

MINUTES
FLORIDA CLERKS OF COURT OPERATIONS CORPORATION
MONDAY, September 30, 2019 10:00 AM EDT
EXECUTIVE COUNCIL MEETING
WebEx Meeting

The September 30, 2019 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) was called to order by Executive Council Chair JD Peacock at 10:00 AM (EDT). Chair Peacock called roll. Council Members present on the phone were the Honorable Jeff Smith, Honorable Tiffany Moore Russell, Honorable Stacy Butterfield, Honorable John Crawford, Honorable Laura Roth, Honorable Harvey Ruvin, Honorable Ron Ficarrotta, and Honorable Angel Colonnese. Chair Peacock stated that there was a quorum. He thanked everyone for making time to attend this meeting. The purpose of the meeting is to approve the budget so the materials can get to the Clerks to input into their financial systems.

He stated that the 17 Clerks on the Budget Committee have done yeoman's work going through all the details of the CFY 19/20 budget request. He continued that this has been a good year. The Clerks have finally gotten some budget relief this year thanks to the efforts of our Legislative teams and several Legislators that have supported the Clerks and our needs.

Approval of the draft agenda was the first item. Chair Peacock wanted to make a slight change to the agenda to include time for public comment. It is his intention for Council Members and Clerks on the phone to be able to weigh in through the discussions that is pertinent to them. With the public comment addition, he asked for a motion. Clerk Moore Russell made a motion to accept the agenda with the recommended change. Clerk Colonnese seconded the motion. Chair Peacock asked if there was any further discussion. Hearing none, the vote was taken. The motion passed. The telephone lines were opened for any public comment on the agenda. There were no public comments.

Next item was the Budget Committee report from the Committee Chair, Clerk Ken Burke. He began by stating that the Budget Committee worked extremely hard and diligently over many meetings to come up with the work product for the Executive Council to consider. He wanted to acknowledge the efforts of the 17 Clerks on the Budget Committee who represent different peer groups and different sized counties. He noted that Clerks showed great participation to make sure their budgets were compliant with all the rules. There was an opportunity for each Clerk to present before the Budget Committee at a meeting that was held in Orlando on September 23rd. They were given the opportunity to present in person or by WebEx. Many Clerks and clerk staff presented. The Budget Committee took every part of this process extremely seriously. He also acknowledged the work of the CCOC staff, especially Jason and Marleni. They worked tirelessly.

He continued that Clerks were fully aware of the work of the Budget Committee. The committee has been very transparent in their work. The product was voted on by the Budget Committee at the meeting on Thursday, September 25, 2019 as a recommendation to the Executive Council. With amendments, the vote for approval was unanimous. He submitted the recommendation to the Executive Council for consideration and stated he was available to answer any questions. Chair Peacock thanked him and noted he appreciated all the hard work of the committee and staff. He opened the floor for questions and discussion.

Clerk Harvey Ruvin asked to be recognized. He stated that the first recommendation from the Budget Committee to allocate the unbudgeted amount of over \$2 million to all 67 Clerks on a pro rate basis provided his office \$327,973 additional budget authority. However, on the final vote of the Committee their recommendation was that these dollars should instead go to Duval County Clerk's office. He said that was a very dangerous precedent. He stated that he had served on the CCOC since its inception and that has never been done before. During the Committee discussion, there was reference made several years ago that Miami Dade County got a special allocation from the Legislature of \$1.5 million. It was his understanding that this reference was partially used by the Committee for the justification for taking this money from the pro rata basis directly from Miami Dade County. He reminded everyone that in Miami Dade you will find 1 out of 7 Floridians live here. There are 10 Court Houses, 2,300 square miles, over 3 million people in all fringes of the county, traffic that is kin to traffic in Los Angeles, CA. District offices have had to be established all over Dade County to serve the public without them having to make a 2-hour trip downtown. So, several years ago, we went to the Legislature directly. We did not seek any additional monies to meet that need from the CCOC Trust Fund. We went to the House Speaker and he recognized the need and gave us the \$1.5 million.

Clerk Ruvin stated that he would be happy to help Duval County, but it should be done on a pro rata basis and the dollars should come from all Clerks. Clerk Ruvin reminded the Council that the only increase to Miami Dade's budget came from the 3% across the board and the weighted case allocation which were all pro rata allocations. He said he would like to make a motion to alter the proposed budget from the Budget Committee that the \$327,973 taken from Miami Dade County to benefit Duval County should be taken on a pro rata basis from all Clerks. It would still make Miami Dade the largest donor.

