

MINUTES

FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

TUESDAY, OCTOBER 2, 2018 2:00 PM EDT

EXECUTIVE COUNCIL MEETING

**Hyatt Regency Jacksonville Riverfront, 225 E. Coastline Drive, Jacksonville, FL 32202
River Terrace 3 Meeting Room**

The October 2, 2018 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) was called to order by Executive Council Chair Stacy Butterfield at 2:00 PM (EDT). Clerk John Crawford delivered the Invocation. Clerk Tara Green called roll. Council Members present were the Honorable Stacy Butterfield, Honorable Tara Green, Honorable JD Peacock, Honorable John Crawford, Honorable Todd Newton, Honorable Paula O'Neil, and Honorable Ron Ficarrotta. The Honorable Pat Frank and Honorable Harvey Ruvin attended by telephone. Honorable Kyle Hudson was not present. Mr. John Dew, Executive Director stated that there was a quorum. Chair Butterfield thanked all Clerks and staff that were present and on the telephone.

APPROVAL OF AGENDA

Chair Butterfield asked for a motion to approve the agenda that has been distributed as well as posted on the CCOC website. Clerk O'Neil made a motion to approve the agenda. Clerk Green seconded the motion. There was no discussion, and the vote was taken. The motion passed.

APPROVAL OF MINUTES – JUNE 25, 2018 AND SEPTEMBER 11, 2018 EXECUTIVE COUNCIL MEETINGS

Chair Butterfield called upon Clerk Peacock to present the draft minutes that were in the meeting packet. He noted that the minutes were presented to the Executive Committee and Executive Council prior to this meeting for an opportunity for any input. Clerk Peacock made a motion to approve both meetings' minutes. Clerk O'Neil seconded the motion. Chair Butterfield asked if there were any questions or additions to the minutes. Hearing none, the vote was taken, and the motion carried.

TREASURER'S REPORT

Chair Butterfield called on Clerk Peacock to give the Treasurer's Report. Since he is the new Secretary/Treasurer, he asked if anyone would like to see anything out of the report differently. If so, please let him know as we go forward. The CCOC budget year to date is part of the packet. He noted CCOC was 11 months through the budget for this fiscal year and we have expended 82% of their budget. Projection through the whole 17-18 fiscal year shows there has been a slightly higher amount spent but remains in CCOC's budget authority. The personnel amounts are over due to overlaps in the Budget and Communications Director role as well as payouts for leave balances for staff that left in the middle of the year. CCOC will however still stay within their budget. Clerk Peacock made a motion to approve the Treasurer's

report. Clerk Crawford seconded the motion. Chair Butterfield asked if there was any discussion. The motion passed unanimously. Chair Butterfield thanked Clerk Peacock for the report.

BUDGET COMMITTEE REPORT

Chair Butterfield stated that Clerk Burke, CCOC Budget Committee Chair was not able to be at the meeting, so she would give the report. There are three items she has been asked to bring forward from the Committee as recommendations that are seeking approval from the Council. The three recommendations are seeking approval to gather from Clerks additional detailed expenditure data, approve a process of full budget reviews for the CFY 19/20 budget request, and approve delaying for one year the review of the current similarly-situated county Clerks of Court. Clerk Butterfield noted that the Budget Committee last met on August 21st and again on September 11th.

Before presenting the three recommendations from the Budget Committee, Clerk Butterfield wanted the Clerks to know for information purposes that the CCOC staff have provided to the Department of Revenue the list of Clerks that will be receiving dollars from the CCOC Trust Fund and those Clerks that are expected to send in excess each month. She said the list can be found in the meeting packet on pages 20-21.

Ms. Butterfield said there was much discussion at the previous Budget Committee meetings concerning the need for additional data coming from Clerks. One piece of data that would be valuable to the Clerks for connecting revenue to the cost of the work we do is to have more detailed expenditure data. The Committee is seeking approval from the Council to agree with moving in this direction and once more detail is received from a workgroup of the Committee to bring the recommendations back to the Council as to what expenditure data we should ask Clerks to provide. As an example, while in our budget process we collect a budget request by the ten court divisions and receive reported monthly revenues by each of the court divisions, we currently only collect total expenditure by month and not broken out. A motion was made by Clerk Crawford and seconded by Clerk Green. In broad terms the motion is to ask the workgroup to continue their work and make a recommendation back to the Budget Committee as to the detailed level of actual expenditures and include timing and anything else that it would take to implement the recommendation. If the Budget Committee wanted to move it forward, it will come back to this Council to either accept, reject or modify the recommendation.

