

## PROPOSED MINUTES

### **LOUISIANA CLERKS OF COURT ASSOCIATION Clerks Only Meeting Tuesday, November 29, 2022 1:30 PM NATCHITOCHES, LA**

The Louisiana Clerks of Court Association Board of Directors meeting was held on Wednesday, November 29, 2022, at 1:30 p.m. Kim Turlich-Vaughan, First Vice President called the meeting to order.

#### **Invocation and Pledge:**

Kim Turlich-Vaughan gave an opening prayer and Louis Perret led the Pledge of Allegiance.

David Stamey welcomed the Clerks and gave an update on the Winter Meetings and events.

#### **Roll Call:**

Jill Sessions called the roll with the following Clerks present:

Blane Faulk present on behalf of Robby Barousse, letter received, Stacey Hurst, Bridget Hanna, Erin Hebert, Connie Desselle, Brian Lestage, Jill Sessions, Mike Spence, Cherie Lott, Susan Racca, Andy Anders, Doug Welborn, David Dart, Randy Deshotel, Randy Briggs, Laura Culpepper, Rick Arceneaux, Louis Perret, Annette Fontana, Steve Andrews, Linda Cook, Jason Harris, David Stamey, Chelsey Richard Napoleon, Darren Lombard, Kim Turlich-Vaughan, Stuart Shaw, Shelly Salter, Charles Jagneaux, Melissa Henry, Christy Lee, Jeff Skidmore, Johnny Crain, Holli Vining, Mark Graffeo, Stewart Hughes, Lynn Jones and David Ditch.

#### **Oaths of Office**

Attorney Rick Arceneaux administered the oath of office to David Stamey for the Supplemental Board; Darren Lombard and Laura Culpepper as District Members on the Board of Directors; Chelsey Richard Napoleon as Parliamentarian, Jeff Skidmore as the Third Vice President, Louis Perret as the Second Vice President and to Kim Turlich-Vaughan as the First Vice President.

He then administered the oath of office Kim Turlich-Vaughan and Louis Perret as new officers on the Retirement Board.

#### **Approval of the Minutes from Clerks Only meeting on March 13, 2022 and the Clerks Conference Opening and Final Session from March 2022 Meeting**

A motion to approve the prior minutes was made by Doug Welborn and seconded by Randy Briggs. No discussion was had. The motion was passed with no opposition.

#### **Financial Reports**

Annette Fontana, Treasurer, presented the Balance Sheet:

### Financial Reports

Annette Fontana, Treasurer, presented the Association Financial Statements as of June 30, 2022:

#### **Balance Sheet**

<b>Assets</b>		<b>Liabilities and Capital</b>	
Total Current Assets	\$554,578	Total Current Liabilities	\$16,304
Total Property and Equipment	\$7,803	Total Capital	\$580,326
Total Other Assets	\$34,248	Total Liabilities and Capital	\$596,630
Total Assets	\$596,630		

#### **Income Statement:**

<b>Current Month Actual</b>		<b>Current YTD Actual</b>	
Total Revenue	\$84,195	Total Revenue	\$1,125,760
Total Expenses	\$98,206	Total Expenses	\$1,135,116
Net Loss	(\$14,012)	Net Income	(\$9,355)

Annette Fontana, Treasurer, presented the Statement as to the Retirement Fund Financial Report as of June 30, 2022:

<b>Assets</b>		<b>Liabilities</b>	
Current Total Assets	\$693,838,150	Total Liabilities	\$693,838,150

Annette Fontana, Treasurer, presented the Financial Report of the Insurance Trust as of July 31, 2022:

<b>Assets</b>		<b>Liabilities</b>	
Total Assets	\$7,661,469	Total Liabilities in Reserve	\$7,661,469

A motion was made by David Dart and seconded by Connie Desselle to receive the financial reports as presented and with no opposition, the motion was passed.

## **Board Reports**

### **LACCRMA Report**

Mark Graffeo reported the trust remains financially strong. There are \$2 million in assets with \$1.7 million in investments, \$21,000 in claims for the fiscal year and \$121,000 in claim reserves for a total claims reserve of \$633,000.

Hunt Insurance Group merged with a company out of Gainesville Florida, called King Insurance. Scott Hunt and Stephen Blake will remain with the company, as will Chris Baker, CFO. The Board will keep an eye on the transition.

