



Kings County Board of Supervisors

Kings County Government Center
1400 W. Lacey Boulevard ❖ Hanford, California 93230
☎ (559) 852-2362 FAX (559) 585-8047

In compliance with the Americans with Disabilities Act, if you require a modification or accommodation to participate in this meeting, including agenda or other materials in an alternative format, please contact the Board of Supervisors Office at (559) 852-2362 (California Relay 711) by 3:00 p.m. on the Friday prior to this meeting. The Clerk of the Board will provide assistive listening devices upon request.

Agenda March 19 & 20, 2019

Place: Board of Supervisors Chambers
Kings Government Center, Hanford, CA

Chairman:	Joe Neves	(District 1)	Staff:	Rebecca Campbell, County Administrative Officer
Vice Chairman:	Doug Verboon	(District 3)		David Prentice, Interim County Counsel
Board Members:	Richard Valle	(District 2)		Melanie Curtis, Deputy Clerk of the Board
	Craig Pedersen	(District 4)		
	Richard Fagundes	(District 5)		

Please turn off cell phones and pagers, as a courtesy to those in attendance.

Regular Meeting

Tuesday, March 19, 2019

I 8:30 AM YOUTH AND COUNTY GOVERNMENT DAY
Student/Department Head Orientation

II 9:00 AM CALL TO ORDER
ROLL CALL – Clerk of the Board
INVOCATION – Arthur Fox – New Hope Orthodox Presbyterian Church
PLEDGE OF ALLEGIANCE

III 9:05 AM CONSENT CALENDAR

All items listed under the consent calendar are considered to be routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of any Board Member and made a part of the regular agenda.

A. Approval of the Minutes: March 12, 2019

B. Public Works Department:

Consider adopting the Local Transportation Funds Claim Resolution stating there are no unmet transit needs in Kings County.

C. Administration:

Consider authorizing the County Administrative Officer to sign an Agreement with Karen Butler for legal representation of the indigent accused effective April 1, 2019 through June 30, 2019.

IV REGULAR AGENDA ITEMS

9:10 AM A. Human Resources Department – Leslie McCormick Wilson/Henie Ring
Consider approving a new job specification for the Registrar of Voters and set the salary band designation at (\$9,000 - \$12,500) and allocating 1.0 Full-Time Equivalency Registrar of Voters in Budget 155000.

9:20 AM B. Administration – Rebecca Campbell
1. Consider authorizing the County Administrative Officer/Registrar of Voters to sole source purchase a California Voting System Standard certified election system from Dominion Voting System Inc. and authorizing the Clerk of the Board to sign the budget appropriation and transfer form **(4/5 vote required)** or authorizing the Purchasing Manager to publish a Request for Proposal for a California Voting System Standard certified election system.
2. Consider authorizing the Chairman to sign an Agreement with the California Secretary of State for State reimbursement funds for a new voting system.

V 9:25 AM C. Board Member Announcements or Reports
On their own initiative Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

- ◆ Board Correspondence
- ◆ Upcoming Events
- ◆ Information on Future Agenda Items

VI 9:30 AM D. CLOSED SESSION

- ◆ **Litigation initiated formally.** The title is: *Administrative Proceedings before the California Public Utilities Commission between the California High Speed Rail Authority and County of Kings re Grade Separation Applications A1802018, A1802017, A1805020 and A1806017.* [Govt. Code Section 54956.9(d)(1)]
- ◆ **Litigation initiated formally.** The title is: *California High-Speed Rail Authority, et al. vs. John Tos, et al., Sacramento County Superior Court Case No. 34-2016-00204740* [Govt. Code Section 54956.9(d)(1)]
- ◆ **Litigation initiated formally.** The title is: *Kings County, et. al. vs. California High-Speed Rail Authority, Sacramento County Superior Court Case #34-2014-80001861* [Govt. Code Section 54956.9(d)(1)]
- ◆ **Deciding to initiate litigation.** 2 cases [Govt. Code Section 54956.9(d)(4), (e)(1)]
- ◆ **Personnel Matters:** [Govt. Code Section 54957]
 - Public Employment:*
 - Title: County Counsel*
- ◆ **Conference with Labor Negotiator/Meet and Confer:** [Govt. Code Section 54957.6]
 - Negotiator: Rebecca Campbell
 - **Detention Deputies' Association**
 - **Probation Officers' Association**
 - **Firefighters' Association**
 - **Prosecutors' Association**
 - **General Association - CLOCEA**
 - **Supervisors Association- CLOCEA**

VII E. ADJOURNMENT
The next regularly scheduled meeting is scheduled for March 26, 2019, at 9:00 a.m.

VIII 11:00 AM F. CALIFORNIA COMMUNITY HOUSING AGENCY – REGULAR MEETING

Special Meeting

Wednesday, March 20, 2019

6:00 PM

CITY/COUNTY COORDINATING MEETING

City of Lemoore & Santa Rosa Rancheria Tribal Council- Hosts
Tachi Palace Hotel and Casino, Sequoia and Sycamore Meeting Rooms
17225 Jersey Avenue, Lemoore, CA 93245

See Separate Agenda from Host

FUTURE MEETINGS AND EVENTS

March 26	9:00 AM	Regular Meeting
March 26	11:00 AM	California Public Finance Authority Regular Meeting
March 26	1:15 PM	Kings County Housing Authority Board of Directors Regular Meeting
March 26	2:00 PM	Kings In-Home Supportive Services Board Regular Meeting
April 2	9:00 AM	Regular Meeting
April 9	9:00 AM	Regular Meeting
April 9	11:00 AM	California Public Finance Authority Regular Meeting
April 16	9:00 AM	Regular Meeting
April 23	9:00 AM	Regular Meeting
April 23	11:00 AM	California Public Finance Authority Regular Meeting
April 23	1:30 PM	Kings County Housing Authority Board of Directors Regular Meeting
April 23	2:00 PM	Kings In-Home Supportive Services Board Regular Meeting
April 30	9:00 AM	Regular Meeting

Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM March 19, 2019

SUBMITTED BY: Administration – Rebecca Campbell

SUBJECT: LES COLLINS' MEMORIAL YOUTH AND COUNTY GOVERNMENT DAY
SPONSORED BY THE HANFORD ROTARY CLUB

SUMMARY:

Overview:

Youth and County Government Day will be Tuesday, March 19, 2019 with lunch provided and guest speaker Rebecca Campbell, County Administrative Officer. This event features students from various Kings County high schools where they assume the roles of governmental officials.

Recommendation:

Orientation and Assignments of students to Department Heads only.

Fiscal Impact:

The Hanford Rotary Club will pay for the luncheon for the event, which is estimated at a cost not to exceed \$1,000.

BACKGROUND:

Historically Youth and County Government Day was sponsored by the Hanford Optimist Club for over 39 years. Les Collins, perhaps the hardest-working philanthropist in Hanford, passed away on June 1, 2014 and the Hanford Optimist Club dissolved soon thereafter. The Hanford Rotary recognizes the importance of this event to the youth of Kings County and has supported this event since 2015.

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2019.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.



Kings County Board of Supervisors

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Action Summary

March 12, 2019

Place: Board of Supervisors Chambers
Kings Government Center, Hanford, CA

Chairman:	Joe Neves	(District 1)	Staff:	Rebecca Campbell, County Administrative Officer
Vice Chairman:	Doug Verboon	(District 3)		David Prentice, Interim County Counsel
Board Members:	Richard Valle	(District 2)		Catherine Venturella, Clerk of the Board
	Craig Pedersen	(District 4)		
	Richard Fagundes	(District 5)		

Please turn off cell phones and pagers, as a courtesy to those in attendance.

I B 1

CALL TO ORDER

ROLL CALL – Clerk of the Board

INVOCATION – Joanne Hawkins – Kings County Grand Jury

PLEDGE OF ALLEGIANCE

ALL MEMBERS PRESENT

II B 2

UNSCHEDULED APPEARANCES

Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Five (5) minutes are allowed for each item.

Scott Holwell, Veteran Services Office/Public Guardian stated that the annual Veteran's Job Fair will be held on March 14, 2019 at the Hanford Civic Auditorium from 9:00 a.m. to 1:00 p.m.

Colby Wells, Southern California Gas Public Affairs Manager gave an update on the fight against AB 3232 requiring all new residential and commercial buildings in California to be zero-emission buildings by 2030, which is aimed at taking away the right to make choices about the energy we use in our homes and businesses, driving up energy bills and making housing more expensive and stalling innovation.

Diane Sharp, Kings County resident and former Hanford City Councilmember commended the Board for moving forward with the Homeless Collaborative and stated that it is a good deal for Kings County.

Francisco Ramirez, Hanford City Councilmember thanked the Board for helping to support Commission on Aging.

III B 3

CONSENT CALENDAR

All items listed under the consent calendar are considered to be routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of any Board Member and made a part of the regular agenda.

A. Approval of the Minutes: February 26, 2019

B. District Attorney's Office:

Consider adopting Resolutions authorizing the District Attorney's Office to submit Fiscal Year 2019-2020 grant applications for the Automobile Insurance Fraud Program, the Workers Compensation Insurance Fraud Program, the Violence Against Women Vertical Prosecution Program and the Victim Witness Assistance Program. [Resos 19-015, 19-016, 19-017, 19-018]

C. Information Technology:

Consider adopting a revised County Purchasing Policy.

CONSENT CALENDAR CONTINUED

D. Fire Department:

Consider authorizing out of state travel for Battalion Chief Chris Gerking to attend R0154 "Safety Program Operations" at the National Fire Academy in Emmitsburg, Maryland on April 13-20, 2019.

E. Human Services Agency:

Consider authorizing the Chairman to sign the amended Agreement with Aspiranet for Adoption Promotion and Support Services for the time period, October 1, 2018 to September 30, 2020. [Agmt 17-150.1]

F. Sheriff's Office:

1. Consider adopting a Resolution to participate in the Boating Safety and Enforcement Financial Aid Program. [Reso 19-019]
2. Consider authorizing out of state travel for Assistant Sheriff David Putnam to the American Jail Association 38th Annual Conference and Jail Expo in Louisville, Kentucky on May 19-23, 2019.

ACTION: APPROVED CONSENT CALENDAR AS PRESENTED (DV/RF/RV/CP/JN-Aye)

IV

REGULAR AGENDA ITEMS

B 4

A. Department of Public Health – Edward Hill/Scott Waite

1. Report on actions taken by the First 5 Kings County Children and Families Commission at its February 5, 2019 meeting.

INFORMATION ONLY - NOA

2. Consider directing staff to create the Kings County Homelessness Collaborative, approving Collaborative Membership, and authorizing the Department of Public Health to act as the Coordinating Agency.

ACTION: APPROVED AS PRESENTED (DV/CP/RV/RF/JN-Aye)

B 5

B. Behavioral Health Department- Lisa Lewis/Katie Arnst

Consider adopting a Resolution authorizing the Behavioral Health Director to submit an application and sign all related documents for the Proposition 47 Grant Program. [Reso 19-020]

ACTION: APPROVED AS PRESENTED (DV/RF/RV/CP/JN-Aye)

B 6

C. Human Services Agency – Sanja Bugay/Wendy Osikafo/Shannon Tolbert

1. Consider adopting a Resolution proclaiming the month of March 2019 as Social Worker Appreciation Month. [**Reso 19-021**]

ACTION: APPROVED AS PRESENTED (CP/RF/RV/DV/JN-Aye)

2. Consider authorizing the Chairman to sign an Agreement with Hanford Community Hospital to provide care coordination regarding eligible program recipients of the Whole Person Care Pilot Program effective August 1, 2018 through December 31, 2020. [**Agmt 19-017**]

ACTION: APPROVED AS PRESENTED (DV/CP/RV/RF/JN-Aye)

3. Consider authorizing the Chairman to sign the second Amendment to Agreement No. 16-118 with Kings County Commission on Aging for Fiscal Year 2016-2017. [**Agmt 16-118.2**]

ACTION: APPROVED AS PRESENTED (DV/RF/RV/CP/JN-Aye)

4. Consider options related to the overpayment of a service component within the Kings County Commission on Aging Agreement for Fiscal Year 2017-2018.

ACTION: APPROVED OPTION #2 WHICH GIVES DIRECTION TO BRING BACK THE FY 2017-2018 AGREEMENT WITH AN INCREASE OF \$35,277 AND FUND IT WITH GENERAL FUND CONTINGENCIES TO COVER THE OVERPAYMENT COST RELATED TO THE ADULT DAY CARE SERVICES WITH NO REPAYMENT REQUIRED (RF/JN/RV-Aye, DV/CP-No)

B 7

D. Administration – Rebecca Campbell/Roger Bradley

Consider options related to Fiscal Year 2018-2019 General Fund Agreement with Kings County Commission on Aging.

ITEM WAS TABLED AND WILL BE BROUGHT BACK ON A FUTURE AGENDA

V B 11

E. Board Member Announcements or Reports

On their own initiative Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

Supervisor Verboon stated that he attended the California High Speed Rail Authority open house at Kit Carson School on February 28, 2019 and attended the National Association of Counties annual conference in Washington, D.C. on March 1-7, 2019.

Supervisor Valle stated that he attended the reception to commemorate the opening of Caminos: Latino History of the Central Valley at Arte Americas in Fresno, where former Lieutenant Governor Cruz Bustamante lead the toast to open the exhibition on March 1, 2019, participated in the Corcoran High School Senior exit interviews and toured the new Corcoran Police Department building on March 8, 2019 and attended the Latino Roundtable meeting in Corcoran on March 9, 2019.

Supervisor Neves stated that he attended the Lemoore Chamber mixer at Humana on February 26, 2019, attended the Kings Waste & Recycling Authority meeting, the South Fork Kings Technical Advisory Group meeting, the Kings County Area Public Transportation meeting and the Kings County Association of Governments meeting on February 27, 2019, cooked for the Lemoore Liberty Band breakfast on March 2, 2019, attended the Hanford Fraternal Hall 61st annual meeting on March 3, 2019, attended the CalViva Health Public Policy meeting and the Cal-ID meeting on March 6, 2019.

County Administrative Officer, Rebecca Campbell reported on the meetings she attended at the National Association of Counties annual conference in Washington, D.C. on March 1-7, 2019.

- ◆ Board Correspondence: **Rebecca Campbell stated that the Board received a letter from Waymire Farms regarding articles on cannabis and crime. She stated that the Board received a letter from the Department of the Interior regarding non gaming properties owned by Santa Rosa Indian Community of the Santa Rosa Rancheria, California.**
- ◆ Upcoming Events: **Rebecca Campbell stated that the Youth and County Government Day will be held on March 19, 2019, the Hanford Chamber of Commerce annual recognition dinner will be held on April 24, 2019, the Kings County Employee Appreciation barbecue will be held on May 7, 2019 and the Peace Officer's Memorial will be held on May 15, 2019.**
- ◆ Information on Future Agenda Items: **Rebecca Campbell stated that the following items would be on a future agenda: Administration Defense of the Accused contract, Human Resources new job speculation for the Registrar of Voters, Administration extension of Vanir's Construction Management Contract for SB 1022, Public Works local transportation funds claim resolution, Administration Women's History Month resolution and recognitions, Administration Census award contract, Behavioral Health Substance Use Disorders (SUD) programs, Administration SB 81 round Two juvenile center remodel project plans, specifications and advertising, Administration reorganization plan for Elections, Administration Elections voting system upgrade, Administration/Community Development strategic plan for Kings County outreach efforts for the Census 2020.**

VI

PUBLIC HEARING

B 8

F. Community Development Agency – Greg Gatzka/Chuck Kinney

Conduct a public hearing and consider authorizing the Chairman to sign an Agreement with Self-Help Enterprises to implement, administer and write as requested HOME Investment Partnerships Program (HOME), Community Development Block Grant Program, Building Equity and Growth in Neighborhood and CalHome Program grants for a three year period. [Agmt 19-018]

Supervisor Neves opened the public hearing, no testimony was received and the public hearing was closed.

ACTION: APPROVED AS PRESENTED (DV/RF/RV/CP/JN-Aye)

B 9

G. Administration – Rebecca Campbell/Kyria Martinez

Hold a public forum to receive public comment regarding the Sheriff's Office's provision of information about and access to detained individuals to the Immigration and Customs Enforcement Agency.

Supervisor Neves opened the public hearing, no testimony was received and the public hearing was closed.

NO OFFICIAL ACTION WAS TAKEN

B 10

H. Administration – Rebecca Campbell

California Public Finance Authority – Caitlin Lanctot

Conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code of 1986 and consider adopting a Resolution approving the tax-exempt financing and issuance of obligations by the California Public Finance Authority for Kendal at Sonoma, a Zen Inspired Community. [Reso 19-022]

Supervisor Neves opened the public hearing, no testimony was received and the public hearing was closed.

ACTION: APPROVED AS PRESENTED (DV/RV/CP/RF/JN-Aye)

VII B 12

I. CLOSED SESSION

- ◆ **Litigation initiated formally.** The title is: *Administrative Proceedings before the California Public Utilities Commission between the California High Speed Rail Authority and County of Kings re Grade Separation Applications A1802018, A1802017, A1805020 and A1806017.* [Govt. Code Section 54956.9(d)(1)]
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- ◆ **Deciding to initiate litigation.** 2 cases [Govt. Code Section 54956.9(d)(4), (e)(1)]
- ◆ **Significant exposure to litigation.** 1 case [Govt. Code Section 54956.9(d)(2)]
- ◆ **Personnel Matters:** [Govt. Code Section 54957]
 - Public Employment:*
 - Title: County Counsel*
- ◆ **Conference with Labor Negotiator/Meet and Confer:** [Govt. Code Section 54957.6]
 - Negotiator: Rebecca Campbell
 - **Detention Deputies' Association**
 - **Probation Officers' Association**
 - **Firefighters' Association**
 - **Prosecutors' Association**
 - **General Association - CLOCEA**
 - **Supervisors Association- CLOCEA**

VIII

J. ADJOURNMENT

The next regularly scheduled meeting is scheduled for March 19, 2019, at 9:00 a.m.

IX 11:00 AM K. CALIFORNIA PUBLIC FINANCE AUTHORITY – REGULAR MEETING

FUTURE MEETINGS AND EVENTS

March 19	9:00 AM	Regular Meeting
March 20	6:00 PM	City/County Coordinating Meeting – City of Lemoore hosting at Tachi Palace
March 26	9:00 AM	Regular Meeting
March 26	11:00 AM	California Public Finance Authority Regular Meeting
March 26	1:15 PM	Kings County Housing Authority Board of Directors Regular Meeting
March 26	2:00 PM	Kings In-Home Supportive Services Board Regular Meeting
April 2	9:00 AM	Regular Meeting
April 9	9:00 AM	Regular Meeting
April 9	11:00 AM	California Public Finance Authority Regular Meeting

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COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM March 19, 2019

SUBMITTED BY: Public Works Department – Kevin McAlister/Rhonda Mann

SUBJECT: LOCAL TRANSPORTATION FUNDS CLAIM RESOLUTION

SUMMARY:

Overview:

The Public Works Department seeks your Board’s approval of a Resolution stating there are no unmet transportation needs in Kings County based on findings made by the Kings County Area Public Transit Agency (KCAPTA), of which the County is a member agency.

Recommendation:

Adopt the Local Transportation Funds claim Resolution stating there are no unmet transit needs in Kings County.

Fiscal Impact:

This action will provide \$704,377 in revenue for the Road Maintenance Fund, Budget Unit 311000, for Fiscal Year 2019-2020. This is the County’s share available for road maintenance and construction after funding for transit related programs have been funded.

BACKGROUND:

The Mills-Alquist-Deddeh Act (SB 325) was enacted by the California Legislature to improve existing public transportation services and encourage regional transportation coordination. Known as the Transportation Development Act (TDA) of 1971, this law provides funding to be allocated to transit and non-transit related purposes that comply with regional transportation plans.

TDA established two funding sources; the Local Transportation Fund (LTF), and the State Transit Assistance (STA) fund. Providing certain conditions are met, counties with a population under 500,000 (according to the

(Cont’d)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2019.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

LOCAL TRANSPORTATION FUNDS CLAIM RESOLUTION

March 19, 2019

Page 2 of 3

1970 federal census) may also use the LTF for local streets and roads, construction and maintenance. The STA funding can only be used for transportation planning and mass transportation purposes.

The LTF, is derived from a ¼ cent of the general sales tax collected statewide. The State Board of Equalization, based on sales tax collected in each county, returns the general sales tax revenues to each county's LTF. Each county then apportions the LTF funds to each qualifying agency within the country based on population.

KCAPTA must hold annually at least one public hearing for the purpose of soliciting comments on the unmet transit needs that may exist within the jurisdiction, and that might be reasonable to meet by establishing or contracting for new public transportation or specialized transportation services or by expanding existing services. The definition adopted by KCAPTA by resolution for "unmet transit needs" states that such a need "at a minimum, exists where local residents do not have access to private vehicles or other forms of transportation, due to age, income, or handicap, for the purpose of traveling to medical care, shopping, social/recreational activities, education/training and employment". KCAPTA has also adopted a definition of "reasonable to meet" by resolution which contains eight (8) criteria to be taken into consideration. The fact that an identified transit need cannot be fully met based on available resources shall not be the sole reason for finding that a transit need is not reasonable to meet. Comparing unmet transit needs with the needs for streets and roads is not allowable in determining transit needs that are reasonable to meet.

The LTF estimate for 2019-2020 is \$4.3M. Anticipated allocations are as follows:

Fund Share	Amount To Be Claimed or Available
Pedestrian and Bicycle Facilities	\$ 86,000 (available)
Transportation Planning Costs for Kings County Association of Governments	\$ 86,500
Public Transit (Kings Area Rural Transit)	\$1,200,000
Transportation Services (Avenal)	\$ 4,000
Public Transit (Corcoran)	\$ 500,928
Transportation Services (Corcoran)	\$ 95,000
Remaining Amount Available for Streets and Roads (Distributed by Population)	
Avenal	\$ 285,447
Corcoran	0*
Hanford	1,002,589
Lemoore	421,159
County	704,377

*- Corcoran uses the amount available for streets for public transit

The amount distributed to the County (\$704,377) will go to the Road Fund and will be available for road maintenance and construction.

Agenda Item

LOCAL TRANSPORTATION FUNDS CLAIM RESOLUTION

March 19, 2019

Page 3 of 3

Because of the various timelines required to be met by KCAPTA, the cities and the County, this Resolution is being presented based on the strong assumption that the KCAPTA governing board will find that there are no unmet transit needs which are reasonable to meet after they hold two public hearings. The first was held on February 27, 2019 and the second will be held on March 27, 2019. Said public hearings are held by KCAPTA on behalf of the County. If changes to the funding allocations shown above are required based on comments received during the public hearings, an amendment to this Resolution will be brought to your Board for consideration.

The Resolution has been reviewed by County Counsel.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM March 19, 2019

SUBMITTED BY: Administration – Rebecca Campbell

SUBJECT: DEFENSE OF THE INDIGENT ACCUSED MISDEMEANOR CONTRACT

SUMMARY:

Overview:

Kings County provides criminal defense services to the indigent through a series of agreements with private attorneys. These contracts run on a fiscal year basis and are, therefore, renewed prior to July 1 each year. Each year there are typically changes that occur that require mid-year approval for new contractors, which is proposed as part of this action.

Recommendation:

Authorize the County Administrative Officer to sign a misdemeanor agreement with Karen Butler for legal representation of the indigent accused effective April 1, 2019 through June 30, 2019.

Fiscal Impact:

The proposed contract will cost approximately \$7,586 per month, which amounts to \$22,668 over the term of the contact. Adequate funding is available for this contract in the Fiscal Year 2018-19 Budget, within Budget Unit 302500.

BACKGROUND:

Changes proposed to the annual contracts with the attorneys that provide indigent defense services are typically due to terminations, resignations, and changes/additions recommended by staff. Currently, the County of Kings has a contract for such legal services with Mr. Ronald Gilleo, who recently accepted another position and has notified the County that he is no longer able to provide services under his contract. As a result, a contract for indigent defense services with Ms. Karen Butler is proposed to replace Mr. Gilleo. A copy of the agreement is attached.

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2019.

CATHERINE VENTURELLA, Clerk to the Board

By _____, Deputy.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM March 19, 2019

SUBMITTED BY: Human Resources – Leslie McCormick Wilson/Henie Ring

SUBJECT: NEW JOB SPECIFICATION FOR REGISTRAR OF VOTERS

SUMMARY:

Overview:

The Registrar of Voters would be a new job classification in the County of Kings responsible for the planning, organizing, directing, and managing of staff and activities for the anticipated Elections Department.

Recommendation:

- 1) Approve a new job specification for the Registrar of Voters and set the salary band designation at (\$9,000 - \$12,500 monthly); and
- 2) Allocate 1.0 Full-Time Equivalency Registrar of Voters in Budget 155000.

Fiscal Impact:

The total fully loaded cost for Registrar of Voters is \$168,000 annually. The expenses of this position will be covered using salary savings through the end of the Fiscal Year 2018-19.

BACKGROUND:

On January 15, 2019, the Board of Supervisors adopted a Resolution that reorganized the Elections Division from Assessor/Clerk-Recorder to the County Administration Office (CAO) and designated the County Administrator Officer as the Registrar of Voters effective February 1, 2019 not to exceed 90 days. Direction was given to the CAO to convene an Elections Committee working group to establish a recommendation for a long-term plan. On February 12, 2019 a study session was conducted to provide a recommendation to the Board of Supervisors for a long term plan. The recommendation was that a stand alone Elections Department would best serve the County of Kings. Upon approval of the proposed job specification of Registrar of Voters, Human Resources will recruit for the position.

(Cont'd)

BOARD ACTION:

APPROVED AS RECOMMENDED: _____ OTHER: _____

I hereby certify that the above order was passed and adopted
on _____, 2019.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

NEW JOB SPECIFICATION FOR REGISTRAR OF VOTERS

March 19, 2019

Page 2 of 2

Once a Registrar of Voters is selected, the CAO will bring a resolution to the Board of Supervisors requesting to transfer elections responsibilities to the Registrar of Voters as the department head and to create the Elections Department.

The Registrar of Voters will have the primary responsibility for conducting Primary, General, and Special Elections within the County of Kings. The responsibility includes determination of priorities, registration of voters, the certification of elections returns for the Secretary of State, and ensuring that election processes are in full compliance with County, State, and federal legal requirements. The incumbent provides administrative oversight and direction to the Elections Department. This class requires a high level of skill, knowledge, and ability in administration and management and requires initiative, judgement, discretion, confidentiality, and ability to make independent decisions within established legal and policy frameworks established by the Board of Supervisor. The position is at-will and serves at the pleasure of the Board. The Administrative Office and Human Resources support the recommendation. Attached is the new job specification for the Registrar of Voters.

REGISTRAR OF VOTERS

DEFINITION

Under policy direction, plans, organizes, coordinates, and directs the staff and activities of the County's Elections Department, with primary responsibility for the registration of voters, the holding of elections for federal, state and local elections, and all matters pertaining to elections in the County of Kings; administers department policies, goals and directives; performs related duties as assigned.

DISTINGUISHING CHARACTERISTICS

The Registrar of Voters has the primary responsibility for conducting Primary, General, and Special Elections within the County of Kings. The responsibility includes determination of priorities, registration of voters, the certification of election returns to the Secretary of State, and insuring that election processes are in full compliance with County, State, and federal legal requirements. The incumbent provides administrative oversight and direction to the Elections Department. This class requires a high level of skill, knowledge and ability in administration and management and requires initiative, judgment, discretion, confidentiality, and ability to make independent decisions within established legal and policy frameworks established by the Board of Supervisors.

EMPLOYMENT AT WILL

The Registrar of Voters classification is a department head level position and, as such, the incumbent serves at the pleasure of the Board of Supervisors.

EXAMPLES OF DUTIES

Duties include but are not limited to those described below. Reasonable accommodation will be made when requested and determined by the County to be appropriate under applicable law.

Develops and administers the operations of the department in conformance with the Federal Voting Rights Act, American Disability Act, Help America Vote Act, and other relevant federal and state elections laws that regulate and govern voter regulations: primary, special, and general elections, referendums, initiatives, recalls, and campaign disclosures to ensure voting rights are protected and elections operate within legal operation standards; develops and directs the implementation of goals, objectives, policies, procedures, and work standards of the department; oversees the preparation and administration of the department's budget; reviews spending plans for conformance with state allocations; directs the selection, supervision, and work evaluation of elections personnel; provides for their professional training and development; directs and manages, through staff and volunteers, the operations and activities of the Elections Department, including publications, candidates' and campaign services, voters' services, precinct services, and administrative and computer services to ensure the smooth and efficient conduct of elections; plans, organizes, directs, and evaluates the operations and activities of the Elections Department; directs the issuance and filing of nomination papers; verification of signatures on nominating, initiative, referendum, recall petitions, and the determination of sufficiency thereof; arranges for the preparation and publication of official elections information in newspapers of general circulation and as otherwise required by law; interacts with the media; supervises staff and administrators contracts with consultants to administer elections processes, updates and maintains vote counting data systems, maintains voter registration files, verifies signatures, processes requests of absentee ballot, counts votes, and prepares documents needed in the election process; ensures the establishment of policies and procedures, controls, and reporting

systems to meet legal requirements, County policies, goals, and the delivery of required service levels; interprets and implements laws, rules, regulations, and codes related to voter registration and conduct of elections; directs the maintenance of precinct boundaries, maps, and precinct guides conducted through the use of GIS and other systems, reflecting current city, county district, and legislative boundaries; plans, organizes, coordinates, and directs both personally and through subordinate supervisors; attends meetings with civic organizations and political organizations to develop and improve administrative procedures; provides information both verbally and in writing to candidates, public officials and the media to facilitate their participation in the election process; oversees the maintenance and updating of computer system operations; keeps informed of applicable computer technologies for the administration of elections, and when appropriate, recommends the purchase or lease of such programs or equipment to the County; performs other duties as required.

MINIMUM QUALIFICATIONS

Any combination of education and relevant experience that would likely provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required knowledge, skills and abilities would be:

Education: Graduation from an accredited four-year college or university with a degree in Business or Public Administration, Political Science, Economics, Sociology or a related field.

Experience:

Option 1:

Two (2) years of responsible experience as an elections manager, assistant registrar of voters, or an equivalent position within an elections department in the State of California.

OR

Option 2:

Four (4) years of increasingly responsible experience in elections administration or other form of program administration performing complex diverse administrative/managerial functions developing and/or interpreting laws, regulations, policies and procedures, including lead or supervisory responsibilities in an environment with similar functions.

License: Possession of a valid California driver's license at the time of appointment.

Special Requirements: Ability to work irregular hours as necessary; travel within and outside the county.

Knowledge of: California, federal and local laws, rules, regulations, ordinances, and procedures affecting the administration of elections and the registration of voters; relating to the conduct of registration and voting procedures in general, primary and special elections; principles and application of automated data systems for the management of activities

related to registration, vote count and the election process; Information Technology capabilities, security protocols, and applications for registration and election use; practices and procedures involved in registration of voters, elections, referenda, initiatives, recall and campaign disclosure in accordance with federal, state, and local election laws; principles and techniques of modern office management; techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and County staff; techniques of effective public and media relations.

Ability to: Provide professional leadership and direction for the Elections Department; manage the department by planning, directing, supervising, and coordinating a variety of elections programs and services; develop, interpret, and implement goals, objectives, policies, procedures, work standards, and internal controls; understand, interpret, and apply all pertinent laws, codes, regulations, security protocols, policies and procedures, and standards relevant to elections and work performed; select and supervise staff, provide training and development opportunities, ensure work is performed effectively, and evaluate performance in a objective and positive manner; plan, organize, assign, direct, review, and evaluate the work assigned staff; read and interpret district and precinct maps; prepare clear and concise reports, correspondence, and other written material; effectively represent the department and the County in meetings with other governmental agencies, community groups, various business, professional, and regulatory organizations and in meetings with individuals; work effectively under extreme pressure of heavy peak workloads and statutory deadlines; independently organize work, set priorities, meet critical deadlines, and follow-up on assignments; understand and analyze complex legal directives and interpret them for others; speak and write effectively; deal with conflict and develop effective conflict resolutions; relate and work effectively with the public, candidates and the press; exercise tact and diplomacy in situations involving the public; demonstrate effective management techniques; formally address groups of varying sizes; relate effectively to individuals from varied social and economic backgrounds; establish, maintain, and foster positive and effective working relationships with those contacted in the course of work; effectively use computer systems, software applications, and modern business equipment to perform a variety of work tasks; communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax; use tact, initiative, prudence, and independent judgement within general policy, procedural, and legal guidelines; respond constructively to conflict; maintain confidentiality and control of sensitive information; inspire the trust, respect and confidence of others; work independently as well as foster a team environment; prioritize personal workload and that of subordinate staff; exhibit strong initiative, integrity, sound judgment and a high degree of maturity; reason logically; multi-task and meet deadlines; work extended hours including evenings and weekends; travel to different sites and locations both in and outside the County; follow safe work practices; safely operate a motor vehicle.

Work Environment/Conditions: Work primarily in an office, must be able to sit for prolonged periods of time at a desk although standing and walking between work areas may be required, operating computer equipment, on the phone, in meetings; regularly work with files and general office equipment; must be able to lift, carry, push, pull materials and objects up to 30 pounds; hear and communicate orally, in person and on the phone; may

Registrar of Voters

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interact with members of the public or with staff under emotionally stressful conditions while interpreting and enforcing departmental policies and procedures; travel to trainings, polling sites, and attend committees. Vision and hand/eye coordination for use of computer/office equipment, to drive and to read and handle materials and files; physical agility and strength sufficient to keyboard/operate a computer, handle files and to safely operate a motor vehicle.

Overtime Status: Exempt position

Medical Group: C

Probationary Period: None due to At-Will Status



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM March 19, 2019

SUBMITTED BY: Administration/Elections Division – Rebecca Campbell

SUBJECT: ELECTIONS VOTING SYSTEM REPLACEMENT

SUMMARY:

Overview:

On February 27, 2019, the California Secretary of State Alex Padilla initiated the process for withdrawing certification to voting systems that were not tested or certified under the most recent State security standards. Effective August 27, 2019, all elections systems used in any future system will require California Voting System Standards (CVSSs) certification. Staff is requesting direction from your Board to sole source purchase a new CVSS certified election system with a commitment of matching funds or to go back out for a Request for Proposal.

Recommendation:

Consider options for the elections voting system replacement:

1. **Authorize the County Administrative Officer/Registrar of Voters to sole source purchase a California Voting System Standard certified election system from Dominion Voting System, Inc. and authorizing the Clerk of the Board to sign the Budget Appropriation and Transfer form. (4/5 vote required); OR**
2. **Authorize the Purchasing Manager to publish a Request for Proposal for a California Voting System Standard certified election system; OR**
3. **Take no action.**

Fiscal Impact:

The full cost of the system is expected to be approximately \$927,163 over eight years. A quote from Dominion Voting Systems, Inc. is attached to this agenda. The total includes the outright purchase of system hardware and software (\$372,501), license and warranty fees (\$400,587), and Election Support Service fees (\$105,000), and California Sales Taxes (\$49,075). The County is eligible to receive State funding up to \$341,500 in State grant funds for a CVSS certified system, but requires the County provide matching funds on a dollar-for-dollar basis, on a reimbursement basis. It is estimated that the State will reimburse \$341,500, making the total cost approximately \$585,663 over the eight years. It is requested to allocate \$420,000 from General Fund Contingencies in Budget Unit 155000 for a new voting system with an offset of State funds in the amount of \$341,500.

(Cont'd)

BOARD ACTION:

APPROVED AS PRESENTED: _____ OTHER: _____

I hereby certify that the above order was passed
and adopted on _____, 2019.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

Agenda Item

ELECTIONS VOTING SYSTEM REPLACEMENT

March 19, 2019

Page 2 of 2

BACKGROUND:

In 2001, Kings County's current voting system was purchased from Sequoia Pacific Systems, who later became Dominion Voting Systems, Inc. (Dominion). The Dominion voting system includes an election tabulation server and replicated back-up server, two Sequoia 400-C central vote tabulation scanners, and approximately 200 Edge Voting Machines.

The County utilizes approximately 20-35 Edge Voting Machines each election to assist voters with disabilities at polling places. Ballots marked with the Edge Voting machine are read in to our system through memory cards.

Currently, all ballots - vote-by-mail and those cast at the polls - are counted centrally at the Elections office using the Sequoia 400-C machines.

Elections Code section 19202 requires voting systems to be certified or conditionally approved in order to be used by a jurisdiction in the state. Jurisdictions, including Kings County, that are currently using voting systems that have not been tested and certified to the CVSSs must implement a voting system that has been tested and certified to the new standards by February 27, 2020. The Secretary of State's office does provide a conditional approval process for the extension of use for equipment not certified to CVSS.

As of February 27, 2019, the following systems have been tested and certified to CVSS:

- Dominion Voting Systems, Inc. - Democracy Suite 5.2 Voting System;
- County of Los Angeles - Voting Solutions for All People (VSAP) Tally 1.0 System; and
- HART InterCivic, Inc. - Verity Voting 3.0.1 Voting System.

Additionally, the following voting systems are currently being reviewed and tested to CVSS:

- Dominion Voting Systems, Inc. - Democracy Suite 5.10;
- County of Los Angeles - Voting Solutions for All People (VSAP) Tally Version 2.0; and
- Election Systems and Software, Inc. - EVS 6.0.4.2

In July, 2018, Request for Proposal (RFP) 2019-01 was performed and two vendors were found qualified at the time. The proposal provided by Dominion was found qualified in that RFP process and Dominion's proposed system meets the CVSSs certification requirements. Staff respectfully requests that your Board authorize a sole source purchase from Dominion to replace its existing equipment and bring the Elections Division and its voting equipment into compliance with the CVSSs as required by the Secretary of State.

If your Board elects to move forward, Staff will bring back the purchasing contract for authorization. The next phase the Elections Division will go through will be an evaluation of its elections computer system software system, and staff may return to your Board with a request for an upgrade.



COUNTY OF KINGS BOARD OF SUPERVISORS

GOVERNMENT CENTER HANFORD, CALIFORNIA 93230 (559) 852-2362
Catherine Venturella, Clerk of the Board of Supervisors

AGENDA ITEM March 19, 2019

SUBMITTED BY: Administration/Elections Division – Rebecca Campbell

SUBJECT: VOTING SYSTEM REPLACEMENT AGREEMENT WITH THE STATE OF CALIFORNIA SECRETARY OF STATE

SUMMARY:

Overview:

Staff is requesting to enter into an agreement with the California Secretary of State in order to receive funding to upgrade the County's election equipment to comply with the California Voting Systems Standards (CVSSs).

Recommendation:

Authorize the Chairman to sign an agreement with the California Secretary of State for State reimbursement funds for a new voting system.

Fiscal Impact:

Under this agreement Kings County is eligible to receive up to \$341,500 in State reimbursement funds. The agreement requires that the County provide County match funds on a dollar-for-dollar basis for eligible expenditures, up the allocated amount on a reimbursement basis.

BACKGROUND:

The purpose of this Agreement is to provide counties within the State of California, as appropriated by Assembly Bill 1824, chapter 38 (Stats. 2018), (Voting System Replacement Contracts), pursuant to California elections code §§ 19400 and 19402, administered by the Secretary of State, with State funds to reimburse counties for voting system replacement activities subject to the provisions of the agreement and all requirements of state and federal law, regulations and procedures. To be eligible for this funding a voting system certified by the Secretary of State must comply with the California Voting System Standards.

California's Fiscal Year 2018-2019 state budget provides \$134 million for counties for the replacement of voting systems, including all tabulation equipment, accessible equipment, election management system software and hardware, electronic poll books and ballot on demand printers. The cost includes a one-time purchase of all the necessary hardware, software, peripherals and one year's worth of software licenses. The \$134 million dollars will require that the County match funds for eligible expenditures on a dollar-for-dollar basis, up the allocated amount on a reimbursement basis. Under this agreement Kings County is eligible to receive up to \$341,500 in State reimbursement funds.

BOARD ACTION:

APPROVED AS PRESENTED: _____ OTHER: _____

I hereby certify that the above order was passed
and adopted on _____, 2019.

CATHERINE VENTURELLA, Clerk of the Board

By _____, Deputy.

STANDARD AGREEMENT

STD 213 (Rev. 10/2018)

AGREEMENT NUMBER

18G30116

PURCHASING AUTHORITY NUMBER (if applicable)

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

CONTRACTING AGENCY NAME

Secretary of State

CONTRACTOR NAME

Kings County

2. The term of this Agreement is:

START DATE

February 1, 2019 or upon approval by Dept. of General Services, if required, whichever is later

THROUGH END DATE

June 30, 2021

3. The maximum amount of this Agreement is:

\$ 341,500.00

Three hundred forty one thousand five hundred Dollars and Zero Cents

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

EXHIBITS	TITLE	PAGES
Exhibit A	Scope of Work	4 pages
Exhibit B	Budget Detail and Payment Provisions	3 pages
Exhibit C *	General Terms and Conditions	GTC 04/2017
Exhibit D	Special Terms and Conditions (Attached hereto as part of this Agreement)	2 pages
Exhibit E	Additional Provisions	2 pages
Exhibit F	County Resolution	pages
Exhibit G	Contractor Voting System Replacement Activity Report	1 pages

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/ols/resources/standardcontractlanguage.aspx

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

CONTRACTOR

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

Kings County

CONTRACTOR BUSINESS ADDRESS

1400 W. Lacey Blvd.

CITY

Hanford

STATE

CA

ZIP

93230

PRINTED NAME OF PERSON SIGNING

TITLE

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

Secretary of State

CONTRACTING AGENCY ADDRESS

1500 11th Street

CITY

Sacramento

STATE

CA

ZIP

95814

PRINTED NAME OF PERSON SIGNING

Cindy Halverstadt

TITLE

Chief, Management Services Division

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION, IF APPLICABLE

EXHIBIT A
(Standard Agreement)

SCOPE OF WORK

A. NAME OF PROGRAM

This program shall be known as "Voting System Replacement Contract 2018."

B. PURPOSE OF AGREEMENT

The purpose of this Agreement is to provide the counties within the state of California, as appropriated by Assembly Bill 1824, Chapter 38 (Stats.2018), (Voting System Replacement Contracts), pursuant to California Elections Code sections 19400 and 19402, administered by the Secretary of State, with state funds to reimburse counties for voting system replacement activities subject to the provisions of this Agreement and all requirements of state and federal law, regulations and procedures. Counties who receive the reimbursement of funds under this agreement are subject to the following:

1. Counties may seek reimbursement for payments made pursuant to a purchase agreement, lease agreement, or other contract made after April 29, 2015.
2. The funded activities must belong to one or more of the categories outlined below in Section E – USE OF FUNDS.
3. If a county uses funding provided to it for activities described below in Section E – USE OF FUNDS, #8, and those activities do not result in a voting system certified by the Secretary of State to comply with the California Voting Systems Standards by July 1, 2023, the county shall return the state funding provided for those activities to the State. If the county does not return the funding by June 30, 2024, the State Controller shall withhold any payment to the county in an equivalent amount, as directed by the California Department of Finance.
4. Any voting system purchased or leased by a county for which the county seeks reimbursement from the Secretary of State pursuant to this Agreement and that does not require a voter to directly mark a ballot, must produce a paper version or representation of the voted ballot or of all of the ballots cast on a unit of the voting system. The paper version shall not be provided to the voter but shall be retained by elections officials for use during the one percent manual tally described in Elections Code Section 15360, or any recount, audit, or contest.

C. PROJECT CONTACTS

The program representatives during the term of Agreement will be:

- a. For County: *Rebecca Campbell (559) 852-2378*
- b. For State: **Kathryn Chaney (916) 695-1657**

EXHIBIT A
(Standard Agreement)

D. MATCHING FUNDS

Counties may seek reimbursement where the county has spent matching county funds on voting systems replacement activities on a dollar-for-dollar basis, up to the maximum amount of funds allocated for the contract. Matching funds may also include federal funds such as Help America Vote Act (HAVA). **State funds**, such as Voting Modernization Bond Act of 2002 (VMB) may not be used as matching funds.

E. USE OF FUNDS

Any Voting Systems Replacement Contract 2018 funds received pursuant to this program shall be used by County only for one or more of the following purposes:

1. New voting systems that have been certified or conditionally approved pursuant to the California Voting Systems Standards (CVSS).
2. Electronic poll books certified by the Secretary of State.
3. Ballot on demand systems certified by the Secretary of State.
4. Vote by mail ballot drop boxes that comply with any applicable regulations adopted by the Secretary of State, including California Code of Regulations (CCR) Title 2, Division 7, Chapter 3, sections 20130-20138.
5. Remote accessible vote by mail systems certified or conditionally approved by the Secretary of State.
6. Telecommunication technologies to facilitate electronic connection, for the purpose of voter registration, between polling places, vote centers, and the office of the county elections official or the Secretary of State's office.
7. Vote by mail ballot sorting and processing equipment.
8. Research and development of a new voting system using only nonproprietary software and firmware with disclosed source code that have not been certified or conditionally approved by the Secretary of State, but that would result in a voting system certified by the Secretary of State to comply with the California Voting Systems Standards, in addition to the following:
 - Manufacturing of the minimum number of voting system units reasonably necessary for either of the following purposes:
 - Testing and seeking administrative approval for the voting system pursuant to Section 19210 to 19214, inclusive.
 - Testing and demonstrating the capabilities of the voting system in a pilot program pursuant to paragraph (2) of subdivision (b) and subdivision (c) of Section 19209.

**EXHIBIT A
(Standard Agreement)**

F. County shall not submit any claim for payment or reimbursement and shall not be entitled to receive payment or reimbursement from State of Voting System Replacement Contract 2018 funds for:

1. The cost of purchasing any motored vehicle;
2. The cost of leasing for more than thirty (30) days of any motored vehicle;
3. The cost of purchasing any real property;
4. The cost of leasing any real property;
5. The cost of promotional items and memorabilia;
6. General purpose equipment, including but not limited to, office equipment and furnishings; modular furniture; telephone networks and component parts that are not for the explicit use of facilitating electronic connections as defined above in Section E – USE OF FUNDS, #6 of this document; and reproduction and printing equipment that is not a component of a voting system, ballot on demand system, or electronic poll book system;
7. General office supplies;
8. Any indirect rate or overhead costs distributed to county administrative support services.

G. **DISPOSAL OR SALE OF EQUIPMENT PURCHASED WITH VOTING SYSTEM REPLACEMENT CONTRACT FUNDING**

If a county elections officials disposes of voting systems or voting equipment purchased with Voting System Replacement Contract funding:

1. No pre-approval or permission is required by the Secretary of State.
2. Sales should conform to county purchasing procedures. If those do not exist, counties should rely on the State Administrative Manual (SAM Chapter 8600).
3. A solid audit trail should be maintained and include the following:
 - a. All information relevant to valuation.
 - b. Documentation relevant to the source of funding used for the original purchase of the equipment being sold or disposed of.

EXHIBIT A
(Standard Agreement)

- c. Information relevant to the actual sale or disposition, including the date, amount of the actual sale, which equipment was involved (description and inventory numbers) and receipts.
4. Prior to disposing or selling of any voting system or portion thereof, ensure the equipment is formatted so there is no software or firmware remaining on the equipment. All equipment should be taken back to a condition where it is solely a non-functioning piece of hardware.

