

MINUTES

CCOC Special Annual Corporation Meeting

May 9, 2018 - 1pm EDT

The Plantation on Crystal River (Sable D Room)

The May 9, 2018 Annual Meeting of the Corporation of the Florida Clerks of Court Operations Corporation (CCOC) was called to order at 1:05 p.m., EDT by the CCOC Executive Council Chair Ken Burke.

ROLL CALL

Clerks in the audience and on the telephone are all voting members of the CCOC Corporation. Chair Burke asked Clerk Green to take roll. She called each county and marked whether the Clerk was attending the meeting in person or on the phone. Thirty-nine Clerks were present by phone or in person.

AGENDA

Chair Burke noted that there was only one item on the agenda. Clerk Murphy submitted suggested changes to the Plan of Operations which in effect would rescind some of the revisions made to the Plan at the June 2017 Annual Corporation meeting. It is in the language that is being proposed now. As required by the Plan of Operations the suggested revision has been provided to all Clerks within the seven-day window prior to a vote. He asked Clerk Murphy if she was ready to make the motion to accept these changes to the Plan of Operations as she submitted. She said she is now making the motion but first spend several minutes indicating it was her opinion that the method to change the Plan in 2017 was not done with everyone being fully aware of those changes. Chair Burke stated that the motion is to accept the document with her suggested change that was sent out to all Clerks with these changes. That is the motion on the floor. It is a proper motion because there was a 7-day notice and it appears all Clerks are aware of the suggested changes. Clerk O'Neil seconded the motion.

Chair Burke asked if there was any discussion. Clerk Johnson asked if Chair Burke would go over each of the Plan of Operation revisions under the motion. The changes that were sent out were:

1. In section 2.2 on page 4, the words "within their population group" are being stricken.
2. In section 2.6 on page 6, the words "a majority of the Corporation membership" are being added to read "a quorum will consist of a majority of the Corporation membership. This includes counting those present in person and by the phone."
3. On page 9, Section 4.3 is being added. It reads, "For efficiency and economic benefit to the public, the Chair of the Corporation and its Executive Director shall meet with the President of the Florida Association of Court Clerks, Inc., and its Executive Director regularly to coordinate efforts related to economic budget and legislative-issues."

Chair Burke said that these are the changes in the motion made by Clerk Murphy.

Clerk Doggett spoke next. She wanted to understand the objection to the Plan of Operation changes from 2017. The CCOC sends out regularly hundreds of pages for about all their meetings. The meetings are public, and the Clerks are allowed to be part of the meeting. It is common to have a hundred pages for the CCOC meetings. She feels that there is nothing out of the ordinary here and everybody had a chance to read the changes. Now this modification is being presented in the same way as the original changes to the Plan of Operations were submitted. Then why is this okay and the original change was not okay? She stated that it is not clear why the changes were a problem. The changes were made, and you move on

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to the next year. If the majority is not happy with the changes then changes will be made at that time. She said that she will vote against the changes because the 2017 changes were done in order and she had no issue with the process.

Chair Burke asked for other comments. Clerk Johnson had one and then Clerk Ruvin. Clerk Johnson noted that all the CCOC members vote on the Clerks' budgets and they do a lot of decisions that affect all of us. The reason she is going to vote for this motion is if someone is going to make a decision that affects me then I should be able to vote for that person. She feels that all Clerks should be able to vote for all the members of the CCOC Executive Council.

Clerk Ruvin was next to speak. He noted that when the CCOC was created he was very much involved. The FCCC is a trade organization and each member has one vote. Whether you are in a county that has 11,000 people or 2.7 million, you have the same vote on items that come up before the FCCC. The CCOC was created by the Legislature and it is not a trade organization. One of the deliberative factors was that it be more like the Legislature than the FCCC. In doing that the understanding was at least 50% of the members of the CCOC would be from counties with over 500,000 or more. This was to try and even out or balance it. What you are proposing today totally undermines that. He therefore will vote against it.

Clerk Green said she does not think there is a right or wrong way on how you could do this. She thinks that both ways would be effective. When she looked at it, I had the frame of mind of being on the FCCC side and the Executive Committee side. She looked at it from the same model as the district level. You vote on leadership that is going to lead us on committees and on boards, most of that is done at the district level in similar counties. It is a model from the CCOC side that is more reflective how we have been operating on the FCCC side in the election of our district representatives. There is no right or wrong answer, but what is the best way we want to address the voting mechanism of who you want to put in leadership on the CCOC side.

Clerk Coloneso said that after consulting with her attorney, on the matter, he advised her that it was contrary to Florida Statutes. So that is really the issue here. It is not a matter whether we agree to changes or not, but whether are we going to follow the Florida Statutes. The way it was designed prior to the change, follows the Florida Statutes. She feels that we have to vote for this because it makes it more in line with Florida Statutes.

