



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: 11-542 **Name:**
Type: Minutes **Status:** Passed
File created: 5/17/2011 **In control:** Board of Supervisors
On agenda: 5/17/2011 **Final action:** 5/17/2011
Title: Authorize the Registrar of Voters to execute Agreement No. 10G26103 with the Secretary of State's office to receive Authorize the Registrar of Voters to execute Agreement No. 10G26103 with the Secretary of State's office to receive

Sponsors:

Indexes:

Code sections:

Attachments: 1. Signed Board Report, 2. Completed Board Order

Date	Ver.	Action By	Action	Result
5/17/2011	1	Board of Supervisors	approved	

SIGNED BOARD REPORT
MEETING: May 17, 2011 Consent Agenda Item: 30

SUBJECT: Authorize the Registrar of Voters to execute Agreement Number 10G26103 with the Secretary of State's office to receive federal grant funds in the amount of \$245,004 for Voting Access for Individuals with Disabilities VOTE).

DEPARTMENT: Elections

RECOMMENDATION

It is recommended that the Board of Supervisors:

Authorize the Registrar of Voters to execute Agreement Number 10G26103 with the Secretary of State's office to receive federal grant funds in the amount of \$245,004 for Voting Access for Individuals with Disabilities VOTE).

SUMMARY/DISCUSSION

Agreement Number 10G26103 permits the County to be reimbursed in the amount of \$245,004 for expenses incurred to improve access to and participation in the elections process for voters with a full range of disabilities. Funds may be expended in four categories: Assessing Accessibility, Equipment and Activities to Improve Access, Training Materials and Programs for elections officials, poll workers and volunteers), and Educational and Informational Materials for voters. The Elections Department plans to expend funds in all four categories, investing more than 900 staff hours assessing the County's polling places and utilizing mitigation equipment where necessary; production of poll worker video training materials; and developing and implementing an accessible web site.

Copies of the Agreement are on file with the Clerk of the Board.

OTHER AGENCY INVOLVEMENT:

The requested Agreement has been reviewed by County Counsel as to form.

FINANCING:

Increased appropriations and expected revenue are incorporated in the Fiscal Year 2011-12 Recommended Budget. It is anticipated that reimbursements by the Secretary of State's Office will be available within approximately 45 days of receiving a County invoice and documentation. There will be no additional cost to the County General Fund associated with this recommendation.

Joe Ripley Linda Tulett

Management Analyst Registrar of Voters

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COMPLETED BOARD ORDER 30
Before the Board of Supervisors in and for the
County of Monterey, State of California
Agreement No. A-11987
Authorize the Registrar of Voters to
execute Agreement Number 10G26103
with the Secretary of State's office to
receive federal grant funds in the amount of
\$245,004 for Voting Access for Individuals

with Disabilities VOTE)

Upon motion of Supervisor Potter, seconded by Supervisor Salinas, and carried by those members present, the Board hereby;

Authorized the Registrar of Voters to execute Agreement Number I OG26103 with the Secretary of State's office to receive federal grant funds in the amount of \$245,004 for Voting Access for Individuals with Disabilities VOTE).

PASSED AND ADOPTED on this 17th day of May, 2011, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on May 17, 2011.

Dated: May 17, 2011 Gail T. Borkowski, Clerk of the Board of Supervisors

County of Monterey, State of California

By

Deputy

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COMPLETED BOARD ORDER STATE OF CALIFORNIA
STANDARD AGREEMENT
STD 213 Rev 06/03)
AGREEMENT NUMBER
10G26103

REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

Secretary of State

CONTRACTOR'S NAME

Monterey County

2. The term of this

Agreement is:

3. The maximum amount

of this Agreement is:

May 1, 2011 or upon approval by Dept. of General Services, if required, whichever is later

through March 31, 2013

\$ 245,004.36

Two hundred forty five thousand four dollars and thirty six cents

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A Scope of Work

Exhibit A 1

Exhibit B Budget Detail and Payment Provisions

Exhibit B 1

1 page(s)

5 page(s)

5 page(s)

page(s)

Exhibit C* General Terms and Conditions GTC-610

Check mark one item below as Exhibit D:

X

Exhibit D Special Terms and Conditions Attached hereto as part of this agreement) 3 page(s)

Exhibit D* Special Terms and Conditions

Exhibit E Additional Provisions 2 page(s)

Exhibit F County Resolution page(s)

Exhibit G Contractor HAVA Activity Report 1 page(s)

Items shown with an Asterisk *), are hereby incorporated by reference and made part of this agreement as if attached hereto.

These documents can be viewed at www.dgs.ca.gov/Standard+Language

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME if other than an individual, state whether a corporation, partnership. etc.)

