

APPROVED MINUTES
LOUISIANA CLERKS OF COURT ASSOCIATION BOARD OF DIRECTORS
TUESDAY, MARCH 30, 2021
1:00 p.m.
BATON ROUGE, LA

The Louisiana Clerks of Court Association Board of Directors meeting was held on Tuesday, March 30, 2021, at 1:00 p.m. Bridget Hanna, President called the meeting to order. An opening prayer was given by Mike Spence and the Pledge was led by Robin Hooter.

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

Bridget Hanna, Robin Hooter, Mike Spence, Kim Turlich-Vaughan, Rick Arceneaux, Mark Graffeo, Annette Fontana, Brian Lestage, Melissa Henry, Chelsey Richard Napoleon, Susan Racca, Jill Sessions, Laura Culpepper, Christy Lee, David Dart, and Diane Meaux Broussard.

Also, present Debbie Hudnall and guests: Shelly Salter, Connie Desselle, Shane LeBlanc, Jon Gegenheimer, Ron Looney, Sara Halphen, Carey Daste and Gina Perrin.

Approval of the Minutes from December 10, 2020 Meeting

A motion to approve the prior minutes was made by Robin Hooter and seconded by Annette Fontana. No discussion was had. The motion passed with no opposition.

2nd District Member Appointment – Chelsey Richard Napoleon

Bridget welcomed Chelsey Richard Napoleon to the Board.

Financial Reports

Association

Rick Arceneaux, Treasurer reported the balance sheet, February 28, 2021, with total assets of \$645,358. Total current liabilities of \$65,745 were reported, total capital of \$579,613. Total liabilities and capital equaling the assets of \$645,358. He reported the income statement for the twelve months ending June 30, 2020. The total current YTD revenue was \$634,311. The total expenses for the year were \$657,621. The net income (loss) for the year to date was (\$23,310). A motion to receive the financial report as presented was made by David Dart and seconded by Brian Lestage. All in favor and the motion passed.

LCRAA

Rick Arceneaux reported from the February 9, 2021, meeting. The financial report as of January 31, 2021:

Income Statement	YTD
Total Revenues	\$1,141,200
Portal Direct Costs	\$ 125,468
Grants	\$ 276,976
Administrative Costs	\$ 80,708
Net (Loss) Income	\$ 658,048

Balance Sheet

Total Assets	\$5,793,650
Current Liabilities	\$ 43,350
Total Net Position	\$5,750,300
Total Liabilities & Net Position	\$5,793,650

Rick reported on contracts and change orders:

- Change order to Portal contract to incorporate LCRAA portal in eClerksLA site for a cost of \$27,000
- Change order to eRecording to include marriage licenses \$65,000/5 cents per record/50 cents per license for maintenance
- Contract clarification of recording software Article 2.4
- Tyler Technology eFiling contract expires May 14th and will automatically renew for one year
- Authorized RFP for Civil and Criminal Case Management program with eFiling included.

Antares Update – all 64 parishes participating with 63 uploading data

- Portal-working with Software and Services to get civil records online
- He reported as to the parishes on-line with the new recording software
- eRecording- Beta tested in November and December with two title companies and has now been launched

Administrative staff –

- eFiling – through the 3rd quarter there were 13 Parishes participating with revenue sharing of \$22,168.50
- eRecording – Antares will explore ability for 3rd party vendors to integrate into our recording system

Grant Committee -Prior grants – 8 still in process or nearing completion

4th Quarter – 6 applications for a total of \$165,650 – All approved partially or in full

Plaquemines – full \$5,800 Tensas – full \$16,991 Vernon – partial \$10,046

Washington - partial \$10,000 Sabine – partial \$30,000 Madison – partial \$14,000

Total awarded: \$108,790

Trademark and name application will be filed to change from eVaultLA to eClerksLA

Retirement

Debbie reported that the Retirement Board met on March 30th and announced that the fund balance is \$728 million and from July 2020 thru February 2021 they experienced a 20% return. PRSAC accepted the actuary report with the minimum contribution rate of 21.25%. With the ability to increase the rate up to 3%, the Board approved the new contribution rate of 22.25%, effective July 1st. After meeting certain criteria, the Board also granted a COLA increase for retirees, specifically A & B COLA which was the same given 3 years ago. It is \$1.00 for each year of service and \$1.00 for each year retired. This increase will be paid from the funding deposit account which currently has a balance of \$10.8 million and the cost of the COLA is \$5.1 million.

