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Minutes of October 29th CCOC Budget Committee Meeting

Approved by Budget Committee at meeting on 11/23/20.

The Budget Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on October 29th, 2020. An agenda and materials were distributed in advance of the meeting and posted on the CCOC website. Provided below is a summary of staff notes from the meeting. These staff notes are designed to document committee action, not to be a full record of committee discussions. All motions adopted by the committee are in **bold** text. All CCOC staff action items based on committee direction are in red and **bold** text.

1. Agenda Item 1 – Call to Order and Introduction

The meeting was called to order by Clerk JD Peacock, Chair of the Budget Committee. Marleni Bruner, CCOC Senior Budget Manager called the roll.

Present for meeting conference call: Clerk JD Peacock, Clerk Jeffrey Smith, Clerk Ken Burke, Clerk Stacy Butterfield, Clerk Pam Childers, Clerk Gary Cooney, Clerk John Crawford, Clerk Brenda Forman, Clerk Greg Godwin, Clerk Carla Hand, Clerk Bill Kinsaul, Clerk Tiffany Moore Russel, Clerk Don Spencer, Clerk Carolyn Timmann, Clerk Angela Vick

Absent from conference call: Clerk Tom Bexley, Clerk Sharon Bock, Clerk Kelly Rhoades, Clerk Tara Green

2. Agenda Item 2 – Approve Agenda

A motion was made to adopt the agenda by Clerk Cooney and seconded by Clerk Butterfield.

Clerk Peacock asked if there was any debate, and Clerk Burke stated that when a request comes in to add something on the agenda prior to the meeting, there should be a protocol. He said that items must be on the agenda, so that everyone knows it will be up for discussion. He stated that there is no mechanism to alter the agenda prior to the meeting. Clerk Burke asked for a motion to adopt the agenda with the addition of the subject: REC projection.

In response to Clerk Burke, Clerk Peacock said that there is no data to support the discussion with only a couple of days before the meeting. There is no action on the subject that can be taken today and the reason the Chair did not add it to the agenda.

Clerk Burke made an amendment to the movement to subject the discussion of re-projecting Clerk revenue for the year. Clerk Vick seconded this motion. Clerk Peacock then took a voice vote, and seeing no objections, the amendment was adopted.

Clerk Peacock suggested that item #7 would become the REC projections, making item #8 other business. There were no further questions. Clerk Peacock took a voice vote, and seeing no objections, the amended motion was adopted.

3. Agenda Item 3 – Approve Minutes from September 2, 2020 Meeting

Marleni reported that one action item from the previous meeting regarding judge allocations was still being worked on by John Dew, alongside Judge Ficarrota.

Clerk Vick made a motion to adopt the previous meeting's agenda, and the movement was seconded by Clerk Childers. Clerk Peacock asked if there were any concerns, and there were none. The agenda was adopted by consent.

4. Agenda Item 4 – CFY 2019-2020 Settle-up Draft

Mr. Jason Welty presented information on the Settle-up Draft, as found in the meeting packet. Clerk Smith asked for clarification on the total of the red columns and Jason explained that yes, the third column was the total of the first two added together.

Clerk Childers made the motion to have CCOC staff send out Settle-up Draft to Clerks, and this motion was seconded by Clerk Butterfield. With no debate, the motion was adopted by voice vote.

5. Agenda Item 5 – Budget Committee Work Plan for CFY 2020-21

Clerk Peacock reviewed a document which held topic items for the Work Plan. This document will be shared, as it was not in the meeting packet. Clerk Peacock asked if any items he mentioned were up for question. He wanted to see if anyone thought items were unnecessary or if new ones needed to be added.

Clerk Burke asked for clarification regarding the purpose of the office organization chart. Clerk Peacock clarified that statute supports the CCOC getting this information, it helps others learn how offices are set up, and allows an opportunity for Clerks to learn from one another.

Clerk Burke explained that despite it being a public record, he still had some concerns. He recommended that the issue be addressed in the section that says, "show all sources of revenue." Clerk Russell suggested that if you are looking at all revenue sources, it

should be expanded to the expenditures as well. She also asked if these items would be worked by subcommittees or if the committee would address them all. Clerk Peacock explained that would be up to the committee as to what the committee wants to address and if they want to send it to subcommittees.

Clerk Russell suggested that the base budget items be resolved in November, including automatic items such as FRS, 3% raises, etc. as well as finalize the Timeline and process for CFY 2021-22, so that the information can be published and prepared ahead of time.

Clerk Burke asked if items a clerk does NOT have to do could be calculated and added. For example, Domestic Violence intake is not done by a county in his Peer Group, but his office takes a lot of time and effort to process the items. This has not previously been calculated into the workload, he stated. Clerk Burke then asked how this would be captured, and if it might be possible to expand all revenues. He suggested that it would be good to figure out how to calculate that.

Clerk Cooney suggested that the framework from the Clerk Court Services Framework should be taken back to the office. He asked if it would be necessary to do these things, or more, and although it may be a lot of work, it can be done. The Clerk Court Services Framework was last updated in 2018 and it needs to be updated for 2020.

