

**MINUTES**  
**FLORIDA CLERKS OF COURT OPERATIONS CORPORATION**  
**TUESDAY, February 26, 2019 2:00 PM EST**  
**EXECUTIVE COUNCIL MEETING**  
**Plaza Daytona Beach, 600 N. Atlantic Avenue, Daytona Beach, FL 32118**  
**Meeting Room: Vista Del Mar**

The February 26, 2019 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) was called to order by Executive Council Vice-Chair Tara Green at 2:00 PM (EST). Clerk John Crawford delivered the Invocation. Clerk JD Peacock called roll. Council Members present were the Honorable Tara Green, Honorable JD Peacock, Honorable John Crawford, Honorable Todd Newton, Honorable Paula O'Neil, and Honorable Pat Frank. The Honorable Ron Ficarrota and Honorable Harvey Ruvin attended by telephone. Clerk Stacy Butterfield and Clerk Kyle Hudson were unable to attend. Clerk Peacock stated that there was a quorum. Clerk Green began by letting the audience know that Chair Butterfield was called out of town on a family matter. Clerk Green wished her the best and noted that this was the first meeting she had missed.

Clerk Green had those in attendance introduce themselves. She welcomed everyone to the Executive Council meeting.

**APPROVAL OF AGENDA**

In the approval of the agenda, Clerk Green recommended a few revisions. First, Agenda Item 5 which is a report on the TCBC and Agenda Item 7 the follow-up on CCOC Executive Director' evaluation was moved and would be after the approval of the minutes. Clerk Green asked for a motion to approve the agenda and the revisions. Clerk O'Neil made a motion to approve the agenda. Clerk Newton seconded the motion. The vote was taken, and the motion passed.

**APPROVAL OF MINUTES – OCTOBER 2, 2018 AND DECEMBER 20, 2018 EXECUTIVE COUNCIL MEETINGS**

Clerk Green called upon Clerk Peacock to present the draft minutes that were in the meeting packet. He asked if there were any corrections or concerns. There were none and he made a motion to approve both meetings' minutes. Clerk Crawford seconded the motion. The vote was taken, and the motion carried.

**TRIAL COURT BUDGET COMMISSION**

Clerk Green thanked Judge Ficarrota for attending and asked if he would give his report on the TCBC. He began by saying the last TCBC meeting was February 1, 2019. The Commission received an update on the 2018-2019 budget status and voted on some components to our problem-solving Court funding implementation. Special projects were considered at the meeting for trial court funding such as online dispute resolution pilot project and classification and case study. In addition, the commission directed the Office of State Court Administrator to begin composing a strategic plan for addressing 18-19 year-end spending plan. They received an update on the Article V Revenue Estimating Conference results. The Commission also discussed and went through the Judicial Branch statutory agenda. As the Commission is getting ready for the upcoming session, they were briefed on the policy

revisions for the judicial assistance incentive plan and other operating procedures. The next meeting date has not been set. Also, as you are aware, PK Jamison has left the State Court Administrator's position and has taken a staff position with the Florida Senate. Lisa Goodner Kiel has returned and is the interim State Courts Administrator. She is looking forward to working with the clerks as well. He concluded that he hoped to have a jointly productive Legislative session this year. Clerk Green thanked Judge Ficarrota and asked if there were any questions. There were no questions.

### **FOLLOW-UP ON CCOC EXECUTIVE DIRECTOR**

Clerk Green moved to Agenda Item 7, pages 78-79 in the meeting packet. She began by giving some background information on addressing the evaluation of the Executive Director by the CCOC Executive Council. The evaluation was completed in January by members of the CCOC Executive Council and Clerks that led CCOC Committees or Workgroups and given to CCOC's legal counsel, Joe Boyd. An evaluation summary was conducted by the CCOC Executive Council Chair, Clerk Stacy Butterfield with Mr. Dew who is our Executive Director.

Also, as a reminder, in the recent past, Clerk's offices were experiencing budget cuts, and the CCOC hired the consultant firm Evergreen to conduct a classification survey to look at job classifications, pay grades, etc. at the CCOC. This was to make sure the CCOC was competitive with the market. Clerk Green noted that something similar was done on the FCCC side. There were some recommendations on pay classifications which the Council took action on. While efforts were made to increase pay for several CCOC staff to remain competitive, Mr. Dew asked us to not take action for any pay increase for him until such time his performance evaluation was conducted. He also asked that the Council be made aware of his reduction in take-home pay due to increased cost of FRS and no offsetting increases which meant his take-home is lower than it was in 2008. Clerk Green said there have been discussions between Chair Butterfield and Mr. Dew since he has received his evaluation and there is a recommendation from our Chair to provide Mr. Dew a pay increase. The recommendation is to take Mr. Dew's current salary and \$120,128 up to \$135, 543. This will bring him in line with the mid-range salary recommendation with similar positions around Tallahassee as well as accommodating increases with FRS. This is what is on the table for Council members to consider.

