

APPROVED MINUTES

LOUISIANA CLERKS OF COURT ASSOCIATION Clerks Only Meeting Tuesday, November 28, 2023 2:00 PM NEW ORLEANS, LA

The Louisiana Clerks of Court Association Board of Directors meeting was held on Tuesday, November 28, 2023, at 2:00 p.m. Kim Turlich-Vaughan, President, called the meeting to order.

Invocation and Pledge:

Louis Perret gave an opening prayer and Jeff Skidmore led the Pledge of Allegiance.

Roll Call:

Jill Sessions called the roll with the following Clerks present:

Bridget Hanna, Erin Hebert, Connie Desselle, Brian Lestage, Jill Sessions, Mike Spence, Lynn Jones, Cherie Lott, Susan Racca, Andy Anders, Douglas Welborn, David Dart, Randy Deshotel, Randy Briggs, David Ditch, Jon Gegenheimer, Rick Arceneaux, Louis Perret, Chelsey Richard Napoleon, Darren Lombard, Kim Turlich-Vaughan, Lanell Landry, Robin Hooter, Shelly Salter, Shane LeBlanc, Greg Aucoin, Melissa Henry, Theresa Robichaux, Dodi Eubanks, Christy Lee, Jeff Skidmore, Mark Graffeo, and Stewart Hughes.

Approval of the Minutes from Clerks Only meeting on April 3, 2023, Opening Session On April 5, 2023 and Final Session on April 6, 2023

A motion to approve the prior minutes was made by Susan Racca and seconded by Louis Perret. No discussion was had. The motion was passed with no opposition.

Financial Reports

Debbie Hudnall presented the Financial Reports on behalf of Annette Fontana, Treasurer:

ASSOCIATION (as of June 30, 2023)			
BALANCE SHEET		INCOME STATEMENT (YTD)	
Total Current Assets	\$618,823	Total Revenue	\$1,129,583
Total Other Assets	\$31,875	Total Expenses	\$1,077,744
Total Assets	\$660,083	Net Income	\$51,840
Total Liabilities	\$26,336		
Total Capital	\$633,748		
Total Liabilities and Capital	\$660,083		

RETIREMENT (as of June 30, 2023)			
BALANCE SHEET		INCOME STATEMENT (YTD)	
Current Assets	\$41,825,468	Total Contributions	\$44,126,291
Investments	\$700,115,671	Total Investment Income	\$65,575,156
Other Assets	\$3,253,089	Total Investment Expenses	\$4,775,157
Total Assets	\$745,194,228	Other Additions	\$386,328
Total Liabilities	\$1,405,064	Total Deductions	\$54,757,540
Total Liabilities and Capital	\$745,194,228	Total Administrative Exp.	\$833,916

INSURANCE (as of July 31, 2023)			
BALANCE SHEET		INCOME STATEMENT (YTD)	
Total Current Assets	\$4,643,926	Total Contributions	\$9,314,254
Other Assets	\$2,601,098	Total Claims & Admin	\$9,279,515
Total Current Liabilities	\$441,485	Total Expenses	\$215,431
Total IBNR	\$1,117,000	Other Income	\$183,169
Total Liabilities	\$1,558,485	Net Income	\$2,477
Total Liabilities and Reserves	\$7,245,024		

A motion was made by Cherie Lott and seconded by Robin Hooter to receive the financial reports for the Association and with no opposition, the motion was passed.

Board Reports

LACCRMA Report

Mark Graffeo reported that it had been a very good year. The total assets are around \$2,200,000 with a claim reserved of \$561,000 and a net income of \$168,000. There was \$69,000 in interest income.

The board had discussed claims arising from lawsuits against the clerk when they are following state statutes and, in the situations, where there was not insurance to cover it. Mark read a letter from Stephen Blake from Hunt Insurance regarding their policy restrictions and claims administrators. The board agreed to contract with Renee Culotta to review.

LCRAA

Rick Arceneaux reported the Board met on November 14, 2023 and presented the following statement as of October 31, 2023:

BALANCE SHEET	
Net Income	\$322,903
Total Net Position	\$7,910,000
Total Net Liabilities	\$7,910,000

INCOME STATEMENT (YTD)	
Revenue	\$710,000
Portal Direct Costs	\$170,129
Grant Program Cost	\$128,940
Expenses	\$87,988
Net Income	\$322,903

Insurance

Debbie Hudnall stated the Board reviewed the renewals and approved a 4% increase for the medical premiums in 2024. The United Healthcare Advantage Plan for retirees received a 2% increase from last year. Dental insurance premium is maintained with an increase the maximum benefits from \$1,500 to \$2,500. The vision insurance will remain with EyeMed with no increase. There will be a new Ochsner network tier added to the medical plans.

Retirement

Debbie Hudnall invited all to attend the retirement board meeting on the following date where there will be four money managers present along with the actuary present to give presentations. According to the Actuary report, there are 1,584 retired members with the number increasing each year. There are 2,134 active members in both 2022 and 2023. The payroll for all the clerks in 2023 was \$104,780,000 compared to \$99,956,000 in 2022. We paid out to retirees in retirements benefits \$48,000,000 in 2023 and \$47,000,000 in 2022. We are 81.46% funded and in 2029, the unfunded liability will be paid off and the employer contribution rate is estimated to drop 12%.

