

**District Court of Appeal Budget Commission
Video Conference
August 23, 2013**



Members Present

Judge Alan Lawson, Chair
Judge Joseph Lewis, Jr.
Judge Clayton Roberts
Judge Charles Davis, Jr.
Judge Stevan Northcutt
Marshal Veronica Antonoff
Marshal Charles Crawford
Judge Richard Suarez

Judge Frank Shepherd
Judge Dorian Damoorgian
Judge Vincent Torpy
Judge William Van Nortwick, Jr.
Marshal Stephen Nevels
Marshal Jo Haynes
Marshal Daniel DiGiacomo
Judge Cory Ciklin

Members Absent

Judge Linda Wells

Others Present

Lisa Goodner, Theresa Westerfield, Dorothy Wilson and other OSCA staff

Special Note: It is recommended that these minutes be used in conjunction with the meeting materials.

Agenda Item I.: Welcome and Approval of Meeting Minutes

Judge Alan Lawson welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 2:00 p.m.

Judge Lawson reviewed a correction to the draft minutes for June 20, 2013. Judge Lawson asked if there were any other revisions to the June 20, 2013 meeting minutes. A motion was made by Judge Torpy to adopt the minutes as amended. Judge Northcutt seconded and the motion was passed without objection.

Agenda Item II.: FY 2012-13 Wrap-up

A. Salary Budgets

Dorothy Wilson presented the Salary Budgets as of June 30, 2013.

B. Operating Budgets

Ms. Wilson reported on the status of the FY 2012-13 operating budgets as of June 30, 2013.

C. Trust Fund Cash Statements

Dorothy Wilson reviewed the trust fund cash balances as of June 30, 2013.

Agenda Item III.: FY 2013-14 Budget Update

A. Salary Budget and Payroll Projections

Dorothy Wilson reviewed the start up salary budgets stating the final estimated liability at full employment is \$346,309 over the appropriation. She noted the appropriation includes estimates for adjustments to health, retirement and the across the board rate increase. These figures will be revised once the actual adjustments have been released.

Ms. Wilson remarked the projected law clerk pay plan liability was calculated using input received from the Marshals who confirmed the accuracy of the projections with additional information regarding law experience that impacts when incentive/increases are eligible. Judge Lawson commented that the law clerk plan does not include the vote from the June 20, 2013 meeting approving to put forth a plan to equalize salary minimum and maximum for DCA and Supreme Court Law Clerks, adjust the minimum by five percent, and add a 4th level Career Attorney II at ten years.

B. Budget and Pay Policy Recommendations for Chief Justice's Budget and Pay Memorandum

Theresa Westerfield and Dorothy Wilson reviewed the Budget and Pay Memorandum. Judge Lawson remarked Vision 2000 Committee should be added to section 4.b. Supreme Court-Appointed Committees of the memorandum. Judge Roberts motioned to approve the Budget and Pay Memorandum as amended. Judge Damoorgian seconded and the motion passed without objection.

C. Salary Exception Requests

Theresa Westerfield presented the Second District Court of Appeal exception request to hire a judicial assistant at 10% above the minimum. Judge Davis stated the Second DCA had previously waived having a competitive salary differential (CAD) and noted with a CAD in place there would be no need for the salary exception request. Judge Roberts suggested instead of granting exceptions we should look into the policy. Lisa Goodner commented the Budget and Pay memo reflected to hire at minimum back when the budget shortfalls began. Judge Lawson recommended the DCABC revisit this issue, looking at the policy to potentially allow hiring at 10 percent above the minimum if employee vacating the position makes more than 10 percent above the minimum. Judge Damoorgian motioned to approve the salary exception request from the 2nd DCA. Judge Torpy seconded and the motion passed without objection.

Agenda Item IV.: FY 2013-14 General Revenue and State Courts Revenue Trust Fund Revenue Projections

Alex Krivosheyev reported on the Article V Revenue Estimating Conference stating that GR is anticipated to continue to grow and foreclosures are expected to decline resulting in a decline in SCRTF. Lisa Goodner remarked that the \$87.6 million in trust fund authority is all salaries.

Agenda Item V.: FY2014-15 Legislative Budget Request

A. Enhancing Existing Resources: Pay Issues

Theresa Westerfield presented the Salary Equity and Salary Flexibility issue stating the judicial branch does not have the flexibility as do some executive branch agencies. She further explained that at its August 3, 2013 meeting, the Trial Court Budget Commission (TCBC) voted to recommend the filing of an LBR issue for a six percent salary increase with a portion to address salary equity and a portion to address salary flexibility. In addition, she reported that the Supreme Court Budget Oversight Committee, at its August 19, 2013 meeting, agreed with the TCBC recommendation. The DCABC was provided with charts reflecting the costs of an overall need of 11.45% over current rate by budget entity and reflecting a breakdown of the cost of 6% of salary costs over current rate with a 3.5% in equity (across the board) and 2.5% in flexibility (to address critical salary issues).

Judge Lawson commented if the DCABC approves to put forth this issue that he does not feel the DCABC should pursue the other pay issues requested for consideration at this time. Judge Torpy motioned to table all other pay issues at this time. Judge Damoorgian seconded the motion. A roll call vote was taken and the motion passed without objection.

Judge Torpy motioned to file an LBR issue as proposed by the TCBC for salary equity and flexibility with a notation that they prefer to request the entire amount needed for the 11.45% (\$18,828,193), if funds are available. However, the DCABC would agree to \$9,866,302 (6%) in the first year as part of a two-year implementation. Judge Damoorgian seconded and the motion passed without objection.

B. and C. Operating and Fixed Capital Outlay Issues

Dorothy Wilson presented the operating and fixed capital outlay issues. Judge Lawson remarked that under the certification of new judgeships issue the branch would be asking for two new judges for the 2nd DCA which would include new attorneys as well. The 2nd DCA withdrew the operating issue for two new career attorney positions. Judge Torpy motioned to approve all issues. Judge Roberts seconded and the motioned passed without objection.

D. Certification of New Judgeships

Dorothy Wilson presented an informational update on the certification of new judgeships stating that due to the September 6, 2013 request deadline, staff recommends the Commission vote concerning the requests for new judgeships during the week of September 9, 2013 through email.

E. Discussion and Priority Determination of LBR Issues

Dorothy Wilson presented the priority determination of LBR issues for review. Judge Shepherd requested the 3rd DCA issue to acquire and install an emergency generator system be moved from 2-critical to 1-mandatory. Judge Shepherd motioned to accept classification listing with the one modification and to combine all operating issues into one issue totaling \$468,000. Judge Northcutt seconded and the motion passed without objection.

Agenda Item VI.: Adjournment

With no other business before the Commission, the meeting adjourned at 3:24 p.m.