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Minutes of September 26th CCOC Budget Committee Meeting

Approved by the Budget Committee at the meeting held on January 21, 2020.

The Budget Committee of the Clerks of Court Operation Corporation (CCOC) held a meeting via WebEx on September 26, 2019. 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 action items based on committee direction are in **red** and bold **text**.

1. Agenda Item 1 – Call to Order and Introduction

The workshop was called to order by Clerk Ken Burke, Chair of the Budget Committee. Jason Welty, CCOC Director of Budget & Communications called the roll.

Present for meeting conference call: Clerk Burke, Clerk Smith, Clerk Bexley, Clerk Butterfield, Clerk Childers, Clerk Cooney, Clerk Crawford, Clerk Godwin, Clerk Green, Clerk Hand, Clerk Kinsaul, Clerk Moore Russell, Clerk Timmann, and Clerk Vick

Absent from conference call: Clerk Bock, Clerk Connell, and Clerk Spencer

2. Agenda Item 2 – Approve Agenda

A motion was made to approve the agenda by Clerk Cooney and seconded by Clerk Godwin. The motion was approved after no discussion.

3. Agenda Item 3 – Approval of Minutes

The minutes from the September 20, 2019 meeting were presented for approval. **Motion to approve the minutes was made by Clerk Smith and seconded by Clerk Cooney. With no discussion the motion was approved unanimously.**

The minutes from the September 24, 2019 Workshop were presented for approval. **Motion to approve the minutes was made by Clerk Cooney and seconded by Clerk Smith. With no discussion the motion was approved unanimously.**

4. Agenda Item 4 – CFY 2019-20 Budget Committee Recommended Budget

Clerk Burke requested that for this issue item a motion be made to adopt the budget recommendation and seconded and then during the discussion time, items be brought up as needed. Before the motion was made, Clerk Burke thanked Jason Welty, CCOC Budget and Communications Director, and Marleni Bruner, Senior Budget Manager for their intense work on the budget. He also thanked the Case Counting project (Clerk Cooney and Denise Bell).

Clerk Burke highlighted the Peer Groups represented on the Budget Committee and the diversity that Peer Groups large and small were represented. He noted that it is difficult work and tremendous dedication required.

Based on last year's budget, a 3% increase was given across the board to each county. Clerk Burke noted that all changes have to be looked at through what was done in the past. The Legislature, through various mechanics, provided relief to the clerks this year with additional funding. The second distribution of dollars was based on case counts. The third allocation was for those who received new judges at 1 FTE and the average FTE cost for that county. The fourth allocation of funds was based on funding requests from counties who wished to receive additional funding for a specific purpose. The remaining balance was distributed by pro rata share to each county.

Jury funding was awarded based on the work of the Jury Committee led by Clerk Vick. There is a potential for jury budget authority to change throughout the year as needed.

A motion to approve the Budget Committee's Recommendation was made by Clerk Cooney and seconded by Clerk Moore Russell.

The floor was opened to the budget committee members for discussion. Clerk Frank wanted a vote on each part of the budget separately. She wanted to know the protocol on what would be approved and denied. Was it limited to non-recurring funds? She did not think it was equitable.

Clerk Fussell did not appreciate that WebEx was cutoff and the criteria that was used to make the decisions because some people got money who did not ask for more money. Clerk Burke used the WebEx for counties to call in with their presentations. The workshop meetings have not previously been held via WebEx or conference call, so the standard was held for this meeting. Clerk Fussell thought the phone should have been left for the entirety of the process.

Clerk Burke stated that each county's request was evaluated by the Budget Committee with questions being asked. He reviewed the outcome of Duval County during the special funding request. The pension plan created under the charter for Duval County that was not funded was the main concern of Duval County.

Clerk Kinsaul pointed out that Duval has a really low cost per case. He did not fully understand that under the pro rata distribution of the remaining amount, Miami-Dade would get a portion when they got a special legislative appropriation last year.

Clerk Smith said it was his understanding that the CCOC would fund the pension for Duval to the same rate of the FRS for everyone else and the remainder would be on Duval to fund from the county. The same treatment was held for Miami-Dade since their employees are unionized. Allison Luker from Duval pointed out that the pension has been in place since the 60s and that Article V was approved long after that, it is not something new, and quoted statute as saying the state is to fund court-related FTE and the costs associate with those positions.

Clerk Frank wanted to know about the additional money to Miami-Dade. The appropriation from the state was \$1.5 M. Clerk Frank thought the money was appropriated to pay back the county and the money came from the larger counties. Clerk Burke explained that the money awarded to Miami-Dade from the Legislature was not part of the CCOC process and was from funds that would not have been in the clerks' budget process.

Clerk Barry Baker in Suwannee County wanted to thank the committee and CCOC staff for their work in helping to get additional funds and for allowing increases for the small counties. Clerk Burke mentioned that the increase in funding was due to clerks doing a great job on collections.

Clerk Fussell wanted to know if there would be a line by line explanation of how the amounts was justified. Duval was funded for 8 FTE at \$432,831.01 collections and 5 FTE for \$258,883.80 for domestic violence. Allison Luke wanted to know how was it decided to allocate the pro rata at \$2 M when additional funding requests were not met. Clerk Burke explained that it was decided upon early on that whatever funding was left over after all the funding requests were reviewed would be allocated equally among all counties. She also questioned if the committee reviewed to see if after the calculations a county was funded above their submitted needs request. Clerk Burke confirmed that it was not considered if they were over their needs request, a formula was derived, and the funding was allocated accordingly. Duval wanted their funding issues reconsidered.

Clerk Frank was under the impression that the funding requests were not to ask for pay increases. Pay increases should have been in the original budget request. Clerk Burke explained that there were no criteria placed on the additional funding request. Clerk Frank asked if she could amend her request and ask for additional funding for pay increases. Clerk Burke said it was too late in the process. Clerk Frank did not get any funding from her special funding requested. She requested that those who received funding from the special funding requests will need to be reviewed for the next year.

Clerk Kinsaul made an amendment to the current motion to move Miami-Dade's pro rata distribution to Duval County for their felony division (their third request).
Seconded by Tara Green.

Clerk Smith thought it was dangerous territory to single out one county and move their funding to another. There were 43 counties who requested and presented for special funding when all 67 had the opportunity. Several counties had issues we did not fund. Clerk Kinsaul said he thought about it a lot when he realized how low cost per case Duval was within their peer group and statewide.

Clerk Cooney pointed out that the discussion was held at the meeting and that if more was given it would come out of all 67 not just Miami-Dade.

Clerk Frank wanted to the special funding amounts to be removed and the dollars be allocated to everyone across the board.

Clerk Fussell appreciated Clerk Kinsaul's amendment. He stated that he would prefer the remaining \$2 M be allocated based on something like having a low cost per case instead of pro rata across the board.

Roll Call Vote:

Smith – No
Bexley – No
Bock – Yes
Butterfield – No
Childers – No
Connell – Yes
Cooney – No
Crawford – No
Godwin – Yes
Green – Yes
Hand – Yes
Kinsaul – Yes
Moore Russell – No
Spencer – not on the call
Timmann – Yes
Vick – Yes

The result was an 8-7 in favor of the motion. The amendment passes.

The motion as amended is now considered. Clerk Bock wanted to change her vote because she misunderstood the issue being voted on. Clerk Connell was asked to comment on parliamentary procedure. As best she could remember, you can through a motion to reconsider and may require a greater vote. She would look it up and report back. Clerk Timmann answered Clerk Bock's question that the transfer was from the pro rata share and not from their supplemental funding source.

Roll Call Vote on the motion as amended:

Smith – Yes
Bexley – Yes
Bock – left the call
Butterfield – Yes
Childers – Yes
Connell – Yes
Cooney – Yes
Crawford – Yes
Godwin – Yes
Green – Yes
Hand – Yes
Kinsaul – Yes
Moore Russell – Yes
Spencer – not on the call
Timmann – Yes
Vick – Yes

Motion passes unanimously.

The budget recommendation will now go before the Executive Council at their meeting to be held on Monday, September 30, 2019 at 10 AM via WebEx.

5. Agenda Item 5 –Other Business

Clerk Smith wanted to point out that a lot of background work went into making these meetings happen so closely together from the CCOC staff, John, Jason, and Marleni.

Clerk Cooney wanted to thank Clerk Burke on how he handled the crisis with the coming hurricane and moving the meeting then leading the meetings.

Clerk Vick wanted to echo the comments of Clerks Smith and Cooney thanking the CCOC Staff and Clerk Burke for his leadership.

Clerk Burke adjourned the meeting.