**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

Invoices may be submitted via email to AccountsPayable@sos.ca.gov. Please contact Accounts Payable at (916) 653-9165 for any further questions regarding invoices.

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act or a Voting System Replacement Contract Spending Plan amendment of the current year and/or any 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 a Voting System Replacement Contract Spending Plan amendment for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an Agreement amendment to Contractor to reflect the reduced amount.

3. Prompt Payment Clause

Payment will be made in accordance with, and within the time specified in Government Code Chapter 4.5, commencing with Section 927.

4. Failure to Properly Claim Maximum Amount of Voting System Replacement Contract 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.

5. Basis of Claims

Subject to the provisions of Paragraph #9 below, all claims for Voting System Contract Replacement Funds under this program must be based on invoices submitted by the County. All invoices or Agreements that are the subject of any claims must relate directly to expenditures authorized pursuant to Exhibit A – SCOPE OF WORK, Section E – USE OF FUNDS.

**EXHIBIT B
(Standard Agreement)**

6. 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:

- A. Contain a face sheet that summarizes each expenditure made by the categories set forth in Exhibit A – SCOPE OF WORK, Section E – USE OF FUNDS;
- B. Include the total amount of the claim;
- C. Identify whether additional claims are expected to be submitted;
- D. Include the hourly charge of any contractor for which a claim is made for their time;
- E. Include signed Contractor Activity Reports, please see sample, which is Exhibit G - CONTRACTOR VOTING SYSTEM REPLACEMENT ACTIVITY REPORT, for each employee and contractor's employee for whom reimbursement for time is being claimed. (Vendors who receive payment from Voting System Replacement Contract funds are required to submit timesheets for any work paid for as time and materials); and
- F. Include a copy of the contract, 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.

7. Retroactive Payments

Counties may claim reimbursement for expenses and activities permissible under the terms of this Agreement that occur after April 29, 2015, and before June 30, 2021.

8. Payments of Claims

The Secretary of State shall advise the County of the status of the claim processing within 30 (thirty) days of receipt of the claim. Payments made by the State with respect to any claim shall be sent directly by the State Controller's office to the County.

9. Deadline for Submitting Claims

The deadline for submitting any claim under this program is 30 (thirty) days after the expiration date of this Agreement.

10. Multiple Claims

County can submit multiple claims for Voting Systems Replacement funds authorized above, within the aggregate limit established for County.

11. Documentation to be Submitted

- A. Each claim shall include a cover page that identifies the activity or service in Exhibit A – SCOPE OF WORK and a summary sheet that includes 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 documentation of the payment for which reimbursement is sought, and of the purchase agreement, lease agreement, or other contract pursuant to which the reimbursed payment was made.

**EXHIBIT B
(Standard Agreement)**

- B. The county shall certify to the Secretary of State the source and amount of match funding, including supporting documentation of the source of funding such as a statement of account.
- C. If applicable, approval by the County Board of Supervisors, along with the appropriate County Resolution will be required.

12. Order of Processing

Claims shall be processed by the Secretary of State in order of receipt.

**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 (GTC 04/2017) will be included in the agreement by reference to Internet site: www.dgs.ca.gov/ols/resources/standardcontractlanguage.aspx

**EXHIBIT D
(Standard Agreement)**

SPECIAL TERMS AND CONDITIONS

A. AUDITING

1. Receipt of Voting System Replacement funds by County indicates agreement, to be reimbursed by the Secretary of State, by first providing matching funds spent on voting system replacement activities described in Exhibit A – SCOPE OF WORK, Section E – USE OF FUNDS, on a dollar-for-dollar basis, up to a maximum amount of funds allocated for the contract, as allocated per county.
2. 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;
 - d. Accurately records and tracks the disposition of all equipment and sensitive property in compliance with 41 CFR 105-71 and the California State Administrative Manual.
3. Records shall be maintained for three (3) years after termination of this Agreement and for at least one (1) year following any audit or final disposition of any disputed audit finding.
4. 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.
5. County shall permit periodic site visits by the Secretary of State, or the Secretary of State's designee or designees, to determine if any Voting System Replacement Contract funds are being used or have been used in compliance with this Agreement and all applicable laws.

B. GENERAL PROVISIONS

1. Voting System Replacement Contract funds can only be used for the purposes for which the Voting System Replacement Contract funds are made.
2. No portion of any Voting System Replacement Contract funds shall be used for partisan political purposes. All contractors providing services are required to sign an agreement, please see Exhibit E – Additional Provisions, 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.
3. Proceeds received by the County for the sale of equipment or sensitive property originally purchased by funds shall be deposited in an interest-bearing account and used in accordance with procedures outlined in Exhibit A – SCOPE OF WORK, Section G - DISPOSAL OR SALE OF EQUIPMENT PURCHASED WITH VOTING SYSTEM REPLACEMENT CONTRACT FUNDING. Such sales shall be reported in writing to the Secretary of State within 30 days of completion. Interest earned on funds shall be reported to the Secretary of State within 90 days of the close of each fiscal year. Upon expenditure of these funds and interest earned, County will report such

**EXHIBIT D
(Standard Agreement)**

expenditure to the Secretary of State, along with documentation of such expenditure, including invoices, agreements or other documentation.

4. Funds not claimed by County within thirty (30) days of the end date of this contract, or any funds claimed by a county that are not approved for use by the Secretary of State within one hundred eighty (180) days of the end date of this contract, shall revert to the Secretary of State.
5. 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 this Agreement with no liability occurring to the State, or offer an Agreement amendment to County to reflect any reduced amount.
6. This 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.
7. County warrants by execution of this 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.
8. Nothing contained in this 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 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.
9. If a county uses funding provided to it for activities described in Exhibit A – SCOPE OF WORK, Section E – USE OF FUNDS, #8, and those activities do not result in a voting system certified by the Secretary of State to comply with the California Voting Systems Standards by July 1, 2023, the county shall return the state funding provided for those activities to the State. If the county does not return the funding by June 30, 2024, the State Controller shall withhold any payment to the county in an equivalent amount, as directed by the California Department of Finance.

EXHIBIT E
(Standard Agreement)

ADDITIONAL PROVISIONS

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 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.

EXHIBIT E
(Standard Agreement)

- 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 in Exhibit A – SCOPE OF WORK.

STATE OF CALIFORNIA - SECRETARY OF STATE

CONTRACTOR VOTING SYSTEM REPLACEMENT ACTIVITY REPORT

NAME																															COMPANY NAME					Month/Year	Voting System Replacement Coordinator's Approval		
Contract Number:																															Location (Sacto/LA)								
VOTING SYSTEM REPLACEMENT ACTIVITY HOURS																															PROGRAM TIME REPORTING								
	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	DELIVERABLE NAME	ORG	HOURS			
1																																		(Taken from proposal and contract)		0.0			
2																																				0.0			
3																																				0.0			
4																																				0.0			
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23																																				0.0			
24																																				MONTHLY TOTAL	0.0		
SIGNATURE OF CONTRACTOR																					DATE																		