

Memorandum



Date: January 20, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

Agenda Item No. 3(B)(1)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution Ratifying the County Mayor's Action of Entering into a
Memorandum of Agreement for the Federal Elections Cybersecurity Grant with
the Florida Department of State Division of Elections

Resolution No. R-5-21

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution ratifying the County Mayor's application for receipt and expenditure of Federal Election Cybersecurity Initiatives Grant Funds from the Department of State, Division of Elections for the "Federal Elections Cybersecurity Grant" and execution of a Memorandum of Agreement (MOA) with the Florida Department of State Division of Elections (State) for such grant funds in the amount of \$66,475.00.

Scope

The Federal Elections Cybersecurity Grant was granted to the Miami-Dade Elections Department for the continuation of cybersecurity initiatives and improvements in preparation for the 2020 Presidential Election in Miami-Dade County.

Fiscal Impact/Funding Source

The State approved an MOA for the Federal Elections Cybersecurity Grant on March 20, 2020. (Exhibit 1 attached to the Resolution). As a result of the executed MOA, funding was disbursed to the Elections Department in the amount of \$66,475.00 on April 21, 2020. As a condition to receiving the funds from the State, the County shall provide additional funds in an amount equal to or more than 15%, or \$9,971.25, in county funds required towards the purchase of cybersecurity initiatives and improvements. These matching funds were included in the department's FY 2019-20 Adopted Budget.

Track Record/Monitor

The MOA will be administered by the Supervisor of Elections, Christina White, on behalf of the Miami Dade Elections Department.

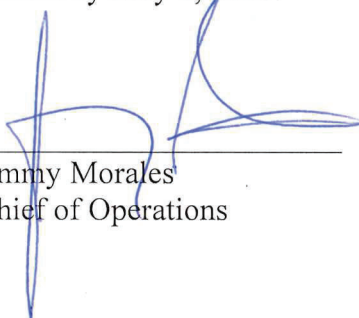
Background

Pursuant to Specific Appropriation 3160, Chapter 2019-115, Laws of Florida, grant funds were allocated to improve and secure the administration of federal elections for enhancements of technology and certain election security improvements to 67 Florida County Supervisors of Elections. The State disbursed \$2.8 million in non-recurring funds among Florida County Supervisor of Elections for use in the 2020 Presidential Election.

The Miami-Dade Elections Department was allocated and received a total of \$66,475.00 in grant funds to purchase services and/or products for cybersecurity initiatives and improvements. Funds provided under this agreement must be used for allowable expenses in preparation for the 2020

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
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Presidential Election, and as part of the requirements of the grant, expenditures needed to be realized by May 1, 2020.



Jimmy Morales
Chief of Operations



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 3(B)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 3(B)(1)
1-20-21

RESOLUTION NO. R-5-21

RESOLUTION RATIFYING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S APPLICATION FOR, RECEIPT, AND EXPENDITURE OF FEDERAL ELECTION CYBERSECURITY INITIATIVES GRANT FUNDS; RATIFYING EXECUTION OF GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS FOR THE "FEDERAL ELECTIONS CYBERSECURITY INITIATIVES GRANT" IN AN AMOUNT UP TO \$66,475.00; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED IN SAID AGREEMENT, INCLUDING ANY TERMINATION AND MODIFICATION PROVISIONS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The matters contained in the foregoing recital and the accompanying County Mayor's memorandum by reference are incorporated in this Resolution as if fully stated herein.

Section 2. This Board ratifies the County Mayor or the County Mayor's designee's application for, receipt, and expenditure of Federal Election Cybersecurity Initiatives Grant funds from the Department of State, Division of Elections (State) for the "Federal Elections Cybersecurity Initiatives Grant" for enhancements of technology and certain election security improvements in an amount up to \$66,475.00 The Board further ratifies the County Mayor or County Mayor's designee's execution of a grant agreement with the State, a copy of which is

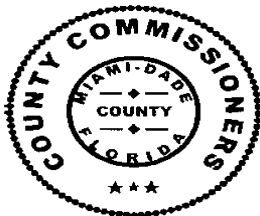
attached hereto as Exhibit 1 and incorporated herein by reference, regarding such Federal Election Cybersecurity Initiatives Grant Funds.

Section 3. This Board authorizes the County Mayor or the County Mayor’s designee to exercise all provisions contained in the above-referenced agreement, including the termination and modification provisions.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	aye
Oliver G. Gilbert, III, Vice-Chairman	aye
Sen. René García	aye
Sally A. Heyman	aye
Eileen Higgins	aye
Kionne L. McGhee	aye
Raquel A. Regalado	aye
Sen. Javier D. Souto	aye
Keon Hardemon	aye
Danielle Cohen Higgins	aye
Joe A. Martinez	aye
Jean Monestime	aye
Rebeca Sosa	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of January, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



Approved by County Attorney as to form and legal sufficiency.

