



DEBBIE D. HUDNALL  
EXECUTIVE DIRECTOR

# LOUISIANA CLERKS OF COURT ASSOCIATION

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**APPROVED MINUTES**  
**CLERKS ONLY MEETING**  
**DECEMBER 9, 2020**  
**2:00 p.m.**  
**BATON ROUGE, LA**

The Louisiana Clerks of Court Clerk's Only Meeting was held on Wednesday, December 9, 2020 at 2:00 p.m. Bridget Hanna, President called the meeting to order. An opening prayer was given by Robin Hooter and the Pledge was led by Randy Deshotel.

Kim Turlich-Vaughan called the roll with the following Clerks present:

Stacey Hurst, Bridget Hanna, Erin Hebert, Connie Desselle, Brian Lestage, Lynn Jones, Andy Anders, David Dart, Randy Deshotel, Randy Briggs, David Ditch, Rick Arceneaux, Louis Perret, Annette Fontana, Linda Cook, Jason Harris, Marion Hopkins, Chelsey Napoleon, Arthur Morrell, Dana Benson, Kim Turlich-Vaughan, Robin Hooter, Shelly Salter, Shane LeBlanc, Eliana DeFrancesch, Becky Patin, Melissa Henry, Christy Lee, Jeff Skidmore, Johnny Crain, Holli Vining, Mark Graffeo and Stewart Hughes.

Also, present Debbie Hudnall

## **Approval of the Minutes from June 25, 2020 Meeting**

A motion to approve the prior minutes was made by Kim Turlich-Vaughan and seconded by David Dart. No discussion was had. The motion passed with no opposition.

## **By-Laws Committee Report**

Debbie Hudnall presented proposed amendments. Amendment No. 1; Page 4, line 92, amend Article V, Section 1 by inserting "A" before the word "The". Amendment No. 2; Page 5, between lines 116 and 117 insert the following: "B. In the event of an unusual circumstance, the term of office of the current officers at the time of the unusual circumstance, may be extended for one (1) year by the vote of a majority of the Regular Members present and voting at the annual conference or any special called Clerks Only meeting, if an annual conference is not held. Amendment No. 3; Page 14, between lines 337 and 338 insert the following: (h) Approve training of the certification program under R.A. 13:782. She added that online programs may be considered, and funding would be required, and she would like to the Board to have a say in approving the funding.

## **Financial Reports**

### **Association**

Rick Arceneaux, Treasurer reported the balance sheet, June 30, 2020 with total assets of \$615,141. Total current liabilities of \$12,218 were reported, total capital of \$602,923. Total liabilities and capital equaling the assets of \$615,141.

He reported the income statement for the twelve months ending June 30, 2020. The total current YTD revenue was \$844,043 The total expenses for the year was \$935,703. The net income (loss) for the year to date was (\$91,660).

### **Retirement**

Rick Arceneaux gave the financial report for the Retirement Fund Balance Sheet ending July 31, 2020 and year to date to be the same. He reported the total current assets were \$66,678,516 and \$2,711,315 in total other assets. Total investments were \$569,203,919 with total assets being \$638,593,751. Total current liabilities were \$155,026, total reserve balances were \$638,438,724 with total liabilities and reserves of \$638,593,751. He noted net income of \$16,898,065.

Rick reported on the Income Statement for one month ending July 31, 2020. Total contributions were \$2,191,092, total investment income was \$19,916,502, investment expenses of \$0.00, other additions of \$23,326 and total deductions were \$5,232,856 for a net increase of \$16,898,065. Year to date totals were the same and total administrative expenses for one month and year to date were \$77,171.

### **Insurance**

Rick reported the balance sheet for the month ending July 31, 2020. Total current total assets of \$8,614,672. Total current liabilities of \$283,300, total incurred but not reported \$776,000, total liabilities of \$1,059,300, total reserves of \$7,555,372 with total liabilities and reserves of \$8,614,672. He also reported on the income statement for year to date ending July 31, 2020, with revenue of \$7,526,351, total claims and claims administration expenses of \$6,899,707, with a gross profit of \$626,644. Total expenses were \$21,029, other income expenses \$71,620 with a net income of \$488,235.

A motion by Holli Vining was made to receive the Financial Report and seconded by Dana Benson. All voted in favor to receive the Financial Reports.

### **Board Reports**

#### **LACCRMA**

Mark Graffeo provided an overview of the LACCRMA Board to the newly elected Clerks as well as an update to all Clerks present. He stated that we have approximately 56 members and that LACCRMA offers errors and omissions insurance, employment practices insurance and non-owner personal auto insurance. He reminded the Clerks of the Clerks hotline available for them to discuss employee issues with attorney Renee Culotta. Mark stated that the board encourages everyone to be proactive when assistance is needed. Hunt Insurance continues to manage this fund and has for 25-30 years. Hunt also has insurance available for cyber security and crime policies. LACCRMA is well capitalized with \$2 million dollars in assets with majority expenses occurring on employment practice lawsuits and mortgage certificates. The fund has about \$400,000 in reserve for future claims and claims were about \$115,000 last year. Debbie added that the Clerks do a good job, contributing to minimal claims.