Clerk O'Neil made the motion and Clerk Frank seconded the suggested increase. Clerk Green asked if there was any discussion. Clerk Frank began by stating that Evergreen is doing a study in her office. She found them to be very thorough. They told us that in some cases we were above and some cases below the pay grade. Evergreen came to a very unbiased conclusion. She relies upon this as a good guide for us. She said Mr. Dew has done an excellent job. He understands the Legislature and has come from areas that Clerks must deal with and this is a very strong asset. Clerk Peacock noted that the amount was not \$135,543, but 134,543. He wanted to make sure that it was noted. Clerk Peacock continued that in the 4 years he has been a Clerk, he has gotten to work with Mr. Dew on the Budget Committee and as Treasurer of the Executive Council. He clearly supports this motion because he sees the work that Mr. Dew does internally for the organization and as well as relationships. He has a strong relationship with the Courts. His team has done good work with the Legislative responses. It is on behalf of that work that is the stature needed to correct some of the concerns for our budgetary concerns. He gives Mr. Dew credit for that and certainly with all the movement in Tallahassee we need to be sure we are competitive and make sure Mr. Dew stays and does

not take on another opportunity. Clerk Green noted that this was a good point and that we also need to poise this position should John decide to move on to the pastures of retirement. Increasing the salary of the Executive Director's position will help CCOC be marketable in Tallahassee.

Clerk O'Neil asked Clerk Peacock how this would affect the CCOC budget. He stated that CCOC is currently under spending this year's budget due to some personnel moves within CCOC. Currently, for the one quarter, CCOC is under budget by \$50,000. Just that first quarter would pay for this increase for the rest of this year and it will be folded into next year's budget as well.

Judge Ficarrota spoke as the only non-clerk on the Council and he wanted to say that Mr. Dew is well respected by the Courts, by the Supreme Court, and State Court of Appeals. He has had the opportunity to work with him over the last several years. It has been a pleasure. He has seen him work in Tallahassee. His attention to detail and his ability to cultivate and work on relationships is invaluable. He is a credit to the Clerks and to this Clerk's Corporation. Clerk Green thanked him for his comments. She added that she has worked with Mr. Dew on the PIE Committee and now the Executive Council and noted that he is very devoted to the Clerks. She continued that his number one goal is to work with the Clerks to come up with reasonable solutions. She also gave feedback with the evaluation. However, as with anything, in Clerk's office there are opportunities and she did share some opportunities and she knows that Mr. Dew and Chair Butterfield had good discussions about them. She is looking forward for Mr. Dew and his staff developing continued goals to help lead the CCOC office. She appreciates his commitment to the Clerks and it has been proven beneficial.

Clerk Green said the motion on the floor is to increase the Executive Director's salary to \$134,543. For the record, Clerk Green asked if there was any discussion as to the effective date. Mr. Dew said that he believes that at the October Executive Council meeting there was a motion, and it was approved, that any such raise would be effective retroactive back to the beginning of the fiscal year. Clerk Green asked if then this would be retroactive back to that date. Mr. Dew stated that it is his understanding of the motion made at the October Council meeting and that it is reflected in the minutes that were just approved by the Council. Clerk Green just wanted to clarify that for the record it would be retroactive back. Clerk Green repeated the motion. The motion is to approve the salary increase based on the market evaluation, the Evergreen study's recommendation, and Mr. Dew's evaluation to \$134,543 effective retroactively to the date agreed to at the previous Council meeting.

Clerk Green asked Mr. Dew to give the history of his pay. Mr. Dew stated that in 2008, he had declined the 1.5% merit increase that was approved by the Council because Clerks at that time were receiving significant budget cuts and he did not want to receive a raise when others were unable to receive them. He felt that it was not right at the time to take a merit increase. That has been his approach for the last ten years as Clerks continued to see reductions in their budgets. He said he has not taken a merit increase at all since turning down the 2008 offer. He did receive a \$1000 increase that all Senior Management received from the State in 2013 and 2015. Clerk Frank thanked him for refreshing her memory and she commended him for remaining so committed during the difficult economic times. Clerk Green noted for reference that in the packet there is a history of what his current salary is as well as a timeline of either turning down an increase or additional increase.

Clerk Green stated that the motion was on the floor and asked if there were any more questions. Hearing none, the vote was taken. The motion passed unanimously.

