vote Act Election Security Funds") of the Catalog of Federal Domestic Assistance.

### II. Scope of Work

Sub-recipient may request a 2021 ESF1 Grant for the purchase of goods and/or services to address Sub-recipient's continuing election security needs as identified and developed in conjunction with the Department's assessment and for purposes of complying with the 2020 Memorandum of Agreement for Minimum Security Standards for the Florida Voter Registration System. Sub-recipient may request advance payment, reimbursement or a combination thereof.

To be eligible to apply and receive for these funds, Sub-recipient must provide the following using the Department's Online Grants System:

- An executed 2020 Memorandum of Agreement for the Florida Voter Registration System's Minimum Security Standards (if not already on file with the Department).
- A signed Memorandum of Agreement
- A completed online Election Security Improvement Plan (Sub-recipient shall initially complete the plan using the fillable section in the Department's Online Grants System's application to submit the actual and/or anticipated amount expense(s) and to indicate which one or more of the six allowable expense categories the request falls.)

- For election security reasons, subsequent to notice of determination of eligibility and/or grant award amount based on the initial online application, Sub-recipient shall supplement the online plan with a more detailed plan using **Attachment A – Detailed Plan -2021 Election Security Grant 1** to be submitted in accordance with the process detailed in Deliverable 1 of Section IV.
- A signed Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions (**Attachment B**). (Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35.) This form prohibits the disbursement of federal funds to the intended recipient of such funds or to any sub-recipient thereunder unless such recipient and each sub-recipient, if any, certify that they are not excluded or disqualified from receiving federal funds by any federal department or agency.

### III. Grant Period and Timeline

The grant agreement covers the period indicated below:

Date	Event
6/30/2021	<ul style="list-style-type: none"> <li>● Deadline to submit a grant application through the Department's Online Grants System as set forth in Section II.</li> <li>● Deadline to expend funds eligible for reimbursement in accordance with plan.</li> <li>● Deadline to incur obligations eligible for advance payment in accordance with plan.</li> </ul>
09/15/2021	Deadline to expend advance funds.
09/30/2021	Deadline to submit a Final Expenditure Report using <b>Attachment C</b> and return any unspent advance funds, including accrued interest.

### IV. Deliverables, Minimum Levels of Service, and Financial Consequences

Deliverable 1	Grant Application
<b>Minimum Level of Service</b>	<p>Provide no later than June 30, 2021, the following as part of the Department's Online Grants System:</p> <ul style="list-style-type: none"> <li>● An executed 2020 Memorandum of Agreement for the Florida Voter Registration System's Minimum Security Standards (if not already on file with the Department).</li> <li>● A signed Memorandum of Agreement for 2021 Election Security Grant 1</li> <li>● Election Security Improvement Plan – Sub-recipient shall initially complete the plan using the fillable section in the Department's Online Grants System's application and include the actual and/or anticipated expense(s) within one or more of the six allowable expense categories:</li> </ul>

- Category 1: Multi-factor Authentication (MFA) and Access Controls
- Category 2: Vulnerability Management
- Category 3: E-Mail Security (Including DMARC)
- Category 4: Network Hygiene, Segmentation, and Security
- Category 5: Endpoint Hygiene and Security
- Category 6: Physical Security and Other Needs

For security reasons, subsequent to the determination of eligibility and/or grant award amount, Sub-recipient shall supplement the online plan with a more detailed plan using **Attachment A –2021 Election Security Improvement Plan - Grant 1** and submit in accordance with Deliverable 2.

- Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions (**Attachment B**). (Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35, prohibits the disbursement of federal funds to the intended recipient of such funds or to any sub-recipient thereunder unless such recipient and each sub-recipient, if any, certify that they are not excluded or disqualified from receiving federal funds by any federal department or agency.)

**Financial Consequences**

Sub-recipient is not eligible for these funds without an executed 2020 Memorandum of Agreement for Minimum Security Standards for the Florida Voter Registration System on file with the Department prior to or at the time of submitting an online grant application.

Sub-recipient is not eligible for these funds if a completed online grant application is not submitted by the requisite timeframe.

**Deliverable 2**

Advance funds or reimbursement documentation

**Minimum Level of Service**

If Sub-recipient requests reimbursement for allowable expenses, such reimbursement may only be for the period starting July 1, 2020 up to the date of the application.