Debbie also stated that Dagmar had given an update to the Board on the Retirement portal that is designed to accept retirement contributions similar to the Deferred Compensation system. Retirement payments can be input manually, copied from the previous month, or uploaded from a spreadsheet. The program would retain previous months of payroll information. There have been some test parishes and a step-by-step guide will be available. Annette Fontana inquired about the frequency and Debbie stated that it would be monthly submissions. The new on-line contribution will be extremely beneficial because of the delays with the postal service.

Supplemental

Jill Sessions presented the financial report as of February 28, 2021:

Balance Sheet	YTD
Total Current Assets	\$ 59,716.82
Total other Assets	\$ 137,464.00
Total Assets	\$ 197,80.82

Total Current Liabilities	\$ 132,250.00
Total Capital	\$ 63,930.82
Total Liabilities and Capital	\$ 197,180.82

Income Statement	YTD
Total Revenues	\$1,072,549.24
Total Expenses	\$1,070,372.66
Net Income	\$ 2,176.58

Committee Reports

2021 Conference

Bridget advised that there are no confirmed plans for the 2021 conference and opened it up for discussion. Dates were given for Nuts & Bolts and Clerks Institute to work around. Lake Charles was mentioned, and Bridget suggested June or July since the fall would be too close to the 2022 conference, and a narrow window with the Institutes. She asked for a show of hands from who would be able to attend. Mark Graffeo asked is there was any other way to elect officers and Debbie reminded him that the Board voted in December to extend the terms of the current Board, and all would be sworn in at the conference. Bridget then asked who was in favor of moving forward and the majority agreed to move forward with plans to secure a location and date.

Education Committee

Kim Turlich-Vaughan reported on the March 9-12th Institute held at the Crowne Plaza in Baton Rouge. There were 192 in attendance which was above average. Revenue totaled \$49,425 and expenses were \$36,621 for net proceeds of \$12,803. There were six sponsors which helped defray costs. After moving the dates last August to October and then cancelling, the program took a loss of \$10,825 so the profit in March will offset that loss. The committee is finalizing the August 10-13 Institute and planning the Spring Institute. Billie had provided data that showed the most attendance has been at the Baton Rouge location, but the committee has not ruled out the Alexandria location. David Dart brought up concern about sponsors/vendors setting up booths, most were not in favor and Kim will bring it back to the committee for further discussion.

Scholarship Committee

Debbie reported that application deadline is April 1st and they have received 6 so far. The committee has about \$13,000 to award in scholarships.

Executive Director Report

Cyber Security

Debbie reminded everyone of the annual cyber security training available online. The Association downloaded the training on flash drives with instructions and Dagmar will have copies available.

Information Technology – Act 117

Debbie also reminded everyone about Act 117 which requires service providers to register with the SOS and that they are required to report any cyber security issues to the SOS as well. Debbie will be notifying vendors that support LCRAA and suggested Clerks send reminders to other vendors, excluding telephone vendors. Annette mentioned issues with registering her service providers so Debbie will reach out to SOS. Mark asked if it was our responsibility to register them and Debbie stated that we cannot enter a contract with a service provider who has not registered.

Personal Financial Statements

Debbie reminded everyone that Financial Disclosures are due May 15th and notices are usually mailed out in April.