### **TREASURER'S REPORT**

Clerk Green asked Clerk Peacock to give the Treasurer's Report. Clerk Peacock had three primary reports to give. First, is the CCOC budget. Currently, the report shows that at 1/3 of the way through the fiscal year, the CCOC has spent a little over 30%. That attributes to a little over \$49,000 of underspending of the budget so far. He took the opportunity to mention that in the budget report there have been a couple of changes made this fiscal year. The change of the IT staff member. The team is changing direction in that role and that freed up some dollars. He wanted to make mention of the staff in the budget report. As part of Mr. Dew's performance, he was graded on the quality of the staff that supports the CCOC. The support team he has put in place is very qualified and doing great work. Mr. Dew consulted with me and other leadership members, we made a change in the role of the Executive Assistant. We felt that Mary Baker performs the role of Office Manager for the CCOC. She manages a lot of the different parts of the process. As Treasurer, he works with her reviewing all the CCOC financials and keeps track of our insurance relationships as well as our contractual ones. With the change in her role, there was a slight salary increase. All this was inside the approved budget. He wanted to mention the staff and how much we appreciate them. It is a testament to Mr. Dew with the staff he has brought in.

The team we bring around us is what makes us. One final comment about the budget, since the change in the IT Director's role, he wanted to note that we are looking into some sort of platform from a data collection-data management software package of some sort. We are looking at something to replace the old data base system called PABS which is not being used. We still have a very manual process of reporting to CCOC. He will bring back this to the Council. It may go out as an ITN to bring people in that can help us to define how we need to do data collection. One of his goals as Treasurer and working with the team is to make sure that anything we put in place focuses putting less effort on Clerks' staff with the reporting piece. As CCOC works on a new and improved solution, a critical goal for him is to make sure it is easy on Clerks' staff to report the information. There are dollars available, but the big push will be in the next fiscal year.

Clerk Peacock made a motion to approve the budget report. There was a second from Clerk O'Neil. Clerk Green asked if there was any discussion. Hearing none, the vote was taken. The motion passed.

Next Clerk Peacock spoke about the financial audit report for the fiscal year 17-18. It was a clean audit and is available for your review in the meeting packet. There were no findings and the health of the organization is good as indicated in the report. The audit was done by Lanigan & Associates.

An area concerning the budget of the CCOC office that he also wanted to bring to the attention of the Council was Clerk Peacock stated there was a push last Legislative session to limit travel expenses for state agencies and the judicial branch. There was a discussion between Clerk Peacock and Mr. Dew that CCOC does not have a formal policy limiting travel expenses for Council members and Clerks traveling on behalf of CCOC. He continued that for

the Council's review, discussion and input, a recommendation was made to put in the travel policy a ceiling for lodging expenses. This would be for internal travel of staff and for Council and Committee members. We have since started a conversation and requested that an amendment be put in place limiting lodging to \$150 per day. This number is used by the State and the Courts and that was going to be our recommendation. However, there was research done looking at the cost of hotel stays in Tallahassee especially during Legislative session and it is hard to limit lodging to \$150. The rates were checked. As Treasurer, he thought it was a good idea to have the conversation to do due diligence with the public's dollars, following the trends of the Legislature and the Courts, but there are times when there are no rooms at \$150 in Tallahassee. In the recommendation the cap for lodging is \$150 per day, with the exception the Executive Committee can approve above that.

This is for the discussion of the Council. He asked if it needs to be under \$150 or should it be more, or should we even entertain the idea? He noted that the recommendation is to take the language of \$150 cap per day for lodging and with the ability of the Executive Committee to approve above that. The justification could be during Legislative session. He is not sure if there needs to be a motion. Clerk Green stated that it was at the discretion of the Council. She made additional comments being a Clerk that travels to Tallahassee. She asked the Council members if they had any comments. Clerk O'Neil asked if it would include a resort fee. Clerk Peacock said it would not include fees or parking. Clerk Green stated that she thinks that the Legislature meant traveling outside Tallahassee not traveling to Tallahassee. Clerks travel is to Tallahassee a lot of times. She had asked John prior to this meeting to do a survey and check the pricing of hotel rooms at this time of year when we would be traveling to Tallahassee. The rates were much higher than the \$150. She is supportive of the \$150 and comfortable with the inclusion of the authority to approve the reimbursement if the room is higher. Clerk Frank said that she thinks that this should be made tight and that this is something the Legislature could criticize the Clerks on if we don't do our best to stay within certain limits. However, she said she does not think that there should be any action today. It should go back to the Budget Committee and define the exception and the circumstances so there is a justification for it not just open-ended for a decision to be made by a few people. Clerk Green then stated that the recommendation is to have it returned to the Budget Committee to have parameters put around what would fall within an exception for a \$150 room rate. There was no motion. Clerk Peacock will take the feedback and make the exceptions clearer. There were no further questions from the Council, the audience or those on the phone. That concluded Clerk Peacock's report. Clerk Green thanked him.