#### **LCRAA**

Rick Arceneaux reported the financial report as of October 31, 2020:

#### **Balance Sheet**

Total Assets	\$5,123,395
Current Liabilities	\$ 40,980
Total Net Position	\$5,082,416

Income Statement	Current Month October 2020	YTD
Total Revenues	\$160,689	\$666,937
Portal Direct Costs	\$ 19,322	\$ 58,967
Revenues over Expenses	\$141,517	\$607,970
Grants	\$ 9,000	\$ 77,181
Administrative Costs	\$ 10,186	\$ 43,543
Net (Loss) Income	\$122,331	\$487,246

Debbie reported that almost all 64 parishes are members as Orleans Civil will be added soon.

#### Insurance

Debbie Hudnall reported that 14 years ago the plan was bankrupt and now as of July 31<sup>st</sup>, it has \$7.5 million in the bank even after giving a one-half premium holiday that amounted to \$500,000. She applauded Gallagher for doing a great job with renewals. In January they will add a tier 4 to the prescription plan which would include the more expensive drugs.

Medical premiums will have a 5% increase while dental will remain the same. Vision premiums will be reduced resulting in a \$25,000 per year savings. Life insurance will have a reduction of ten cents per \$1,000 and disability insurances going down about on half with a projected savings of \$247,000. She also informed Clerks that under the medical coverage COVID testing is free, except for emergency room visits, which are charged at the ER rate and due to recent enacted state law, will be covered thru December 2021. Acupuncture was added to standard benefits.

Comment from Mark Graffeo was to confirm that only Health and Dental were self-funded. David Dart asked for clarification on the \$8500 maximum out of pocket coverage on the high deductible plan. Concern mentioned about new dental coverage with Davis Network was not accepted in Assumption Parish. Debbie to confer with Gallagher.

#### Retirement

Debbie Hudnall announced that the Board has authorized an automated collection of retirement contributions. A contribution report would be submitted online (similar to Empower) that would generate an auto debit from the clerks. The program would retain 6 months of payroll information and would assist with the delays in the postal service.

She also stated that the actuary report had not been presented yet, however meeting is scheduled and she invited interested Clerks to attend. She mentioned that two of the four money managers sponsored events and two of them would be in attendance at the dinner.

Debbie shared highlights from the actuary report. Plan has 2,209 members in the retirement system, 1862 female and 347 males with 951 vested. There are 1459 retirees. Payroll ending on June 30<sup>th</sup> was \$97.5 million. Average salary of employee in the retirement system, \$44,161. Average age of retirees is 71 with average monthly benefit of \$2,441 and average age of retirement is age 60. Over the last five years the number of retirees increased by 286 and annual benefits increased by \$13.5 million. Liability is shared by all Clerk's offices in the state and the pro rata share of the liability last year was \$180,000,000 and current year is \$240,000,000.

She offered a reminder that a retiree returning to work can only work 630 hours per year, in any capacity. If they work over, the retirement benefit will be reduced based on the Clerk's responsibility to track hours and report to Debbie's office. Amy Patin asked Debbie to clarify the separation period. She added that we have \$31 million dollars in a self-funded drop fund where funds are self-directed. David Dart and Andy Andrews asked for explanations on DROP inquiries. Debbie informed Clerks to expect an increase with the employer contribution rate July 2021.

### **Supplemental**

Debbie Hudnall reported that we are doing better with supplemental and as of November we are \$3,600 to the good.

### **Executive Board-Strategic Planning**

Bridget Hanna reported that the executive board met in August at Houmas House in Ascension Parish to, discuss strengths and weaknesses and set goals and dates to achieve the goals. She then presented a power point of the goals naming chairman to the committees. Items discussed included uniformity with advanced deposits and indexing standards, training webinars, certification process, monthly meetings for the executive board, including a mid-year review and technology. She reminded everyone about the deadline for e-recording , January 2022 and discussed the new e-recording program thru Antares, which Ascension has up and running and invited anyone to visit her office to view the program and informed Clerks that the board will now begin looking for a case management system for civil. Other items discussed was the e-bulletin board, best practices manuals, retention schedules, mortgage certificates, cancellations, criminal minutes, mentorships, quarterly district meetings, communications (including state legislators), AG opinions and encouragement of participation in meetings.

### **Committee Reports**

#### **Education Committee**

Kim Turlich-Vaughan reported the re-scheduling of the Fall Institute to February 2-5, 2021, at the Crowne Plaza in Baton Rouge. Some expenses incurred due to cancellation; however, all registration fees will be transferred to new date. She shared that the committee has concern for current and incoming Clerks needing education points for certification and re-certification and will continue to work with Billie Tripp to set up zoom or online training programs.

