

**District Court of Appeal Budget Commission**  
**Video Conference Call**  
**Meeting Minutes**  
**June 18, 2018**



**Members Present**

Judge Jonathan Gerber, Chair

Judge Clayton Roberts, Vice Chair

Judge Bradford Thomas

Judge Edward LaRose

Judge Stevan Northcutt

Judge Leslie Rothenberg

Judge Barbara Lagoa

Judge Spencer Levine

Judge Jay Cohen

Judge Wendy Berger

Marshal Kevin Taylor

Marshal Jo Haynes

Marshal Veronica Antonoff

Marshal Daniel DiGiacomo

Marshal Charles Crawford

**Others Present**

Judge Stephanie Ray, Kristina Samuels, PK Jameson, Eric Maclure, Dorothy Willard 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 Opening Remarks**

Judge Jonathan Gerber welcomed members and called the District Court of Appeal Budget Commission (DCABC) meeting to order at 3:30 p.m.

Judge Gerber inquired if there were any edits to the May 22, 2018, meeting minutes. With no objections, Judge Gerber noted the minutes unanimously approved.

**Agenda Item II.: Fiscal Year 2017-18 Salary Budget**

**A. Salary Budget**

Dorothy Willard presented the Salary Budget as of May 31, 2018, stating the adjusted liability under salary appropriation at full employment was \$804,366. Judge Rothenberg asked if the excess funds would revert. Ms. Willard stated no, the excess funds would be unspent State Courts Revenue Trust Fund (SCRTF) Authority.

Judge Rothenberg asked if these funds could be used for Fiscal Year 2017-18 redistribution. Ms. Willard indicated they could, with DCABC approval. Commission members inquired if a distribution could be made effective June 1, 2018. Beatriz Caballero reported the monthly payroll deadline as June 20, 2018, and the supplemental payroll deadline as June 22, 2018. Judge Gerber then suggested the meeting continue through Agenda Item III.; thereafter, Agenda Item II.A. can be readdressed and Judge Rothenberg's suggestion be considered further.

***Return to Agenda Item II.A.***

Judge Gerber asked Judge Northcutt how much rate he felt could be distributed. Judge Northcutt indicated a minimum of \$100,000 for \$20,000 per court. PK Jameson and Dorothy Willard agreed, and Ms. Willard added with benefits, the salary cost would be \$115,910.

Judge Gerber asked OSCA staff if there were any issues with the suggestions thus far. PK Jameson reported the Budget and Pay Memorandum states the effective date of actions may begin the first day of the month following the Chief Justice's approval of a rate distribution plan, therefore a waiver would need to be requested and obtained from the chief justice to implement a June 1, 2018, effective date.

Judge Northcutt moved to provide a rate distribution to each district court of appeal in amount of \$20,000 per court, with a June 1, 2018, effective date. Hearing no objections, the motion was unanimously approved.

Judge Gerber requested each court provide their distribution lists to he and Dorothy Willard by close of business June 19, 2018. Once all requests are received, he will submit the DCABC's request to the Chief Justice.

Beatriz Caballero recommended the courts use a criteria in determining rate recipients, and noted the criteria does not need to be uniform across the courts. PK Jameson asked Ms. Caballero to provide examples of criterion to the courts via email, for reference.

**B. 1<sup>st</sup> DCA Promotional Increase Exception Request**

Judge Gerber asked Dorothy Willard to present the issue and Judge Thomas to then provide follow-up. Ms. Willard provided an overview of the request, to approve 5% over the minimum of the Chief Deputy Clerk class, at an appointment rate of 60,711 for position number 000068. *Please note, this position was incorrectly identified as position number 004395 in the meeting packet.* Judge Thomas concurred with Ms. Willard's presentation of the issue.

Judge Rothenberg asked how this increase compares to Deputy Clerk positions across the courts. Judge Thomas indicated this position would still be the lowest paid.

Judge Northcutt moved to approve Option 1. Hearing no objections, the motion was unanimously approved.

**C. 1<sup>st</sup> DCA Promotional Reclassification Exception Request**

Dorothy Willard presented an overview of the request, to reclassify position number 000057, from a Deputy Clerk I to a Deputy Clerk III using the funds available from position number 004395, which is currently vacant.

Judge Thomas moved to approve Option 1 with amended language to include elimination of position number 004395, via the legislative budget process. Hearing no objections, the motion was unanimously approved.

**D. Positions Vacant Over 180 Days**

Dorothy Willard presented the Positions Vacant over 180 Days as of May 31, 2018, and noted there are actually a total 11.5 unfunded FTE, with 9.5 being held in Reserve and 2.0 on loan to the 3<sup>rd</sup> DCA.

**E. Operating Budgets**

Dorothy Willard presented the FY 2017-18 Operating Budgets as of June 18, 2018.