Michael B. Valdes

MBV

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Melissa Adames**
Deputy Clerk

**MEMORANDUM OF AGREEMENT
FOR FEDERAL ELECTION CYBERSECURITY INITIATIVES**

This agreement is between the State of Florida, Department of State, Division of Elections ("Department"), an agency of the State of Florida, and Christina White
Supervisor of Elections ("Sub-recipient") for Miami-Dade County, Florida. This agreement governs the receipt and use of federal funds as specified herein.

I. Governing Law

Grant funds are made available pursuant to Specific Appropriation 3160, Chapter 2019-115, Laws of Florida:

Funds provided in Specific Appropriation 3160, shall be distributed to county Supervisors of Elections for the continuation of cybersecurity initiatives and improvements made by Supervisors of Elections at the local level and in preparation for the 2020 Presidential Election.

County Supervisors of Elections will receive funds only after providing the Department of State a detailed description of the programs that will be implemented. Funds distributed to county Supervisors of Elections require a certification from the county that matching funds will be provided in an amount equal to fifteen percent of the amount to be received from the state.

The Department of State is authorized to distribute to Sub-recipients a sum total of two million, eight hundred thousand dollars (\$2,800,000) in non-recurring funds for fiscal year 2019-2020 from the Federal Grants Trust Fund, pursuant to sections 101 and 251 of the Help America Vote Act of 2002 (HAVA) and the Catalog of Federal Domestic Assistance (CFDA) 90.401 ("Requirements Payments") and 90.404 ("Help America Vote Act Election Security Funds").

II. Scope of Work, Deliverables, Restrictions

A. Scope of Work

Funds provided under this agreement shall be used for either advance payment, reimbursement, or a combination of advanced payment and reimbursement for the purchase of goods and services for the continuation of cybersecurity initiatives and improvements at the local level in preparation for the 2020 Presidential Election. The allowable goods and services are specified in each Sub-recipient's individual Election Security Improvement Plan (**Attachment A**).

B. Timeline

The grant agreement shall be in effect for the period of 7/1/2019 – 5/30/2020.

Date	Event
7/1/2019	Beginning of period in which expenditures can qualify for reimbursement
2/14/2020	Deadline for Sub-recipient to apply for grant
5/1/2020	Deadline for Sub-recipient to expend advance funds for allowable goods and services End of period in which expenditures can qualify for reimbursement
5/30/2020	Deadline for Sub-recipient to submit Fiscal report, election security post-assessment, and return any unspent advance funds End of grant period

C. Deliverables, Minimum Levels of Service, and Financial Consequences

Deliverables	Minimum Level of Service	Financial Consequences
1. Election Security Remediation Plan	Sub-recipient shall, to the Department's satisfaction, submit an election security remediation plan. The plan shall be securely transmitted to the Department in a format provided by the Department prior to submission of grant agreement.	If a Sub-recipient does not have an election security remediation plan on file with the Department upon submission of grant agreement, no funds shall be released.
2. Grant Agreement Including Election Security Improvement Plan (Attachment A)	Sub-recipient shall, with the assistance of the Department's cyber navigator, develop an election security improvement plan (Attachment A) that is in accordance with the Sub-recipient's Election Security Remediation plan. The improvement plan shall list the specific goods and services to be purchased to improve election security. The agreement and plan shall be securely transmitted to the Department in a format provided by the Department no later than February 14, 2020.	If Sub-recipient does not transmit an executed grant agreement, including an Election Security Improvement Plan to the Department, no funds shall be released.
3. Election Security Post-Assessment Report and Fiscal Report (Attachment D)	No later than May 30, 2020, Sub-recipient shall transmit to the Department an Election Security Grant Post-Assessment and Fiscal Report (Attachment D) that lists how improvements in the Sub-recipient's election security were effectuated by the grant funds, and accounts for all funds provided under this agreement.	If the Election Security Grant Post-Assessment and Fiscal report is not provided to the Department by May 30, 2020, the Sub-recipient shall return all funds previously advanced, and shall forfeit the opportunity to seek reimbursement, under this agreement.

D. Application

Each eligible Sub-recipient is entitled to request up to the maximum amount shown on the Sub-recipient's Election Security Improvement Plan (**Attachment A**). The amount allocated to each Sub-recipient is based on the assessed election security needs of the Sub-recipient.

Additionally, as part of the application, the Sub-recipient must submit the following:

1. A completed ED Form GCAS-009 (6/88), entitled "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.

2. Except for counties designated by the Department of Economic Opportunity as an Economically Distressed Rural Community¹, a completed "Certification Regarding County Matching Funds" (DS-DE 127), (**Attachment C**). The form certifies that the county governing body shall provide additional funds to match in an amount equal to or more than fifteen percent (15%) of the amount to be received from the state. If the county governing body fails to appropriate the matching funds, all funds received must be returned.

E. Post-Assessment and Fiscal Reporting

The Sub-recipient must submit a report using the Election Security Grant Post-Assessment and Fiscal Report Template (**Attachment D**) along with supporting documentation evidencing allowable expenses no later than May 30, 2020. Supporting documentation shall include invoices, canceled checks, purchase orders, vendor contracts, and other records that detail the services or products purchased and the costs of such services and/or products. Documentation must account for all expenditures made from grant funds awarded under this agreement. Documentation must also provide details regarding matching funds, if applicable, and any interest earned. Along with the report, Sub-recipient shall return any unspent advanced funds.