### **BUDGET COMMITTEE REPORT**

Clerk Green asked Clerk Burke, CCOC Budget Committee Chair to give his report. He started by saying that the Budget Committee has been quite active. There have been several meetings since the Council last met. There is a workgroup chaired by Clerk Jeff Smith and includes Clerk Hand, Clerk Moore-Russell, and Clerk Childers. They are helping put together an in-depth look at where we are going in this budget cycle. It has been requested by this Council to make recommendations how to go about this year's review of Clerks' budget requests. They have been tasked to make the information as easy as possible, assure we meet our Legislative mandate, and how to best

prepare our statutory requirements by the Budget Committee. He would encourage any Clerk that is interested in the work of the Budget Committee to go to the CCOC website and see the complete packet of the Budget Committee meetings. It includes the minutes from each of the meetings of this workgroup and the minutes from the Budget Committee meetings.

Clerk Frank wanted clarification on how the money Miami Dade is getting appropriated (\$1.5 million) is being paid for when it gets down to a distribution of the Clerks' funding. Clerk Burke stated that that it was outside the funding of the Clerks' Trust Fund. The Budget Committee is looking at any time a clerk has an outside source of funding, whether it be from your county commission or wherever. The Committee wants to know where you have funding coming in even when it is not reflected in the Trust Fund, so we can make sure we are comparing apples to apples as much as we possibly can. It is just not Miami Dade, but the committee would say put that \$1.5 million in your cost base, so we have their cost as the other like counties in their peer group.

Clerk Frank also noted that Clerks will be bringing in excess revenue this year beyond the projection made last July by the REC yet none of those dollars can help benefit the Clerk's budgets. She noted that they are making a decision that will allow them to get dollars that should be going to the Clerks as we have to give it to them in the end. Clerk Burke agreed. Clerk Burke said that is why the bill is being proposed this year and does two things. It puts into statute that the Trust Fund retains the money if there is an excess of money, additional revenue beyond what was estimated by the REC. Secondly, any amount that is unspent from the budget for one year would be retained in the Trust Fund. Clerk Green stated that it is a FCCC goal to get that fixed this year, so the REC would simply project the revenue and the Clerks are not capped at those revenue mechanisms that allow us to keep the money in reserve. Clerk Frank understands that but said that it is only for one year. She said the Legislature can come in next year and change. Clerk Green said that is true, but we would hope not. We hope it is a long sustainable fix.

Clerk Burke said another item that the Budget Committee is looking at is some of the external factors impacting Clerk's revenue. Miami Dade was greatly impacted by the change that the Department of Transportation did with the toll violations. It used to be that if you violated a toll, you would receive a uniform traffic citation and the Clerk had this as part of the revenue structure that the Legislature set up before 2004 to fund the Clerk's operation including criminal operations which produces very little income compared to the cost. The income structure has nothing to do with the Clerk. If you bypass one of the tolling spaces, you will receive a bill by mail based on your tag and if you do not pay then it is sent to a collections firm. The passing of the uniform traffic citation may be good policy, but it was revenue that the Legislature set up for funding of the Clerks for the criminal operation and was intended that this type of revenue would go in to help funding. The Workgroup is looking at the toll violations and any other external factors. Miami Dade made it part of their budget presentation for several years, the ticket mills that accumulated a bundle of tickets and are greatly able to reduce the amount of traffic revenue that comes in. Traffic revenue is a significant source to fund our criminal operations. The high-profile first-degree murder case generates no revenue.

Since 2008, there has been a 40% decline in traffic revenue to what it is today. There has been no alternate source of revenue coming in. The workgroup is examining that, so we can quantify it as close as possible and explain

to policy makers the importance of coming up with a new stream of revenue to replace that. That was the end of his report and asked if there were any questions.