#### **2021 Conference**

Bridget advised that there are no confirmed plans for the 2021 conference and will update everyone when information becomes available.

### **Executive Director Report**

#### **Clean Slate Committee**

Debbie reported that Clean Slate has been adopted in four states, California, Michigan, Pennsylvania, and Utah, with a goal of having automated expungements of clean criminal records. Several organizations have been pushing this initiative here in LA. She was told that they would not be pushing for legislation this year, but she keeps informing them about the difficulty of this process in LA. Debbie believes it will be a slow process, but she continues to educate the committee and feels that if we could give up the \$250 fee and not have to do the expungements, then the Clerks would probably not mind that. There was some discussion on fund sharing from pretrial diversions.

#### **LABI**

Debbie reported that LABI had reached out to her for a meeting having to do with streamlining the court system.

**LA Commission on Justice System Funding**

Debbie reported on a proposal David Dart shared with her about legislation passed last year for a uniform way of reporting finances. It was initially about criminal funding but now has included civil funding and she expressed concern about implementing a new accounting system to go retroactive to July 1. She stated that they are trying to see how much revenue is generated from the Civil & Criminal Courts.

**LA Historical Records Advisor Board**

Debbie attended her first meeting and thinks this board may be a source for grants for historical records.

**LA Supreme Court Technology Commission**

She reported about a newspaper article announcing this committee and the list of judges on the committee. She expressed concern that the committee was formed, as well as sub committees and that Clerks have not been included. David Dart expressed invasiveness of the Clerks' duties and concerned for the direction they are heading. Annette Fontana has had conversations with her judge that serves on the committee and is confident that he has the Clerk's best interest in hand but is a descending voice in the meetings. Both feel this is a committee that Clerks need to watch. Debbie stated that Clerks need to be prepared as she feels all are looking for a unified court system. She's hoping to generate a good rapport with LABI to let them know that Clerks are just like them, self-funded for fees.

**Remote Online Notary (RON) Committee**

Debbie reported that this committee did not have much to do with Clerks, mainly information about remote notaries from out of state and requirements needed to register through the Secretary of State.

**2020 Elections**

Debbie and some Clerks have a conference call set with Kyle Ardoin to critique the past election. Discussion on concerns about new voting machines, machine warehouse, lack of climate control warehouses, commissioner check disbursement, laptop issues, ROV questions, scanners, chronological tables, and news media within the polling locations. Bridget informed everyone that the executive committee has already spoken to Kyle about many concerns and he is looking into those issues and the new issues will be brought to his attention. Debbie will ask if the cyber security awareness can be assessed online.

**Legislation**

Robin Hooter reported on the proposed legislation submitted from Clerks through an email request. She addressed the following:

R.S. 18:1280.21 (E) – allow more that 2 commissioners for Presidential Preference Primary

R.S. 18:1374 – temperatures at polling places, will submit to state PBES

R.S. 18:563B – pre-teen child may accompany his parent or legal guardian into the voting machine.

Amend the commissioners law related to when we can have schools and recruiting of new commissioners.

Are two poll books necessary on election day – cannot do away with that due to wandering process

Clerks' position on Open or Closed Primaries – no unanimous vote in support but Melissa Henry will report majority in favor

- Civil Jury Cost Deposits - La. C.C.P. Art. 1733 - Demand for jury trial; bond for costs
- La. C.C.P. Art. 1734 - Fixing the bond deposit; calling the jury venire
  - La. C.C.P. Art. 1734.1 – Cash deposit; procedure

R.S. 12:3049 – Cash deposit bond; duty to attend; compensation; procedure; filing fees – proposed to have Clerk estimate

**By-Laws Amendment**

Bridget asked for a vote on the by-laws submitted earlier in the meeting. Motion made by Louis Perret to approve in Globo the three by-law amendments and was seconded by Johnny Crain. The motion was passed without opposition.

**New Business**

Bridget was asked by a Court of Appeals Judge to see if the Clerks would be interested in doing away with Preliminary Defaults. No one had any opposition.

**Other Comments**


Annette Fontana requested a vote, according to the new by-law amendment, to accept this year as an unusual year. Louis Perret made the motion and seconded by Randy Deshotel. Debbie announced evening arrangements and board meeting locations.

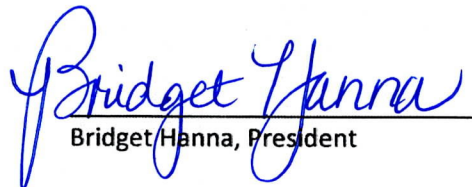
**Adjournment**

With there being no other business, David Dart moved to adjourn which was seconded by Robin Hooter.

Respectfully Submitted:

Approved:

  
Kim Turlich-Vaughan, Secretary

  
Bridget Hanna, President