Monterey County

BY Authorized Signature)

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

1370 So. Main St., Suite B

Salinas, CA 93901

AGENCY NAME

Secretary of State

BY Authorized Signature)

PRINTED NAME AND TITLE OF PERSON SIGNING

Dora Mejia, Chief, Management Services

ADDRESS

1500 11th Street

Sacramento, CA 95814

STATE OF CALIFORNIA

DATE SIGNED Do not type)

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California Department of General

Services Use Only

Exempt per:

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COMPLETED BOARD ORDER Monterey County

10G26103

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EXHIBIT A

Standard Agreement)

SCOPE OF WORK

1. Introduction

The California Secretary of State has been awarded grant funds from the United States Department of Health and Human Services, Administration for Children and Families, Administration on Developmental Disabilities, Voting Access for Individuals with Disabilities VOTE) under Section 261 of the Help America Vote Act HAVA). These funds provide for improving accessibility to and participation in the elections process for individuals with the full range of disabilities. As California's Chief Elections Officer, the Secretary of State SOS) will oversee the VOTE grant process to distribute funds to counties.

A. VOTE Grant Program

The purpose of this Grant Agreement is to provide Monterey" County") with federal reimbursement funds HAVA funds') in accordance with the Secretary of State VOTE Grant Program. Catalog of Federal Domestic Assistance CFDA) Number 93.617, administered by the U.S. Department of Health and Human Services DHHS), to assist in implementing HAVA Section 261, subject to the provisions of this Agreement and all requirements of state and federal law, regulations and procedures.

1. The program representatives during the term of Agreement will be:

For County: Linda Tulett

For State: Debbie O'Donoghue 916) 653-6173

B. Use of Grant Funds

In accordance with the County's approved Accessibility Program Plan, Exhibit A-1, the approved funds in the amount of \$245,004.36 are to be used for one or more of the following activities:

1. Assessing Accessibility Make polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities.

2. Equipment and Activities to Improve Accessibility Provide the same opportunity for access and participation including privacy and independence) to individuals with disabilities as for other voters.

3. Training Materials and Programs Train elections officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities.

4. Educational and Informational Materials Provide individuals with disabilities with information about the accessibility of polling places.

Exhibit A-1 describes the county's proposed use of grant funds in one or more of the four categories above, timelines for completion and cost associated with each category.

In the County's approved Accessibility Program Plan, please note the following:

Proposed funds requested for total estimated taxes on items and total estimated shipping and handling charges on items, in the amount of \$4,976.64 were not approved. Costs not included in a specific category needed more detail.

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COMPLETED BOARD ORDER Exhibit A=1

ATTACHMENT B

RFA #10-018

VOTE Grant Program

Accessibility Program Plan

Monterey County

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1. What specific activities to improve access to voting or voting information and materials do you intend to make? Monterey County Elections MCE) intends to engage in the following:

A. Activities under the category Assessing Accessibility" to include surveying polling places and alternative sites using the Polling Place Accessibility PPA) survey:

Surveyors will identify the best facilities for use, complete PPA and photographically document voting areas, paths of travel, and accessible parking features of each facility. Surveyor evaluation will also consider voter concentrations and access to public transportation for determining best facility locations. Steps will be taken to relocate or to maintain the most compliant location.

B. Activities under the category Equipment and Activities to Improve Accessibility":

Improving physical accessibility at polling places to include purchasing polling place supplies so voters with disabilities have equal opportunity to access voting and voting information in order to vote independently and privately. Improved access will also allow poll workers to alert voters of physical obstacles along interior and exterior paths of travel, currently deficient at some facilities. See response to Question #8 for specific details on items to be purchased.

C. Activities under the category Training Materials and Programs" to include, development and production of a comprehensive multi-media accessible training component to satisfy the broadest range of learning styles amongst election officials, poll workers, and election volunteers:

Development and production of training videos/DVDs concentrating on meeting the needs of disabled voters and how to improve access to voting and voting materials. Topics would include assisting a disabled voter in line, in a voting booth, and outside of the, polling place; and setting up an accessible voter parking area, voting area, and path of travel.

Videos will improve a training component for poll workers and will also be made available on the Department's web site for election volunteers, workers, and voters.

Development and production of a printed training guide specific to each polling place that uses pictures and text to instruct poll workers on how to improve access to voting at their polling place.

D. Activities under the category Educational and Information Materials":

Develop accessibility materials for MCE's web site to inform individuals with disabilities of accessible voting and gaining access to voting information. Information includes: detailed descriptions of voting location accessibility features, curbside voting, asking for assistance in marking the ballot, and devices to assist independent voting.

Work with a contractor to analyze and update MCE's website information to be compliant with Section 508 Federal standards for web accessibility: This component will ensure fair and equal access to voting information and improve how MCE informs voters on the accessibility features of and services provided at polling places.