Clerk Peacock asked Clerk Cooney if he thought he could continue his work with the Clerk Court Services Framework and wrap that into his work with the Case Counting Workgroup. Clerk Cooney stated that we should start with statutorily required duties; this is a large project and there will be additions of layers as the project develops.

Clerk Butterfield stated the importance of getting to a good place before getting into the details. For example, the three main court types are Criminal, Civil, and Civil Traffic. She recommended applying the costs from the Operational Budget (before reductions) to these three areas and then start comparing to Peer Groups to see where there are differences.

Clerk Peacock stated that the Legislative Plan required a budget by January; however, the work that is being presented cannot be done before that timeframe. Work done on the Base Budget starting with the current Operational Budget may be used instead. He reiterated Clerk Moore Russell's previous comments, which suggested that base ideas should be laid out first.

Clerk Peacock pointed out that counties that get a direct appropriation from their county should be able to identify that on their budget submissions as a funding source. Clerk Moore Russell asked if the CARES Act Funding would be kept. The November 10th Workshop will explain that from 3/1/20 – 12/20/20, 100% of law enforcement expenditures can be allocated to CARES funding, and this will allow counties to shift expenditures to CARES so that Clerks may gain support from their county's general fund. If a county received such funding in CFY 2020-21 they should show that on their Operational Budget submission.

Clerk Peacock removed CARES Act from the list and explained the November schedule, which as follows:

- Base Budget
- Sunk costs: FRS, health, etc.
- Codify Budgeting Timeline for CFY 2021-22
- Judge Reassignment
- REC Update

He stated that the November Meeting will be scheduled after the REC Meeting.

6. Agenda Item 6 – CFY 2020-21 Operation Budget Forms

Clerk Peacock referenced the meeting packet, which included the Operational Budget items: Revenue Projection form, the Operational Budget form, and the Clerk Certification letter. Clerk Peacock started with the Revenue Projection form and the Clerk Certification letter. Those two did not have any changes. He asked if there were any input, concerns, or comments, and there were none.

The Budget Form (Excel) was reviewed. Clerk Peacock wanted to include all Clerk personnel on the Personnel tab in the form, including those that are 100% non-court. Clerk Burke did not agree with this move and does not think non-court should be reported on the CCOC budget. He agrees that split personnel should be included but not 100% non-court. Clerk Smith agreed, as the comptroller side is funded by the Board.

Clerk Peacock wondered if a county had another function of the office that supported the court side, how that would be notated or validated on the form. Clerk Vick asked if that would be captured in the indirect. Clerk Peacock stated that he is unsure.

Clerk Spencer stated that he agreed with Clerk Smith, that this information is unnecessary to include. Clerk Peacock stated that there will be no questioning on how counties are operating, this information just ensures that court functions are noted. Due to lack of support, this measure was not adopted as part of the Operational Budget direction. Clerks are encouraged to list all court-related costs, regardless of funding source, and then to identify the non-CCOC funding source as needed.

Next, Marleni Bruner, CCOC Senior Budget Manager, provided an explanation of the recommended Cost Centers based on the Services from the Clerk Court Services Framework. This is a staff recommendation for consistency and uniformity. Clerk Russell suggested that this be left to individual clerks, tied to their general ledger. Clerk Cooney suggested that Universal Chart of Accounts (UCA) be used. Due to lack of support, this measure was not adopted as part of the Operational Budget direction. Clerks are encouraged to not use employee names for their cost centers.

Clerk Timmann recommended that callers do not make comments in the chat but be made on the record so that those on the phone have the benefit as well.

Exhibit G changes were explained by Mrs. Bruner regarding Section 1a which is a comparison from the prior fiscal year to the current fiscal year. If the reduced final CFY 2019-20 Operational Budget is compared to the CFY 2020-21 budget it will be seen as an increase. If the CFY 2020-21 Budget Committee approved budget authority is compared to the CFY 2020-21 revenue limited budget authority some counties will have zero and others may have a small decrease, but it would be difficult to explain in Section 1b.

Clerk Russell suggested using the CFY 2019-20 Original Approved Budget, before reductions due to declining revenue, be used to compare to the CFY 2020-21 Approved Operational Budget. She also cautioned using the word “need” because her budget started at \$29 M but was then reduced to \$26 M, but her needs didn’t change. Jason Welty pointed out that this would show a reduction of about \$37 M. The committee agreed and CCOC staff was directed to use the CFY 2019-20 Original Approved Budget.

Clerk Chorvat inquired about another entity objecting to his needs-based budget submission and Clerk Peacock explained that the legislature will not agree that your request is a needs-based. At the local level it can be termed “needs-based” but at the CCOC appropriation level it is the job of the CCOC to determine an appropriate level of funding and then there is the revenue limited amount where there is insufficient funding available.

Clerk Kinzel, who commented often during the meeting via chat, stated that their budgets can be defensible to their legislative partners so they can get the true message and not cut them repeatedly.

Clerk Burke pointed out that when we bring the problems to the legislature, they will ask what the fix is, and we need to bring the solutions as well. We also need a communication plan to go with that solution. His county also received a grant, but it has increased his workload, but he has not received any of the grant. He wants to see something done from a legislative point of view so that the Clerks are included as part of the grant funding in the beginning.

Mr. Welty explained a tool developed to help counties allocate their budget based on cases. It will be emailed to everyone after the meeting as a guide.

Clerk Peacock also reviewed the Collections Best Practice Checklist that is being recommended as a data point to collect during the Operational Budget Submission. Doug Isabelle, CCOC Deputy Executive Director, explained that this is currently being used as part of his collection training and assistance with the contract vendor, Compliance Improvement Services (CIS). It was last used in the CFY 2016-17 budget cycle and has been updated since then. Mr. Isabelle has used in the 17 counties visited and has already received 10 back.

Clerk Russell was concerned that due to budget cuts, there are some that are higher level goals and recommended that it be sent to a workgroup to review the checklist. Clerk Timmann also agreed that some things wouldn't work for some counties and wants to make sure it doesn't conflict with the FCCC Best Practices. Clerk Cooney also agreed.

Clerk Peacock will work with Doug and Jason for more refinement on the checklist and it will not be required as part of the Operational Budget submission.

Clerk Peacock requested to extend the meeting by 30 minutes to finish the remaining items on the agenda. With no object, the meeting was extended.

A motion was made by Clerk Russell to adopt the CFY 2020-21 form, the Revenue Projection form, and the Clerk Certification letter. The motion was seconded by Clerk Cooney. With no objection, the motion was adopted.

7. Agenda Item 7 – REC Projections

Mr. Welty gave an update on the data that he has related to unexpected revenue from the voter restoration emphasis. So far, there is only about \$1 M from unexpected revenue statewide in September. More data will be known as we receive the Expenditure and Collection reports.

Clerk Burke identified that there is significant work that goes into this and it is not simply processing a check. Only certain types of cases and only certain types of fines or fees will be paid. It has taken several weeks to process. The increased revenue now will have to be sent to the trust fund as 1/12th excess. During the budget process the Fiscally Constrained Counties were held harmless, so the larger counties took a bigger cut. This year is the lowest budget for Pinellas county in the history of Article V funding.

Clerk Burke made a motion for the following:

- 1. CCOC re-project the revenue to include the new funds,**
- 2. CCOC lobby the REC to increase funding to increase budget authority**
- 3. CCOC use their authority to restore budgets to counties in need.**

The motion was seconded by Clerk Cooney.

Clerk Peacock pointed out that CCOC staff does #1 as a routine policy and that #1 and #2 can be done without an emergency Executive Council meeting. He stated that #3 will require the approval of the Executive Council.

A voice vote was taken and with no objections the motion was adopted.

Clerk Peacock requested that the Executive Committee meet to review the motion and provide CCOC staff with further guidance if needed.

8. Agenda Item 8 – Other Business

Clerk Peacock asked Mr. Welty to report on the REC. Mr. Welty mentioned that the REC will meet on November 18 at 9 AM. The REC reviews the revenues on the state fiscal year then converts to the county fiscal year afterwards. He would like to put out a survey to all counties to get an idea of the unexpected revenue that is coming in before the REC meeting on the 18th.

Clerk Burke state that the revenue was less than expected because of the moratorium on evictions and now that the moratorium has been lifted that could double. His traffic in Pinellas has increased especially with school back in session in physical attendance.

Mr. Welty pointed out that the REC looks at the seasonality of the numbers when making projections. During the July REC meeting they made projections based on the moratoriums and when they would be lifted, so that is built into their figures.

The next item in Other Business is an update from Clerk Cooney on the Case Counting Business Rules. In the May 27th Budget Committee meeting there was direction given to adopt the revised Case Counting Business Rules. There was a formatting and reference error that was corrected since then. They report also requested that everyone update their numbers for CFY 2019-20 based on the revised Business Rules and it is now time for that to occur. More information is provided in the memo from Clerk Cooney.

Clerk Peacock opened the floor to committee members to bring up anything they want the committee to address. Nothing was mentioned. The meeting was then opened up to Clerks on the call that would like to speak. Mrs. Bruner was directed to save the chat from the meeting before ending the call as Clerk Peacock found several items as good things to bring back to the committee or provide history on the work previously done.

Mr. John Dew wanted to commend the committee to agreeing to meet monthly as it is a lot of work but very important.

Mr. Isabelle wanted to know the time period to look for feedback on the Compliance Checklist. Clerk Peacock replied that since it would not be part of the current Operational Budget submission there was not a deadline. Once the workgroup is established and they feel that they have a work product to bring back to the committee, then it will be scheduled for a future Budget Committee meeting. Clerk Russell asked who would be on the workgroup and Clerk Peacock made her chair. She requested counties of all size be represented. CCOC staff will gather names of county staff that can be members of the workgroup.

Seeing no other items for discussion, the meeting was adjourned at 3:22 PM.