Clerk Frank noted that Governor Scott was of the opinion that every road should be a toll road and the State should step in on that. She does not know what Governor DeSantis is proposing and if he will carry out on that same theory. To be extremely aggressive, should the Clerks be working with DOT and the Governor's office to ensure that some consideration be given. Clerk Burke answered that would be a Budget Committee issue. That would be policy from this Council to decide what they wanted to do. Clerk Burke stated that the Senate President is making a substantial push for roads to be built and funded through tolls. He thinks that the model they have with DOT by a billing process and not issuing citations is an embedded process. Clerk Frank noted that the process has been quite defective this year. Clerks do not have those kinds of problems. People are getting bills for toll violations that are one and two years old because the system is down. She continued that if they are going to ask about our efficiency, let us ask about the DOT's efficiency and let the Clerks handle it. Clerk Green said good points being made. The Clerks handle the billing process for a fee and do what the Legislature intended as a source for the criminal operation and maybe turn that collection over to us and additional compensation going to Clerks. That is a different way of thinking that we should embrace. Clerk Green said that it could be taken for analysis by the PIE Committee. Clerk Green asked if there were any other questions. There were none and she thanked Clerk Burke for his report.

#### **REVENUE ENHANCEMENT COMMITTEE**

Next was the Revenue Enhancement Committee and is chaired by Clerk Moore-Russell. Clerk Moore-Russell stated that this report was for informational purposes only. Kathryn Farynowski from the Orange County Clerk's office is chairing the workgroup and working with CCOC staff. This is a difficult time with it being session and CCOC staff resources are limited, but Kathryn has been working with staff to continue to validate various models and data that we are trying to explore for the committee. The Revenue Enhancement Committee is looking at a future funding model that will be sustainable. The workgroup is validating that model.

Clerk Green asked if she had any idea of the timeframe that we would see a first round of the model? Clerk Moore-Russell said that it really depended on the resources of CCOC and it would probably be after session. She also added that Chair Butterfield had asked if the group was actively engaged with the PIE Committee and the Budget Committee so there was no duplication of resources and that all were on the same page. Clerk Moore-Russell said that has been happening. Clerk Green thanked Clerk Moore Russell and asked if there were any questions for her. There were no additional questions.

#### **THE LEGISLATIVE COMMITTEE**

\*Clerk Green asked Jason Welty to give a brief update to the bill analyses that potentially could affect the clerks' offices. He began by noting that there are about 19 bills that he has sent out for fiscal analysis. These are bills that the House and Senate have requested analyses. He has been getting a lot of good feedback from the various clerks. He said that you will notice at times that he will ask follow-up questions of the clerks for answers when someone

else sparks a question. He thanked all and appreciates the quick response that has been provided. It truly helps when we are asked for things when the bills are moving. We are doing the fiscal side but are closely working with the FCCC on the policy side. When there is something that comes up from the policy issue or question, he makes sure to copy Sara and Jason, as it relates to those policy issues. From a Legislative Committee standpoint, we don't meet very often but we are working through emails and making sure that all the things the Legislature has thrown at us, like 920 statutes at this time, are kept up to date. Clerk Green noted that it has been Clerks' staff that has been instrumental in looking at the bills and giving fiscal analyses. She thanked clerks for allowing staff members to participate. Clerk Green asked if there were any questions. There were none.

## **PIE COMMITTEE**

Since Clerk Green is chairing the Executive Council meeting, she asked CCOC Deputy Executive Director Doug Isabelle to review the highlights of the PIE Committee. He thanked her and noted that the PIE Committee met on February 20, 2019. The materials from that meeting can be found on the CCOC website. He wanted to thank FCCC for hosting the committee meeting as well as the Budget Committee meeting the day before. More detail from the committee meeting will be given at the two CCOC sessions at this conference.

There are three items that are being brought to the attention of the Executive Council. There are two action items and one for information only. Every year CCOC brings their contracts before the Council for the following year. The RFP for Compliance and Education was pulled at the request of the chair. CCOC would like to continue its statutory requirement of providing this training. The RFP was presented at the PIE Committee meeting and asked for their input. The scope of the work is being reviewed and the RFP will be rebid for those services. The committee wanted to bring this to your attention. The second item which will need Council action has two parts. There are a lot of performance measures this year and the group discussed the process of the clerks submitting those performance measures. These are done quarterly and there are issues pertaining to the data quality with several counties that are not submitting on the due date which is typically the 20<sup>th</sup> at the end of the quarter. Approximately 20% of the Clerk's offices run late in providing the performance reports to CCOC. In January, it was even more, close to 30%. This is because there are numerous other reports due along with the performance measures on January 20<sup>th</sup>. He brings this to the Council's attention because every year a bill gets filed with the Legislature for government accountability by the Auditor General. This bill, if passed, would require the CCOC within 45 days of the end of the quarter to provide to the Legislature a corrective action plan from any Clerk that did not meet a performance measure during that quarter. For example, if this were law today, for the quarter ended December 31<sup>st</sup>, a report would have been required to be submitted by February 14<sup>th</sup>. As of today's date of February 26<sup>th</sup> we still have a number of Clerks that have not submitted their performance report forms to us.

