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Minutes of November 04, 2024, PIE Committee Meeting

Committee Action: Review and approve with amendments, as necessary.

The Performance Improvement and Efficiencies Committee of the Clerk of Courts Operation Corporation (CCOC) held a meeting via Zoom on 11/04/24 at 1:00pm. An agenda and materials were distributed and posted on the CCOC website before the meeting. Provided below is a summary of staff notes from the meeting. These staff notes are designed to document committee action, not to be a complete 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.

Agenda Item 1 – Call to Order and Approve Agenda

The meeting was called to order by Chair Laura Roth. Johnny Petit, CCOC Actuarial Performance Analyst, called the roll.

Present for meeting [Webex]: Laura E. Roth, Esq. (Volusia), Chair, Doug Chorvat, Jr. (Hernando), Gary J. Cooney, Esq. (Lake), Brenda D. Forman (Broward), Tara S. Green (Clay), Crystal K. Kinzel (Collier), Michelle R. Miller (St. Lucie), Victoria L. Rogers (Hardee).

Absent from the meeting: Stacy Butterfield, CPA (Polk), Matt Reynolds (Putnam), Clayton O. Rooks (Jackson), Angela Vick (Citrus).

Chair Roth mentioned she would like to move agenda item 3, down to after agenda item 5. She also mentioned the new PMAP report would be done by that Friday and would be voted on via email.

A motion to approve the agenda with the proposed edits was presented was made by Clerk Kinzel and seconded by Clerk Miller. The motion was approved with no objection.

Agenda Item 2 – Approve Minutes from 06/26/24 Meeting

The minutes from the 06/26/24 PIE Committee meeting were presented.

Clerk Kinzel had a few edits to be made. On page 8 she requested a change to the second paragraph from “two people” to “two clerks in the courtroom”. On page 12 a change needed to be made to the second paragraph to remove the word “not” in the first sentence, to now say “it had been inadequate”.

A motion to approve the minutes with the proposed edits was made by Clerk Miller and seconded by Clerk Kinzel. The motion was approved with no objection.

Agenda Item 3 – PMAP Update

Chair Roth called on Mr. Petit to present the PMAP Update.

Mr. Petit mentioned they were still seeing the same trend where action plans were decreasing, which was a good thing. They also had 10 counties who did not require an action plan at all. He reiterated Chair Roth's comment that they would not be approving the PMAP report in that meeting, it would be sent via email to be voted on once completed on Friday.

Clerk Kinzel asked if those were posted on the website by county. Mr. Petit replied that the PMAP report was not done by county, but they had the county results included in the report. Clerk Kinzel asked if this report was available online or if it could be sent to her. Mr. Petit agreed to send it to her but also mentioned the report was available via the link under agenda item 4 in the packet. Chair Roth mentioned it was also available on the CCOC website.

Chair Roth commented that in the upcoming meetings they would be discussing the PMAP report in more depth, because Mr. Petit proposed some good ideas for additional elements to be added to the action plans.

Agenda Item 4 – Cases and Subcases Update

Mr. Petit stated that for quarter 4 they had seen overall improvements in going from 5.14 million to 5.16 million for the cases' year-over-year total in CFY2023-24. This was the first time they were above the pre-pandemic levels for quarter 4. Civil cases were the only ones that did not increase, which was because the small claim cases were down by 64%. Criminal cases were still not as high as before the pandemic, but they were still the highest they had been in the past 3 years.

Chair Roth shared some personal excitement in seeing Civil Traffic cases exhibiting a 10.27% increase from 2022-23 and some increase from before the pandemic. She also congratulated all the small claims or PIP counties, because the TORT reform bill seemed to be causing a shift and removing the semi predatory cases.

Clerk Green was curious on the 100% dip in Jefferson County, she asked the previous clerk to help her clarify that result. Mr. Welty explained that Jefferson County did not do any CCOC reports for the previous year. Clerk Green mentioned that Glades County had a significant increase in cases, so she was just curious as to what was happening. Chair Roth mentioned she was unsure where Clerk Cooney was on case counting, but that may have been something he could have had insight on.

Chair Roth recognized Jason Welty as the new executive director of the CCOC and mentioned that it was important to mention that to the PIE Committee because while Mr. Welty was assisting Jefferson County, the committee agreed to put a pin in their more ambitious asks due to the loss of a CCOC team member. With his return they could really figure out how they wanted their program to work and what big issues they would like to tackle.