A lengthy discussion and input from Clerks ensued. Concern was expressed from Clerk Johnson (Franklin County); Clerk Frank (Hillsborough County); and Clerk Norris (Gulf County). The concerns centered around the difficulty many Clerks' offices already have trying to fill out numerous reports and adding another report to that burden. Also, there was concern that even with gathering additional detail data, the Legislature still will not use it. Clerk Green responded that the CCOC is looking to find ways of decreasing the reports and find ways to make reporting of data less burdensome on Clerks. As an example, the CCOC is working with FCCC to determine if CCIS can provide data currently reported to the CCOC. If that could be accomplished, then Clerks would not have to fill out and provide many of the reports sent to CCOC as the Corporation could get the data directly from CCIS as needed. Clerk Butterfield responded to the question

concerning what data the Legislature wants. She said that the bottom-line is if we want the Legislators to give us the funding which we need to do all of our services, there is an expectation that we need to tell them how much it costs. She knows that the Florida House is considering a study of the Clerks' offices which could include seeking additional expenditure data and asked CCOC staff Jason Welty to provide some insight. He said that we have been informed that the House of Representatives is going to be doing an in-depth study of the Clerks' and their needs and what those needs are. They are trying to get an independent evaluation of what the needs are versus what the Legislature thinks the Clerks needs are. He continued that having expenditure data will be helpful in that regard rather than what we do now which is to go back to the budgets and then estimate. Having to do all the extra steps with the extra methodologies, does not give us the exact picture we are looking for. We can be as good as we can be, but it does not give us the exact picture that having expenditure data would provide. There was a call for the question. The vote was taken, and the motion passed unanimously.

Chair Butterfield continued with the second item from the Budget Committee. She again is asking for a motion to approve the Budget Committee's recommendation to conduct an in-depth review process of the Clerks' CFY 19/20 budget requests. This would be a full budget review process that statutorily is a required with peer group comparisons of similarly situated Clerks. The comparisons for the process will have to start earlier in the year. Budgets are submitted by June 1st by statute and the motion would include consideration of moving up the previous time requirements. We cannot finish a full budget review if we start June 1st. This motion is asking this Council to get behind the Budget Committee's recommendation that we will have an 'A to Z' budget review for the 19-20 fiscal year. The Budget Committee will work out the details.

Clerk O'Neil asked the purpose. Chair Butterfield said so we can make sure that we are comfortable as a Budget Committee and as a Council that we are allocating the resources fair and equitable. That is the purpose. Clerk Peacock pointed out that we are trying to do the statutory required mandate of this Council which is to hold ourselves accountable. How do we do our statutory required job of controlling cost and showing what we are spending our dollars on? He suggested one way is to use Clerk Green's work of costing cases out and having the ability to look at it at a division level to define cost. There is a single pot of money that we must distribute out to 67 Clerks. It has effectively put us in charge of ourselves, knowing that it is hard to hold each other accountable and then we try to ask for stuff from the Legislature and they want details. CCOC staff will tell you when they worked for the State they were looking at everybody's business down to the nickel. They can see it all because there was not a department head that was not going to say no to the staffer. That is what is happening here, the legislative staff that oversee the budgets are asking Clerks for details and that is taking an effort to get. That is the crux of the problem when we start to do a deep dive into the budget requests, it is going to hurt people's feelings, but that is our job. Chair Butterfield added that when we did the deep dive nearly three years ago, one of the things that was eye opening is it gave the Clerks the opportunity to explain to the Budget Committee about those things in their office that were cost drivers that may have been causing their costs to be different from one of those Clerks in their peer group. She viewed it as an opportunity at that time to

educate not only the Budget Committee, but all Clerks about some of those things that were going on in their offices. She would thoroughly expect that to be one of the outcomes of a full budget review again.

Clerk Newton said when we talk about this, we start talking about efficiencies versus inefficiencies. He said he takes offense to the term inefficient. When we start speaking of efficiencies you have to remember each of our offices are so complex. Also, when you look at revenue sources for our offices and when we look at the CCOC budget, it has always been the Court budgets, and this does not consider other revenue sources that Clerks may be receiving to offset the court-side costs. So, when we start talking about this Clerk is efficient and this Clerk is not, we are not considering every revenue source and we are not looking at apples to apples. Clerk Newton asked so how do you evaluate efficiency? Chair Butterfield said he made a very good point. She hated to get technical, but the Budget Committee and the budget submittal from Clerks uses a term gross budget and net budget. But collect it at a budget level and not at an actual level. The other thing that you had just mentioned, that has been repeatedly mentioned, and it is easy to use the terminology, but this terminology of if one clerk is efficient or inefficient is not the appropriate descriptor of what the differences are.