Develop and distribute educational Public Service Announcements on such topics as curbside voting, accessible polling places, and accommodations that can be made at the polling place.

2. Why are these activities and improvements necessary? What accessibility problems exist, in your county? According to the Secretary of State's SOS) Report of Registration 10/10/2010), Monterey County's eligible voting population is 238,281; the 2000 U.S. Census estimates that 17% of MCE's eligible voters live with a disability. Monterey County spans over 3,000 miles of urban, rural, agricultural, coastal, and mountainous areas. Many of the buildings were constructed before modern standards and do not comply with the American's with Disabilities Act ADA). Comprehensive review and documentation of each facility including physical accessibility to the voting area and review of public transportation is imperative to the overall Accessibility Program-Plan and will assist MCE in

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COMPLETED BOARD ORDER Exhibit A-1

Monterey County

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developing a detailed and transparent public record of identifying the best possible voting locations. At present, there is a need for significant mitigation of 37% of the surveyed polling places and to survey the remaining 62% using the most recent PPA survey. In addition, to meet voter growth, six multiple-precinct polling locations should be reevaluated and separated into single polling sites, requiring new compliant locations.

3. How did you assess the need for specific activities and/or improvements in your county?

As a means of assessment, MCE regularly reviews physical locations and seeks feedback from poll workers and voters on accessibility accommodations. In the last two years, MCE has reviewed historical records and conducted an analysis of polling places, as well as reviewed the accessibility of MCE's website. MCE assessed poll worker training materials, comparing them to materials developed by the Secretary of State's SOS) Task Force on Poll Worker Training. MCE's citizen Observer Panel, internal staff, and voters have indicated MCE's existing materials and website require improvement. In addition, an independent contractor assessed a majority of MCE polling places and has recommended more mitigating actions than MCE can fiscally manage.

4. How will these activities and improvements mitigate existing conditions and help people with disabilities have equal access to voting and voting materials? Based on our assessments and the recommendations referenced above the activities/improvements will help as follows:

Activities under Assessing Accessibility: By surveying and photographing potential poll sites and

updating survey records MCE will lead to the use of the most physically accessible location.

Activities under Equipment and Material: Purchasing mitigating supplies will allow for technical accessibility improvements at poll sites with deficiencies.

Activities under Training Materials and Programs: Specific instruction will allow workers to set-up an accessible site given the configuration of each voting area, parking area, paths of travel; and will

enable poll workers, volunteers and staff to provide voting assistance within the polling place to those with disabilities.

Activities under Educational and Informational Materials: Individuals with disabilities, election workers, and volunteers will have increased access to information unique to accessibility provided for voting independently and privately or how assistance can be provided if necessary meeting Section 508 accessibility standards.

5. Who do you propose will do the work? Please give the title, job duties, experience or, qualifications of each county staff member or person tasked for each activity or improvement.

Core staff who will work on the plan,, oversee plan projects, work with consultants and other County and temporary staff are listed below. For details on specific task assignments, please see the table included in the response to Question # 8 of the RFA:

Name Job Title Job Duties Experience/Qualifications

Gina Program Oversees polling places 4 years professional elections experience;

Martinez Manager locating and survey) and Certified poll place accessibility surveyor;

determination of accessibility Trained educator

supplies; and recruitment

and training of poll workers

Two Election Survey/mitigate polling Knowledge of or ability to learn elections

Temporary Worker places; assist in developing accessibility standards; receive training in

Staff to be accessibility training program poll place accessibility surveying; computer

determined) skills; editing experience

Susan Program Oversees design of MCE's 4 years professional elections experience; 5

Orman Manager Guide for. Candidates, Voter years professional experience and training

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COMPLETED BOARD ORDER Exhibit A-1

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Information Guide, and in design of printed materials
training materials for public
phone.bank.

Claudio Assistant Oversee day to day general 10 years professional elections experience;
Valenzuela Registrar of operations, maintain web Certified polling place accessibility surveyor;
Voters site,-ballot design, Certified CA Professional Election
translations Administrator, Registers Election Official

REO #CA-14; 20 years IT/video production

Chuck Senior Oversee all data and 2 years professional elections experience;
Cassinelli Information information systems Trained in GIS.for mapping,. routing
Systems locations/paths of travel, imaging; 12 years
Coordinator IT experience

Linda Tuleft Registrar of Department Head 15 years professional elections experience;
Voters responsible for overall Certified CA Professional Election
administration Administrator; 5 years direct services to
adults with disabilities

Heather Program Oversee Voter outreach, 10 years elections experience; Certified CA
Frisella Manager education and registration Professional Election Administrator

6. if a contractor will be employed for the purpose of executing a specific activity or
improvement, what experience or qualifications will the contractor possess to execute the
proposed activity or improvement? Contractors shall have experience with assessing and
improving the content and design of multi-media programs print, video and web) to determine
maximum levels of accessibility and readability. Please see answer to Question #8 for tasks.