Clerk Burke asked CCOC General Counsel Joe Boyd to address the issue of compliance with the Florida Statutes. Mr. Boyd stated that it was legally compliant and completely in line. Chair Burke asked if that answered her question. Clerk Coloneso stated she disagreed with Mr. Boyd's opinion but there are two sides to every story.

Clerk Bock spoke next. She noted that she is a process driven person. Being on the Council and even being the Chair of this CCOC Council, she takes the Plan of Operations very seriously. She has studied it and looked at it over the years. She understands the issues that are being talked about right now. However, as both Harvey and Linda pointed out, she believes the Executive Committee and the Council, both used the right process in changing the Plan of Operations in 2017. Therefore, for her to vote right now to change them back again without the CCOC Executive Council reviewing these makes her uncomfortable. She thinks that if anything, we should have a Plan of Operations Committee and they go back and review the suggested revisions. As far as changing the Plan of Operations with just one meeting, she thinks that this is an improper venue to do it.

Clerk Doggett was recognized. She believes that both parties have very valid perspectives and when talking about budget issues that larger counties and Clerk Ruvin was very clear in his concerns. When we are talking budget issues, the larger counties have the larger issues. If they do not believe they will be fairly represented on the Council due to today's revision they will want to change it back. Last year's revision makes sense and she said that should be supported for this year because it was voted on and approved by a valid process. There was legal counsel that reviewed the change and the process and there was nothing wrong with it. To have an out of schedule revision to review the changes is unnecessary. She thinks that we should not pull the revision that we voted on at our annual meeting last year from the Plan of Operations.

Clerk Johnson asked to speak again. She wanted to respond to something that Clerk Doggett said and make sure the Clerks on the phone understand. Prior to the change being made last June, all Clerks were able to vote for all Council members. The Clerks could vote for Clerks in each population group besides just their own. She recognizes all the different sizes and all, but her problem was the process that occurred last June, no one knew that we were only voting for the people on the Council within our population group. So, presently she can only vote for two representatives from her own population group and not representatives from the other three population groups. She wants Clerks to understand that. As far as the vote today, she is going to vote for Clerk Murphy's motion.

Chair Burke asked if there was any more discussion from the room or on the phone. Hearing none he read a letter from Clerk Butler which she asked to be read into the minutes. The letter read "Dear Ken, due to health reasons, I will not be able to attend the meeting on May 9, 2018. Please accept this letter as my vote (and read into the minutes of the May 9, 2018 meeting) to rescind the Plan of Operation adopted by the CCOC in June 2017. I believe the "Plan of Operations" should be governed by Florida Statutes 28.35, and voted on by all 67 Clerks, as to all population groups. I also have concerns about the quorum and other aspects of the "Plan of Operation" and feel that all CCOC members represent all Clerks. My vote is to rescind the "Plan of Operation", voted on by the CCOC Corporation at the Summer Conference in June 2017. Sincerely, Barbara S. Butler."

Clerk Burke called for a roll call vote to address the motion that revises some of the Plan of Operations but does not rescind the complete Plan. Clerk Green called all 67 Clerks names. Clerk Green stated that the vote was favorable, and the motion passed.

Chair Burke said the changes will go into effect immediately and will impact the Council election for this year. There was no other business and the meeting was suspended temporarily at 1:56 PM to be continued at the Summer Conference on June 25th, 2018.

MINUTES

Reconvening of the May 9, 2018 Corporation Annual Meeting

June 25, 2018 – 2:56 pm EDT

West Palm Beach Hilton, 600 Okeechobee Blvd, West Palm Beach, FL 33401

Oceana D Meeting Room

The May 9, 2018 Annual Meeting of the Corporation of the Florida Clerks of Court Operations Corporation (CCOC) was reconvened at 2:56 PM EDT on June 25, 2018 and called to order by Executive Council Chair Ken Burke.

ROLL CALL

He asked Clerk Green to call roll by county to see if there was a quorum. Chair Burke announced there was a quorum.

AGENDA

Chair Burke asked that the agenda be approved. Clerk Butterfield made a motion to approve the agenda. Clerk Green seconded the motion. Vote was taken, and the motion passed.