### **LCRAA**

Rick Arceneaux reported the Board met on November 16, 2022 and presented the following financial report:

<b>As of June 30, 2022</b>	
Total Revenue	\$2,040,115
Total Direct Costs	\$548,000
Total Grants	\$406,407
Total Admin Expenses	\$162,960
Total Net Income	\$922,777
Total Assets	\$7,183,186

Rick Arceneaux stated that the current Software and Services E-files are \$5 per submission for those not under LCRAA contract. The new LCRAA contracts for stand-alone e-file will be \$7.50 per E-file submission and \$1.50 of that will go to LCRAA. Once those parishes receive the case management, that \$1.50 will be a credit towards the maintenance fee. Current parishes will go to \$7.50 and the \$1.50 will go towards their maintenance fee. The LCRAA Board approved that as to the contracts under LCRAA. This will be effective January 1, 2023.

A question was raised as to the status of the stand-alone e-filing implementation and case management. Iberia criminal went live, Iberia civil is scheduled for January and St. Tammany will be shortly after. They are working on Ascension's civil program.

There are 16 parishes that have signed contracts to go with Software and Services. A request was made for Debbie to discuss with Software and Services better and more communication. Annette recommended to request a test environment for the staff to become accustomed to the software prior. Debbie reported that Software & Services did that for each parish before going live.

### **Insurance**

Debbie reported on the 2023 renewals with medical benefits staying the same, rates and dental benefits are staying with Delta at the same rates. The vision benefits are moving back to Standard. Life and disability remained the same. The retirees' United Healthcare benefits will stay the same with a rate reduction.

The Board received the highest opinion possible in the audit report. Prior to this year, \$5 was paid for an administrative fee on the medical and BCBS kept the RX rebates. This year, the administrative rate went to \$33 per person per month but the Trust received \$550,000 in RX rebates. Rebates are received in arrears.

### **Retirement**

At the Retirement meeting on November 30, 2022, there will be four money managers presentations and the audit report presented. There are currently 2,134 active retiree members and 67 members terminated that once reach age 55, they will be due their benefit. There are 842 members with funds on file in the retirement system. The payroll for the clerks in the state is \$99,956,242 with annual retirement benefits of \$47,283,000 at approximately \$4 million per month.

The minimum required employer contribution for 2023-2024 is 21.75%. The Actuary report will be presented to the Board tomorrow, PRSAC in January and then the Board will set the rate for 2023-2024.

A question was raised as to allowing an employee to add their spouse to the insurance immediately prior to retiring. Debbie stated there is an open enrollment policy that has to be followed, and she will verify with Gallagher about the policy that may have to be followed by the insurance trust or if it can be an individual clerk's office policy.

A list of retirees receiving benefits was provided to the Clerks as required by law.

### **Executive Board – Strategic Planning**

Debbie reported that the Executive Committee met in October. One of the topics discussed was the need to improve on the clerk's participation with the Association and their responsibilities.

They also discussed elections and setting up a meeting with Senator Hewitt, which will be on December 15, 2022. They will discuss with her about any potential legislative changes.

They also discussed the standardization discussions being held at the Capitol and working on policy and procedures to be voted on in the future.

The board would like to appoint a committee to work towards a standardization of online subscription fees.

There are 33 parishes that are E-filing. There is an agreed upon date of January 1, 2025 for mandatory E-filing. Debbie encourages the clerks to apply for grants through LCRAA to assist with technology.

Debbie stated the current mission statement is "To support LA Clerks of Court and their employees to improve working environments to meet legal requirements and to better serve the public." The proposed new mission statement is "To support LA Clerks of Court and their employees to continue to create

efficiencies to the working environment in meeting legal requirements which better serve the public.” A vote was taken by raise of hand and the vote was unanimous to adopt the new mission policy.

**Supplemental**

Jill Sessions presented the financial report as of October 31, 2022:

<b>Balance Sheet</b>		<b>Income Statement (YTD)</b>	
Total Current Assets	\$217,328	Total Revenue	\$628,971
Total Other Assets	\$146,833	Total Expenses	\$556,700
Total Assets	\$364,161	Net Income	\$72,271
Total Current Liabilities	\$133,250		
Total Capital	\$158,639		
Total Liabilities & Capital	\$364,160		

**Committee Reports**

**Education Committee**

Kim Turlich-Vaughan reported that the 68<sup>th</sup> Institute will be held February 7-10, 2023, at the Embassy Suites in Baton Rouge. Two items on the agenda for discussion is a contract for the passport facility and the gumbo panel.

**2023 Conference**

The 2023 Conference is being hosted by Diane Meaux Broussard on April 3-6, 2023, at the Double Tree in Lafayette.

**Task Force on Statewide Standards for Clerks of Court Electronic Filing and Records Retention**

Annette Fontana stated Bridget Hanna, Dana Benson, Jon Gegenheimer, Jeff Skidmore, and herself served on this legislative board. On October 31, 2022, a report was submitted to the legislature by the chairman, Tom Hayes.

