

Levy County Attorney

From: Stanley Griffis <stan@griffislawoffice.com>
Sent: Tuesday, April 09, 2024 1:07 PM
To: Levy County Attorney
Cc: Danny J. Shipp
Subject: RE: Transition of County Budget Officer duties

Ms. Shalley:

Thank you for the messages. At your request, the Clerk's office has spent significant time researching what can, and should, be done regarding the BOCC's access to the Clerk's financial software. As I have indicated to you before, the Clerk wishes to maintain separation between the Clerk's constitutional requirements and the BOCC's obligation to prepare its budget. To that end, we again ask that the Board procure its own budgeting software to fulfill its responsibilities. The Clerk does not consent to allowing access to its software to BOCC employees. The Clerk asks that you please accept his position and move forward with your transition without his participation. We do not desire to meet again regarding this subject. The Board is in possession of budget data from prior years to assist Mr. Blanton.

Finally, the ongoing contact with Clerk's employees or agents for access/information to Clerk's data contained in your requests is improper. Neither Ali, nor any other county employee, has permission to directly obtain data from the Clerk's IT staff.

Thank you.

Stan Griffis.



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From: Levy County Attorney <LevyCountyAttorney@levycounty.org>

Sent: Tuesday, April 9, 2024 12:07 PM

To: Danny J. Shipp <levyclerk@levyclerk.com>; Danny J. Shipp <levyclerk@levyclerk.com>

Cc: Stanley Griffis <stan@griffislawoffice.com>; Levy County Commission District 3 <district3@levycounty.org>; Levy County Commission District 1 <district1@levycounty.org>; Levy County Commission District 4 <district4@levycounty.org>; Levy County Commission District 5 <district5@levycounty.org>; Levy County Commission District 2 <district2@levycounty.org>; Wilbur Dean <dean-wilbur@levycounty.org>; Ali Tretheway <tretheway-ali@levycounty.org>; Jared Blanton <budgetoffice@levycounty.org>

Subject: RE: Transition of County Budget Officer duties

Importance: High

Hi Danny – Since we received no communication from you or your legal counsel, Ali contacted ADG late yesterday. Max Grimm (ADG Customer Success Agent) informed Ali that he worked with your Staff yesterday morning regarding ADG access for the County Budget Officer and that it seemed your Office was in the process of setting up the requested User access to the functions that Ali requested: Edit/Action access to Budget Functions in ADG Software Levy BOCC only; Inquiry access to all budget, Accounts Receivable/Receipt, General Ledger, AP, and Payroll & Personnel Data in ADG Software for the Levy BOCC only, and the ability to perform Budget Adjustments (Amendment) transactions Levy BOCC only. If so, we appreciate your efforts, and ask that you or your Staff please advise when you expect the BoCC Budget Officer User access to be active?

Has there been any progress on providing the requested BoCC Budget files: (1) The following files (with mirrored file structures and filepaths so as to maintain external PowerPivot linking): X/Data, X/Analysis, X/Finance/Budget, X/Finance/Jared Miscellaneous Work Files, X/Jared Internal Work, X/Finance/BOCC Meetings (this one contains historical Year End BA files), and X/Reference; and (2) Any files pertaining to the FY 2025 County budget process acquired by, or created by, Clerk staff. If we do not hear from you by tomorrow (Wednesday) at noon, Ali will follow up directly with IT on this request.

Again we offer -- if there is any issue, question or misunderstanding with regard to this transition and these requests, let's promptly meet and work through it. If you are not willing to communicate with us, please designate someone from your Finance Staff to do so. The first BoCC public meeting to review the FY2025 Budget is Tuesday, May 7th and much work (that depends access to Budget files and ADG) needs to be done in preparation for that meeting. We must get this transition of duties completed and move forward with cooperation between the BoCC Budget Office and the Clerk Finance/Accounting Office. Thank you.

Nicolle M. Shalley

County Attorney

Levy County, Florida

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From: Levy County Attorney

Sent: Friday, April 05, 2024 5:02 PM

To: Danny Shipp (shipp-danny@levyclerk.com) <shipp-danny@levyclerk.com>; Danny J. Shipp (levyclerk@levyclerk.com) <levyclerk@levyclerk.com>

Cc: stan@griffislawoffice.com; Desiree Mills (district3@levycounty.org) <district3@levycounty.org>; John Meeks (district1@levycounty.org) <district1@levycounty.org>; Tim Hodge (district4@levycounty.org) <district4@levycounty.org>; Matt Brooks (district5@levycounty.org) <district5@levycounty.org>; Rock Meeks (district2@levycounty.org) <district2@levycounty.org>; Wilbur Dean <dean-wilbur@levycounty.org>; Ali Tretheway (tretheway-ali@levycounty.org) <tretheway-ali@levycounty.org>; budgetoffice@levycounty.org

Subject: RE: Transition of County Budget Officer duties

Importance: High

Hi Danny – Since we've not heard from you, this email is a follow up on the request below. There are critical dates on the Calendar for FY24-25 County Budget Preparation and Adoption that must be met. We do not expect your Office to handle this transition entirely on your side or entirely at your expense. I spoke to Brady with New River Technology and he confirmed having spoken to your Office about these matters and he again offered his assistance with any IT services that either of us need for this transition. Brady seemed reasonably confident that ADG (now Tripleview Technologies) could work out a solution that would allow the BoCC and the Clerk to carry out their respective functions using the ADG program. Please provide the contact info for your ADG account/support rep and we will copy your Office on any correspondence that we have with ADG. Or, if you have already been working with ADG on this, please share that correspondence with us. Ali and I are available to meet anytime (except 10-11am and 2-3pm) on Monday and anytime on Tuesday or Wednesday, let me know who to invite from your Office to resolve these remaining transition details. As time is of the essence, I would appreciate a response before 2pm on Monday. Thank you.

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From: Levy County Attorney

Sent: Wednesday, April 03, 2024 5:07 PM

To: Danny Shipp (shipp-danny@levyclerk.com) <shipp-danny@levyclerk.com>; Danny J. Shipp (levyclerk@levyclerk.com) <levyclerk@levyclerk.com>

Cc: stan@griffislawoffice.com; John Meeks (district1@levycounty.org) <district1@levycounty.org>; Rock Meeks (district2@levycounty.org) <district2@levycounty.org>; Desiree Mills (district3@levycounty.org) <district3@levycounty.org>; Tim Hodge (district4@levycounty.org) <district4@levycounty.org>; Matt Brooks (district5@levycounty.org) <district5@levycounty.org>; Wilbur Dean <dean-wilbur@levycounty.org>; Ali Tretheway (tretheway-ali@levycounty.org) <tretheway-ali@levycounty.org>; budgetoffice@levycounty.org

Subject: Transition of County Budget Officer duties

Importance: High

Good Afternoon Danny - This email is to request your reasonable cooperation in transitioning the County Budget Officer duties to a BoCC employee – as the BoCC voted to do yesterday pursuant to Section 129.025, Florida Statutes. I understood - from your prior meeting with the Chair of the BoCC (which she asked me to attend as the County Coordinator was unavailable) and from our subsequent conversations - that, whichever option the Board chose regarding County Budget Officer duties and preparation of the FY24-25 Budget, you would do your part. Whether that meant continuing to serve on behalf of the Board as its County Budget Officer (pursuant to Resolution Number 2017-015, which is attached) or whether that meant cooperating to transition those duties to whomever the Board designated.

I kept you and your legal counsel informed throughout this process – providing you with the draft County Staff memo regarding the options for County Budget Officer, requesting (and making) your suggested edits to that Memo, providing you with a draft list of files and access to “ADG” (the County’s finance software) as a starting point for a follow-up meeting between Ali (the BoCC employee most familiar with ADG) and whatever staff person you designated, along with IT to figure out the export/transfer of the necessary Budget files and how ADG can be accessed for County Budget Officer functions, and informing you that I had been requested by the County Coordinator to agenda this item and make the presentation to the BoCC and how I would do that.

Yesterday, at the start of the BoCC Meeting, your legal counsel approached me to advise that the BoCC would have to purchase expensive software to do the Budget preparation. I explained to your legal counsel that the BoCC had not yet made a decision regarding County Budget Officer and that, if they did, I was confident that BoCC staff and Clerk staff with expertise in ADG, aided by IT and ADG support (if necessary) could work out those details. During my presentation of the agenda item, I so advised the BoCC. Neither you, nor your legal counsel, contradicted my statement or advised the BoCC differently.

At 1:25pm and 2:27pm yesterday (shortly after the BoCC Meeting adjourned), Ali and Wilbur followed up with emails to Kay and Schonna in your Office to provide them with a copy of the Temporary Employment Agreement for a County Budget Officer and the email address for the County Budget Officer and to request access for the County Budget Officer to certain ADG Budget functions necessary to transition those duties from your Office. That email was forwarded to me yesterday evening and it is attached. I just confirmed that Ali and Wilbur have received no response.

At 2:34pm yesterday, I received a call from your legal counsel who informed me that: (1) you and he consulted with IT and no ADG access can be provided to the County Budget Officer for Budget functions; and (2) the BoCC will have to make public records requests for any County Budget files (paper or electronic), then the Clerk will have to process, including review, redaction, and likely a significant charge to the BoCC. I expressed to your legal counsel, with some frustration, that I did not believe either of those things.

First, ADG is a software program (marketed specifically for local governments as scalable and customizable) with different modules (e.g., Payroll/timecards, Requisitions, General Ledger, Budget Preparation) and different levels of User authorizations. We already have BoCC staff users (such as Ali) who have considerable ADG access. Surely the knowledgeable County staff (in the Clerk and BoCC offices) can have a conversation with IT and ADG to see what can be done to appropriately limit access to Budget functions (the BoCC’s responsibility) vs. auditor and custodian of funds functions (the Clerk’s responsibility). Perhaps we don’t have to re-invent the wheel - 52 Florida Counties (including small, rural ones like Hendry and Hardee) have Budget functions handled by a BoCC employee – perhaps one of them also uses ADG. If it is necessary to further customize the Levy County version of ADG and there are costs, that is understandable. Let’s work through those issues.

Second, County Budget files are the BoCC’s files. Chapter 129, Florida Statutes make clear the BoCC is responsible for annually preparing and adopting a balanced County Budget (that includes the Budgets of all County Constitutional Officers, except the Property Appraiser) and they can designate a County Budget Officer to carry out those duties for the

BoCC. The 2017 Resolution (and the prior 1980 Resolution, also attached) makes clear that the BoCC designated the Clerk to act as it's County Budget Officer and provides specific Budget Policy and Procedures that the Clerk is to follow in carrying out those duties for the BoCC. For your legal counsel to tell the BoCC that it must make public records requests to obtain the County Budget files that it needs to meet its statutory obligation to prepare and adopt a balanced budget is simply wrong as a matter of law, obstructionist and in bad faith. Your legal counsel did state that he was not familiar with the 2017 Resolution, so I agreed to provide it (it is attached to this email). If there is a misunderstanding about what files are being requested, let's work through those issues.

I ask you to confirm that you are willing to cooperate in good faith to transition the County Budget Officer duties from your Office to the BoCC's designated County Budget Officer. It is critical that we schedule a meeting of the knowledgeable persons to work through the transition details and allow the FY2024-25 Budget Process to move forward. Please let me know who to invite to that meeting from your Office, your ADG contact/support/representative and which of our IT persons (Brady, Rich?) that you and your legal counsel consulted regarding these issues. I look forward to your prompt response.

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