Subsequent to a notice of determination of eligibility and/or grant award amount, a request for reimbursement must be supplemented by a more detailed plan using **Attachment A –2021 Election Security Improvement Plan-Grant 1** with supporting documentation and submitted through a secure site in a prescribed time and manner by the Department. Sub-recipient must provide information and documentation sufficient to support the request for reimbursement and/or advance including but to, description of good/services, invoice number/purchase order, invoice/purchase order date, payment date, vendor/payee, proof of payment (receipts, bank/credit card statements, canceled check), etc.

If Sub-recipient requests advance funds for allowable expenses, such expenses must be obligated no later than June 30 and expended no later than September 15, 2021.

**Financial Consequences** If supporting documentation for reimbursement is not sufficient for request, Sub-recipient will not be eligible for reimbursement.

If funds are not obligated by June 30, Sub-recipient is not eligible to request and/or obtain advance. If advance funds are not expended by September 15, 2021 Sub-recipient shall return all funds, previously advanced, including interest.

**Deliverable 3** Final Financial Expenditure Report

**Minimal Level of Service** No later than September 15, 2021 Sub-recipient shall transmit to the Department the Final Expenditure Report using **Attachment C**. The Final Expenditure Report and supporting documentation shall be submitted through a secure site to the Department in a prescribed manner. Sub-recipient must provide information and documentation sufficient to support the requests for reimbursement and/or advance including but to, description of good/services, invoice number/purchase order, invoice/purchase order date, payment date, vendor/payee, proof of payment (receipts, bank/credit card statements, canceled check), etc. Sub-recipient shall respond no later than 2 days after notice from the Department that the application is incomplete or insufficiently documented to determine final expenses.

**Financial Consequences** Sub-recipient shall return all funds if a Final Expenditure Report is not submitted to the Department by September 15, 2021.

Failure to respond to a notice of incomplete or insufficient report or request for supplemental information within 2 days from notice may result in a notice to return all funds, including interest, for which expenditures are not otherwise satisfactorily documented.

Failure to timely submit a Final Expenditure Report or supplemental request may factor into eligibility for future grants.

If determined by a re-assessment and/or audit that any part of the grant award was not used to implement the plan as approved, Sub-recipient shall return that portion of the award up to the maximum amount awarded plus interest accrued or that would have accrued.

## V. Grant Submission/Application

To be eligible for the grant, Sub-recipient must submit an online grant application using the Department's Online Grants System as detailed in Section II. The amount awarded to each Sub-recipient will be based on the online application and the Department's assessment of the Sub-recipient's election security needs to be able to comply with Sub-recipient's executed 2020 Updated Memorandum of Agreement for Minimum Security Standards for the Florida Voter Registration System.

## VI. Final Expenditure Report

The Sub-recipient must submit a Final Expenditure Report using **Attachment C** along with supporting documentation evidencing allowable expenses no later than September 15, 2021. Further requirements are detailed in Deliverable 3 within Section IV. Documentation must account for all expenditures made from grant funds awarded under this agreement. Along with the report, Sub-recipient shall return any

unspent advanced funds. All returned and/or unspent funds, including interest earned, shall revert to the Federal Grants Trust Fund.

## **VII. Restrictions**

### **A. No lobbying**

Sub-recipient shall not use any funds received hereunder to support lobbying activities to influence proposed or pending federal or state legislation or appropriations. This does not affect the right of the Sub-recipient, or that of any other organization to petition Congress, or any other level of Government, through the use of other resources.

### **B. Non-allowable expenses**

If the Sub-recipient expends any funds on expenses that are not allowable, the Sub-recipient must reimburse immediately the funds to the Department, not otherwise expended for allowable costs, including any interest earned during the term of this agreement. Any funds determined, at any time, not to be expended in accordance with this agreement shall be returned, including any interest earned, to the Department within 30 days of written notice. All funds returned shall revert to the Federal Grants Trust Fund.

### **C. Interest-bearing account**

The Sub-recipient must establish and maintain the grant funds in an interest bearing account in a "qualified public depository" as defined by section 280.02(26), Florida Statutes. The Sub-recipient must segregate the funds in a separate account established to hold only such funds. Sub-recipient must comply with the applicable requirements of chapter 280, including but not limited to:

- The execution and retention in your official records of a Public Deposit Identification and Acknowledgement Form.
- The submission each year by November 30<sup>th</sup> of a Public Depositor Annual Report to the Chief Financial Officer (DFS-J1-1009).

