

**MINUTES
FLORIDA CLERKS OF COURT OPERATIONS CORPORATION
EXECUTIVE COUNCIL
MONDAY, SEPTEMBER 29, 2008
TELEPHONIC**

Mr. Forman, Council Chair, called the September 29, 2008 meeting of the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC) to order at 9:00 am ET. He welcomed members and guests. Members of the Executive Council present were the Honorable Howard Forman, Honorable Richard Weiss, Honorable John Crawford, Honorable Marsha Ewing, and Honorable Bob Inzer.

APPROVAL OF AGENDA

Mr. Forman requested a motion approving the Agenda. Ms. Ewing moved approval of the Agenda with Mr. Weiss seconding her motion. The motion passed unanimously.

Mr. Weiss requested that staff summarize necessary information and highlight the controversial issues rather than providing large packets. He contends that this would save on printing and on reading.

CONTRACTS

Mr. Dew reported that the items being presented today were taken before the Personnel and Administration Committee September 24, 2008 and the committee has approved moving these items to the full Council for its approval.

CONTRACT EXTENSIONS

The FACC Contract for Clerk Education is being presented for a one year extension. This one-year contract was written with allowance for two one-year extensions. This is the second extension of that contract. Likewise, the one-year contract for Budget Services with Glenn Robertson & Associates was written with allowance for two one-year extensions and this is the second extension of that contract. We are also presenting the contract for external auditing by Lanigan and Associates for extension.

The dollar amount for the FACC Education contract remains the same. The dollar amount for Glenn Robertson & Associates decreases and the contract with Lanigan and Associates remains the same. Overall, the total contract amount represents a decrease in dollars.

Mr. Dew offered to entertain questions from the Council. Mr. Weiss asked how long we will need the services of Glenn Robertson and Associates since Council staff has become more familiar with the budgeting process. Mr. Dew noted that initially we needed much more of Mr. Robertson's time and expertise. Each year staff has been able to take over more of what Mr. Robertson had done in the past. As such, his contract

amount has decreased every year. We anticipate that next year we will need even less than the \$61,000 allocated to Budget Services for this contract year. However, having Mr. Robertson's experience in the State budgeting process is especially important during these tough economic times to help us continue to understand what is happening at the State level and any potential impacts to the Clerks.

Ms. Ewing moved approval of the extensions for FACC, Glenn Robertson and Associates, and Lanigan and Associates. Mr. Crawford seconded the motion. The motion passed unanimously.

DFS CONTRACT

Mr. Inzer, Mr. Dew, Mr. Culp, and Mr. Boyd worked closely with DFS on this contract. Mr. Dew requested that Mr. Boyd lead the discussion of the DFS contract negotiations. Mr. Boyd reported that there are three areas of the contract that need Council attention. They are the: 1) dates for deliverables, 2) car allowance provision, and 3) auditor general process issues. He did report also that in the preamble to the contract, DFS recognized the importance of CCOC to the funding of the court system and noted how well the mechanism is working.

DFS has added under the education deliverables that they want more detail on what is provided. This is to include projected costs for facility rental, materials, and speakers among other things to allow for more oversight. We thought, with forecasting a year out, this might pose a problem. However, we understand that FACC, as our education vendor, believes they can accommodate this provision.

Looking at the deliverable dates, DFS and their Senior Management agreed to all the date changes staff requested and the redefinition of some of the deliverables.

Exhibit B, dealing with the list of court functions that can be funded from filing fees, service charges, court costs, and fines, is the most controversial. DFS has added a paragraph stating that budgets approved by CCOC will not include unauthorized expenditures, specifically expenditures for vehicles, repairs, fuel, gift cards, food, party supplies, and water for employees. CCOC staff asked for what budget years are referenced by this paragraph given that budgets have just been approved by the Council and instructions for those budgets were distributed months ago. DFS agreed that we cannot force this provision for the current 08-09 Fiscal Year budgets. It will be applied to the FY 09-10 budgets and will be included in budget instructions for 09-10 that will be distributed in April 09. DFS believes these expenses are county expenses, not court-related expenses. DFS understands that inclusion of this provision in this contract in no way indicates agreement by CCOC or by any of the Clerks. They also realize that the Greenberg Traurig letter specifically states that certain transportation expenses are authorized as court-related expenditures. What DFS has done through this provision is make it clear that their position, in the contract with us, is that budgets we approve will not include provisions for those expenses. What Clerks, FACC, and / or CCOC will have to do before the next budget cycle is either change DFS's opinion, or get some legal or legislative resolution to the issue. DFS would not entertain any discussion regarding removing that language from this contract at this time. They also understand that the Executive Council ultimately decides what can be included in the Clerks' budgets, but DFS does not have to sign any contract with CCOC if they don't agree in total with that

contract. Mr. Weiss requested that we include this topic on the Agenda for the next Executive Council's meeting so that Mr. Boyd can present all the facts of this issue to the Council. Mr. Boyd agreed. He would welcome discussion of the issue and of the ways the Council can and would like to proceed toward resolution. Mr. Inzer feels that with this issue, DFS is exercising fiduciary control but he feels that some transportation expenses are definitely court-related. Mr. Weiss moved approval of the DFS contract as presented. Ms. Ewing seconded the motion which passed unanimously.

RFP's FOR INFORMATION AND SURVEY SERVICES and TECHNOLOGY

Mr. Dew reported that the next issue requiring approval of the Executive Council is the acceptance of the bids submitted in response to the Information and Survey Services RFP and the Technology RFP.

Technology Services

This RFP requests in-house Technology Services for the CCOC office. Ms. Daws, on staff at CCOC, has been very helpful with providing technical assistance as needed, recommending equipment, and making sure it's working properly. But Ms. Daws is also responsible for working on Performance Measures. Three vendors have submitted bids in response to the Technology RFP. They are Brandt Information Services, E-Group Systems, and Techz3. The Personnel and Administration Committee recommends placing all three vendors on the vendor list for CCOC pending approval by DFS. If approved by the Executive Council today, they will be submitted for DFS approval. Once approved by DFS, Mr. Forman, as Council Chair, and Mr. Dew will be able to create task assignments as issues arise. This will allow flexibility as to who we choose and will help us control time to completion and cost. Ms. Ewing moved we accept all three vendors pending DFS approval. Mr. Inzer seconded the motion which passed unanimously.

Information and Survey Services

We had four vendors respond to the Information and Survey Services RFP. They are B&M Consulting Services, FACC, Glenn Robertson & Associates, and Proctor's Solution, LLC. Again, Personnel and Administration Committee recommends placing all four vendors on the vendor list for CCOC pending approval by DFS. If approved by the Executive Council today, they will be submitted for DFS approval. Once approved by DFS, Mr. Forman, as Council Chair, and Mr. Dew will be able to create task assignments as issues arise. This will allow flexibility as to who we choose and will help us control time to completion and cost. Ms. Ewing moved we accept all four vendors pending DFS approval. Mr. Inzer seconded the motion which passed unanimously.

GADSDEN COUNTY BAR

Mr. Culp reported that Gadsden County requests budgetary help through the 2% CCOC revenue shortfall relief policy. The revenue shortfall in Gadsden County appears to be a result of decreasing numbers of cases during the past two months in which over-all court-related revenues have been decreasing. These dollars are needed to ensure that

the Clerk's office can make payroll. The approval of this BAR transfers approximately \$29,896 from the Clerks Trust Fund to Gadsden County to help offset decreasing court-related revenues. The Trust Fund has funds available to provide the requested remittance. Mr. Weiss moved approval of the BAR. Ms. Ewing seconded the motion which was passed unanimously.

REVISION OF FY 08-09 BUDGETS

This issue relates to revision of three counties' budgets for FY 08-09. Budgets for Indian River, Lee, and Madison County have been slightly modified due to additional budget authority being granted and/or utilized. Each county had submitted a revision of their original budget and in each case their budget request is slightly higher. Taking these increases into consideration, each county remains under their approved budget cap. This is just a correction or modification resulting from secondary budget submissions. The Clerks' budget cap overall changes from \$551,952,406 to \$551,973,848. The overall approved budget for 08/09 changes from \$539,222,065 to \$539,263,216. Ms. Ewing moved to approve the changes. Mr. Weiss seconded the motion which passed unanimously.

The meeting was adjourned at 9:30 am.