The PIE committee discussed some options. The committee directed staff to contact a FCCC district director regarding non-compliance counties and requested the Executive Council to entertain the need for policy regarding reporting data timely and consistently. We are asking the Council to consider the need for a policy regarding timely reporting to the CCOC. Clerk Green said when reviewing all the reports, the committee looks at what report we want



to keep or not, the frequency, the performance standards and going back to the reports to that point, they are statutorily required to present reports in a timely manner. There are times when offices do not get them in on time. The committee wanted to bring back to the Council whether a policy should be established for offices that either consistently do not provide the legislatively required reports to the CCOC or consistently are late in providing those reports. That is what is on the table for the Council. She asked for any discussion.

Clerk O'Neil was not in favor of a policy until the Clerks can have a staffing level that can keep up with the work. There was no other discussion. Mr. Dew suggested that one direction you can give to staff is approval to allow them to work with the Chair to send over reports to the Legislative and meet the deadline but note there are Clerk's offices not included in the report due to our office not receiving them yet. If you want to approve that, it helps us as staff to send the report timely. Clerk Green said that was a good point of clarification. She noted that currently, CCOC holds back on turning over the final report waiting for all counties to respond. Mr. Dew is suggesting that CCOC report timely to the Legislature the report and whoever has their reports in on time have their reports in on time and those that do not have their reports in on time, do not have their reports in on time. Mr. Dew said it understands that some Clerk's offices are not staffed properly, and we could point this out. Clerk O'Neil asked if there were any stats on how late certain Clerk's offices are in submitting the reports. Clerk Green noted that Doug has the information on a normal PIE report. Marleni Bruner, of the CCOC, stated that there were 5 or 6 reports that were 30 days late. Mr. Isabelle said we are still missing a half dozen reports that were due on the 14<sup>th</sup> and here we are on February 26<sup>th</sup>. He acknowledged that yes, they can just put missing. Clerk Crawford asked what we currently do when a county does not report in a timely manner. Mr. Dew said that there was a process in place. Leonard Carper from CCOC sends emails reminding that the reports are due. If there is no response by the third email, he bumps it up to Mr. Dew or Mr. Isabelle. They try to set up a telephone call. If there is still no response, it is bumped up to leadership, to the Chair for assistance. Clerk Crawford asked what the penalty to the Clerk or CCOC is. Clerk Green said nothing yet, but like it was said that each year there is a bill that is proposed for the accountability piece with the time frame. Mr. Dew did note that CCOC gets audited by the Auditor General's office at least every three years and for the last three audits, they have found that a number of Clerks are not reporting timely. So, they write that up and mention the specific Clerk's office in the public report. Clerk Crawford asked if it was the same Clerks over and over. Clerk Green said typically it is the same counties. Mr. Dew said he does appreciate the concept of going to the FCCC District Leadership coming from the PIE Committee. It is a concept that helps Clerks educate Clerks on the importance of providing these reports. It is a good way for Clerks to be talking to Clerks about how this affects all of us and ask what can be done to help. When the Auditor General keeps bringing this up each year as part of the Legislative bill, it is clear that they believe this is a priority and should be addressed.

Clerk Frank asked specifically what reports the Clerks are not submitting. Mr. Isabelle stated that there are several performance reports that are due to the CCOC. They are Outputs Timeliness, Collections report, and Jury report. She stated that many of the Clerks have not met standards because of funding. She continued that you can set all the standards you want, but if the people are not there to do it, it's not going to work. Clerk Green noted that a lot of Clerks are not meeting standards and are trying to shift their resources to cover the workload. But this is the

reporting of this information to the CCOC. She continued that this is a report that CCOC provides. It is part of the quarterly Performance Measures and Action Plan. It is timeliness of cases filed, filing new cases, outputs, docketing, etc. that goes to the CCOC so they can put it into the statewide report which they post on the website and provide to the Legislature. Clerk Green continued that reporting of the standards are two-fold. One is so we can meet our statutory duties in reporting this information to the Legislature. But also, we can see internally how we are performing and where we have issues and we can add that into a Legislative agenda to say we are not even meeting our own standards because the Clerks do not have enough people. We have seen over the last couple of years, Clerks go up in one area and down in another. That is the importance of the reporting of this information.