Agenda Item 5 – Annual Workgroup Schedule

Chair Roth mentioned the annual workgroup schedule item was largely a discussion involving Clerk Green and Clerk Cooney due to their involvement with the associated committees. She recapped their agreement from last meeting that they would establish a standing workgroup to coordinate with the

already existing workgroups titled the PAC framework workgroup because the PAC recognized their duties and would then feed into case weights and the associated budget. She mentioned the main goal was to remove the surprise they had received in the past of when they would know their budget amount, when legislative session was over, when the REC had met to estimate the revenues, and when the budget committee had met to then decide how the money was to be distributed. She wanted to remove the mystery of scheduling as far as budget considerations. What she was hoping to ultimately achieve was to sit down with that schedule and see when they would need their reports and verification that case weight and case counts had been worked out as well as that PAC had accomplished its task and fed into those groups. They would need that to be done in a timely way because in the past when it came to budget time, many people could not align the data due to it not being finished or there was a lack of trust for case weights, or the PAC had not been updated, etc. She was open to considerations but thought there should be some deadlines.

Clerk Green stated she was interested to see what Clerk Cooney's thoughts were since he had the bulk of the complicated work, however she mentioned that the last REC was in July, so in August was when they would look at those results. Their budget issues were due in June, so she thought it would be nice that by the time they met as a budget committee to set the budget, they had all that information be updated, current, and available. In her opinion, the PAC framework would take some work in the beginning to make sure they are up to date with all the legislative changes as to types of cases or work requirements within a particular case. She thought they needed to resurrect that workgroup to even look at the value of PAC framework and what kind of future workload would it create and how to keep up with it. If it is not kept up with it would not be a useful tool. She assumed the case weight would rely on the PAC framework being updated to accurately determine case weight.

Chair Roth clarified that it would not be as important to determine a specific schedule but to determine the order in which the specific changes needed to be made. She was unsure how it related to case counting but did mention that it was apparent that the PAC framework would be one of the first deliverables before case weights. She called on Clerk Cooney to understand what he thought would be feasible to go first.

Clerk Cooney stated that he did not think the PAC framework had much to do with the case weights. When they put together the PAC framework originally it was based on the experiences of a lot of experienced deputy clerks across the state and it was comparison based. In his estimation, a new framework would simply flesh out everything that group put together. Initially they identified everything that they did, then he attempted to put authorities behind those tasks. Ultimately what he thought should happen with that framework for them to use it, they would need to find all the authorities for every task they do. He thought its real value was in determining what clerks do and don't do, and what things clerks were doing that are not required, and vice versa. As far as case weighting, the group of deputy clerks under Clerk Green's leadership in the workgroup did an independent comparison test with 7 different counties reporting how much time they spent, as clerks, on those types of cases. Out of the 7 counties, there was very little deviation as reported by those deputy clerks reported as far as workload. He was not sure that the PAC framework needed to be updated before they did the case weighing.

Chair Roth mentioned they were ending up in a difficult spot, because when it came time for the budget committee meeting, everyone was untrusting of the case weights since the PAC framework had not been updated.

Clerk Cooney disagreed and mentioned when the PAC framework was developed it had nothing to do with case weights. Chair Roth replied that if they were saying case weight was based on workload, the PAC framework would be outlining what the work was. She thought the PAC should be updated and outline/showcase the framework of each case. She gave the example of when there was a new case type, how would they weigh it without any documentation of what that would entail. That was why it had been mentioned previously during budget committee time that the PAC framework needed to be updated first, therefore case weights were documented, and then cases were counted.

Clerk Green mentioned PAC needed to be updated first because any changes in types of cases with additional duties, could cause a change of even half of a point, but at least they looked at it. In some cases, it did not mean there would be more work, but it would at least give them a mechanism to capture it and identify that there would be a change affecting a certain body of work in the case, either neutrally, positively, or negatively. It was just a check and balance in her opinion. She thought annually it would not be difficult to keep up to date with it as their statutory rule or a little “bible” that governed what they were required to do based on who was stating the requirement. She replied to Clerk Cooney saying she still thought knowing all that information did help determine how the weight on a case changed. Chair Roth chimed in saying it may not always change the case weight if an additional task was added, but they wouldn’t get told the data was untrustworthy at budget time.