Supplemental

Debbie Hudnall reported that the board appointed a new chairman, Shane Leblanc. The supplemental fund is doing very well from a lot more lawsuits being filed.

Total current capital is \$309,000 and so far this year, \$7,000 in interest has been made.

Executive Board Strategic Planning

Kim Turlich-Vaughan discussed that Executive Board Strategic Planning meetings were held at Houmas House. Some of the items discussed were the approved applications of CLE hours for topics held at institutes. They discussed a potential trainee for Chris at the Association since it will take a couple of years for them to learn the job.

The free criminal access in the LCRAA portal was discussed that would be limited to name, date of birth, race, sex, case number, date filed, charges, arrest date, parish, and minutes. A flyer was dispersed that had been created for a meeting with the rural judge's association. Debbie brought up the previous legislation regarding the criminal and juvenile records being available in the pilot program from 2023. Debbie contacted Antares to receive a proposal that was presented to the LCRAA board a few weeks prior. The minutes would not be printable on the LCRAA portal, and any copies would have to be purchased direct from the parish. Mike Spence spoke about his conversation with Jeff Landry's office who is excited and very supportive about the minutes being on eClerksLA. If it is approved with funding, then there would be no need for legislation or data dumps. Rick Arceneaux reported there was some pushback on LCRAA board for the approval of funding by two non-clerk members of the board. The cost from Antares was around \$90,000. A question was raised about the amount of time, and Debbie was hoping to agree to 10-year time frame. This would not include any juvenile records nor traffic tickets, only criminal records. A lengthy discussion was held regarding the assignment of a docket number to the cases for 72-hour hearings, who assigns the docket numbers in different parishes and victim notifications. In addition to the case information and minutes, there would also be a text alert system for individuals to sign up for that would require knowing the docket number and an agreement was made to limit the alert to 5 names.

Debbie had recommended to the LCRAA board that the clerks receive a premium holiday for the month of November but had pushback from the two non-clerks on the board. The matter has been tabled for Sheri Morris to look further into it.

A motion was made by David Dart for criminal search on the LCRAA portal with a second by Jeff Skidmore. The motion was unanimously approved. Rick Arceneaux stated there will be a special meeting will be held for the online criminal records access.

Kim Turlich-Vaughan continued the report from the strategic planning. She said they discussed an e-filing platform that would communicate with all clerk's offices. The board is also looking for ideas to have a community outreach program. A community outreach committee will potentially be created. New Clerk orientation will be held in March. Kim asked that per diem and travel policies be included in the training. There is a proposal that the legislative committee meet more frequently, even if by Zoom.

Committee Reports

Education Committee

Chairman Melissa Henry reports the next Institute is to be held on February 27 to March 1, 2024, in Lafayette. There is a need for additional speakers in one of the afternoon sessions to break up a 3 hour time frame. Bridget, Annette and Frank are working on that issue.

Debbie Hudnall discussed the 2024 Conference which is to be held in New Orleans. Tentative dates are in February or June and they're waiting on the hotel's responses. The tentative dates for June are the week of June 10th. Potential different dates were discussed trying to work around Institute, Mardi Gras, Elections, Legislative Session and Nuts and Bolts.

ICJIS

Debbie Hudnall reported that Louisiana is #1 in the country for reporting criminal records to NICS and #2 in reporting Protective Orders. The Association will prepare a press release regarding this information specific to the Clerks.

Judicial Structure Committee

Melissa Henry reported that she was unable to attend the meeting but did watch the meeting that was sent to her. There was a lot of discussion regarding the city courts. They will be researching the filing fees, a sample of a jurisdiction of district court filing, to see if filing in city court is cheaper. The judge's supplemental compensation is having an automatic increase. The logistical reporting was voted down not to release the statistics.

Judicial Council

A letter was sent out from the Judicial Structure Chairman that, since there was pushback from the judges, that until there is legislation that mandates certain things, it is dead in the water.

Taskforce for Statewide Standards for Clerks of Court and Electronic Filing and Records Retention

Annette Fontana serves as this representative on this taskforce through the Law Institute. The discussion is that the attorney will retain the original of electronic filings, except wills, and anything filed in court, like exhibits, would need to be maintained by the clerk. They are talking about Wills being recorded in the land records and the clerk would maintain the original. Meetings are still being held. Jon Gegenheimer questioned what was considered the "original" and Debbie responded the "paper."

Local Government Transition Team

David Ditch, Louis Peret, Randy Briggs, Becky Patin and David Stamey worked with incoming administration and what was repeated a lot was not putting anymore of the unfunded mandates on local government. There is a need to prepare for closed primaries and the question is at what level it will remain, congressional or lower. There is a meeting again on Thursday.

Executive Director Report

Debbie Hudnall reminded everyone that they will need to complete the Ethics, Cyber Security and Sexual Harassment training and that each office has to have one person in their office to have two hours of the sexual harassment training.