Annette gave a report as to some of the things that happened from the task force. In the 2022 legislative session, an amendment was made to Code of Criminal Procedure Article 253B, that allowed the clerk to convert any original pleading, document or exhibit into an electronic record. The second was a recommendation to the law institute in relation to retention to the filing of original wills and notes. Also, they are asking the law institute to make a study or recommendation to Code of Civil Procedure 258 being referred to all other Revised Statutes in regards to mortgage and conveyances. Code of Criminal Procedure 14.1 regarding original exhibits and evidence is also being recommended to the law institute for review. There was a push for January 1, 2023, for mandatory e-filing, but it was agreed that civil and criminal e-filing would be in place by January 1, 2025.

### **Scholarship**

Randy Deshotel reported that the scholarship committee has been working hard on awarding the scholarships. The scholarship fund is funded by a \$10 fee by each deputy clerk, although some parishes do not participate.

The 2023 scholarships are sent out by February 1, 2023, with a due date of April 1, 2023. Clerks are encouraged to talk to their deputy clerks to apply.

### **Executive Director Report**

#### **Cyber Security, Ethics, and Sexual Harassment Training**

All employees are required to do one hour training of each of cyber security, ethics and sexual harassment training. The cyber security training can be sent via flash drive by the Association. Ethics is available online.

#### **LA Commission on Justice System Funding Report**

This is legislation from two years ago that requires this funding report. A new electronic report will be required in the future but clerks are to still use the previous report for now.

#### **HR 30 and HCR 101**

HR 30 is regarding a study of if there are too many judges or not enough judges. Debbie testified at one of the committee meetings. Louis Perret, David Dart, Melissa Henry, Robin Hooter, and Debbie Hudnall had a meeting to discuss these resolutions and having a representative on a subcommittee.

Debbie read HCR 101 that is regarding a felony case study and discusses the purpose and goal of the case study. Arraignment dates are not being uploaded in the Software Services program to CMIS for some reason. Cott is not uploading convicted charges since January and the Division of Court is not included in their software.

#### **eClerksLA**

Debbie reminds the Clerks about the eClerksLA website and that attorneys can go to that website for E-filing. She discussed the indexes all being available on the website as well.

#### **IRS Limits**

Debbie sent out in October information about payroll padding that from October 14, 2022 through March 14, 2023, to determine the 6 month average that you cannot exceed 5% for employees that you hire between April and September. You cannot increase your expenses 15% from the first half to the second half.

For 2023, the IRS has increased the contribution for 401k for under age 50 to \$22,500 maximum and if over age 50, \$30,000 maximum. \$45,000 for the catch-up plan.

**Web Portal – LCRAA & Supplemental**

Debbie reports that the web portal will hopefully be available by January 2023 to submit LCRAA and Supplemental pay.

Debbie discusses the new W4 and regarding giving any advice to new employees. It will go into effect in 2023.

**Legislation**

Debbie received only one piece of proposed legislation. Mike Spence discussed the issues of public records requests and recounts being submitted by e-mail since it was an issue in the previous election. Clerks discussed the issues around public records requests.

Bridget stated she met with Sherri Hadskey regarding an issue that caused some problems with the November election. There were issues with pressing the correct button for lockouts, commissioners mixing up the voting machines and signing off on absentee reports and that the merge was completed correctly. Sherri provided Bridget information and maps for redistricting and mapping for polling locations. Bridget recommends preparing with a demographer for any new polling places for the upcoming changes.

Potential legislation regarding the new voting machines was also discussed.

After a lengthy discussion as to how to handle all meetings regarding election, Chelsey Richard Napoleon calls for decisions on three action items. The first is the wording on what the clerks want or do not want – Agreed upon verbiage of “auditable voter verified paper trail”. Debbie Hudnall will get the exact words. The second action item is regarding legislation; Debbie stated there is legislation drafted that could go forward this year but has not been distributed. Clerks are to stay in contact with their legislators to prepare for the potential filing of their legislation. The third action item is the education campaign regarding going to meetings and what is being stated.


**New Business**

Blane Faulk inquired if there has been any discussion regarding an increase in the precinct rentals for elections. Kim Turlich-Vaughan stated she would discuss it with Sherri Hadskey at a future time.

**Adjournment**


There being no further business, Bridget Hanna moved that the meeting be adjourned. Motion seconded by David Dart. Meeting adjourned.

Respectfully Submitted,



Jill M. Sessions, Secretary

Approved:



Robin Hooter, President