She noted it was a FCCC District Director that made the recommendation to the PIE Committee on how to try and rectify how we can get the reporting done consistently and timely from all the offices. The PIE Committee wanted to bring this back to the Executive Council to get a policy around that. We have talked today about a policy being considered and Clerk O'Neil said no until we have resources available or the other is to consider letting CCOC submit their report to the Legislature timely and not wait for the reports to come in from the Clerks. Clerk Green noted that the staff does make an effort to reach out to Clerks' offices to say we have not received your report and offer help. Clerk Green asked do we want a policy or not. If we want some sort of policy, we give direction to the CCOC staff. Clerk Frank suggested that we submit the CCOC's collection of data and have an appendage to it even if it's just one line. The Clerk writes something to explain why it was not done. Just a short synopsis of why it was not done. Clerk Green asked if this was in the form of a motion? She summarized the policy as letting the CCOC submit their reports timely on their behalf and if Clerks cannot submit timely, give them the opportunity to give a small comment as to why they could not submit in a timely manner. Clerk Frank said yes. Clerk Green said that there is a motion on the table. Clerk O'Neil seconded the motion. Clerk Green opened the floor for discussion. Clerk O'Neil said that instead of using the term "missing" use "did not receive report by deadline" and at the appendage if clerks wanted to explain the challenges. The motion was amended and accepted by Clerk Frank. Clerk Green asked if there was any more discussion. Clerk Crawford asked Mr. Dew what will be the feedback from the Legislature to you? Mr. Dew stated that part of this issue came up in the PIE Committee because they were frustrated from not getting complete data. He is not sure how much feedback he will get back from the Legislature. The bill they have out there is for the third year, so he expects it will pass this session. Certainly, we have a statutory deadline to submit a report on collections. Clerk Newton noted that his office had been on time consistently. However, as he has started losing staff, he is starting to see issues. He can empathize with counties that are struggling because he missed the deadline recently. He struggles with this issue and understands where some counties are. Clerk Green asked him if he finds it beneficial to be able to explain like Clerk O'Neil has added to the motion, that I am unable to provide this report in this timeframe because I am down two staff members. He thinks that it is beneficial, but he is questioning how this reflects on counties that can respond. Clerk Green said that was a good question. There were no more questions and the vote was taken. The motion carried.

Mr. Isabelle continued now that the reports are to us, CCOC has typically done the quarterly reports with pie charts, trend lines, etc. and because of how the data comes in, you will see some of the issues that we will be

discussing at one of our sessions. The report becomes very time consuming to put together and put closure on and he is not sure how much it is read by the Clerks, Legislature, and Public. It has been suggested by the PIE Committee that we need to make the report more concise in order to meet a deadline change if the bill passes. The Committee agreed the report should be short and just contain a cover letter, the list of Clerks not meeting performance standards, and their action plans, instead of putting together a summary with a bunch of pie charts, etc. It will strictly be a report and if they have any questions, we will answer them later. Clerk Green stated that the motion on the table is to allow the CCOC to limit the quarterly performance reports to just provide a cover letter with all the supporting data that already exists in the report today and not be required to do all the pie charts, summaries, etc. that we feel are not being used. It would start October 1<sup>st</sup> of this year. We will finish up this year with the normal quarterly reports and then begin the next fiscal year. Clerk O'Neil asked if you could just say, just number of counties that were on time. She asked if you have to list who was not on time. Clerk Green stated that currently we do not call out the counties. Mr. Isabelle said if we follow this process then there would be an "appendix like" format with all the data and if a county is missing, it is missing. We would say here is the report and action plans, if you have any questions, we are here to answer them. Mr. Dew said that the law says, when the Corporation finds that a clerk has not met the workload performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk. Clerk Green said that Clerks provide that to the CCOC and we would provide that information in data form in addition to a summary form. Clerk Peacock made the motion. Clerk Crawford seconded the motion. She asked if there was any discussion and there was none. The vote was taken, and motion passed. Clerk Green thanked Mr. Isabelle.

### **ELECTRONIC NOTIFICATION PLATFORM WORKGROUP**

Clerk Green asked Clerk Peacock who is heading up this workgroup to give his report. He started by saying the cone of silence for the ITN from OSCA has been lifted while we have been sitting here. The reason it has been finally lifted, is we had a meeting of the advisory committee which was made up of three clerks and three judges. The clerks were Clerk Moore Russell, Clerk Crawford and himself. They met at the Supreme Court to have a presentation from the vendor who best fit the technical review to provide the services. At the end of that presentation, the committee gave direction to OSCA to narrow what they put out. In the ITN, they asked for a e-notification system that would do both criminal and civil notifications for court events which would require a string of data coming from the clerks either all 67 or one CCIS plus 20 judicial calendaring systems from the different circuits. The recommendation through the conversation with the vendor, narrowed that focus down to just criminal in the beginning. The direction to OSCA was to enter negotiations with the successful vendor and do a phased approach. Phase 1 would have one task to study what we have with a single string of data from CCIS and only notifying criminal case events with four clerks being in a test or pilot. At the end of that task, then we would have enough information for the vendor to tell us how they would design the system to do it. That would be the only task we will be contracting with the first phase. Based on the conversation with this vendor, they felt they could get this done in six to eight weeks which would put us in the back end of the legislative session. This would give us the ability to provide a report to Senator Brandes's committee on the work that had been done and the path forward for this project. OSCA entered into negotiations with SGS out of Jacksonville. As we have been sitting here, Steve Hall of OSCA said that they negotiated with SGS

