

**JUDICIAL COUNCIL'S
BUDGET & FISCAL MANAGEMENT COMMITTEE**

**Minutes
December 5, 2022
Meeting held virtually through WebEx
12:00 p.m. – 12:40 p.m.**

Members Present:

Hon. Kara Pettit, (Chair)
Hon. Keith Barnes
Hon. Elizabeth Lindsley
Justice Paige Petersen

Guests:

Mark Urry, TCE, Fourth District Court
Brett Folkman, TCE, First District Court
Judge Kate Appleby
Melynda Thorpe
Tina Sweet
Joy Lyngar
Judge Laura Scott
Don Judges

Excused:

Margaret Plane, Esq.
Chris Talbot
Daniel Meza Rincón
Meredith Mannebach
Nathanael Player
Todd Eaton
Keisa Williams
Jonathan Puente
Brody Arishita
Neira Siaperas
Sonia Sweeney

AOC Staff Present:

Ron Gordon
Jim Peters
Bart Olsen
Nick Stiles
Shane Bahr
Jordan Murray
Karl Sweeney
Alisha Johnson
Melissa Taitano
Suzette Deans, Recording Secretary

1. WELCOME AND APPROVAL OF MINUTES (Judge Kara Pettit – “Presenter”)

Judge Kara Pettit welcomed everyone to the meeting.

Motion: Judge Elizabeth Lindsley moved to approve the November 7, 2022 minutes, as presented. Justice Paige Petersen seconded the motion, and it passed unanimously.

2. Year-end Spending Requests



FY 2023 Year End Forecasted Available One-time Funds

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Current Requests Amount	Judicial Council Approved Amount
Description	Funding Type	Amount				
Sources of YE 2023 Funds						
* Turnover Savings as of PPE 11/11/2022 (including anticipated ARPA reimbursement)	Turnover Savings	1,757,211	1	Performance Bonus Payments		\$ 450,000
** Turnover savings Estimate for the rest of the year (\$1,750 x 1,320 pay hours)	Turnover Savings	2,310,000	2	St. George Courtroom Audio		\$ 141,000
(a) Total Potential One Time Turnover Savings		4,067,211	3	Adobe E-Signatures		\$ 260,000
(b) <i>Operational Savings From TCE / AOC Budgets</i>	Internal Operating Savings	-	4	IT Equipment for new JA Clerks		\$ 5,872
(c) <i>Reserve Balance (balance from FY 2022 Carryforward)</i>	Judicial Council Reserve	500,076	5	Build-out of Replacement for Courts' Access Revenue System		\$ 40,000
<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	Judicial Council Reserve Uses	(152,000)	6	Online Water Law Curriculum for Judges	\$ 40,000	
			7	Transcription Training Production	\$ 900	
Uses of YE 2023 Funds						
<i>Carryforward into FY 2024 (Request has been made for up to \$3,200,000)</i>	Historical Carryforward	(2,500,000)				
Total Potential One Time Savings = (a) + (b) + (c) less Carryforward		\$ 1,915,287				
Less: Judicial Council Requests Previously Approved		\$ (896,872)		Current Month One-time Spending Requests	40,900	
Less: Judicial Council Current Month Spending Requests		\$ (40,900)		Previously Approved 1x FY 2022 YE Spending Request		896,872
Remaining Forecasted Funds Available for FY 2023 YE Spending Requests		\$ 977,515				

Updated 11/28/2022

* Actual turnover savings as calculated on a pay period basis through 11/11/2022. Data can be found in the Budget Summary Excel workbook on the Personnel tab.

** Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$2,086.70, \$2,395.23, \$2,437.80, and \$2,071.29. The average per hour turnover savings YTD was \$2,288.04. These numbers do include ARPA reimbursements.

(b) This amount will be updated based on forecasts from budget managers (TCEs, AOC Directors, etc) to be received in January/February, 2023.

6. Online Water Law Curriculum for Judges

Ron Gordon is requesting \$40,000 of one-time funds for the development of a formal water law curriculum. For the past year, the AOC has been in discussion with Southern Utah University (SUU) and Judge Appleby on ways to bootstrap this idea into reality. We are seeking seed funds to begin water law curriculum development. The co-presenters and representatives from the National Judicial College would form the core group to bring phase 1 of this curriculum to life.

Southern Utah University (SUU) and The National Judicial College's Dividing the Waters program are ready to begin development of an online curriculum that would have several modules that judges can complete at their convenience and would provide a foundation for any judge interested in learning about water law. SUU will be the production partner. The Courts would provide expertise as well as seed funding for phase 1.

The entire curriculum will likely cost several hundred thousand dollars. Phase 1 would involve the following estimated funding amounts:

SUU \$50,000 of in-kind curriculum development and marketing costs

AOC \$40,000 for cash curriculum development costs.

\$90,000

We expect that once phase 1 is funded we will have leverage to approach other potential partners to fund the later phases. Phase 1 is expected to launch its first module on April 1,

2023 with other phase 1 modules ready by June 1, 2023; phase 2 estimated launch is September 2023 and Phase 3 estimated launch is February 2024.

Ron stated that we will be working with other states to fund the curriculum. There may potentially be additional funding needed in the future. The curriculum will be housed in Southern Utah University campus. Karl Sweeney will follow up to see if we need to do a Sole Source Form.

Motion: Justice Paige Petersen made a motion to approve. Judge Keith Barnes seconded the motion, and it passed unanimously.

7. Computers & Transcription Training Productions

Nick Stiles is requesting \$900 of one-time Turnover Savings to fund the development of a court transcriber training module to increase recruitment and retention of court transcribers.

The transcription process is housed in the Court of Appeals, and includes one full-time employee that manages statewide requests for transcripts, and assignment of the necessary recordings to the bank of certified transcribers. Due in large part to COVID-19 and the increase in virtual hearings the Office has seen a decrease in transcribers willing to take on assignments. Identifying this as a recruitment and retention issue, the Office would like to develop a training module to help recruit and train new transcribers. This funding request is to compensate the transcriptionist who will be putting together the training.

Motion: Judge Elizabeth Lindsley made a motion to approve. Judge Keith Barnes seconded the motion, and it passed unanimously.

3. FY 2023 Financials / Turnover Savings / ARPA Update (Alisha Johnson – “Presenter”)

Ongoing Turnover Savings (“OTS”) – Alisha Johnson reviewed the period 5 financials and gave an update on OTS. At the end of FY22 we ended with \$250,392 of OTS that has been carried forward into FY23. Most of these ongoing turnover savings carried forward were from reserves of FY22 OTS set aside in June 2022 by the Judicial Council. So far in FY23 we have earned \$284,168 of ongoing turnover savings. Our ongoing turnover savings grew more slowly this past month and only grew by \$25,000 which is half of our forecasted growth rate of \$50,000 per month. This was due to more new employees choosing family medical plans which cut the amount of OTS. YTD OTS is \$534,559. We believe the medical plan trend is temporary and continue to forecast \$50,000 per month growth for the 7 remaining months which yields a forecast of \$884,559 by 6/30/2023.

As of 11/28/2022, the OTS schedule shows \$200,000 of hot spot raises as uses that have been pre-authorized by delegated authority from the Judicial Council to the State Court Administrator and Deputy. The \$450,000 in 2023 performance-based raises were authorized by the Judicial Council in its September 2022 meeting, AOC Finance is forecasting that we will end FY23 with \$234,559 in OTS available for discretionary use.



FY 2023 Ongoing Turnover Savings as of 11/28/2022

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation)	Internal Savings	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	284,168
3	TOTAL SAVINGS		534,559
	2023 Hot Spot Raises	(109,683)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)	-	(450,000)
4	TOTAL USES before YE Requests	(109,683)	(650,000)
Actual Turnover Savings for FY 2023 as of 11/28/2022		\$ 424,877	\$ 234,559

Prior Report Totals \$ 399,351 \$ 258,871

One-Time Turnover Savings - One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds primarily for senior judges and JAs doing case backlog work. Our forecast for FY 2023 of one-time TOS before any uses are deducted is conservatively estimated to be \$4.1M.



FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 11/11/2022 (768 out of 2088 hours)

#	Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/11/2022)	Internal Savings
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 11/11/2022)	Reimbursements
3	Est. One Time Savings for 1,320 remaining pay hours (\$1,750 / pay hour)	Internal Savings (Est.)
Total Potential One Time Savings		4,067,211

Prior Report Totals \$ 4,014,590.05

ARPA Expenditures – The Court has been appropriated \$15.0M in ARPA funds. Life to date through 11/28/2022 we have spent \$5.0M of the \$11M in IT access to justice part 1 expenses and \$1.075M of the \$2M in case backlog parts 1 and 2 expenses for a total expenditure of \$6.075M. This leaves us an authorized balance available to be expended before 12/31/2024 of:

1. approximately \$6.0M of the \$12M in FY 2022 authorized ARPA funds;
2. approximately \$2.9M in FY 2023 authorized ARPA funds (for a total of \$8.9M left to spend)

The Courts will have approximately \$300K of ARPA funds from Supplies that we forecast will be available for reallocation to either the case backlog or Innovation Office by the Judicial Council. In July 2022 the Courts were reimbursed \$3.750M from the state of Utah ARPA funds which represents all of the ARPA funds expended through June 30, 2022. We have requested a portion of the amount shown in the 2023 Expended column as our first draw for FY 2023.



ARPA Expenses as of 11/28/2022

#	Funded by	Legislature	Approved	Requested Amount	A	B	C	Balance Available	Activity Code	Description
					Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount			
1	IT Access to Justice - Response to COVID - Part I	May-21	Yes	11,000,000	11,000,000	3,042,468	1,963,370	5,994,162	ITCV	Projects will extend thru 12/31/24
2	Courts Case Backlog - Part I*	May-21	Yes	1,000,000	1,000,000	707,963	292,037	-	BKLG	See detail below.
	Subtotal			12,000,000	12,000,000	3,750,431	2,255,407	5,994,162		
Requests to Legislature for FY 2023 - \$3,000,000 approved by the Legislature				Requested	Approved	Actual 2022	Actual 2023	Available		
1	IT Access to Justice - Response to COVID - Part II	2022 GS	Yes	1,373,400	1,373,400	-	-	1,373,400	ITC2	Projects will extend thru 12/31/24
2	Courts Case Backlog - Part II	2022 GS	Yes	1,000,000	1,000,000	-	75,376	924,624	BKLG	Projects case backlog will take thru 6/30/2023.
3	COVID-19 Supplies	2022 GS	Yes	640,000	302,100	-	-	302,100	CV19	
4	Legal Sandbox Response to COVID	2022 GS	Yes	649,000	324,500	-	-	324,500	LSCV	
5	Self-Help Center	2022 GS	Yes	64,000	-	-	-	-		
6	Interpreter Equipment	2022 GS	Yes	97,000	-	-	-	-		
7	Eviction Court	2022 GS	Yes	166,000	-	-	-	-		
8	Public Outreach & Engagement	2022 GS	Yes	30,000	-	-	-	-		
9	IT Access to Justice - Response to COVID - Part III	2022 GS	Yes	1,881,500	-	-	-	-		
	Subtotal			5,900,900	3,000,000	-	75,376	2,924,624		
				\$ 17,900,900	\$ 15,000,000	\$ 3,750,431	\$ 2,330,783	\$ 8,918,786		

ARPA spending cut off date is 12/31/2024.

* BKLG Details (includes expenses against the combination of the two BKLG approvals)

\$ 9,296,167 Prior Report Total, dated 10/28/2022

Data pulled using list of employees provided by TCEs
FY 2022 Expenses Include

Personnel Expenses: \$ 680,101
Mileage Expenses: \$ 2,475
Sr. Judge Travel Expenses: \$ 2,203
\$ 684,778
COVID Testing Kit purchase: \$ 23,185
\$ 707,963

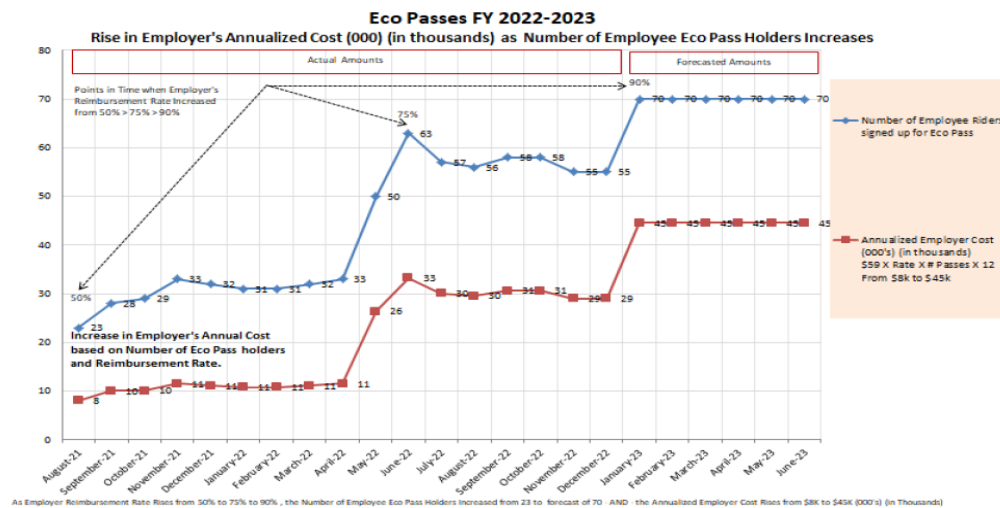
FY 2023 Expenses Include

Personnel Expenses (as of PPE 11/11/22): \$ 343,532
Mileage Expenses (as of PPE 11/11/22): \$ 1,199
Sr. Judge Travel Expenses (as of 11/28/2022): \$ 385
\$ 345,116
COVID Testing Kit purchase: \$ 22,297
\$ 367,413

Total BKLG expended \$ 1,075,376

4. FY 2023 Financials / Turnover Savings / ARPA Update (Melissa Taitano – “Presenter”)

Melissa Taitano is seeking BFMC approval to raise the employees' ECO-pass reimbursement rate to 90% from 75% for the balance of FY 2023 in order to increase ridership while still coming in within the \$50,000 budget which was approved out of carryforward funds for FY 2023.



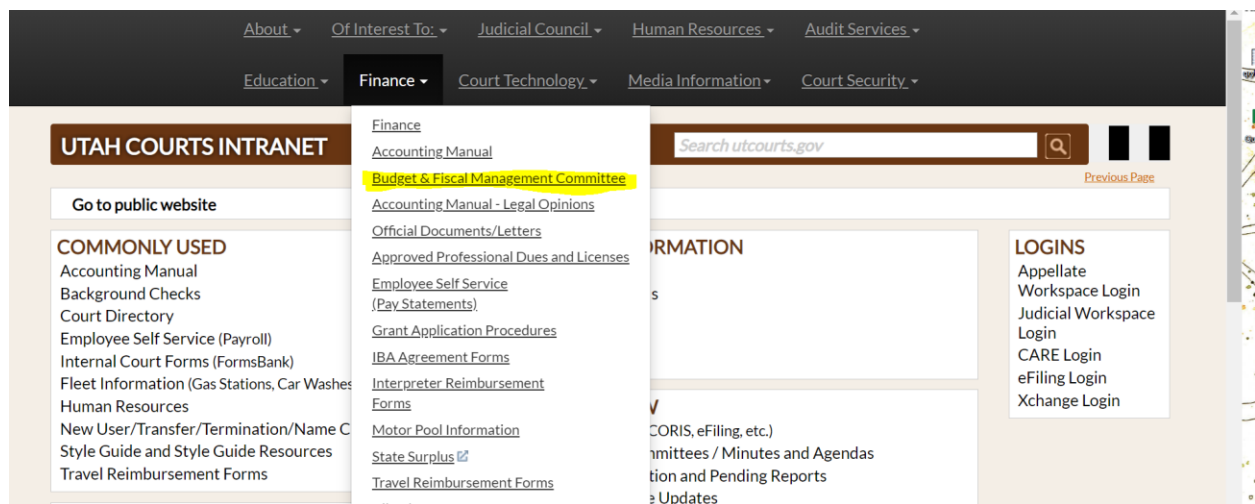
Footnote: From August 2021 to April 2022 when the reimbursement rate was 50%, the average number of pass-holders was 30. Then from May 2022 to November 2022 when the reimbursement rate was 75%, the average number of pass-holders increased about 90% from 30 to 57 for those 7 months. If we assume proportionality to our first increase (25% point increase in reimbursement = 25 incremental riders), increasing the reimbursement rate to 90%, this incremental 15% point increase may boost ridership by 15 riders to 70. On an annualized basis, 70 riders would cost the Courts \$44,604.

Motion: Judge Keith Barnes made a motion to approve. Judge Paige Petersen seconded the motion, and it passed unanimously.

5. Old Business/New Business

Karl Sweeney stated that there has been some confusion over when judges take a state vehicles and commute from home. We have a process in place and Fleet is working on some training. Karl will update the committee as more information becomes available.

Suzette Deans informed the committee that the BFMC website link is now posted on the Intranet page under Finance.



Meeting adjourned 12:40 p.m.

Next meeting via WebEx January 6, 2023.