

# APPROVED MINUTES

## LOUISIANA CLERKS OF COURT ASSOCIATION Clerks Only Meeting Monday, April 3, 2023 2:00 PM LAFAYETTE, LA

The Louisiana Clerks of Court Association Board of Directors meeting was held on Monday, April 3, 2023, at 2:00 p.m. Robin Hooter, President called the meeting to order.

### Invocation and Pledge:

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

### Roll Call:

Jill Sessions called the roll with the following Clerks present:

Stacey Hurst, Bridget Hanna, Erin Hebert, Connie Desselle, Brian Lestage, Jill Sessions, Mike Spence, Susan Racca, Andy Anders, Randy Deshotel, Randy Briggs, David Ditch, Jon Gegenheimer, Rick Arceneaux, Louis Perret, Steve Andrews, Tifani Thomas, David Stamey, Chelsey Richard Napoleon, Lisa Diggs, Veronica Koclanes, Dana Benson, Kim Turlich-Vaughan, Robin Hooter, Stuart Shaw, Shelly Salter, Shane LeBlanc, Charles Jagneaux, Amy Patin, Lynn Jones, Melissa Henry, Theresa Robichaux, Dodi Eubanks, Diane Meaux Broussard, Jeff Skidmore, Holli Vining, Mark Graffeo, Stewart Hughes, Melissa Morris, Jeremy Evans, Annette Fontana, and Cherie Lott.

### Welcome from Host Clerk

Diane Meaux Broussard welcomed everyone to the 77<sup>th</sup> Annual Clerks of Court Conference events and gave an update of the events for the week of Monday, April 3, 2023, to Thursday, April 6, 2023.

### Approval of the Minutes from Clerks Only meeting on November 29, 2022

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

### Financial Reports

Kim Turlich-Vaughan presented the Financial Reports on behalf of Annette Fontana, Treasurer:

| ASSOCIATION (as of January 31, 2023) |           |                        |           |
|--------------------------------------|-----------|------------------------|-----------|
| BALANCE SHEET                        |           | INCOME STATEMENT (YTD) |           |
| Total Current Assets                 | \$619,132 | Total Revenue          | \$553,017 |
| Total Other Assets                   | \$19,404  | Total Expenses         | \$560,917 |
| Total Assets                         | \$647,922 | Net Income             | (\$7,900) |
| Total Liabilities                    | \$73,914  |                        |           |
| Total Capital                        | \$574,008 |                        |           |
| Total Liabilities and Capital        | \$647,922 |                        |           |

| RETIREMENT (as of January 31, 2023) |               |                           |              |
|-------------------------------------|---------------|---------------------------|--------------|
| BALANCE SHEET                       |               | INCOME STATEMENT          |              |
| Current Assets                      | \$46,483,384  | Total Contributions       | \$28,159,353 |
| Investments                         | \$682,698,760 | Total Investment Income   | \$45,264,371 |
| Other Assets                        | \$2,779,429   | Total Investment Expenses | \$2,438,432  |
| Total Current Assets                | \$731,961,573 | Other Additions           | \$166,240    |
| Total Liabilities                   | \$49,596      | Total Deductions          | \$32,473,643 |
| Total Liabilities and Capital       | \$731,961,573 | Total Administrative Exp. | \$511,238    |

| INSURANCE (as of December 31, 2023) |             |                      |              |
|-------------------------------------|-------------|----------------------|--------------|
| BALANCE SHEET                       |             | INCOME STATEMENT     |              |
| Total Current Assets                | \$5,097,640 | Total Contributions  | \$16,442,026 |
| Other Assets                        | \$2,144,264 | Total Claims & Admin | \$15,515,028 |
| Total Current Liabilities           | \$547,672   | Total Expenses       | \$387,449    |
| Total IBNR                          | \$942,000   | Other Income         | \$66,838     |
| Total Liabilities                   | \$1,489,672 | Net Income           | \$606,387    |
| Total Liabilities and Reserves      | \$7,241,904 |                      |              |

A motion was made by Jeremy Evans and seconded by Diane Meaux Broussard to receive the financial reports for the Association, Retirement, and Insurance and with no opposition, the motion was passed.

## **Board Reports**

### **LACCRMA Report**

Mark Graffeo recognized the following board members to serve, Johnny Crain Jr., Rick Arceneaux, Steve Andrews, and Tifani Thomas for the upcoming term. He reviewed the coverages Clerks can purchase through LACCRMA. Total Assets \$2.3 million, Reserves for Claims \$500,000, Claims Expense for 7-month period \$11,000. He reminded the Clerks to utilize the hotline for any questions with employment issues. He also informed the Clerks that John Norris, who originally helped to form LACCRMA has passed away.

### LCRAA

Rick Arceneaux reported the Board met on February 14, 2023, and then presented the following financial report as of January 31, 2023:

| BALANCE SHEET                    |             | INCOME STATEMENT (YTD) |           |
|----------------------------------|-------------|------------------------|-----------|
| Assets                           | \$6,416,870 | Revenue                | \$977,952 |
| Property                         | \$1,138,742 | Portal Direct Costs    | \$230,767 |
| Total Assets                     | \$7,555,613 | