

MINUTES
FLORIDA CLERKS OF COURT OPERATIONS CORPORATION
EMERGENCY TELEPHONE CONFERENCE
THURSDAY, SEPTEMBER 2, 2004

The September 2, 2004 teleconference of the Executive Council of the Clerks of Court Operations Conference (CCOC) was called to order at 10:00 a.m. by Vice-Chairman Howard Forman who welcomed members and guests. Members and staff of the Executive Council of the Corporation present were: Honorable Howard Forman, Honorable Jeffrey K. Barton, Honorable Jim Fuller, Honorable Annie Mae Murphy, Honorable Harvey Ruvin, Honorable Tim Smith, John Dew, Joseph Boyd, and Judy Zorn. Honorable Maryanne Morse and Honorable Richard Weiss were absent. Also attending the teleconference were Honorable Hugh Bradley, Clerk of Circuit Court, Hardee County, Beverly Gooding, Finance Officer for Hardee County Clerk of Court, and David Ansley, Florida Department of Financial Services.

HARDEE COUNTY CLERK BUDGET AMENDMENT REQUEST:

Mr. Dew briefed the Executive Council on what's occurred to date concerning a request from Hardee County Clerk's office for a budget amendment. On August 13, 2004, Hurricane Charley hit southwest Florida adversely impacting numerous counties. The Hardee County Courthouse was closed from August 13 – 20, 2004. Mr. Dew received an email from Beverly Gooding, Financial Officer Hardee County, at 4:00 p.m. on August 23 briefing him on Hurricane Charley's impact on Hardee County and asking what financial help the Corporation could provide. On August 24th Mr. Dew emailed Chief Financial Office Contract Manager, Burton Marshall, and copied Legislative Staff, to make sure they understood the issue and sought verification that the CCOC could conduct a budget amendment process. He also asked if the state be providing the money to Hardee County should we not be permitted to have a budget amendment process. Mr. Dew received an e-mail from Mr. Marshall on August 26th that the Corporation could establish a budget amendment process for Clerk's experiencing revenue deficits and that this process would be part of CCOC's role.

The second concern was whether we could legally hold an emergency meeting without meeting the two-week notification requirement outlined in the Corporation's Plan of Operations. Mr. Boyd stated that it is his opinion that we can hold an emergency meeting only because the Governor issued Executive Order, #04-182. This Order allows emergency business to be conducted, without the required notification, only if it relates directly to Hurricane Charley. Mr. Dew then on August 27th spoke with Ms. Gooding regarding the amount of funds the Clerk's office in Hardee County would need. Mr. Dew confirmed that these monies are available in the DOR Clerk's Trust Fund. Also on August 27th, Mr. Dew announced the Emergency Executive Council Meeting on its website and sent the Agenda to each Executive Council member. Likewise, FACC was provided notification on the same day.

On August 31, Mr. Dew, along with Glenn Robertson and Mike Richardson, interviewed Ms. Gooding via phone and asked specific questions related to revenues and expenditures. This teleconference was recorded and is a part of the request file for documentation. Through this process, Mr. Dew, Mr. Robertson, and Mr. Richardson developed a form for a budget amendment request which was subsequently sent to Ms. Gooding. Ms. Gooding completed the form, and Mr. Bradley signed it and returned it to CCOC that afternoon. The form outlines how much money Hardee County is seeking and what happened to cause this situation. Mr. Dew then contacted the members of the Executive Council via email and forwarded a copy of this information for the meeting.

Mr. Forman thanked Mr. Dew for providing an overview of the process and asked him to state the issue before the Council and staff's recommendation. Mr. Dew commented that the Hardee County Clerk's office will not have enough funds to make their payroll in September 2004 because the Hardee County's courthouse was closed from August 13 – 20, 2004, causing a decrease in filings and payments of fines, fees, and court costs. Further, after the courthouse reopened, the judges' practice of deferring payment of fines for 30 days, due to the fact that many of these people don't have the cash on hand, decreases by even more the amount of projected revenues. The Hardee County Clerk cannot meet payroll for September 6 and September 20, 2004. Hardee County has requested \$60,000 to enable them to meet their payroll and continue to function. It is staff's recommendation that the Council approve a request from the Trust Fund of \$60,000.

Mr. Ruvin moved and Mr. Barton seconded the motion that we grant the request for appropriation of \$60,000 to Hardee County. Mr. Forman called for discussion. There being none, the vote was taken and the motion passed unanimously. Mr. Bradley, on behalf of Hardee County, thanked the Executive Council.

Mr. Dew asked Mr. Ansley when the check could be ready. Mr. Ansley stated that he could have it by tomorrow morning at the latest. Mr. Dew said either he could pick the check up and drive it down to Hardee County or if Ms. Gooding was still coming to Tallahassee she could pick up the check. Mr. Ruvin asked about a wire transfer which Mr. Ansley stated could be done. He will get with Ms. Gooding to get the necessary information to effect the transfer.

Mr. Ruvin also suggested we contact FEMA to see if this kind of allocation can later be part of a reimbursement request. We may be establishing a precedent that many more than just Hardee County could be following in the next couple of weeks. Mr. Dew suggested that he and Mr. Boyd will follow up with FEMA.

The meeting was adjourned 10:15 a.m.