Retirement Software

Reported earlier with the Retirement Board update

Executive Director Update

Debbie offered follow up to her meeting with Child Support Services who agreed to an increase on fees. The Sheriffs Association held their meeting a week prior and agreed with the increase and Debbie is waiting to hear back from Child Support Services. Clerks' fees can go up as much as 60%. Currently receiving \$132 on paternity suits and that will go up to \$211. Sheriff costs from \$33 to \$55. Contradictory Hearing suits from \$99 to \$126, Sherriff's \$20 to \$32, and motions and orders from \$33 to \$53. Recording would increase from \$18 to \$30. None of this is in effect yet. Annette's office is currently auditing her Support Enforcement account and wants to know if this will be solidified with the Sheriffs. She made a comment that all Clerks are not collecting the same now and that each agreement with the Sheriffs is made by the individual Clerk. She added concern that the rules are being applied differently. Debbie replied that she is sure we will all need to sign new contracts. Agreements were made with Clerks back in 1990 saying to pay their local Sheriffs. Annette is requesting clear process of depleting and disbursing funds.

Debbie serves on the LA Commission of Justice System Funding, that passed Act 87 of 2020 which requires additional reporting by the Clerks. Clerks will need to work with their auditors on this. Currently, if a Clerk's expenditures are less than \$500,000 then you have not been required to prepare formal public budget. It's being proposed that if your expenditures are over \$100,000 then you would be required to prepare the formal budget. They are also suggesting that the Legislature set up templates to be used for budgets. She also reported that there is a lot coming down on judicial funding and transparency in all offices.

LABI has approached Debbie wanting to propose a resolution to create the LA Judicial Commission on Technology so that Judges and Clerks can work together on technology and work on a LA Judicial Gateway which would have a website to include court of appeals and have bios on all Judges, Clerks, etc. They are proposing the appointments to the commission and looking for transparency and uniformity.

Debbie also reported on the Clean Slate Committee discussions about automation of records. The Baton Rouge DA is the chairman of the committee, and the DAs were in favor but have not stepped back and she feels the State Police will push back.

Legislation

Jon Gegenheimer reported on the project of Judge Schlegel and he has assured him that the Clerks will not be cut out of the Virtual Courtroom process. Clerks will still receive fees due to them. This is voluntary. Any Judge can opt out. Jefferson will do a test case to make sure that is the case and will monitor very closely. This will only be for civil. He is taking a wait and see approach and has faith in the Legislature.

Another bill that the Judges presented, HB 140 – changing law that Judges do not have to be within their jurisdiction to be able to sign. Liaison committee also asked to remove wording “rules shall be entered on the minutes of the court”. Also requiring every attorney to include email address so that services can be made thru email.

Senate Bill 70, submitted by Louie Bernard - Clerk will estimate the cost of a jury and the Judge will set the amount. They did away with posting a bond and the law would require a cash deposit. This is an attempt to get money to cover Jury trials due to the increase in juror fees and mileage.

Closed Primaries – last meeting Clerk’s agreed to support. Bridget opened discussion that we should not go all in against closed primaries. Debbie reported what was stated at the committee meeting. Bridget and Robin suggested we make our concerns known on record and Melissa stated that SOS has brought those requests to the attention of the committee but has fallen on a deaf ear. Committee members feel voters need to be educated. Other issue was changing from 60 to 120 days between Primary and General elections. Discussion continued on the recommendations from the committee to the legislators.

Debbie reported that the RFP for the civil and criminal case management system is due Monday. Selection of contract will be week of April 12 – 16th. Includes e-filing and jury also.

Bridget mentioned that it was voted several years ago that LCRAA would take the position to spend money on uniform systems and have LCRAA support those systems. Everything that Debbie has brought to our attention and discussed is about uniformity. The Clerks don’t want to be mandated to use a state system that is controlled by the state. Jill Sessions commented that she has no interest in LCRAA’s recording software or case management system, along with others in her district. She is already doing what everyone else is wanting to do and has already spent a lot of money. Jon also commented that he has spent millions to have his system. Debbie stressed that outside sources are pushing for a unified court system. Extensive discussion continued on unified system.

Robin mentioned that everyone is welcome to sit in on committee meetings and encouraged Clerks to be more involved.

District Reports

District One

Melissa Henry reported that they had a Zoom meeting and discussed format of their future meetings, since they have several new Clerks in the district, and asked what they want to receive from the meetings. They had discussions on administrative issues, agreed to email her suggestions and set up their next meeting.