Clerk Cooney stated that the problem with budget time and numbers was the same as they had every year. He gave the example of their current budget year, Clerk Russel worked very hard to find a mechanism to decide the budget without looking at the numbers, but at the last minute it was torpedoed due to members being unhappy with the amount they would receive. Chair Roth mentioned in those cases they blamed it on the numbers being inaccurate.

Clerk Cooney stated that on case weights, if the case weight workgroup wanted to ultimately change the weight of a civil infraction for example, if everyone then counted it the same, it did not matter to him. It was all done to ensure the case weights were the same across the board.

Chair Roth was asking if they could at least just have a schedule where the framework has been looked at. At budget time the problem was always that it was not reviewed, and they were unsure if it was accurate. Clerk Cooney did not agree with the idea of the schedule. He mentioned when they did the case counts and the standard deviations, their first problem is that there are clerks who don’t report timely. He explained the process they must go through to get clerks to submit things that were required by statute. It takes lots of time to describe to some clerks what it is they were looking for, what it is they should’ve done as required by statute, to then report the information to the workgroups, while during that time, the budget process is moving along.

Chair Roth asked if there was a current schedule in place when going through that process. She also mentioned Mr. Welty could also assist in the process by possibly meeting with some clerks to ensure they are meeting their statutory requirements. Case counting sounded like took the longest time, so

that should be the first thing done and the earliest time frame. She asked Clerk Cooney when they usually got started with the case counts.

Clerk Cooney mentioned they got the case counts early in the year, then they start working on them. It is usually the first to get worked on yet the last to be finished. Chair Roth clarified that it takes off during the beginning of the year. Clerk Cooney agreed. He explained their process for case counting. He stated that for some reason, some members of the budget committee were very driven on how any key decision would affect their county, not if it was a good policy or not.

Chair Roth mentioned clerks have a hard time voting on any budget distribution based on something not done yet or that is inaccurate/outdated. Clerk Cooney did not think the problem was whether it was inaccurate or outdated. Chair Roth just wanted to clarify when the work kicks off. She asked when they did case counting if they used the data from the prior fiscal year. Clerk Cooney agreed. Chair Roth stated that they could not kick off until after October 1st. Clerk Cooney agreed. She also called on Mr. Welty to see if he had any ideas, because if they were to start in October, they don't start talking about those things in budget meetings until July/August. She mentioned there needed to be some solutions because there was a very long turnaround rate.

Clerk Green recognized Clerk Cooney's comment about year over year, now that they were going in the right direction with having more revenue to share among clerks to get fully funded. So now it was very important to have a standing set of criteria that would equalize everybody the best they could, so the funds could be shared fairly with their budget authority. As the incoming budget chair, she knew that was a topic they would discuss in upcoming budget committee meetings. The overall goal was to rectify the subjectivity year over year. The budget committee would be working to come up with a more objective set of criteria, including a weighted workload measure to make things as equal as possible.

Clerk Cooney believed that the case counting workgroup should be under Clerk Green since it is a direct driver of budget along with case weights. Chair Roth asked if he meant he did not think case weight and case counting should be in the PIE committee. Clerk Cooney agreed.

Clerk Green stated that it could be from a philosophical "how is it done" standpoint in PIE, but the application of it would be in the budget. Chair Roth proposed they could make more systemic changes so clerks can count on case counting to get done in a shorter time frame. She asked if they could have a schedule so that PAC framework and case counting could be done first and have those two groups have their review done by a certain time, most likely end of July. She mentioned they could have a deadline for PAC framework and case weight, since case counting had so much work associated with it.

Clerk Green mentioned that she thought case counting was just as important. She asked Clerk Cooney if they used case counting for their weighed workload measure. Clerk Cooney agreed. Clerk Green mentioned that would probably be a variable that stuck with them throughout the budgeting process, so having that number accurate is just as important. Chair Roth called on Mr. Welty to start thinking of a solution for more responsiveness with case counting.

Clerk Kinzel recognized Clerk Cooney's commentary and mentioned she had been very vocal about the weighted cases being behind because she thought the data was very important. Her biggest frustration with it being 6 years old was that they set a framework and when they got to the budget committee,

they consistently prorated based on the 6-year-old data, without considering where other counties may have grown or not. She did not like using it as the single basis because that was not what the statute said, the statute said they needed to use several factors to include in the budget. She thought a lot of clerks simply did not understand it. Understanding the intricacy of what went into the budget was very important for the other clerks to know. She thought both elements were very important, the formula should be transparent, and it should be reviewed, as well as the data should be addressed annually by the committees.