Chair Peacock thanked Clerk Ruvin and said he would like to table his motion until all the Council Members have had a chance to ask questions and make comments on the total budget request and or process. Clerk Ruvin agreed and said that he was comfortable with that. Chair Peacock stated that he monitored the call of the Budget Committee and for the perspective of those who are members of the Council who were not on the call or on the Budget Committee, the recommended budget in your packet, absent the reallocation of the pro rata share from Miami Dade to Duval, was in the original motion and recommendation of the Budget Committee. There was an amendment in the process that reallocated Miami Dade's pro rata share to Duval. That amendment passed 8 to 7. He noted that one of the Committee Members who voted in the affirmative for the reallocation indicated subsequently, that they did not understand they were voting on the amendment. She thought they were voting on the original budget approval. At that point, it was too late to change her vote on the amendment. That was the context and Clerk Peacock said that should shed some light on some of the information that Clerk Ruvin is talking about. So, given that, he wanted to continue to give Council members time to ask questions or follow up with Clerk Burke.

Clerk Jeff Smith noted that he was very vocal against that amendment at the Budget Committee for the very reason Clerk Ruvin said. It set a dangerous precedent. He is not against Duval in any way. The money should not be taken from one county and said that was inappropriate. That is still his feeling. Chair Peacock thanked him.

Clerk Tiffany Moore Russell spoke next. She said that she voted against the motion last Friday and supported the original recommendation from the Budget Committee. The reason she did not support Duval's complete 100% request did not have anything to do with Miami Dade. She said she would not support Clerk Ruvin's motion today.

She stood by what was originally given to Duval. She did not agree that Duval needed that many FTEs. She would like to hear a motion to approve the Budget Committee's original recommendation. Chair Peacock thanked her.

Clerk Butterfield asked if there could be a clarification on another piece of information that was given at the Budget Committee meeting last week either by Clerk Ruvin or John Dew. There was some discussion around the amount of money that Clerk Ruvin received from the Legislature and that money came out of other money that would have gone to Clerks. She asked for the record or the facts to be put on the record as to where that money came from and if it impacted any Clerks. Chair Peacock referred this to Clerk Burke for clarification. Clerk Burke stated that the \$1.5 million came out of money that would never have gone into the Clerks' Trust Fund. It did not impact the Clerks' budgets at all. It came from a source of money that Clerks raised but did not go into the Trust Fund. The money went to General Revenue and the State. It was part of that money.

Chair Peacock commented that he followed the process. He understood the sentiments for Miami Dade receiving an appropriation from the State. He also believed that there may also be Clerks that get appropriations from their counties that are outside of the CCOC budget process as well. He also agreed that it would set a bad precedence to take from one to give to another certainly in the context here. However, he understood the feelings of those who voted in favor of that recommendation. He opened the floor to Clerks on the phone and not on the Council to make comments. There were none.

Chair Peacock moved on to Agenda Item #3 the approval of the budget. There was a motion on the floor by a Council Member and he restated the motion. The motion was to give the dollars that were removed from Miami Dade and give a pro rata share from all Clerks to Duval County. Clerk Ruvin said that was correct. Clerk Butterfield seconded the motion.

Clerk Crawford asked what the dollar amount was specifically that was going to Duval. Clerk Ruvin said \$327,973. Clerk Crawford wanted to confirm that if the motion passed that all Clerks would instead have a pro rata deduction from the budgets recommended by the Committee. Chair Peacock said yes. It will take the amount out and then redistribute the remaining balance pro rata. Clerk Ruvin stated for clarification that the way the motion was made, if the motion fails, then there is no allocation to Duval. Chair Peacock asked that this motion be taken one step at a time. It was his understanding of the motion was to give Duval the \$327,973 and it would come from the whole pro rata distribution. Miami Dade does not get penalized; they would get a pro rata share. He continued that there was a motion and he had a second. If motion fails, then we will go back and address this. He then opened the floor to the Council for debate.

Clerk Burke wanted to add a clarification. Before the additional \$327,973 budget authority was recommended by the Committee for Duval, the Budget Committee already approved \$691,715 which was a special funding request for Duval. He wanted to make sure that was acknowledged. That would be part of the rewarding at a minimal. Chair Peacock again stated that Duval would get a \$691,715 special funding request on top of their funding distribution.

Clerk Fussell began by saying that Duval did not want the \$327,973 to be taken only from Dade. He stated that did ask that it be looked at a pro rata share for a couple of reasons. First, you talk about 7 hours of deliberations, Duval was not privy to all of those. They were told that it was going to be a WebEx and as his Chief Operating Officer and Senior Financial Officer left to drive home, the WebEx was turned off and if they would have known, they would have stayed there to deliberate and talk about these issues. He continued that what Duval asked for was originally

proposed by pro rata and the person making the motion commented that Miami Dade had not asked for any of the pro rata money. He noted that Duval is underfunded in their peer group. He would have thought when the committee got to the pro rata money, they would have looked at that. While Duval did get \$691,00 special funding, that was not nearly the amount they requested, and many other counties in his peer group got 100% of their request.

Clerk Colonnese had a question about what Clerk Moore Russell said. Did she say she would or would not support Duval receiving the additional \$327,923? Chair Peacock asked Clerk Moore Russell to answer the question. She stated that she would not support Clerk Ruvin's motion. She is prepared with another motion. Clerk Colonnese thanked her.

Chair Peacock called on Clerk Ruvin and he clarified what he understood what Clerk Moore Russell was saying that she would not support any additional monies to Duval. That is the reason she is voting against my motion which was to fund them by pro rata. He stated that if his motion failed, he would support Clerk Moore Russell's motion.

Chair Peacock asked if any other Clerks on the phone wished to be recognized. Hearing no further comments, he called for the vote by roll call:

Vice-Chair Smith – No

Secretary-Treasurer Moore Russell - No

Clerk Butterfield – No

Clerk Crawford – No

Clerk Newton – No

Clerk Roth – No

Clerk Ruvin – Yes

Judge Ficarrota – No

Clerk Colonnese – No

Chair Peacock – No

The motion failed. From this point, Chair Peacock entertained either a different motion or a motion related to the budget package presented by the Budget Committee as a recommendation. Clerk Moore Russell made a motion for this Council to adopt the original budget request submitted by the Budget Committee from the work on Thursday. Chair Peacock clarified that the original budget request would be work from the Budget Committee absent the redistribution from Miami Dade to Duval. Clerk Moore Russell said that was correct. Clerk Ruvin seconded the motion. Chair Peacock opened the floor for discussion. He called on any Council member who wished to provide comment. There were none. He called upon any Clerks on the call who would like to speak.

Clerk Fussell stated that he did not understand regardless if you didn't ask for pro rata share and you didn't ask for additional money, but you are going to get it. He continued that in this case, Duval is free to go to the Legislature and ask for some more money. He also stated that he would like to see in the future that deliberations are all done in the sunshine.

Chair Peacock asked if there were any other Clerks who wanted to speak. Clerk Fussell stated that he only had one more year left to serve as Clerk, and the Council won't have to put up with him after that. Chair Peacock said he didn't see it that way. The Clerks are all independent and do the best job they can for their local community all while they are trying to support each other. He felt that the Budget Committee tried to take everybody's input and be fair and equitable. He spoke about the concern Clerk Fussell had and it was his understanding that there was no

sunshine issue. However, he did think there was a misinterpretation of what was going to be on the phone call and what was not. He thought that Clerk Fussell had that conversation with Clerk Burke on what took place. He believes in open transparency in these processes. He knows that Clerk Burke feels the same way and noted that this will be a learning exercise for us. He again asked if there were any Clerks or public member on the phone that wanted to speak. Hearing no further comments from the Council, Clerks, or public on the phone, the vote was called on the motion which is to adopt the original recommendation of the Budget Committee without the amendments. There were no nay votes, the motion passed. He asked CCOC staff to correct the pro rata distribution on the approved budget spreadsheet. He asked CCOC staff to revise the budget allocations based on this motion and get it out to the Clerks so they will know what is coming. He knows that the budget certification letters cannot get out today, but asked Jason to get the spreadsheet out.

Chair Peacock asked the Council Members if there was any other business. Clerk Smith wanted it on the record that one, how efficient and hard this process was for Clerk Burke to chair. The hurricane threw a wrinkle in it, but we have met several times over the summer to iron out how we were going to proceed. He thought those meetings were conducted centrally located so that everyone could attend. Second, he wanted all to know how hard this process was for all the Committee members. He continued that some of you don't sit on this Committee and it is hard to try and be fair and not hurt a fellow clerk. There is no animosity or personal anything, we are just trying to assure we are equitable with the limited funding that Clerks have. Chair Peacock thanked Clerk Smith as well as Clerk Burke, the committee and staff that did the hard work that was needed.

There were no other comments and he opened the phone lines for public comment. John Dew again wanted to say thank you to the CCOC and Clerks' staff that helped in the long budget process.

Chair Peacock said the next Council meeting is tomorrow at the FCCC Fall conference. He thanked Vice Chair Smith for stepping in for him. He will be participating in the Governor's work group related to felons voting rights restoration. He will then be at the conference and would like feedback on what the CCOC could do to be more beneficial to the Clerks and supporting the Clerks in conducting their statutory responsibility.

With no other comments, the meeting was adjourned.