7. What is the total amount of money requested? \$249,981

8. What is the detailed cost associated with each activity within each category? The answer to
q
this

question also includes information related to Questions #5 and #6 of the RFA

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Poll Surveyors: two at total of 639 hours

\$19.00

639

\$12;141.00 Gina Martinez

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Poll Surveyor: 320 hours

\$25.49

320

\$8,156.80 on

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Workers to be

Casio Hybrid-GPS EX-H2OG Camera: to

document poll sites and barriers to access

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34" Wide Threshold Bevels 1"

\$349.99

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\$59.00

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\$699.98
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\$118.00 determined)

Gina Martinez
36" Wide Threshold Bevels 1" \$69.00 2 \$138.00
36" Wide Threshold Bevels 1.5" \$84.00 2 \$168.00
42" Wide Threshold Bevels rubberized 5" \$68.00 2 \$136.00
42" Wide Threshold Bevels rubberized 75" \$79.00 2 \$158.00
42" Wide Threshold Bevels rubberized 1" \$109.00 3 \$327.00
42" Wide Threshold Bevels rubberized 1.5" \$153.00 2 \$306.00
42" Wide Threshold Bevels rubberized 2" \$248.00 2 \$496.00
Curb Cut Ramp 3" \$2,399.00 2 \$4,798.00
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COMPLETED BOARD ORDER Exhibit A-1

9. What is your timeline for completion?

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Table 2. Timeline for Completion

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7/2011 1/2012. Assessing Accessibility Complete PPA surveys of polling sites A
7/2011 3/2012 Equipment and Activities to Improve Accessibility: Buy mitigating B
supplies
7/2011 1/2013 Training Materials and Programs: Develop and produce accessibility C
training and informational DVDs/Nideos for distribution and placement
on web site
8/2011 3/2012 Training Materials and Programs: Develop and produce precinct C
specific training guides on set-up of an accessible polling place
7/2011 2/2012 Educational and Information Materials: Develop accessibility materials D
for county web site
7/2011 3/2012 Educational and Information Materials: Contractor to analyze and D
improve information and instructional materials on access to voting
7/2011 2/2013 Educational and Information Materials: Per Attachment D of RFA#10- D
018 improve accessibility of the county web site" to Section 508
standards
8/2011 10/2012 Educational and Information Materials: Develop and distribute PSAs D
pertinent to accessible accommodations
10. What have you done in the last five years to improve polling place accessibility in your
county? In compliance with both the Americans with Disabilities Act (ADA) and the Help America
Vote Act (HAVA), MCE has made specific improvements to polling place accessibility including:
Worked with contractor to survey MCE's existing polling places; recommended relocation of 6%
PPA Surveying Certification obtained for County and temporary staff members;
Used HAVA 261 grant funds to purchase mitigating devices and accessible voting equipment
equaling \$70,000 (2007-08) and assessment tools and mitigating devices totaling \$5,000 (2010);
Assessed and increased online voting information to include HAVA specific details about
participating in elections, how to mark the ballot both paper and accessible voting device),
description of over-voting, under-voting and how to request a new ballot, and a "Where do I vote"
polling place look-up feature on our web site;
Formed MCE's citizen Observer Panel for feedback in areas relating to polling place locations,
accessibility, and poll worker training.
Trained staff member in the use of a geographic information system (GIS) to identify accessible
locations and provide directions.
11. What percentage of your operating budget have you dedicated to accessibility and why?
Please list any limitations or restrictions. MCE is a general fund" Department whose budget limit
is set and approved by the Board of Supervisors based upon scheduled elections and existing federal
and state mandates to administer elections. MCE does not have access to discretionary funds for
special projects, and has, therefore, been only able to dedicate a maximum of 0.5% of the budget to
accessibility. Future budget cuts at State and local levels will jeopardize the Department's ability to
maintain 0.5% or even increase budget dedication to improving accessibility services. As described
in this Plan, there is a great need to improve access to voting and voting information in Monterey
County, and the limit on the ability of MCE to direct general fund monies specific to accessibility
provides a greater need for supplemental grant monies.
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EXHIBIT B

Standard Agreement)

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

A. For services satisfactorily rendered, and upon receipt and approval of the invoices submitted with supporting documentation, the State agrees to compensate the Contractor for actual expenditures incurred in accordance with the rates specified herein, which is attached hereto and made a part of this Agreement.

B. Invoices shall include the Agreement Number and shall be submitted in triplicate not more frequently than monthly in arrears to:

Office of Secretary of State

Attention: Accounts Payable

P.O. Box 944260

Sacramento, CA 94244-2600

2. Budget Contingency Clause

A. It is mutually agreed that if the Budget Act, or a HAVA Spending Plan or Spending Plan amendment, of the current year and/or subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.

B. If funding for any fiscal year is reduced or deleted by the Budget Act, or by a HAVA Spending Plan or Spending Plan amendment, for purposes of this program, the State shall have the option to either cancel the Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.

3. Federal Funds

A. It is mutually understood between the parties that this contract may have been written for the mutual benefit of both parties before ascertaining the availability of congressional appropriation of funds, to avoid program and fiscal delays that would occur if the contract were executed after that determination was made.

B. This contract is valid and enforceable only if the United State Government makes sufficient funds available to the state. In addition, this contract is subject to any additional restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress that may affect the provisions, terms, or funding of this contract in any manner.

C. The parties mutually agree that if the Congress does not appropriate sufficient funds for the program, this contract shall be amended to reflect any reduction in funds.

D. The department has the option to invalidate the contract under the 30-day cancellation clause or to amend the contract to reflect any reduction in funds.

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EXHIBIT B

Standard Agreement)

4. Reimbursement of Funds

Funds will be reimbursed to the County in accordance with the items approved for the reimbursement under the Secretary of State approved portions of the County's Accessibility Program Plan, Exhibit A-1. Additionally, all items must comply with the below listings of items which are specifically approved as reimbursable and unreimbursable items:

A. Items Specifically Approved for Reimbursement

Items or procedures included on the following lists are presumed to be reimbursable, provided their intended use is consistent with one of the four General Uses set forth in the Request for Application. The county may perform activities identified as approved for reimbursement, or may contract for the performance of the activities. The Secretary of State shall be the sole determiner of whether expenditure is consistent with one of the four General Uses set forth in the Request for Application. The Secretary of State will reimburse for the following items or activities, including taxes on purchased goods:

1. Assessing Accessibility

Tools to measure slope;
Tools to measure width, turning area, etc;
Tools to modify voting booths;
Calculator;
Survey kits;
Clipboards;
Tape measures;
Polling Place Inspectors/Surveyors;
Camera;
Door pressure gauge.

2. Equipment and Activities to Improve Accessibility

a. New accessible voting booths;
b. Retrofitting voting booths;
c. Retrofitting polling places for public buildings only and must be a regularly used polling place)
d. Adapter kits" or other materials to make a voting station accessible;
e. Signage parking, directional, entrance, etc.);
f. Table to provide accessibility;
g. Chair for seated voting);
h. Supports for accessibility signage;
i. Device/System to alert poll workers that a voter is at the curb, door, or otherwise needs assistance;
j. Doorstops;
k. Lighting;
1. Low-vision pens;
m. Magnifying devices;
n. Mats or other materials to make the path of travel accessible;
o. Pen grips;
p. Temporary ramps if wheel guides not included, may purchase wheel guides separately);
q. Temporary handrails;
r. Permanent handrails;

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EXHIBIT B

Standard Agreement)

s. Threshold covers or mats;

t. Traffic cones or other materials to make parking temporarily accessible for voting;

u. Wedges;

v. Audio translations of voter education materials only);

w. Consultants, contractors, or accessibility experts to improve polling place accessibility;

x. Equipment for CD/DVD duplication;

y. Accessibility web site development costs;

z. Improving accessibility of web site.

3. Training Materials and Programs

a. Development, production, translation, and transcription into Braille of manuals, programs, posters, brochures, and other printed materials for training of poll workers or polling place inspectors;

b. Development, production, translation of video/DVD training materials;

c. Equipment necessary to use videos/DVDs in training of poll workers or polling place inspectors;

d. Stipends to compensate a trainer to train county poll worker trainers on issues specific to accessibility;

e. Poll worker training that is specific to accessibility and in addition to pre-existing training, or a modification/improvement of pre-existing training;

f. Disability or accessibility experts to make presentations at poll worker trainings.

4. Educational and Informational Materials

a. Development, production, translation, and transcription into Braille or into audio or CD/DVD format, of printed materials to educate or inform voters concerning polling place and voting accessibility;

b. Public advertising of information on accessibility of polling places and voting;

c. Mailers to disseminate information on services for persons with disabilities;

d. Translation of existing materials related to accessibility into required languages;

e. Reformatting and re-printing materials into large-type";

f. Readability analysis to simplify informational or instructional materials;

g. Development of accessibility materials for county web site, or construction of a county web site for the purpose of providing information to the public on accessibility, if one does not already exist or making a current site accessible.