Chair Roth reminded the committee that while they were saying it was important; they had applied everything to do with case weights or case counting, and the most it was every applied was 50% of just the excess. Clerk Kinzel thought it would still give them more of a basis to go back and defend what they really should have been looking at for the budget allocation, because they had equal dissatisfaction about the money that was being awarded. Chair Roth agreed that if there was more transparency on the numbers, then maybe they could apply it to the base budget.

Agenda Item 6 – PAC framework/Case Weights Work Group Updates

Chair Roth called on Clerk Green to present her update.

Clerk Green mentioned the goal was to get the committee members back on, get an agreement (or disagreement) on moving the PAC framework forward as far as updating. She hoped they would have an aggressive team that could clean it up and update it. She also believed the PAC needed to be reviewed annually. There could be no changes one year, but a lot the next depending on legislation and other factors.

Chair Roth mentioned that their first meeting was December 19th and asked Clerk Green if she thought they could realistically create a schedule to have in mind.

Clerk Green agreed. She stated that in that first meeting, if they all agreed to move forward in updating the PAC, then it would be done by a goal date. She did not think it would be too much work, other than it hadn't been done in a while and they would need to have an organizational meeting to bring everybody up to speed, as well as find experts that could identify any changes that needed to be made. She mentioned she would work with Mr. Petit and put out a proposed timeframe during the December 19th meeting. She would want it done by the 1st quarter of 2025.

Chair Roth suggested they put on the agenda for the next meeting to come back to those deadlines and how they were looking based on what the PAC framework committee worked out in their meeting. She also asked Clerk Cooney if assuming the updates were done by the end of the 1st quarter, if he had any problems with the case weights committing to the case weight workgroup and completing those case weights prior to when budget met in July/August.

Clerk Cooney responded saying it was Clerk Green's committee that originally put down the case weights "road". He mentioned he did the case counting which used the case weights. Clerk Green mentioned case weights typically fell under framework because if anything changed at a case type level, then that's when the potential weight change would be discussed.

Chair Roth asked if they should make it the PAC framework/case counting workgroup. Clerk Green asked if Clerk Cooney would be willing to be on that workgroup. Clerk Cooney agreed.

Chair Roth mentioned their biggest problem was getting engagement in the case counting workgroup tightened up. She asked Mr. Welty if that was something he could add to his radar.

Mr. Welty stated they could do better on that at CCOC. The best he did on a previous year was he got the data to Clerk Cooney by December, but he thought they could do a better job at closing out their fiscal year, to then get the data to Clerk Cooney, and be able to start case counting much earlier.

Chair Roth also suggested they could be thinking through if there could be any heightened staff assistance as far as working with other clerks' offices.

Mr. Welty gave the example of when he was in Jefferson County, he did not have any staff that knew how to work with the CCOC reports. He mentioned helping fix that was a long-term goal of the CCOC, but he thought it was something they could begin to put into practice, because some of the counties that were the latest in reporting were those smaller counties with very little staff. Now that he had some experience with it, it was something they could begin to work on where he could potentially help some counties with the reports if needed, so they could get it done in a timelier manner.

Chair Roth appreciated that because any support would be helpful.

Agenda Item 7 – Other Business

Clerk Green mentioned she thought they needed to have a workgroup to reevaluate the performance measured standards. She asked Chair Roth if she had any plans to resurrect that.

Chair Roth replied saying they agreed to put that off while Mr. Welty was gone, so now that he was back, they would soon return to a more aggressive agenda. She reminded the committee that the next meeting would be important since they would be presenting the PMAP suggestions, so maybe by that next meeting they could begin to talk about Clerk Green's suggestion.

Mr. Welty mentioned they still had a couple of vacancies at CCOC that he was attempting to fill quickly. As they did that, they could take on more work.

Chair Roth asked if there were any objections to canceling the December PIE Committee meeting. There was none.

Mr. Petit mentioned to Clerk Green that he had already begun to work on the future of performance, which was tabled, but he would send her what he'd done thus far. Chair Roth asked to also be sent that information.

Clerk Roth asked if there were any questions, comments, or further business that needed to be addressed. Hearing none, Clerk Roth adjourned the meeting at 2:09 PM.