Clerk Butterfield asked Jason Welty to provide information on the statutory requirement of the CCOC concerning the budget review process. He said that section 28.35 subsection (2)(f)(3) states that our requirement as the CCOC is to conduct an annual based budget review and an annual budget exercise examining the total budget of each Clerk of Court. The review shall examine revenues from all sources, expenses of court related functions and expenses of non-court related functions as necessary to determine that court related revenues are not being used on non-court related purposes. There is also a requirement statutorily that the CCOC prepare a cost comparison of similarly situated clerks of the court, based on county population and number of filings. Chair Butterfield stated that the point is that the statutory requirement requires us to compare Clerks which are similarly situated and get detailed information.

Clerk O'Neil stated that no one is going to question wanting to be accountable. As elected officials we are micro managed constantly and this is frustrating. Chair Butterfield said she was glad that Clerk O'Neil mentioned this and said as Clerks and Comptrollers we are accountable and are transparent. She believes that is where we get frustrated with the position that we have been put in. Chair Butterfield asked if there were any other questions. It is the support of the recommendation that the Budget Committee will put together a process for the full budget review which may entail the movement of the time table. The movement of the time table will be brought back to the Council at the Council's next meeting. Clerk O'Neil made a motion that we approve the process for a full budget review. Clerk Green seconded the motion. Clerk Butterfield asked if there were any further questions. The vote was taken, and the motion carried.

The third item recommended from the Budget Committee is to delay for one year the study of the Similarly-Situated County Clerks of the Court. Clerk Butterfield said that this is typically done every two years. However, the "peer-group" that was developed in 2016 has yet to be used in the budget process since we did an across the board reduction for CFY 17/18 and an across the board increase for 18/19 without making a comparison of Clerks using the new "peer-groups". That 2016 peer grouping changed the peer groups from 6 to 12. It was a major change to much smaller peer groupings. The Budget Committee is recommending that we move forward with the groupings that we have and use those for the

19-20 budget process. Clerk Newton asked when the next study would start. Clerk Butterfield said she thought it would start the last of 2019. Clerk Newton noted that he felt that it should be later so the budget process could be completed first and that there would be additional data to use for the consultant that would be hired. It would then be ready for the next budget cycle which would be 20-21. Clerk O'Neil thought we are better off to delay it two years. So that we can see what the changes take place. Chair Butterfield asked for any other comments. Clerk Cooney noted that he was part of the process and he does not really like the study that is about to be used. It eliminated outliers. It artificially eliminated outliers among the peer groups and readjusted peer groups. Chair Butterfield stated that he did not like the idea of delaying it one year. He said that was correct. Clerk Baker agreed with Clerk O'Neil since you are going to be vetting our budget process for each individual county and you are going to implement this a year from now. Clerk Russell was recognized, and she noted that she supported delaying it. Clerk Russell said overall, she supports not doing it this coming year. She supports extending it and not trying to change it right now.

Clerk Newton made a motion that we review in one year whether to do a new study. Chair Butterfield asked if she could stretch that to say that then we are not going to do it this year, meaning 2018, on the two-year cycle, but then we will review whether to undertake it next year. Clerk Newton agreed. Clerk O'Neil seconded the motion. Chair Butterfield asked if there was any other discussion. Hearing none, the vote was taken, and the motion carried.

REVENUE ENHANCEMENT COMMITTEE

Next was the Revenue Enhancement Committee report. Chair Butterfield called upon Clerk Moore-Russell. Clerk Russell stated that the Revenue Enhancement Committee had submitted the short-term funding of the continuity plan for the Legislature Committee. We are required by statute to share with the Legislature how we can find additional revenue to make up for the needs that we have. She also wanted to share with the Council from a long-term funding perspective, that the workgroup has been convened and Kathryn Farynowski is in the room and she is chairing that workgroup. They are in the data gathering validation phase. Clerk Moore-Russell stated that was her report. Chair Butterfield thanked her for her work on the committee. She called upon Doug Isabelle of the CCOC who wanted to make some additional comments. He thanked Chair Butterfield. He began by stating that in the meeting materials there are two surveys via Survey Monkey. They have worked through their workgroups to make sure we asked the questions correctly. They looked to see if people had the data. The survey will go out to the Clerks at the end of this week. There are two questions; one is the \$70 reset fee on all judicial sales. We are trying to collect this data to develop revenue estimates. The other one is on cash bonds. We can look at it versus the approved bonds. The workgroup will run some data there. It is basically collecting some data that has not been collected before. From this he will report back to the committee about some potential revenue sources for the Clerks.

THE LEGISLATIVE COMMITTEE

Chair Butterfield asked Clerk Timmann to give the Legislative Committee Report. Clerk Timmann thanked her. The Legislative Committee had a conference call on September 26, 2018 and they considered, reviewed and discussed at

great length the Revenue Enhancement Committee's recommendations and report. Those that would meet the CCOC statutory obligation, she will read aloud. She understands that some are not aware that we have the statutory responsibility to quote "recommend to the Legislature changes in the amounts of the various court related fines, fees, service charges and costs established by law to ensure reasonable and adequate funding of the Clerks of the Court and their performance of their court-related functions." Those recommendations were distributed and are certainly available to the public as well. That was the process here. The statutory directive was taken and moved forward to review and make a list of options for Legislative consideration.

The Committee also adopted recommendations regarding modifications to the current juror payment process for the upcoming Legislative agenda. There were a few different issues that came up as things do when you start working through the process. Those issues were identified and we're trying to come up with different options to address those. One of the recommendations was to remove the JAC from the process and let the CCOC handle the distribution of funds. And for clarification for those of you that have watched this, the JAC is the administrative arm that just handles administrative matters relating to it. When there are issues for instance when the Legislature asked every agency entity to do a 10% budget reduction recommendation, the juror money is the first thing that the JAC recommended as a cut to their budget. It is extra work for them and they have indicated that they would be fine with passing along that responsibility to another entity. Additionally, there was a recommendation that we change the process from an estimate advanced model to a reimbursement model. Then finally it was identified and recommended a glitch fix to specifically authorize Clerks to pay for excess expenditures over provided funding for the juror process from the CCOC funds found in Section 28.35 sub 3a and that was something that we did bring to the Legislature's attention which they had asked us to take another look and bring that back to them this upcoming Legislative session. That is on the list for considerations too. There are a couple of different options for that glitch. This is the one that the Committee identified as the best to address that concern.

The Committee considered all the recommendations from the report done by Revenue and Enhancement and New Clerk Funding Model Committee and we are also bringing that forward to you and asking for consideration of the recommended changes to the juror payment process. She thanked Jason Welty for jumping in and helping with that. Clerk Crawford asked Clerk Timmann how many times we have make recommendations to the Legislature based on this requirement statute fee changes in the past. She stated that she did not recall many in her tenure. Mr. Dew stated that in 2008 we provided to the Legislature recommended fee increases which they ended up using for their own revenues. After that there were a few times some of the ideas were provided to the FCCC for them to use in their Legislative concepts. Clerk Crawford said that if they don't like our recommendation the Legislature has the authority to create something else. Clerk Timmann agreed. He noted that if we are not aggressive, we will get what we deserve.

Clerk Peacock stated that they took what we brought to them as a funding alternative. Chair Butterfield said that was one example of the recommended changes to the statute and resulted in the 2008-111. Chair Butterfield thanked her for the report and restated that she was asking this Council for consideration of the recommendations found in the

Revenue Enhancement report and your favorable consideration if you chose to the changes to the juror payment process. Those are in the packet starting on page 22 through 29. Chair Butterfield said that a motion will be needed on both in the same motion. Clerk O'Neil made the motion and seconded by Clerk Crawford to accept the recommended changes from the Legislative Committee on the funding continuity report from the Revenue Enhancement Funding Model and the juror payment process. She asked if there was any discussion. Hearing no other comments, the vote was taken, and the motion passed.

PIE COMMITTEE

Chair Butterfield asked Clerk Green to give the PIE Committee report. Clerk Green began by saying on page 30 of the packet, there are highlights from the 3rd quarter report. It is interesting that action plans across the counties are going up and our performance is going down. Forty-five Clerks' offices required an action plan for collections during the quarter. Civil Court performance continues to see itself below 90% which is the standard. If you look at page 39, we have gone below the 90% standard in Civil Traffic for collections. It came in at 83%. Sixteen Clerks' offices required an action plan for not filing cases timely. Thirteen offices required an action plan for not docketing cases timely in at least one court division. Specifically, in Circuit Civil this one is on page 48. You will see where we went from in the second quarter performance of 87% to meeting that performance standard down to 69%. That is nearly a 20% decrease in filing new cases timely.