Any funds determined 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.

F. Restrictions

Sub-recipient shall not use any funds received hereunder to support lobbying activities to influence proposed or pending federal or state legislation or appropriations, but 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.

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.

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 30th 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.

¹ The Department of Economic Opportunity has designated the following counties: Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Nassau, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla, Washington, Walton.

III. Payments

A. Advance Payment

Upon successful completion of the second deliverable, the Department shall render advance funds to the Sub-recipient, up to the amount of the grant award, as specified in the Sub-recipient's election security improvement plan (**Attachment A**). The window for the expenditure of advance funds begins on the day funds are received by the sub-recipient and expires on 5/1/2020.

B. Reimbursement

Upon successful completion of the third deliverable, the Department shall render reimbursement funds to the Sub-recipient, up to the amount of the grant award, as specified in the Sub-recipient's election security improvement plan (**Attachment A**). The window in which expenditures can qualify for reimbursement begins on 7/1/2019 and expires on 5/1/2020.

C. 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.

IV. Monitoring, Audits, and Audit Reporting

The administration of resources awarded to the Sub-recipient may be subject to monitoring, audits and reporting requirements, as indicated on **Attachment E and Exhibit 1 to Attachment E**.

A. Other audits

The Department may conduct a limited scope audit of federal funds or other financial analysis or review of federal funds as permitted by federal law. In the event the Department determines that a limited scope audit or other type of audit of the Sub-recipient is appropriate, the 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.

The Sub-recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Department, Chief Financial Officer (CFO) or Auditor General.

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

B. Audit Report Submission

Copies of financial reporting packages shall be submitted as described in Part III of **Attachment E**. Any reports, management letter, or other information required to be submitted to the Department pursuant to this agreement shall be submitted timely with federal requirements, the Florida Statutes, and/or Chapter 10.550 (local governmental entities) of the Rules of the Auditor General, whichever is applicable. The correspondence accompanying the financial reporting package forwarded to the Department must include the date the Sub-recipient received the reporting package.

V. Record Retention

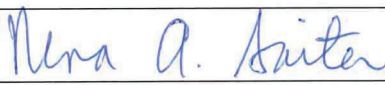
Documentation associated with this grant may contain sensitive and/ confidential information that is exempt from public records disclosure pursuant to Florida and federal laws including but not limited to Section 282.318, F.S., Cybersecurity Information Sharing Act (CISA), and based on the U.S. Department of Homeland Security's designation of elections as a critical infrastructure as of January 2017.

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, and shall allow the Department, the Chief Financial Officer or Auditor General access to such records upon request. The Sub- recipient shall allow the Department or its designee, CFO, or Auditor General access to such records, including access to the audit working papers upon request for a period of five fiscal years from date of audit report is issued, unless extended by the Department.

VI. 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.

IN WITNESS THEREOF, 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	Christina White Supervisor of Elections	Name and Title	Maria Matthews, Director, Division of Elections
Address	2700 NW 87 Avenue Miami, FL 33172	Address	R.A. Gray Building, Ste. 316 500 S. Bronough Street, Tallahassee, Florida 32399
County FEID	59-6000573		
Witness		Witness	Not required

Date

2/20/2020

Date

03/20/2020

**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.

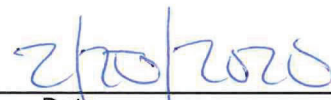
(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Christina White, Supervisor of Elections

Name and Title of Authorized Representative



Signature



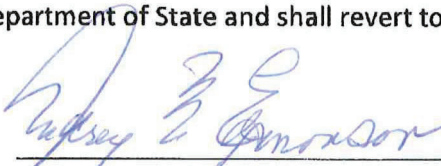
Date

Certification of County Matching Funds¹

I, Audrey Edmonson, Chair of the Board of County Commissioners of

Miami-Dade County, Florida, do hereby certify that the Board of County Commissioners shall appropriate and provide the county Supervisor of Elections a minimum 15% county match to the total amount of federal grant trust funds under the Help America Vote Act appropriated for federal election cybersecurity initiatives and improvements that the county Supervisor of Elections may request and receive from the State in FY 2019-20 pursuant to specific appropriation 3160. The match amount must equal to or be greater than \$9,971.25.

If the Board fails to appropriate and provide the matching funds as certified herein, all funds received from the State for this grant, including any accrued interest, will be required to be returned to the Department of State and shall revert to the Federal Grant Trust Funds.



Chair, Board of County Commissioners

3/3/2020

Date

¹ The match requirement is waived for the following sub-recipients whose respective county has been designated by the Department of Economic Opportunity as an Economically Distressed Rural Community: Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Jackson, Jefferson, Levy, Liberty, Madison, Nassau, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla, Washington, Walton.