For more information refer to the Department of Financial Services Collateral Management for Governmental Units webpage or contact the Program Administrator at 850-413-3167.

## **VIII. Payments**

### **A. Distribution**

The Department shall determine eligibility and grant award amount based on a completed online application. Funds will then be distributed subject to whether the request is a reimbursement, advance or combination thereof. As applicable, funds will be distributed subsequent to the submission of a more detailed Election Security Improvement Plan using **Attachment A** with supporting documentation to supplement the online plan. The award date for the subgrant is the day the funds are transferred or distributed to the Supervisor.

### **B. Electronic Funds Transfer**

The Sub-recipient is encouraged to use electronic funds transfer (EFT) to receive payment as an alternative to receipt of payment by warrant. All Sub-recipients wishing to receive funds through electronic funds transfer must submit a Direct Deposit Authorization form to the Florida Department of

Financial Services. If EFT has already been set up for your organization, you do not need to submit another authorization form unless you have changed bank accounts.

## **IX. Monitoring, Audits, and Audit Reporting**

The administration of resources awarded to the Sub-recipient may be subject to monitoring, audits and reporting requirements at the state and/or federal level. The Sub-recipient agrees to comply and cooperate with federal and state requirements for inspections, reviews, investigations, and/or audits including those deemed necessary by the Department, Inspector General, Chief Financial Officer, Auditor General and/or U.S. Election Assistance Commission. The Sub-recipient agrees to maintain records necessary to comply and to respond to such activities.

### **A. Department audit**

No later than January 31, 2022, the Department shall conduct a post-award re-assessment of Sub-recipient's election security to determine whether the grant award was used to address identified needs for purposes of complying with the 2020 Updated Memorandum of Agreement for Minimum Security Standards for the Florida Voter Registration System no later than December 31, 2021. If it is determined that funds have not been used accordingly, Sub-recipient shall return awarded funds up to the amount determined to not have been used, including interest that would have accrued.

The Department shall also conduct a limited scope post-grant audit of federal funds for six randomly selected Sub-recipients and may conduct more as needed. Sub-recipient agrees to comply with any additional instructions provided by Department staff to the Sub-recipient regarding such audit. If the Department determines that federal funds received under this Agreement were used for any unauthorized purpose or that the Sub-recipient did not comply with this agreement or state or federal requirements for receipt, expenditure, or accounting, the Sub-recipient must return or repay these federal funds in an amount sufficient to ensure or obtain compliance, including expenses for any corrective or remedial action, and interest earned or that may have been earned.

### **B. Audit Requirements for Federal Financial Assistance**

Audit Requirements for Awards of State and Federal Financial Assistance (Form DFS-A2-CL), (**Attachment D**), entitled is incorporated herein and made a part of this agreement. Upon ascertainment of the total Sub-recipient grant amount, the form will be finalized to be Sub-recipient specific.

Additional guidance to state and federal monitoring and auditing requirements may be found at <https://www.eac.gov/payments-and-grants/audits-resolutions>.

## **X. Record Retention**

### **A. Maintenance of records.**

The Sub-recipient shall retain accurate and detailed records sufficient to demonstrate its compliance with the terms of this agreement for five fiscal years from the date an audit report is issued. The Sub-recipient shall allow the Department or its designee, CFO, or Auditor General or auditor access to such records, including access to the audit working papers during such period unless otherwise extended.

**B. Property Inventory**

The Sub-recipient must also maintain appropriate property inventory. Inventory is required for property with a cost or value of \$5,000 or more (effective July 1, 2020) at the time of acquisition in the applicable fiscal subgrant year. Federal regulations (2 CFR 200.313(d)(1)) state that "property records [purchased with federal funds] must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property." See also Rule 69I-73, Florida Administrative Code. A property inventory template is attached. (Attachment E). Such property inventory shall be maintained at the local level.

**C. Sensitive and/or confidential information.**

Documentation associated with this sub grant may contain sensitive and/ confidential information that is exempt from public records disclosure pursuant to Florida and federal laws including but not limited to Section 282.318, F.S. and the Cybersecurity Information Sharing Act (CISA).

**X. Entirety of the Agreement**

All terms and conditions of this Agreement are fully set forth in this document and its attachments and shall be governed by the laws of the State of Florida. The parties agree that proper venue will be in Leon County, Florida. This agreement is effective as of the date it is fully executed.

The parties have caused this Agreement to be executed by their undersigned officials as duly authorized.

**By County Supervisor of Elections/Sub-recipient      By Department of State, Division of Elections**

**Signature**  **Signature** 

**Name and Title** Vicky Oakes  
Supervisor of Elections      **Name and Title** Maria Matthews, Director,  
Division of Elections

**Address** 4455 Avenue A, Suite 101  
St. Augustine, FL 32095      **Address** R.A. Gray Building, Ste. 316  
500 S. Bronough Street,  
Tallahassee, Florida 32399

**County FEID** 59-6000825

**Date** 6/22/2021      **Date** 7/8/2021



## Amendment #1 to

### Memorandum of Agreement for 2021 Election Security Funds – Grant 1

This Amendment amends the above-referenced Memorandum of Agreement for 2021 Election Security Funds (2021-001)(MOA) between the State of Florida, Department of State, Division of Elections, hereinafter referred to as the "Division" and St. Johns County, hereinafter referred to as the "Grantee."

1. This Amendment amends Section 1 (Governing law) to specify that funds awarded to Grantees who submitted completed applications on or after June 14, 2021 but no later than June 30, 2021, are made available from 2020 Help America Vote Act (HAVA) Election Security Grant funds through Specific Appropriation, 3062, Chapter 2021-36, Laws of Florida.

2. This Amendment also amends dates in Section III (Grant Period and Timeline), Section IV (Deliverables, Minimum Levels of Service, and Financial Consequences) and Section VI. (Final Expenditure Report) to reflect that wherever the following dates appear in the specified in the original agreement as to certain activities, those dates are now changed to the extended (no later than) dates as noted in the table below. The initial dates remaining the same are included as well for reference.

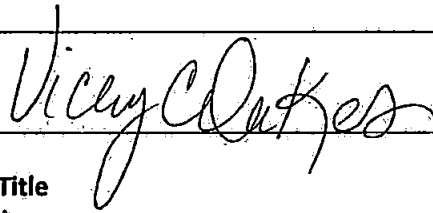
Date	Event	Amended Date
7/1/2020	Beginning of period in which expenditures can qualify for reimbursement	Remains the same
6/30/2021	Deadline to submit a grant application through the Department's Online Grants System as set forth in Section II.	Remains the same
6/30/2021	Deadline to expend funds eligible for reimbursement in accordance with plan	Remains the same
12/15 09/15/2021	Deadline to expend advance funds in accordance with plan (includes deadline to incur obligations eligible to expend those funds)  Deadline to submit reimbursement requests	12/15/2021
12/30 09/30/2021	Deadline to submit a Final Expenditure Report using <b>Attachment C</b> and return any unspent advance funds, including accrued interest	12/31/2021

The parties now mutually agree to amended terms and conditions of the grant agreement as set forth herein. All other terms and conditions are fully set forth in the Memorandum of Agreement referenced above and its

attachments and shall be governed by the laws of the State of Florida. This Amendment is effective as of the date it is fully executed by the undersigned officials as duly authorized.

**By County Supervisor of Elections/Sub-recipient    By Department of State, Division of Elections**

Signature



Signature



**Name and Title**  
**Vicky C. Oakes,**  
**Supervisor of**  
**Elections**

**Name and Title**

**Maria Matthews, Director**

**Address 4455 Avenue A, Suite 101**  
**St. Augustine, FL 32095**

**Address**

**R.A. Gray Building, Ste. 316**  
**500 S. Bronough Street,**  
**Tallahassee, Florida 32399**

**County FEID 59-6000825**

**Date**

**August 23, 2021**

**Date**

**8/24/2021**

**CERTIFICATION REGARDING  
DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION  
LOWER TIER COVERED TRANSACTIONS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)**

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**Vicky Oakes, Supervisor of Elections**

Name and Title of Authorized Representative

*Vicky Oakes*

*6/24/21*

Signature

Date