**F. Trust Fund Cash Statement Overview**

Dorothy Willard presented the Administrative Trust Fund (ATF) Cash Analysis and reported the cash balance as of May 31, 2018, was \$414,335.

**Agenda Item III.: FY 2018-19 Budget**

**A. Start-Up Salary Budget**

Dorothy Willard presented the FY 2018-19 start up salary budget stating the final adjusted liability over salary appropriation at full employment is \$321,473. Ms. Willard noted an adjustment of \$284,428 to the projected DROP liability was made based on feedback from the marshals for those participants that indicated they would stay through the fiscal year. Ms. Willard then expanded upon three (3) spending flexibility scenarios for the consideration of the commission.

Judge Gerber delegated the FY 2018-19 Start-up Salary Budget to the Salary Budget Committee (SBC) for review, and Judge Northcutt reported the SBC will present a report at the next DCABC meeting scheduled for August 14, 2018.

**B. 2018-19 Budget and Pay Administration Memorandum**

Judge Gerber reported that the SBC will provide a final draft for presentation at the next DCABC meeting, then requested Dorothy Willard to provide an overview of the technical changes.

*Return to Agenda Item II.A. (See page 2)*

**Agenda Item IV.: FY 2019-20 Legislative Budget Request (LBR) Updates**

**A. 2<sup>nd</sup> DCA New Courthouse**

Judge Gerber reported that he and Judge Roberts discussed with Chief Justice Labarga and incoming Chief Justice Canady the best approach for LBR preparation. Based on this discussion, the draft LBR presented today was revised and approved by 2<sup>nd</sup> DCA judges and Judge LaRose. The justices did not approve the request that judges be allowed to approach legislators to discuss this issue.

Judge LaRose moved to approve the draft LBR in the amount of \$20 million for FY 2019-20. Additional discussion ensued regarding the five (5) components of the LBR. Judge Gerber recommended the commission vote on the motion presented, and if additional vetting yields changes, the issue will be readdressed at the next DCABC meeting in August. Hearing no objections, the motion was unanimously approved.

**B. 5<sup>th</sup> DCA Hurricane Windows**

Judge Gerber asked Judge Cohen if he would like to provide additional information in regards to the draft LBR for hurricane windows, and Judge Cohen responded the request captured the issue accurately.

There being no questions or objections, Judge Gerber noted this issue as unanimously approved.

**C. Unfunded Deputy Marshal Positions**

Judge Gerber provided an overview of the 9.5 unfunded deputy marshal FTEs in the District Courts of Appeal budget and asked if there were any questions or objections. Jo Haynes noted that in the past, 10 unfunded FTE were available and with the 1<sup>st</sup> DCA's return of position 004395 earlier today, this request could be made for 10 deputy marshal FTEs with an increased cost (to be determined by Budget Services). This revision was unanimously approved with the revised amount to be provided by Budget Services.

**Agenda Item V.: Other Business**

**A. Judicial Suite Staffing Complement Follow-Up**

Judge Gerber reported that a letter was sent from the DCABC to the District Court of Appeal Performance & Accountability (DCAP&A) to request additional analysis of the Judicial Suite Funding Model in the appellate courts. He then thanked Judge Thomas and the 1<sup>st</sup> DCA for the original draft and the other courts for their comments.

**B. 2<sup>nd</sup> DCA Security Incident and Deputy Marshal Supervisor Position Request Follow-Up**

Judge Gerber referenced the Supreme Court's decision of March 14, 2018 to defer the creation of a new job classification titled Deputy Marshal Supervisor-District Court. Judge Gerber then asked PK Jameson if the Supreme Court has reconsidered this issue based on Judge LaRose's recent email, and PK reported the court has not. Judge Gerber asked for direction for reconsideration and Ms. Jameson responded the item is pending, therefore no additional direction or action is needed at this time. Judge Gerber asked this issue to be placed on the August 14, 2018, meeting agenda. PK added she will readdress this issue with the incoming chief justice.

**C. DCAP&A Clerk Staffing Methodology Recommendations & Financial Implications**

Judge Gerber reported that the DCAP&A has completed their assessment of current staffing models in the appellate courts, and reported the findings that the 2<sup>nd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> DCA's are under the reasonable staffing level by a total of eight FTE. Judge Gerber stated that he would like the SBC to determine and analyze the financial needs associated with the DCAP&A's findings, and report this information to the DCABC at the August 14, 2018 meeting.

Judge Gerber asked if there were any comments or objections to referring this issue to the SBC. There were none.

District Court of Appeal Budget Commission

June 18, 2018

Page 6 of 6

**Agenda Item VI.: Adjournment**

Judge Gerber noted the next DCABC meeting is scheduled for August 14, 2018, via video conference, to begin at 3:30 p.m. (EDT).

With no other business before the commission, the meeting was adjourned at 4:41 p.m.