B. Items Presumed to be Unreimbursable:

The following is a partial list of items presumed to be unreimbursable and not inclusive of all items that are unreimbursable. The list is provided only for the purpose of providing guidance. The Secretary of State shall be the sole determiner of whether an expenditure is unreimbursable.

- 1) Administrative costs;
- 2) Batteries;
- 3) Blackberries hand held computers);
- 4) Braille business cards;
- 5) Cable TV;
- 6) Cassette players;

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EXHIBIT B

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7) Cassette tapes except those used for voter education);

8) Catering;

9) Computers;

10) Other office equipment, including but not limited to fax machines and copiers, unless prior approval has been obtained from the granting agency;

11) Office supplies, including but not limited to paper, pens and post-it notes;

12) Concrete paving for parking lots and spaces;

13) Concrete ramps;

14) DREs /other voting equipment can be purchased with other HAVA funds);

15) Emergency exit signs;

16) Facility rental;

17) Permanent modifications or improvements to private or non-governmental structures, including, but not limited to private residences and places of worship;

18) Food;

19) Gas except travel reimbursements for purposes listed in footnote)1;

20) Gift bags, pins, buttons, shirts or other promotional items for poll workers, voters or County staff;

21) Invitations;

22) Laptops;

23) Light bulbs;

24) Modifications to mobile voter education vehicle, unless that vehicle is used as a polling place;

25) Parking fees except travel reimbursements for purposes listed in footnote)

26) Parking lot improvements;

27) Photographers;

28) Scanners;

29) Staff salaries of County employees not conducting one of the activities allowable in this Agreement;

30) Trailers;

31) Transportation to polling sites;

32) Vehicles purchase, rental, or operating expenses except rental vehicles used for

1

purposes listed in footnote on previous page).

5. Failure To Properly Claim Maximum Amount Of HAVA Funds

Notwithstanding any provision of Agreement, County shall be entitled to receive only those amounts for fully supported and appropriate claims which are properly submitted, pursuant to the provisions of Agreement and all applicable state and federal laws, regulations, and procedures.

6. Basis of Claims

Subject to the provisions of Item 8 below related to the applicability of OMB Circular A-87, all claims for HAVA funds under this program must be based on invoices submitted by County. All invoices or agreements that are the subject of any claims must relate directly to expenditures. authorized pursuant to Paragraph B Use of Grant Funds') of Exhibit A Scope of Work'.

7. Processing of Claims

The Secretary of State shall establish the criteria and processes for submitting claims under this program. Such criteria shall include requirements that all claims:

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EXHIBIT B

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- 1) Contain a face sheet that summarizes each expenditure made by the categories set forth in Paragraph B Use of Grant Funds') of Exhibit A Scope of Work';
- 2) Include the total amount of the claim;
- 3) Identify whether additional claims are expected to be submitted;
- 4) Include the hourly charge of any contractor for which a claim is made for their time;
- 5) Include the hourly wage or monthly salary of any employee for which a claim is made for their salaries;
- 6) Include signed Contractor HAVA Activity Reports, please see sample which is Exhibit G, for each employee and contractor's employee for whom reimbursement for time is being claimed. Vendors who receive payment from HAVA funds are required to submit timesheets for any work paid for as time and materials); and
- 7) Include a copy of the contract with the contractor if the contractor's invoice does not describe the activities undertaken in such a manner that the State can determine whether the activities comply with the provisions of this Agreement.

8. Application Of OMB Circular A-87

OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments"), incorporated herein by reference, to the extent applicable, shall govern with respect to all aspects of this program. The provisions of OMB Circular A-87 may be found at <http://www.whitehouse.gov/omb/circulars>.

9. Payments Of Claims

Payments made by the State with respect to any claim shall be sent directly by the State Controller's office to the County.

10. Deadline For Submitting Claims

The deadline for submitting any claim under this program is 90 days after the termination date of this agreement.

11. Documentation To Be Submitted

Each claim shall include a cover page that identifies the activity or service in Exhibit A-1 and the dollar amount associated with each activity or service for which funds are being sought. Each claim shall also include originals or true copies of all invoices, agreements, or other

documentation that support the claim, including all documentation required by OMB Circular A-87. The provisions of OMB Circular A-87 may be found at <http://www.whitehouse.gov/omb/circulars>.
12. Order Of Processing
Claims shall be processed by the Secretary of State in order of receipt.

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EXHIBIT C

Standard Agreement)

GENERAL TERMS AND CONDITIONS

PLEASE NOTE: This page will not be included with the final agreement. The General Terms and Conditions will be included in the agreement by reference to the Internet site below. From this page, select Standard Contract Language" to access the current terms and conditions.
<http://www.ols.dgs.ca.gov/Standard+Language>

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EXHIBIT D

Standard Agreement)

SPECIAL TERMS AND CONDITIONS

A. AUDITING

1. Receipt of HAVA funds by a county indicates agreement to establish a dedicated HAVA account for these funds. Therefore, any payment received by County pursuant to this program shall be deposited in a separate, segregated account and any payment made by County related to this program shall be paid from that account whether or not the County has paid the vendors for services rendered before submitting invoices to the State.