LCRAA grants, for those moving to Software and Services, need to make sure that they have all the equipment needed. And if you do not, you need to turn in the grant request for that equipment.

In 2024, the new IRS limit, for those with the health savings account, the contribution will go up to \$4,150 for an individual and \$8,300 for a family. On the deferred compensation, the amount goes from \$22,500 to \$23,000 for 2024.

HR 204 filed by Tanner Magee is the information that clerks will have to furnish to the Legislature. Debbie stated she will be sending out a questionnaire in the next week or so regarding HR 204.

Legislation

Several people submitted legislation this year. Debbie asked those who submitted the legislation to discuss it. She met with Stephen Ledet with Cornerstone. Their contract will be discussed at the Association board meeting tomorrow. He recommended to Debbie that the Association prioritize and focus on a few important bills to move forward.

Kim Turlich-Vaughan discussed legislation regarding the applicant who submits for homestead exemption possibly sign the application provide the social security and date of birth on the application that will be provided to the registrar of voters. Louis stated he is not sure you can add a social security number on a tax document.

She also requested an increase in fees for birth and death certificates and marriage licenses. Kim discussed the holiday statute with indigenous persons day being different than her local government as well as Columbus Day.

David Dart discussed possible legislation of a \$50 flat rate service for the Sheriff. He also discussed the future of electronic service.

Legislation for the increase in commissioner pay was discussed as there is a challenge for keeping and getting new commissioners. Jon stated we should try again, as he had in the past, to change the hours from 7:00 am to 7:00 pm. Louis Peret spoke to the chairman of the governors transition team and would be meeting with him again this week and will discuss elections. A lengthy discussion was had regarding the issues with commissioners and voting precincts.

Kim stated other things with the Secretary of State were the qualifying fees, propositions and amendments on the primary election, having the statewide marriage officiant registry going through the SOS instead of the clerk, and provide that the state would fund all costs for the AUP audits.

Mike Spence discussed increasing the fee on the registry of the court and that it could potentially offset the audit fee. He and Jill Sessions met with Senator-Elect Thomas Pressly who wants the ability to email suits in just as he faxes suits in.

Robin Hooter talked about the voting list being received from the Secretary of State monthly rather than the registrar of voters. On the abandonment of case, if they are dismissed, Robin proposed to change it to mailing a copy of the dismissal versus being served by the sheriff. She further suggested amending CHC 1106 removing clerk from that statute dealing with filiation. Also to amend CCRP 334 as to notice of arrest in bond forfeitures. She discussed the marriage license and the law stating to send a copy of them to the Department of Children and Family Services which are currently being sent to the Office of Public Health.

Robin proposed amending R.S. 35:192-removing approval of Notary bonds by Clerks. Also, legislation placing responsibility of personal information on documents on the filer. On 44:101, she would like a cleanup regarding this law of the duties of the clerks.

David Dart discussed the bond redemption on birth records and the allocation of funds. That if we are going to go for an increase on the birth records, to have that part clarified as well.

Debbie Hudnall mentioned possible legislation brought by Gary Stanga in Tangipahoa. He had an active member who completed DROP and worked three years post-DROP at which time, her spouse passed away. She thought she should receive the full benefit as if she never designated him as a beneficiary. Her DROP money had already been paid based upon the beneficiary which is irrevocable once selected. Gary has contacted his legislators regarding a change in the law regarding this.

Andy discussed the pay increase bill and that it is a good time to request this from the legislature. Bridget stated that if we choose to go for a pay increase, that we should compromise and prioritize on other items. A roll call vote was held regarding the support of going for a pay increase. The result of the roll call vote is 20 yes, 4 no and 2 abstain. Bridget recommended calling a Zoom meeting for everyone to vote. Kim stated a Zoom call will be scheduled. Chelsey Richard Napoleon stated that if the pay increase legislation moves forward, that the clerks need to commit to being present to show their support of the request.

Debbie asked what items will be prioritized. Bridget recommended that, after the Zoom call meeting, the legislative committee will meet to discuss what items to prioritize.

Melissa Henry stated she had a trial that the judge wanted the District Attorney to present into evidence a kilo of raw fentanyl and that the deputies would have Narcan on standby. Melissa wrote a letter to the Chief Judge, the sitting judge and the court administration opposing the matter and asking for a picture to be submitted instead with whomever was housing it to maintain possession of it or that Melissa would present a motion to immediately have it destroyed.

New Business

Debbie passed out a coupon for those who may want to visit the World War II museum.

Other Comments

Kim reminded everyone that the cocktails are at 6:00pm in the atrium sponsored by the money managers. Dinner is at 7:00pm and entertainment by the Victory Bells. Tomorrow will be a day full of meetings and tomorrow night a streetcar ride.

Adjournment

There being no further business, a motion was made by Louis Perret to adjourn, seconded by Jeff Skidmore Meeting adjourned.

Respectfully Submitted,



Jill M. Sessions, Secretary

Approved:



Kim Turlich-Vaughan, President