District Two

Chelsea Napoleon reported that they are also using Zoom meetings to conduct meetings. Received update from Kim on scholarship process and discussed the project that Judge Schlegel is working on, with Jon providing that update. Members discussed the statewide portal with some clerks having questions about records available and requirements and get update on everyone’s status and discuss concerns. They discussed electronic appeals, brought up by Kim since she and Chelsea submit to the 4th Circuit and Jon is already processing electronically. So as a group they agreed to meet together, and Kim will reach out to Justin Woods and set up meeting to discuss further and the group agreed to set up another zoom meeting for the district but had not yet set a date.

District Three

Susan Racca reported that they have not had a meeting but will meet soon in person to discuss everything that has been going on.

District Four

Jill Sessions reported that they had a meeting on March 25th and Bossier, Caddo, Webster, Natchitoches, DeSoto and Ouachita were present. They talked about the concurrent resolution to create the LA Judicial Commission on Technology and Jill presented questions that were asked of her district. Debbie mentioned that she received the resolution from LABI and forwarded it to the Executive Committee for suggestions. She stated may not be able to answer the questions and Jill offered to send them to her to get back to our district.

District Five

Laura Culpepper reported they held meeting March 24th, with Jackson, Richland, Ouachita and East Carroll present. They discussed commissioner and election issues and concern for the smaller parishes, especially in the northeastern part of the state that in in dire straits. Funding is an issue with daily struggles.

District Six

Christy Lee reported that her district met at the Institute and had a casual meeting with several new clerks and talked about Clerk's software in all their offices.

District Eight

David Dart reported that they met at the Institute and talked about jury bond issues, legislation, Act 87 and discussed Bridget's suggestion to meet monthly.

District Nine

Rodd Naquin reported that they haven't met however there is a new clerk in the 2nd Circuit, Supreme Court still out of the office and hoping they will be back soon to get together with all the Chief Judges. Debbie asked if it has been discussed about the possibility of clerks e-filing appeals which he replied that there has been talk about it. The changes that they have had to deal with over the past year has pushed them closer. Discussion continued about Judges in same districts pushing back still wanting paper and how the Judges vary from district to district with level of technology.

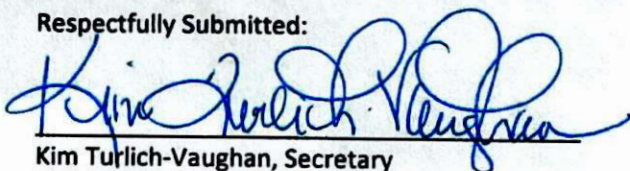
Other Comments

Kim reported on behalf of the Records Preservation Committee. After the last Institute, Frank Borne met with the State Archivist, Catherine Newsome, and was able to discuss four things that the committee wanted to address which was preservation of older records, review of statute that governs the Clerks retention policies, preservation of data and images, and streamlining the retention process. Catherine mentioned that less than half of the Clerks have approved retention schedules which concerns her and discussed the possibility of presenting at an Institute. Looking at preparing some sort of general, unified retention schedule form that can be completed to meet the needs of each office. Catherine was also concerned about the repeal of the microfilm mandate issued through a law that the Clerks supported. She is new to the position and wants to take a more active role in meeting with the Clerks and establishing some policies. Kim sent an email to the committee to set a date to meet with her. Annette asked that we inquire about retentions that have been pending approval for approximately 2 years and Kim will follow up with her request.

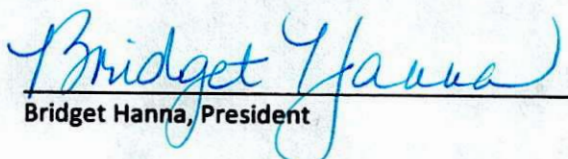
Adjournment

With there being no other business, Christy Lee moved to adjourn which was seconded by Brian Lestage.

Respectfully Submitted:


Kim Turlich-Vaughan, Secretary

Approved:


Bridget Hanna, President