2. Any recipient of federal funds to meet the Help America Vote Act requirements agrees to be audited pursuant to federal and state law. Accordingly, all documents and electronic files must be produced upon request by the auditors. CFDA Number for this contract is 93.617. The audit may include a review of all books, papers, accounts, documents, or

other records of County as they relate to any HAVA funds. County shall also provide access to all employees having knowledge of the HAVA funds program to assist the auditor. County shall provide a copy of any document, paper, or electronic record requested by the auditor;

3. OMB Circular A-133 Audits of States, Local Governments, and Non-Profit Organizations"), and OMB Circular A-87, incorporated herein by reference, shall govern with respect to all aspects of this program. The provisions of these circulars may be found at <http://www.whitehouse.gov/omb/circulars>;

4. County shall maintain records in a manner that:

- a. Accurately reflects fiscal transactions with necessary controls and safeguards;
- b. Provides complete audit trails, based whenever possible on original documents purchase orders, receipts, progress payments, invoices, timesheets, cancelled warrants, warrant numbers, etc.);
- c. Provides accounting data so the costs can readily be determined throughout Agreement period.

5. Records shall be maintained for three years after termination of Agreement and for at least one year following any audit or final disposition of any disputed audit finding;

6. If the final disposition of any disputed audit finding is determined to be a disallowed cost that the Secretary of State has paid the County, the County shall return to the Secretary of State an amount equal to the disallowance.

7. County shall permit periodic site visits by the Secretary of State or the Secretary of State's designee or designees to determine if any HAVA funds are being used or have been used in compliance with Agreement and all applicable laws;

8. County shall report to the Secretary of State at least once every 90 (ninety) days until all funds received have been expended, on the status of HAVA funds received, in a manner determined by the Secretary of State.

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B. GENERAL PROVISIONS

1. The program is conditioned on State receiving reimbursement from the federal government pursuant to HAVA Section 261;
2. HAVA funds can only be used for the purposes for which the HAVA funds are made;
3. No portion of any HAVA funds shall be used for partisan political purposes. All contractors providing services are required to sign an agreement, please see Exhibit E Item 2, to abide by the Secretary of States' policy to refrain from engaging in political activities that call into question the impartiality of the Secretary of State's Office. County is to submit agreement signed by each employee of contractor's firm who worked for County pursuant to this Agreement with the County's first invoice.
4. The provisions of the federal Hatch Act shall apply to employees working for state and local entities receiving HAVA funds. The Hatch Act may be reviewed at http://www.osc.gov/documents/hatchact/ha_sta.pdf
5. Any interest earned by County on money received pursuant to this Agreement must be reported in writing to the Secretary of State within 30 days of termination of this Agreement. All interest must be used by the County for the purposes of implementing activities allowable under this Agreement;
6. Failure by any eligible County to execute a contract by June 1, 2011 shall constitute the County's express desire to forego its Grant Award and use of the County's grant funds.
7. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel Agreement with no liability occurring to the State, or offer an Agreement amendment to County to reflect any reduced amount;
8. Agreement is subject to any restrictions, limitations or conditions enacted or promulgated by the United States Government, or any agency thereof, that may affect the provisions, terms or funding of Agreement in any manner;
9. Pursuant to federal policy, Agreement may be terminated by the State with 30-day written notice to County;
10. County warrants by execution of Agreement, that no person or selling agency has been employed or retained to solicit or secure this contract upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by County for the purpose of securing business. For breach or violation of this warranty, the State shall, in addition to other remedies provided by law, have the right to annul this contract without liability, paying only for the value of the work actually performed, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee;
11. Nothing contained in Agreement or otherwise, shall create any contractual relation between the State and any subcontractor or vendor, and no subcontractor shall relieve County of its responsibilities and obligations hereunder. County agrees to be as fully

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EXHIBIT D

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responsible to State for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by County. County's obligation to pay its subcontractors is an independent obligation from the State's obligation to make payments to County. As a result, State shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor or vendor of County;

12. Pursuant to federal law, by signing this agreement or execution of this purchase order the Contractor certifies under the penalty of perjury that the contracting entity is not excluded or ineligible from federal assistance programs and thereby is not on the federal government's list of suspended or debarred entities.

Pursuant to federal law, as a component of the procurement process, the Contractor must review the federal government's list of debarred and suspended vendors and ensure no contract award is provided to a vendor on this list. This list may be viewed at www.epls.gov.