CHAIR'S REPORT

Chair Burke presented the Chair's report by highlighting items that have occurred over the last year and acknowledged people that have helped this year. He began by thanking Jason Harrell with CCOC's for the Corporation rebranding, making the new website user friendly, and getting involved with social media. Data collection has improved. He thanked the CCOC staff for all they do and their involvement. He noted that "Telling the Clerk's Story" with the Framework has included both the Budget and PIE Committees. It is very convincing. Also, there was a very successful compliance/collection summit. This was a team effort by the FCCC and CCOC. CCOC is required by the Legislature to submit a list of options for funding. We have complied with that. They did not take action, but we did our part. Again, he thanked Jason Harrell for making sure that the Clerks know monthly how the revenue picture looks. An email was sent to all Clerks letting them know in a graphic format how we were doing on our revenue. This was a good way to keep the Clerks updated monthly. It was a good communication tool and he hopes that it continues.

There have been meetings between FCCC and CCOC. Clerk Johnson, Chris Hart, John Dew and himself have met on several occasions by phone and in person to collaboratively work on items of interest to both organizations. The CCOC took the lead on the Holland and Knight study by authorizing the hiring of them to look into the money situation. Clerk Bock was instrumental in getting CCOC to engage a firm to look into these dollar amounts and the statutory language and to show that the Clerks are entitled to these. He thanked Clerk Bock for her leadership and her staff.

Chair Burke thanked Clerk Eaton for heading a workgroup that worked on the technical issues of Senate Bill 2506. During the Legislative session, CCOC provided bill analyses on many bills. Clerk Timmann was our Legislative Chair and she worked with Jason collaboratively with the Budget Committee and FCCC to make sure the inquiries from the Legislature had an analysis that was presented. He continued by thanking Clerk Butterfield for working through the impact of Hurricane Irma. The Annual report which is a Legislative mandate was submitted on time. The Auditor General audited CCOC and gave us a favorable report. There were very minimal issues with that report. He acknowledged that those were good accomplishments and that ended his report.

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Next on the agenda was the approval of the minutes from last year's June 12th Annual meeting. The motion was made by Clerk Jeff Smith. Clerk O'Neil seconded the motion. The vote was taken, and the minutes were approved.

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TREASURER'S AND FINANCIAL REPORT

Next was the Treasurer's report which could be found on page 6 through 46. Clerk Green noted that there were no issues on the financial audit that is included. The budget is a continuation budget. The 16-17 budget expended 85% of the budget. That was due mostly to vacant positions. The 17-18 budget has 60% expended to date. Chair Burke asked if there were any questions. Hearing none, he asked for a motion to approve the report. Clerk Bock made the motion to approve the financial report. Clerk Moore Russell seconded the motion. There were no questions and the vote were taken. The motion passed.

Chair Burke noted that Clerk Green had mentioned the budget found on page 49-50. He asked for a motion to approve the CCOC budget. Clerk Smith made the motion and Clerk Moore Russell seconded. There was no discussion. The vote was taken, and the motion carried.

PROPOSED DATES FOR THE 18/19 BUDGET YEAR

Clerk Burke noted that the proposed dates in the packet are for informational purposes only and are subject to change. This is just a schedule of meetings in cooperation with FCCC.

PLAN OF OPERATIONS

Clerk Burke said that this is where we take up any changes to the CCOC Plan of Operations. He noted that there were no additional suggested revisions to the Plan provided to the Council or Corporation members since the suggested changes were approved at the May 9th period of the Annual Corporation meeting.

OTHER BUSINESS

Clerk Butterfield asked if the plaques could be given to Clerks Smith, Bock and Burke who were recognized at the Executive Council meeting. The plaques were given to each for their service to the CCOC as members of the Executive Council and each spoke.

The annual meeting was adjourned.

CCOC EXECUTIVE COUNCIL ORGANIZATIONAL MEETING

Chair Burke asked the newly elected Clerks who will serve on the CCOC Executive Council to come forward. They took the oath and were congratulated by Chair Burke.

Next was the election of Council officers which would be voted on only by the Council members. Chair Burke said that he would entertain a motion for electing the Chair of the CCOC Executive Council. Clerk Peacock nominated Clerk Butterfield. Clerk Ruvin seconded the nomination. He asked if there were any additional nominations. A motion was made to close the nominations by Clerk O'Neil. Clerk Ruvin seconded the motion. The vote was taken and Clerk Butterfield by acclamation was elected Chair of the CCOC Executive Council. Next was the nominations for Vice-Chair. Clerk Butterfield nominated Clerk Green and seconded by Clerk Ruvin. Clerk Newton made a motion to close the nominations and it was seconded by Clerk O'Neil. The vote was taken and Clerk Green by acclamation was elected Vice Chair. The next nomination was for Secretary Treasurer. Clerk Green nominated Clerk Peacock and it was seconded by Clerk Frank. Clerk Butterfield moved that the nominations be closed. Clerk O'Neil seconded the motion. The motion carried and Clerk Peacock by acclamation was elected Secretary Treasurer.

Clerk Burke thanked everyone and the Organizational meeting was adjourned.