

# CCOC

FLORIDA CLERKS OF COURT  
OPERATIONS CORPORATION

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## Minutes of August 25<sup>th</sup> CCOC Budget Committee Meeting

Approved by the Budget Committee at their meeting on 9/2/20.

The Budget Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via WebEx on August 25<sup>th</sup>, 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

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 Peacock (Chair), Clerk Smith (Vice-Chair), Clerk Bexley, Clerk Bock, Clerk Burke, Clerk Butterfield, Clerk Childers, Clerk Cooney, Clerk Crawford, Clerk Forman, Clerk Godwin, Clerk Green, Clerk Hand, Clerk Kinsaul, Clerk Moore Russell, Clerk Spencer, Clerk Timmann, and Clerk Vick

Absent from conference call: Clerk Connell

### 2. Agenda Item 2 – Approve Agenda

**A motion was made to approve the agenda by Clerk Smith and seconded by Clerk Vick. Hearing no objections, the motion was adopted by consent.**

### 3. Agenda Item 3 – Approve Minutes from July 8 and August 12, 2020 Meeting

The minutes from the July 8<sup>th</sup> meeting were unavailable at the August 12<sup>th</sup> meeting and are presented at this meeting (August 25<sup>th</sup>) for approval. Clerk Burke requested additional lines of context be added to the minutes from the August 12<sup>th</sup> meeting.

**Clerk Burke made a motion to adopt both minutes with the edits to the August 12<sup>th</sup> meeting which was seconded by Clerk Smith. A voice vote was taken, and the motion was approved unanimously.**

### 4. Agenda Item 4 – CFY 2020-21 Needs Based Budget

Clerk Peacock began the meeting by explaining that the morning session would be focused on this agenda item. After an action on this agenda item, depending on the time, there would be a break for CCOC staff to perform calculations and bring back revised figures after a lunch break.

Several committee members expressed their concerns that increases would be approved in the current reduction environment, discussed the level of weighted cases used in the proposed reduction, and the number of budget issues related to technology. Clerk Green stated that developing a needs-based budget regardless of the final funding level is beneficial when working with legislative partners.

Some committee members also expressed concern for funding issues related to cost of living increases when a 3% salary increase was included in the Base Budget calculation. CCOC Senior Budget Manager, Marleni Bruner, explained that a couple counties indicated that the final Base Budget amount was not sufficient to cover a 3% increase, while others were submitting the amount of FRS, FICA, and other benefits that would be needed to go along with the 3% salary increase in the Base Budget.

Clerk Burke stated that for some small counties the FRS increase this year could be significant. He did not want to ignore the work put into the requests but did not see how any increases could be adopted in a reduction year. Clerk Peacock stated that state agencies are required to submit funding issues regardless of available funding and feels the clerks should do the same to show what the needs are.

Clerk Russell indicated that several items were for COVID-19 related expenditures and asked that the CCOC work with FCCC, through a workshop or webinar, to assist those clerks in requesting CARES Act funding for those issues.

She also stated that several issues were related to technology and the Public Records Modernization Trust Fund revenues are not what they once were, and this is something that should be part of future legislative strategies.

Clerk Butterfield suggested that only the FRS related issues be adopted because that was a known number that could be verified.

Clerk Kinsaul stated that smaller counties are not on the same playing field as larger counties and should be handled separately, especially when it came to reductions. Clerk Peacock indicated that at the point in the meeting reductions are addresses there is a recommendation from staff on this subject.

Clerk Vick thanked the team at CCOC for their hard work and all the information they had to process. She asked why jury was included in the analysis since it is typically handled separately. Jason Welty, CCOC Budget and Communications Director, stated that he did versions with jury in at the beginning and with it added back at the end. Both will be presented for review and discussion in the afternoon session.

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Clerk Cooney agreed that something should be done for fiscally constrained counties and that a lot of counties did not ask for FRS so those should be gathered.

**Clerk Burke made a motion to adopt all FRS increases, including those related to the 3% salary in base budget, and to include counties who did not submit an issue. The motion was seconded by Clerk Smith.**

Clerk Smith asked if CCOC Staff would have time to get information to the Budget Committee by the afternoon session. Clerk Butterfield suggested an estimate could be made or that in the spirit of the motion CCOC staff could put in a suggested amount if they did not ask for something already.

Clerk Timmann suggested amending the motion to include a time certain that would allow CCOC Staff time to collect and validate the amounts from all the missing counties. The timeframe of 48 hours was suggested. Clerk Butterfield pointed out if the Committee decides to give counties 48 hours then in the afternoon session only the methodology could be adopted as the exact amounts would change. Clerk Cooney felt that if 48 hours were given to respond then nothing should be included if they failed to respond.

**Clerk Burke amended his motion to adopt all FRS increases, including those related to the 3% salary increase in the Base Budget, and counties who did not submit a request have 48 hours to submit a request to the CCOC or no amount will be entered for them. The amended motion was seconded by Clerk Smith.**

Clerk Butterfield reminded everyone that it doesn't mean you will get this funding, but that it becomes a place to start from. Clerk Russell also asked that the misidentifications previously identified be cleaned up. Ms. Bruner assured her that the FRS numbers will be cleaned up and sent to everyone for verification of the amounts.

**A voice vote was taken, and the motion was adopted with a couple dissenting votes.**

Clerk Peacock stated that during the discussions and questions he heard several themes and one that he wanted to address was the remaining funding requests.

**Clerk Butterfield made a motion that recognized the funding requests as valid requests for a needs-based budget but would not be used for the reduction exercise, which was seconded by Clerk Cooney.**

Clerk Green stated that is imperative that the needs-based budget is captured. She assured clerks it was not a waste of time to submit requests for items that cannot be funded, and the information will be used for messaging with legislative partners.

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Clerk Newton stated that he only requested for items that were outside is control such as health insurance increases, leave payouts, and longevity bonuses mandated by the county.

Clerk Vick asked if the motion would conflict with impact on fiscally constrained counties. Clerk Peacock assured her that was part of the afternoon session regarding reductions. The committee will determine which components will be used and at the end there would be an adjustment for fiscally constrained counties. Mr. Welty gave a definition of fiscally constrained counties from statute.

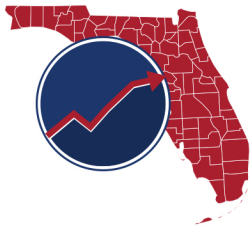
Clerk Frank encouraged the committee to tell the legislature our needs, early and often.

**A voice vote was taken, and the motion adopted unanimously.**

Clerk Russell inquired about the funding requests related to jury and Clerk Peacock explained that with the current method of rolling over funds from one quarter to the next, the CCOC will not lose any funding. The April – June 2021 quarter could potentially lose funding if there are not enough expenditures but the CCOC will follow it closely. Clerk Peacock asked that Clerk Vick and CCOC staff continue to monitor the situation and bring back to the Budget Committee as needed.

Clerk Butterfield asked for clarification on whether the jury numbers will be used. Clerk Peacock stated that Mr. Welty will run the numbers with and without jury. Once the Budget Committee sees it done both ways, they can decide which to adopt.

Clerk Peacock thanked everyone for being respectful and adjourned the meeting until 1:00 PM Eastern.



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### 1. Agenda Item 1 – Call to Order

The afternoon session of the meeting was called to order at approximately 1:00 PM by Clerk JD Peacock, Chair of the Budget Committee. Marleni Bruner, CCOC Senior Budget Manager called the roll.

Present for meeting conference call: Clerk Peacock (Chair), Clerk Smith (Vice-Chair), Clerk Burke, Clerk Butterfield, Clerk Childers, Clerk Cooney, Clerk Crawford, Clerk Forman, Clerk Godwin, Clerk Green, Clerk Hand, Clerk Kinsaul, Clerk Moore Russell, Clerk Spencer, Clerk Timmann, and Clerk Vick

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

### 2. Agenda Item 5 – CFY 2020-21 Revenue-Limited Budget

Clerk Peacock explained that during the break the team at CCOC revised the spreadsheets that were originally distributed in the packet. He asked Jason Welty, CCOC Budget and Communications Director, to give an update on the total request, minus any amount from FRS that is still to come in. Mr. Welty explained that the total request is \$459 M which includes the amount for jury. The anticipated revenue for the year is \$421 M; therefore, the deficit is \$37.9 M. This is a reduction of 8.26%.

Clerk Peacock explained that the draft example included a three-part reduction. There would be a component of an across the board pro-rata reduction, a reduction component using audited case counts by weighted cases statewide, and a third component that used the weighted cases in the new 8 Peer Groups to produce a reduction. Each component was done as a third of the total required reduction.

Clerk Peacock explained that this is a starting place. There have been conversation and opinions expressed on each of the components, but no additional ideas have been brought forward to CCOC staff. There was feedback related to jury and Mr. Welty has an example to see when jury is not included on the front end. Each component can be used singularly, and Mr. Welty has examples of that to present as well.

Mr. Welty sent the spreadsheets out to Committee members, clerks, and their staff statewide before he began his explanation of the spreadsheets. It took some time for the spreadsheets to make their way through the internet and to appear on the WebEx. He reviewed each of the options as requested.

Clerk Vick and Clerk Smith asked about the mathematical formula for taking the reduction. Mr. Welty explained that a double cut based on your percentage of the total budget with half added back based on weighted cases was needed to get the correct reduction applied correctly. The percentage cut is based on an allocation of case counts and not across the board, so this mathematical process is needed to get the reductions in the proper places.

Clerk Green asked for explanation of the reduction amount for this component. Clerk Peacock explained that it is one-third of the total reduction. If a single option of the three were presented it would be the total 8.26% reduction. Of that dollar amount, \$37.9 M, a third is applied to each of the three components, resulting in \$2.75% each, for \$12.6 M. Clerk Butterfield further clarified that the methodology presented, if adopted by the Budget Committee, would take three components to get to the total reduction.

After further clarification and explanation, Mr. Welty went on to explain the third component, which is a reduction based on weighted cases in Peer Groups. Clerk Cooney asked if this component included county funding. Mr. Welty answered that it did not include funding from the county to support the court-related budget. Clerk Cooney stated that if that additional funding is not included, then it is not a true cost per case comparison. Clerk Cooney felt this was adding another factor to the calculation when not including all funding sources.

Further discussion took place on this component explaining the use of the new peer groups, the weighting on civil traffic at a 1.5, and the differences that are shown between counties in the same peer group. Clerk Butterfield felt that new peer groups did not include enough information to use as a reduction method.

Clerk Cooney suggested that the weighted cases statewide be used more than the peer group comparison, but still cautioned it should not be used too heavily as not all standard deviations have been investigated.

Clerk Kinsaul recommended using the FTE counts when comparing these figures to get a better picture of the county situation.

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Clerk Peacock opened the floor to questions from anyone on the call. Clerk Alvarez-Sowles asked if the deficit included funding requests and was told that it only includes those related to FRS. She stated that she would support other reduction methods.

Clerk Green indicated that the PIE Committee has agreed to continue to look at the case weights that may help in the future with this conversation.

Clerk Vick asked if this option was not used, what are the other options? Clerk Peacock said the Committee could chose to only use the remaining two components and decide what percentage to use for each. Clerk Vick stated that any method used to distribute dollars should be valid to use for reductions as well.

After further discussion the first two components were recommended for use with discussion taking place on the percentage. Some committee members recommended 60 percent of the total deficit taken across the board and 40 percent using weighted cases statewide, while others recommended the opposite, 40 percent across the board and 60 percent weighted cases.

Questions also arose over the impact to fiscally constrained counties. Clerk Butterfield wanted to remind everyone that a lot of work on weighted cases has pointed out that the case mix is the biggest cost driver for counties. She did not want the lose sight of the importance of case mix to workload which equates to cost.

Clerk Peacock explained that the total reduction of the 29 fiscally constrained counties totals about \$3 M which would have to be distributed back to the remaining counties.

Clerk Butterfield stated if the fiscally constrained counties would be held totally harmless in the reduction then she was not comfortable leaving the 3 percent salary increase in the base budget on principal. Many committee members agreed.

Clerk Kinsaul asked for a definition of fiscally constrained counties, which Jason read from statute and adding a column with the designation on the spreadsheet. Clerk Butterfield also wanted to make sure that no fiscally constrained county received a budget larger than their current year budget.

Further discussion took place regarding this concept including making sure the FRS amounts are collected from these counties and Clerk Cooney stated his preference for the fiscally constrained counties to keep their FRS increase if the 3 percent salary amount would be removed.

**Clerk Kinsaul made a motion to adopt the across the board reduction at 60 percent of the total deficit, the weighted cases reduction at 40 percent of the total deficit, hold fiscally constrained counties harmless from the reductions but remove the 3 percent salary from the base budget calculation, allow fiscally constrained counties**

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to retain their FRS increases, but cap them to no more than their current approved budget authority, and to allow Mr. Welty and CCOC staff to make technical changes. This motion was seconded by Clerk Burke.

Mr. Welty was asked to bring back the final calculation to the Budget Committee for ratification. It was also mentioned that counties should get their FRS amounts to CCOC staff by close of business on Thursday to give staff time to finalize the calculation. CCOC Staff was directed to provide technical reviews of the amount submitted and to bring back any anomalies that may need discussion.

Clerk Cooney asked if this had jury in the beginning and was told that it did. His recommendation is that it be taken out and added back at the end. **Clerk Kinsaul amended his motion to indicate as such, and Clerk Burke, as the seconder, agreed with the amended motion.**

After further comments from those on the call, a voice vote was taken. **With no objections the motion was adopted unanimously.**

Clerk Peacock requested CCOC staff to send out a doodle poll with a few dates and times for a follow-up meeting.

Clerk Vick thanked the CCOC staff for their hard work. Clerk Butterfield stated that while she stills hopes assistance will come from the Governor and Legislature, she hopes it will be able to be used in the next fiscal year. She encouraged committee members to beginning thinking about how any assistance would be allocated.

Clerk Burke asked under what authority additional funding would be spent. Unspent budgeted funds can be rolled into the next fiscal year as currently allowed in statute. Clerk Peacock explained that there was a \$20-30 M deficit in the current fiscal year so we would have to exceed that amount before any was split with the state's General Revenue. He felt that any money received would be tied to something specific and come with emergency authority for distribution.

### 3. Agenda Item 6 – Other Business

Clerk Crawford presented a unique situation wherein Nassau County received a judge in the middle of the current county fiscal year but never any dollars associated with that move. To date, the Budget Committee has only addressed statutorily authorized new judges for the upcoming fiscal year.

Discussion was had on what the Budget Committee had done in previous fiscal years. John Dew, CCOC Executive Director, stated he would pull some historical information regarding a policy the Budget Committee may have used in the past. **Clerk Peacock directed CCOC staff to include this as an agenda item for the next meeting.**

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Clerk Vick cautioned that just because a judge is moving does not mean the workload is moving. Clerk Peacock stated that it would be brought before the committee at the next meeting for proper discussion and possible policy adoption.

Clerk Peacock thanked everyone and adjourned the meeting at 3:27 PM