Clerk Green had one more highlight she wanted to bring forward and that is the slippage in performance in Circuit Civil Court Division from 92% going down to 86%. We are seeing the trend pretty much across most of the divisions. She continued by saying it is interesting if you look at this riveting information that if we go up in one division, we usually go down in another division. She believes that it is the shifting of the work or shifting of the priorities. But more and more are going down than going up or staying at the same level. Clerk Green made a request from the Council to approve the 3rd quarter performance measures report so we can provide it to the Legislature and put it on the CCOC website. Clerk Peacock made the motion. Clerk Newton seconded that motion. Chair Butterfield asked if there was any discussion. Hearing none, the vote was taken. The motion passed.

Clerk Green continued with commenting on the recent request for information on the Civil Indigency. We are developing a methodology for estimating revenue lost to indigency which is another key reason why the indigency report is so important. That potentially is going into a legislative initiative. We had a very good return of data and in fact she shared that there were 62 counties that responded with this information. This information was critical. It is going to feed into potentially some of CCOC's legislative initiatives. That was those individuals that file or apply for indigency and get approved. On the indigency, she mentioned that this ties into some of the concerns that were brought up earlier when we were talking about requesting more and more information. She stated that you might not be aware, but sitting through the CCIS meeting, one of the enhancements that is in CCIS is indigency reporting. She wanted to make sure to put that out on the table and to know that it is in the works because the same things she hears from Clerks' concern was

the work basically ran an employee off. She hears that in her office every day. They know how supportive she is of it. It is a lot of work. She stated that we are trying our best to bring in tools to the CCOC that provides the data that it is getting asked for without having to reach out to the Clerks every single time and put the burden on them. So that is in the works and she wanted everybody to know that. Either John or she will make sure that we are going to go into a pilot mode and look at doing and updating the Council. She asked John if he wanted to add anything. He stated that he thought it was a great idea and he was looking forward to finding a way to alleviate some of the workload of Clerk's staff.

Clerk Green had a couple of more things to mention on the PIE workgroup. They are continuing to update the Clerk Court Related Services. It will be updated with new statutes and new tasks that the Clerks have. We are compiling data to improve performance measures, the reports that we have been doing and the measures that we have been talking about even though we are now seeing ourselves slip out from a performance perspective. She really thinks we need to look at what should we really be measuring based on the services the Clerks provide. We have a workgroup that is going to completely look at all the new performance measures to decide which ones need to stay and which ones need to change, and which one need to go, and which ones need to come in as the development of costing methodologies for cases with no fees. This is where the more information we have on what it costs your offices to support papers, the better off we are going to be set to propose to the Legislature what amount of money do the Clerks need to offset that cost on no fee cases. Domestic violence and MECOM are perfect examples. Doug has come up with some creative methodologies. She thinks they are solid and good, but the more we can give them definitive costs on services that the Clerks provide that we otherwise do not get revenues on. That is update on those workgroups. That was her report to the Council.

Chair Butterfield thanked her and stated that along those lines, goes protection orders that are new. Clerk Green said that they are reporting them as we requested those numbers and we do not have them in yet. And she imagines vulnerable adult will probably be right around the corner as well. She added again there are additional services that the Clerks are asked to handle in our offices and there is not a fee associated with that. Clerk Green added she is optimistic sometimes. She believes if we can get to this, we can combat those things ahead of time and say if you put that requirement on us, based on what we know it is going to cost us, we need this much money to meet that requirement and try to get it in the bill in the beginning. It would be a way to pay for the services that we offer that otherwise nobody pays for. Chair Butterfield asked if there were any questions for Clerk Green. There were none and she thanked her for her report.

ELECTRONIC NOTIFICATION PLATFORM WORKGROUP

Chair Butterfield called upon Clerk Peacock who is heading up this workgroup to give his report. He briefed the Strategic Technology Committee for the FCCC this morning about this. He noted that the committee has narrowed down a small scope of work to work with OSCA to put out an Invitation to Bid. A committee meeting via a conference call of the three Clerks, Clerk Crawford, Clerk Moore-Russell and himself, and three Judges has been set up for October 8th. The

meeting is to finalize the draft of the ITN. The project is limited in scope which should allow us to get something out and rolling by the first of the year. There is not time to get something this big out in time for the legislative session. We have identified a small scope that we can roll out statewide. Then we can message the Legislature that we have something moving forward. Chair Butterfield thanked him. She wanted to make one clarification and have his confirmation and that being the source of the data to provide electronic notification is planned to come from CCIS. Clerk Peacock explained that it is the goal or approach that he took was the dollars that were appropriated from the state budget will go from OSCA to the vendor to develop this out. There are no dollars there for us to do development work and to take care of our time. He wanted to make sure on this project that we did not add any more stress to anybody else's workload to do this. This scope of work effectively transitions the work effort to the vendor and then there is a little bit of support work from CCIS to help them pull the data out. The only work that the Clerks will have to do is start making sure we capture the defendant's driver's license number on case information when a new case is started. This has a stream to flow into CCIS. Then we would have to sign up our partners to sign people up like the sheriffs that book and pretrial folks. Messaging is all we are going to do and should not tax anyone with this. That was the goal of this not to make any additional work.

When the case gets created, we need to hook the data point to go into CCIS to pull the case information back. The most logical way we came up in short order was the DL number. If you capture the DL in your system, they are supposed to go up to CCIS. He acknowledged that there was very little work from the Clerks' side. Chair Butterfield wanted to make sure that it was made clear that from the workgroup perspective that the direction was to minimize as much as possible the workload on Clerks. He said yes, and we must pivot this to get some funding, but we did not want to put any more on the Clerks. Chair Butterfield asked if there were any questions. She said thank you to the Clerks and the Judges who are going to serve. She asked Judge Ficarrota to pass along to the Judges a thank you. Clerk Peacock noted that it has been a good working partnership. Judge Ficarrota said he would and noted that this was a great opportunity to show how we can work together and get something done when we put our heads together and work on a project like this. He also thanked Clerk Peacock for working on this.

TRIAL COURT BUDGET COMMISSION

Chair Butterfield thanked Judge Ficarrota for attending and asked if he would give his report about the TCBC. He took a moment to congratulate Clerk and Judge-elect Don Barbee and to welcome him to the Court family. On behalf of the Courts, they are honored to have him join. He began by stating that the CCOC and the TCBC have so many of the same issues, such as requests from the legislature for data and information. The last legislative session, the twenty chief judges were invited to appear in front of the Legislative Appropriations Committee to talk about efficiencies and inefficiencies of individual judges and their caseloads. They share the same thing, the request for data from the Legislature and they are trying to deal with and being able to provide information they need to do their jobs in turn to help us with our jobs.

The last TCBC meeting was on August 28 in Orlando. We met and reviewed the final details of the 17-18 budget and received an update on the 18-19 budget status and are looking at our budget needs for 19-20. Like you they are looking

at employee issues. They voted to recommend employee pay as the only issue for our budget request and try to help our employees. We are losing good employees to the outside world, too. We have dedicated employees that are over worked and under paid. We also at the Commission meeting voted to endorse the cost estimation of the judicial e-filing workgroup associated with implementing e-filing. Looking ahead, they are working with a County Court Jurisdiction workgroup to discuss the impact that any changes the Legislature makes to County Court Jurisdiction would have on the branch.

The Supreme Court will be certifying its findings and recommendations concerning the certification of need for additional judges for 19-20. They will be issuing that opinion prior to the regular session. The TCBC does not get involved in this but monitors it. Our next TCBC meeting will be a conference call and is anticipated for early October. He will notify all when that the call is being made. That concluded his report. Chair Butterfield thanked him and the Clerks that attended that meeting in August. Judge Ficarrotta stated that it is in our best interest to support one another and the Legislature likes to see the two of us working together and this was a great opportunity that do that. He hopes that we continue to do so because when the Clerks do well, they do well. They want to see the Clerks and Courts well-funded.

ANNUAL REVIEW OF THE EXECUTIVE DIRECTOR

Chair Butterfield stated that in the CCOC Plan of Operations it states that the performance evaluation of the Executive Director shall be conducted annually by July 1. This was not done for the last two years. She called upon Clerk Green who was tasked two meetings ago with specific items related to staff and personnel issues. Clerk Green started with some background information. At the June 25th Council meeting it was agreed to that the Council needs to conduct Mr. Dew's evaluation. The previous county fiscal year Mr. Dew held off receiving the \$1,000 pay increase other State employees received in lieu of requesting first that he received a formal performance evaluation. He also requested that after the performance evaluation we then look at the Evergreen study which provides an update on salary ranges and create a pay increase if his performance merits this. Clerk Green reached out to Clerk Burke and asked him to initiate a formal performance evaluation for John to be completed. Clerk Green said she is looking for the 17-18 Council and Chair to do the evaluation.

Chair Butterfield also asked if she was looking for a specific timeframe, like December 31st for the evaluation completion. Mr. Boyd commented that the evaluation is past due, and he encouraged her to do it as soon as possible because there is another one coming up. Chair Butterfield reiterated that General Counsel, Joe Boyd is advising us to do it sooner rather than later because we are behind, and this year is moving on. Clerk Green made a motion that Mr. Dew's performance evaluation will be completed in 30 days by Clerk Burke and the previous Council members give input into to an evaluation that will be submitted directly to the Chair. Clerk O'Neil seconded the motion. Chair Butterfield asked for any discussion. There was no further discussion. The vote was taken, and motion passed unanimously.

Clerk Green continued and asked that once the evaluation is completed should we consider making any raise retroactive since we are behind in our performance evaluations and if so what would be the effective date of a raise? The question is if there is an increase associated with the performance evaluation , what is the effective date of an increase in pay since we have not done the evaluation in a couple of years? Chair Butterfield asked if we should consider

a retroactive raise to a particular effective date after receiving the performance evaluations and reviewing the Evergreen study. Clerk Green noted that in June the Council approved the \$1000 retro back for Mr. Dew to the previous date the other CCOC employees received this since we were still waiting to conduct an evaluation and the other employees got this outside any performance evaluation earlier. Clerk Green made a motion that the Council do the same as in 17-18 with the steps and time that the evaluation will be done. If there is any increase in his salary, it gets retro back which would be the July 1st of 2018. Clerk Crawford seconded the motion. Chair Butterfield asked if there was any discussion. The vote was taken, and the motion carried.

Clerk Green had one more item to be brought forward. There is a policy in place for earned time in the CCOC Pay Procedures. Mr. Dew had excess annual leave time at the end of calendar year 2017. The current policy says that the Executive Director can carry over no more than 480 hours of unused annual leave at the end of the calendar year. The excess can be carried over as sick leave which is at a reduced rate. He had 150 excess hours at the end of calendar year 2017. Mr. Dew said that it was an unusual circumstance that year and he will be working this year to assure it does not occur again. However, he is requesting these hours remain as annual leave instead of being converted to sick leave.

Clerk Green stated that there are a couple of options that we can consider. We can pay out the 150 hours to Mr. Dew or we can adjust the policy to include an additional 150 hours for 680 hours he can transfer over as annual leave in any given year. Chair Butterfield asked if she had a recommendation. Clerk Green recommended to pay out the 150 hours. She put this in the form of a motion. Clerk Peacock seconded the motion.

Chair Butterfield asked if there was any discussion from the Council. Clerk O'Neil said she was not in favor of that. People need to take leave for a work/life balance. She has that problem in her office occasionally and this year she gave them two extra months to use that leave. There is no payout. She does not want to be caught in a situation where she cannot afford to pay out the leave. She would be in favor of another option. Maybe giving him more time to spend those hours. Chair Butterfield asked if there were any comments from those attending the meeting. Clerk Crawford seconded the concern that Clerk O'Neil expressed and that his office tries to control that future liability. He noted that no matter how this vote goes, or the motion remains, he thinks that the policy needs to be looked at and rectify what seems to be problematic. Chair Butterfield thanked Clerk Crawford and added a few comments from this past year. During this year there were staffing changes and so there was some vacancies for a certain time and there is a limited staff at the CCOC. She agreed that the policy needs to be looked at going forward. She said that was part of her discussion with John already and that this year we will not be in the same situation. Clerk Crawford said that these hours are already earned, and this is under the current policy. He thinks that we need to solve this and immediately look at the policy.

Mr. Dew said that this issue has never occurred before and he understands the need for individuals to take time off from work. He said he recognized as early as August 2017 that he was not being able to take and use annual leave due to work circumstances. He started communicating his concern with the CCOC Executive Committee members in August to let them know that he was uncomfortable taking leave during a time that he felt he needed to be in the office due to less staff as well as newly hired staff. It was understood by the Committee members the reason he would have unused annual leave.

He explained to them the situation of what was going to happen towards the end of the year. He tried to communicate. It was not something that happened after the year was over. He does not receive comp time as a senior manager, so this does not even account for those extra hours worked. This is not an issue where he has gained comp time. This is just where he could not and did not take the vacation that he should have. Mr. Dew said this year has been very different as he has been able to depend more and more on staff and the office is now fully staffed for the first time in many years. He appreciates the offer but certainly policy change is needed, and he is fine with either way. He stated that he was uncomfortable with the payout. No one has talked to me about getting paid for the hours and I have not asked for it even though the current CCOC policy does not disallow this.

Clerk Green said the payout was her recommendation. Her next step was that she thinks the policy needs to be looked at. This is a way to rectify the current issue and put that aside so that we can go and look at the policy when there are unforeseen circumstances. There are options out there that can be looked at that the Council can consider based on the circumstances. She wanted to go on with the motion but had some ideas when the policy would be discussed. Chair Butterfield said the motion is to deal with the 150 hours to pay it out and get that over with. Then Clerk Green will bring forward a motion about going forward on a policy review. We have heard from a couple of Council members and she asked if others have any comments? Clerk Newton said he would reiterate what Clerk O'Neil and Clerk Crawford mentioned. He said it sounds like an unusual circumstance. He said that he was going to vote for it, but he has similar concerns about it. And he does think that the policy needs to be changed. Chair Butterfield thanked him and asked if there were any other comments. Clerk Crawford called for the question. Chair Butterfield asked for the vote. The motion carried with one nay vote from Clerk O'Neil.

Clerk Green wanted to request a few of the Council members get together and look at the policy. She thinks not only for the Executive Director but for all positions. We can look at it and compare it to some of the Clerks' offices and their policies. She would like a workgroup to come together as well to look at ways when you have unforeseen circumstances. Chair Butterfield asked if she was suggesting a complete review for all personnel as related to classification and pay procedures. Clerk Green said that it would look at all positions. Mr. Dew said that was appreciated. He said that historically we follow what the State does for such policies but would welcome looking and comparing what we do with what Clerk offices do as well.

Chair Butterfield said that this was a review of the pay and benefits sections of the policy manual. She said that we need a workgroup to do this and asked Clerk Green if she wanted to recommend a workgroup now or would she like to leave it to the Chair to appoint a workgroup. Clerk Green said that she was going to suggest appointing Clerk O'Neil to chair the workgroup. Clerk O'Neil accepted. The workgroup membership would be left up to Clerk O'Neil. Clerk Green put that in the form of a motion. Chair Butterfield said that there was a motion to appoint a workgroup with Clerk O'Neil chairing the workgroup and will decide on the workgroup members to review the policies of the CCOC that are related to classification, pay and benefits. Clerk Peacock seconded the motion. The Chair asked if there was any discussion. Clerk O'Neil noted that it is important because we don't want to get into this situation again. Clerk Frank had a question. She said that there was the Evergreen study, is that covering salary benefits and so forth? Clerk Green said it does and probably should have put that in her motion as well. The workgroup will be looking at the Evergreen study and looking

along with the performance evaluations we receive back from each of the Council members. Clerk Frank said if that was included she supported this motion. Clerk O'Neil said that she would take that into account. Being no other comments, the vote was taken, and the motion carried.

Chair Butterfield asked if there was any other business? There was none. She wanted to thank everyone again for all the participation today. She thanked all for the comments from all the Clerks. She wanted to say that one of the Plan of Operation changes that was made this year would include again the joint meetings between the CCOC Chair and the FCCC President and the Executive Director of the Council as well as the CEO from the FCCC. We have those meetings scheduled. We have had one since the new year started and will have another before the close of today. Those meetings will continue so that we can make sure that the flow of information continues as well as coordinating as much as possible our legislative efforts with our staff on both sides. While the CCOC has a specific statutory authority and responsibility that we are tasked with doing, it doesn't mean that we do not work together for the benefit of the Clerks. Clerk Peacock has said that we have been put into a position where we are working to hold each other accountable. The Clerks and Comptrollers want to do that.

She thanked John Dew, our Executive Director, Jason Welty, Marleni Bruner, Mary Baker, and Doug Isabelle. A thank you to Joe Boyd, our General Counsel. She thanked the Council and noted that it is an honor to serve on this council. She appreciates all the staff at the Clerks' offices. Clerk O'Neil wanted to congratulate our newest Clerk who is in the room, Clerk Cooney. She noted also that this will be Clerk Barbee's last council meeting to attend as a Clerk and he will be missed. The meeting was concluded with a motion by Clerk Crawford and a second by Clerk O'Neil. The vote was taken and the meeting adjourned.