for the one phase/task. They are now in the 72 hours of review before they sign the contract. Since the cone has been lifted, he has sent the package to Doris with all the technical specs of things, so she can get it out to all our technology team. We have not been able to provide the specs until now. He is expecting to discuss this on the Friday Tech call related to how OSCA put together the technical capacity of as well as the cost. The vendor's bid was about \$550,000 for a full-on project. We cut down that bid to one phase/task and can explain to Senator Brandes what we anticipate the designed system to be and what it would do. Clerk Green asked if this was going to be scoped out by pilot counties or is this rolling out to all counties. Clerk Peacock responded that the focus will be on the four pilot counties to do the testing. He continued that we are not to the point of using it yet. The first phase of the contract is working with stakeholders to figure out how the platform is going to get the data stream out from a single source and then the design that they will have to do to make it work. They are going to tell us what we will need to move forward and build the platform. We are not contracting with them to build it yet. That will be after Legislative session and probably outside the window to do the financing which will be a one-time thing. So really, we have effectively hired a consultant to document how to build it. Clerk Green asked if there were any questions for Clerk Peacock. There were none and she thanked him for that report.

#### **REVIEW OF THE CCOC PAY and CLASSIFICATION POLICIES**

This item was brought up at the October Executive council meeting. Clerk O'Neil was asked to chair this workgroup. Clerk Green asked Clerk O'Neil to give an update. She noted that there are four HR Administrators from clerk's offices that are helping with the workgroup. They are Karen Jaye from Clerk Doggett's office, Lisa Turner from Clerk Bock's office, Deena Faulkner from Clerk Green's office and Terry Ponder from her office. She thanked the clerks. She noted that the group is hoping to meet in two weeks. She asked for further direction. We are not looking at the pay, we are just looking at the benefits. Clerk Green said yes that the group was only looking at the benefit policies. That was the original task. She asked if there were any questions for Clerk O'Neil. There were no questions and she thanked Clerk O'Neil.

#### **FCCC/CCOC LEADERSHIP MEETING**

Clerk Green asked Mr. Chris Hart of the FCCC to speak. She noted that Chair Bock and Chair Butterfield were not in attendance at today's meeting and would like Mr. Hart and Mr. Dew to give a summary of the FCCC/CCOC Leadership meetings that have been taking place. Mr. Hart began by saying the monthly meeting that takes place between the FCCC and the CCOC is reaping some real benefits. The groups have not historically had the best of relationships between entities and that is just not something that should be sustained. There is a symbiotic relationship and is important that the groups work together, and these meetings do this. Both Clerk Bock of the FCCC and Clerk Butterfield of the CCOC are committed to these meetings. In the meetings, Jason Harrell, John Dew, Doug Isabelle and Jason Welty are there. The idea behind the meetings is to allow each organization to put forward some of the agenda items that need a little more clarification from the other organization. Sometimes there is a discussion on things that might impact both organizations. The meetings last about an hour. John, Doug and Jason come to the FCCC office and Clerk Bock and Clerk Butterfield call in. By them coming to the office, it allows your professional team to build on a working relationship. John thanked Mr. Hart and agreed that this has been very beneficial to the organizations. He noted that he and Mr. Hart are in contact weekly. It is beneficial to have both

leaderships sit down and go through the issues that affect the Clerks from the FCCC side and the CCOC side. On page 79 of the packet, it gives the agenda and the issues discussed. The next meeting is March 26, 2019. He appreciates that the entities are working well together. Clerk Green asked if there were any questions. She thanked them both for the report.

#### **OTHER BUSINESS**

Clerk Green noted that she had an item to add. She wanted to add the review and approval of the 17-18 Annual Agency Collections Report. This is one of the reports that was just being discussed that we provide to our legislators. The report needs to be approved by the Executive Council. It is located in the back of the packet. Clerk O'Neil made the motion and Clerk Peacock seconded. There was no discussion and the vote was taken. The motion passed unanimously.

Clerk Green asked if there was any other business to be brought before the Executive Council. There was none. Clerk Ruvin made a motion to adjourn the meeting. It was seconded. The meeting ended at approximately 3:45 PM EST.