

Introduced November 2, 2020
Public Hearing November 6, 2020
Council Action December 7, 2020
Executive Action December 10, 2020
Effective Date December 10, 2020

County Council Of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 15

Supplementary Budget & Appropriation Ordinance

No. 4 - Fiscal Year 2021

Introduced by: The Chairperson at the request of the County Executive

AN ACT transferring \$688,226 from the Grant Fund, Contingency Reserve to the Board of Elections for a COVID-19 Response Grant from the Center for Tech and Civil Life to ensure a safe and secure election during the COVID 19 health emergency.

Introduced and read first time November 2, 2020. Ordered posted and hearing scheduled.

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 16, 2020.

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 7, 2020 and Passed , Passed with amendments , Failed .

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 10 day of December, 2020 at 2 a.m./p.m.

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Approved by the County Executive December 10, 2020

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Section 610 of the Howard County Charter authorizes and
2 empowers the Howard County Council, upon the recommendation of the County
3 Executive, to make supplementary appropriations from the unexpended and
4 unencumbered funds set aside for contingencies in the County budget; and
5

6 **WHEREAS**, the County has been awarded grant funds in the amount of \$688,226
7 from the Center for Tech and Civic Life; and
8

9 **WHEREAS**, grant funding will be used to assist in planning and operating a safe
10 and secure election during the COVID-19 health emergency; and
11

12 **WHEREAS**, grant funding can be used on specific election needs including,
13 without limitation, ballot drop boxes; personal protective equipment for staff, poll
14 workers, or voters; poll worker recruitment funds; hazard pay, and/or training expenses,
15 polling place rental and cleaning expenses for early voting or Election Day; temporary
16 staffing; and Vote-by-mail/absentee voting equipment or supplies; and
17

18 **WHEREAS**, the Director of Finance has certified that the appropriation to be
19 transferred from the Grants Fund, Contingency Reserve is not encumbered and is
20 available for transfer.
21

22 ***Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the***
23 ***following supplementary appropriation of funds is authorized and approved for the fiscal***
24 ***year beginning July 1, 2020 and ending June 30, 2021, as indicated below:***
25

26 **Donor Account:**

27 **Grant Fund, Contingency Reserve**

28 2600099999- 999500-8888000000-9999999999999999999900

29	Fiscal Year 2021 Appropriation before transfer (subject to SAO	
30	No. 2 FY 2021 and SAO No. 3 FY 2021)	\$3,853,261
31	Less amount transferred to the Board of Elections	<u>\$688,226</u>

1	Fiscal Year 2021 Appropriation after transfer	\$ 3,165,035
2		
3	Recipient Account:	
4	Bureau of Elections – CTC Election Grant	
5	2600000000-7710000000-9999999999400000000218-	
6	515900-CTCLELECTION0000	
7	Fiscal Year 2021 Appropriation before transfer	\$0
8	Plus amount transferred from the Grant Fund,	
9	Contingency Reserve	<u>\$688,226</u>
10	Fiscal Year 2021 Appropriation after transfer	\$688,226

11

12 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
13 *Maryland that this Supplementary Budget and Appropriation Ordinance shall be effective*
14 *upon its enactment.*

Subject: Testimony and Fiscal Impact Statement

To: Lonnie Robbins
Chief Administrative Officer

From: Guy Mickley
Election Director, Howard County Board of Elections

Date: October 19, 2020

The Board of Elections requests the transfer of \$688,226 from the Grants Fund Contingency Reserve for unanticipated grant award received.

Background

In September, CTCL (Center for Tech and Civic Life) announced that there was grant money available to local election offices to offset the historic costs of running a Presidential General Election through the COVID 19 pandemic. I applied for the grant, explaining that this county will have conducted three separate elections through the pandemic. The money can be used for any election-related cost that has been incurred because of the pandemic, including but not limited to the purchase of PPE, payment of judges, payment of additional employees or extended overtime pay, purchase of equipment, rentals of equipment, and a wide array of other items. CTCL, upon the County signing off on the grant, will provide a guide on how the money can be applied.

Fiscal Impact

At no time during this process were any of the applicants, including Howard County, notified of an imminent award. Since we only became aware of the grant in September, well after our fiscal year budget was approved, spending authority for the grant was not included in the FY 2021 budget. As a result, \$688,226 is needed from the Grants Fund Contingency Reserve account in order to be able to spend this unanticipated grant award. All of the funds from this grant must be spent by December 31, 2020.

Thank you for your consideration. Please feel free to contact me should you have any questions or need additional information.

Cc: Jennifer Sager
Brook Mamo



CENTER FOR
TECH AND
CIVIC LIFE

October 15, 2020

Howard County, Maryland

Election Director

9770 Patuxent Woods Drive, Suite 200

Columbia, Maryland 21046

Dear Guy Mickley,

I am pleased to inform you that based on and in reliance upon the information and materials provided by Howard County, and the special circumstances Howard County faces administering elections in 2020, the Center for Tech and Civic Life ("CTCL"), a nonprofit organization tax-exempt under Internal Revenue Code ("IRC") section 501(c)(3), has decided to award a grant to support the work of Howard County ("Grantee").

The following is a description of the grant:

AMOUNT OF GRANT: \$688,226.00 USD

PURPOSE: The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Howard County in 2020 ("Purpose").

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement ("Grant Agreement") and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and jurisdiction ("Applicable Laws"). Specifically, by signing this letter Grantee certifies and agrees to the following:

1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).
2. This grant shall be used only for the Purpose described above, and for no other purposes.
3. Grantee has indicated that the amount of the grant shall be expended on the following specific election administration needs: Ballot drop boxes, Personal protective equipment (PPE) for staff, poll workers, or voters, Poll worker recruitment funds, hazard pay, and/or training expenses, Polling place rental and cleaning expenses for early voting or Election Day, Temporary staffing, and Vote-by-mail/Absentee voting equipment or supplies. Grantee may allocate grant funds among those needs, or to other public purposes listed in the grant application, without further notice to or permission of CTCL.
4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.
5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.
6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.
7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and shall include with the report a signed certification by Grantee that it has complied with all terms and conditions of this Grant Agreement.



8. This grant may not supplant previously appropriated funds. The Grantee shall not reduce the budget of the County Board of Elections (“the Election Department”) or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant. Any amount supplanted, reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
9. CTCL may discontinue, modify, withhold part of, or ask for the return all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above terms and conditions of this grant have not been met, or (b) CTCL is required to do so to comply with applicable laws or regulations.
10. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs for the Purpose may be applied to the grant.

Your acceptance of and agreement to these terms and conditions and this Grant Agreement is indicated by your signature below on behalf of Grantee. Please have an authorized representative of Grantee sign below, and return a scanned copy of this letter to us by email at grants@techandcivicliflife.org.

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,



Tiana Epps Johnson

Executive Director

Center for Tech and Civic Life



GRANTEE

By: _____

Title: _____

Date: _____



CENTER FOR TECH & CIVIC LIFE
233 N. MICHIGAN AVE., SUITE 1800
CHICAGO, IL 60601
HELLO@TECHANDCIVICLIFE.ORG



HOWARD COUNTY DEPARTMENT OF FINANCE

3430 Court House Drive Ellicott City, Maryland 21043

410-313-2195

Rafiu O. Ighile, CPA, CGMA, MBA
Director of Finance
righile@howardcountymd.gov

FAX 410-313-4064
TDD 410-313-2323

October 21, 2020

To: Lonnie R. Robbins
Chief Administrative Officer

From: Rafiu O. Ighile DocuSigned by:
Rafiu Ighile
18E045A7597F41C...
Director of Finance

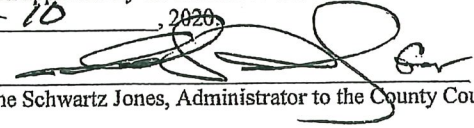
Re: SAO No. 4 Certification

I hereby certify that funds are unencumbered and available for transfer as follows:

FROM:		
2600099999- 999500-8888000000-9999999999999999999900		
Grant Fund, Contingency Reserve		\$688,226
 TO:		
2600000000-7710000000-9999999999400000000218-515900		
Department of Public Works/Bureau of Highways		\$688,226

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 10, 2020.


Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council



HOWARD COUNTY DEPARTMENT OF FINANCE

3430 Court House Drive Ellicott City, Maryland 21043

410-313-2195

Rafiu O. Ighile, CPA, CGMA, MBA
Director of Finance
righile@howardcountymd.gov

FAX 410-313-4064
TDD 410-313-2323

October 21, 2020

To: Lonnie R. Robbins
Chief Administrative Officer

From: Rafiu O. Ighile 
Director of Finance

Re: SAO No. 4 Certification

I hereby certify that funds are unencumbered and available for transfer as follows:

FROM:		
2600099999- 999500-8888000000-9999999999999999999900		
Grant Fund, Contingency Reserve		\$688,226

TO:		
2600000000-7710000000-9999999999400000000218-515900		
Department of Public Works/Bureau of Highways		\$688,226

Office of the County Auditor
Auditor's Analysis

Supplementary Budget & Appropriation Ordinance No. 4-2021

Introduced: November 2, 2020

Auditor: Owen Clark

Fiscal Impact:

The fiscal impact of this legislation is a potential General Fund savings of up to \$688,226, which is the maximum amount of the grant award.

Details of covered expenses are noted below in Other Comments. The Administration indicated this grant may prevent the Board of Elections from requesting additional General Fund appropriations later in Fiscal Year 2021.

Based on the grant award letter, there are no County matching funds required by this award.

Purpose:

Supplementary Budget and Appropriation Ordinance 4-2021 transfers a \$688,226 appropriation from the Grants Fund's Contingency Reserve to an active award in the Board of Election's Grants Fund.

This grant will be funded by the Center for Tech and Civic Life, a nonprofit organization, to plan and administer a safe and secure election in Howard County in Calendar Year 2020.

Other Comments:

While the completed grant application has not yet been provided, we did review the award letter and note that this grant:

- Can be spent on the following FY 2021 expenditures:
 - Ballot drop boxes, vote-by-mail/absentee voting equipment, or supplies
 - Personal protective equipment for staff, poll workers, or voters
 - Poll worker recruitment funds
 - Hazard pay and/or training expenses
 - Polling place rental and cleaning expenses for early voting or Election Day
 - Temporary staffing
- Includes expenditures which may be incurred from June 15, 2020 through December 31, 2020.
 - The Administration indicated they do not plan to request reimbursements for expenditures incurred prior to July 1, 2020.
- Will not supplant any FY 2021 appropriations, including an unused earmark of \$200,000.

Office of the County Auditor
Auditor's Analysis

Supplemental Budget & Appropriation Ordinance No. 4-2020

Introduced: May 27, 2020

Auditor: Owen Clark

Fiscal Impact:

The fiscal impact of Supplemental Budget & Appropriation Ordinance 4-2020 is an expenditure of \$468,100. The requested funds are unencumbered and available for transfer.

Purpose:

This legislation would establish \$486,100 of funding for unanticipated costs associated with Maryland's 7th Congressional District special primary and general elections.

Please see the Administration's testimony, provided by the Board of Elections, that details these expenditures by cost category.

Other Comments:

An amendment has been filed to SAO4-2020 that allocates the unanticipated Presidential Primary Election expenses (\$215,468) to be reimbursed from CARES Act funding. These were incurred due to the State changing the voting process to a mail-in vote as a result of COVID-19.

Based on our Office's inquiries to the Administration, we have been informed that:

- The Board of Elections currently has access to a \$200,000 earmark that will be carried forward into FY 2021 to cover unbudgeted costs from potential changes to the Presidential General Election.
- The State Legislature passed an emergency bill in March for voters not to pay for postage associated with mail-in ballots. This expense is split 50/50 with the locals and the State.
- There has been no movement for the Presidential General election from the Governor, who is expected to decide on the voting format by mid-June. The Board of Elections is proceeding as if the election will be in-person.

**Howard County
Board of Elections**

Memo

To: Lonnie Robbins
From: Guy Mickley
cc: Brook Mamo, Jennifer Dennis
Date: 5/31/20
Re: SAO

The Board of Elections was tasked with conducting two additional elections in the FY20 budget cycle that were not included in the budget. Additionally, the Presidential Primary Election was turned into a Vote-By-Mail Election. This process, which was also done in the Special General Election in April, is a tremendous manual process which costs the election office in employee hours that far exceed the amounts budgeted.

Also, the State Legislature passed an emergency bill in March that makes all postage paid for any mail-in ballot that a voter would send in throughout the process. This money is split 50/50 with the locals and the State, but the up-front amount comes directly out of our Business Mail account at the Columbia Post Office.

On top of all of this, the Special Primary Election which was conducted in February, was the initial additional election that was not budgeted for in the current budget year. This election was a full polling place election for the 67 precincts contained in Congressional 7. This included spur-of-the-moment judge training, readying for a first-time connection to the State of Maryland from all polling places, and complete and full in-person voting which meant Logic and Accuracy testing and transportation of poll books, voting machines, and supplies. When all of this came back to the office, the staff was tasked with doing post-election maintenance on equipment in a one-month time frame that typically would have taken three to four months. Of course, COVID-19 changed processes at that point, and here we are today.

I am asking for the attached table of additional funding from the county to cover these additional expenses that have been incurred by the election office over the course of conducting three

separate elections in four months, two of which were conducted in a way that has never been done before in the State of Maryland.

The Board of Elections has always prided itself on being fiscally responsible and giving money back to the county at the end of the year. We have constantly tried to keep our budgets as flat as possible from year to year. We continued to try to keep costs down, even through this past four months of elections, but elections cost money. The culmination of that money is as follows:

Special Election (Primary and General)	\$486,100
Judges	161,935
Private Polling Places	1,800
Additional Temps/OT for Temps	100,000
Additional OT for State Employees	63,000
Additional Supplies for Special Election	15,000
Transport of Equipment Through State	30,600
State Contracted County Techs	17,852
Notice of Election to All Affected Voters	22,863
Postage for Notice of Elections	53,500
Ballot Printing	17,100
Mileage for Rovers (Election Day Techs)	1,650
Food for Election Day	800



Howard County

Internal Memorandum

Subject: CARES Act legislation (CR34, CB86 and SAO4)

To: Lonnie R. Robbins,
Chief Administrative Officer

From: Dr. Holly Sun
Budget Administrator, Howard County Government

Date: May 26, 2020

CB34 and CR86:

CB34 and CR86 amend the Fiscal Year 2020 Operating Budget in order to receive up to \$64,291,792 funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The CARES Act was passed by Congress with and signed into law on March 27th, 2020 and is an “over \$2 trillion” economic relief package aimed at providing protection from the public health and economic impacts of COVID-19.

Howard County already submitted a plan to the State to document projected spending and programming, supported by Howard County’s share of CARES Act funding and executing a grant agreement with the State to ensure that expenditure of funds complies with federal and State law.

The total county share of CARES Act funding dedicated to Howard County from the State is \$56,830,393, to cover eligible costs in response to COVID-19 incurred during March 1 – December 30, 2020. The grants are divided as follows:

1. \$28,415,197 of the Howard County share is granted by the State directly to Howard County Government to cover various eligible COVID-19 related costs.
2. \$28,415,197 of the Howard County share is granted to the Howard County Health Department to cover COVID-19 related health expenses in both Health Department and in County agencies. Health Department will act a grantor to reimburse the County for eligible health expenses incurred in County agencies.

In addition, Howard County Government expects to receive up to \$7,461,399 in transit funding under the CARES Act from the Federal Transit Administration to Office of Transportation, to pay for operating cost of transit systems related to the prevention, preparation for, and response to COVID-19.

Council Bill No. 34-2020 creates the authority in the current (FY20) operating budget to receive and appropriate up to \$64,291,793 CARES Act funding in total. In addition, the Council Resolution No 86-2020 creates authority in the Health Department’s budget to receive and appropriate the \$28,415,197 grant from the State for eligible health expenses.

Based on preliminary projections, the \$56,830,393 are planned to be used for:

- Health Expenses (County and Health Department): approximately \$42 million
- Non-Health Expenses (County): approximately \$14.8 million (including business assistance)

Incurred and projected eligible health expenses stemming from the pandemic include:

- Short-term hires and over-time related to COVID-19 response
- Salaries for emergency management and services dedicated to mitigating and responding to the pandemic;
- Acquisition and distribution of supplies, including Personal Protection Equipment;
- Expenses for public safety measures;
- Communications and enforcement;
- Disinfection of public areas.

Incurred and projected non-health expenses stemming from the pandemic include:

- Hazard pay for employees performing essential work during the pandemic;
- Technology expenses to improve telework capabilities;
- Care for homeless populations;
- Food delivery to residents;
- Rental assistance support;
- Business assistance.

Howard County is also providing over \$5.7 million in business assistance funding as part of its HoCo RISE effort to help businesses with the response and recovery from the pandemic. Over 80% of Howard County's businesses have fewer than 20 employees, we are putting the limited resources in targeted sectors to help those most impacted.

The business assistance efforts include:

- A **Storefront Retail Assistance Program**, providing \$2.7 million to locally-owned small retailers who have been forced to close because of the Governor's non-essential business order.
- An **Agriculture Assistance Program**, providing \$800,000 in total grant assistance to support local, full-time farms affected by the decreased demand by local restaurants as well as a drastic decline in commodity prices.
- A **Restaurant Assistance Program**, providing \$2.0 million to locally-owned restaurants for support for accommodations required to re-open and customer access.

Further details on the application process for these business assistance programs will be announced in the coming weeks.

SAO 4 Fiscal Year 2020

As filed, SAO 4 includes \$215,468 to cover costs of the “vote-by-mail” presidential primary election on June 2, 2020. After submission of SAO4, it was determined that costs to cover the mail-in presidential primary election should be covered by the CARES Act since it is related to COVID-19 response. As filed, SAO No. 4 proposes to transfer funds to the Board of Elections from the General Fund, Contingency Reserve. Because we expect these costs to be covered by the CARES Act, we will submit an amendment to SAO 4 to remove those costs as coming from the General Fund Contingency Reserve.