13. County agrees to provide the Secretary of State with a summary report on its activities under this agreement following each election for which funds are expended that includes: the method used to determine the need for funding an eligible activity, including the reliance on an advisory committee or advisory groups, surveys or any other methodology used to assess the need for the eligible activity; the activity performed and funded; the amount of funding expended; the category or categories of need being met; and any performance metric or assessment of the quality of the activity, including unsolicited public comment, advisory committee or advisory group comment, public comment solicited through surveys and on-site assessments conducted by the County, its agents or others.

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COMPLETED BOARD ORDER Monterey County
10G26103

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EXHIBIT E

Standard Agreement)

ADDITIONAL PROVISIONS

1. Secretary Of State Policy Regarding Political Activity In The Workplace

SECRETARY OF STATE POLICY REGARDING POLITICAL ACTIVITY IN THE WORKPLACE

The Secretary of State is the state's chief elections officer. It is, therefore, imperative that staff in the Secretary of State's Office, and those who contract with the Secretary of State's Office, refrain from engaging in any political activity that might call into question the office's impartiality with respect to handling election issues. Accordingly, the policy of the Secretary of State's Office with respect to political activity in the workplace, a copy of which will be given to every employee in the Secretary of State's office and incorporated as an attachment to contracts with the Secretary of State's Office, is as follows:

1. No employee of or contractor with the Secretary of State's Office shall engage in political campaign-related activities on state-compensated or federal-compensated time, except as required by official duties, such as answering inquiries from the public. In those

cases where the contractor with the Secretary of State's Office is a county, the term "contractor" shall apply only to county elections office employees, county employees redirected to work temporarily for the county elections office, or any person, firm, company or business that provides reimbursable election-related services to a county elections office in furtherance of a contract. This prohibition shall not apply while an employee is on approved vacation or approved annual leave. This prohibition shall not apply to activities engaged in during the personal time of an employee.

2. No employee of or contractor with the Secretary of State's Office shall use any state property in connection with political campaign activities. It is strictly prohibited to schedule political campaign-related meetings or to conduct political campaign-related meetings in state office space, even if after normal working hours.

3. No employee of or contractor with the Secretary of State's Office shall use his or her official status with the Secretary of State's Office to influence political campaign-related activities or to confer support for or indicate opposition to a candidate or measure at any level of government.

4. No employee of or contractor with the Secretary of State's Office may be involved with political campaign-related telephone calls, letters, meetings or other political campaign-related activities on state-compensated or federal-compensated time. Requests by employees to switch to alternative work schedules, such as 4-10-40 or 9-8-80 work weeks, or to take vacation in order to accommodate political campaign-related activities or to attend political campaign functions, will be judged in the same manner and on the same basis as any other requests of this nature i.e., existing needs of the office and discretion of the division chiefs).

5. The receipt or delivery of political campaign contributions or photocopies thereof on state property is strictly prohibited, as is the use of office time or state resources e.g., intra-office mail or fax machines) to solicit or transmit political campaign contributions.

6. No. employee of or contractor with the Secretary of State's Office may authorize any person to use his or her affiliation with the Secretary of State's Office in an attempt to suggest that the employee's or contractor's support or opposition to a nomination or an

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COMPLETED BOARD ORDER Monterey County

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EXHIBIT E

Standard Agreement)

election for office or a ballot measure is of an official," as distinguished from private, character.

7. No employee of or contractor with the Secretary of State's Office may display political campaign-related buttons, posters, or similar materials in areas visible to individuals who are in public areas of the Secretary of State's Office; nor may an employee of or contractor with the Secretary of State's Office display political campaign-related posters or other materials on windows facing out of the state office building.

8. No employee of or contractor with the Secretary of State's Office may use official authority or influence for the purpose of interfering with or attempting to affect the results of an election or a nomination for any public office.

9. No employee of or contractor with the Secretary of State's Office may directly or indirectly coerce or solicit contributions from subordinates in support of or in opposition to an election or nomination for office or a ballot measure.

10. An employee who is paid either partially or fully with federal funds, including the Help America Vote Act of 2002 HAVA), is subject to the provisions of the federal Hatch Act, and is, therefore, prohibited from being a candidate for public office in a partisan election, as defined in the federal Hatch Act. However, any employee who is to be paid either partially or fully with funds pursuant to HAVA, shall first be consulted about the proposed funding and be informed about the prohibitions of the federal Hatch Act. The employee, whenever possible, shall be given the opportunity to engage in employment that does not involve HAVA funding.

11. Provisions limiting participation in political campaign-related activities as provided for in this policy statement shall be included in every contract with the Secretary of State's Office.

If you have questions concerning these restrictions, please refer them to the Secretary of State Office contact person listed on the contract in Exhibit A.

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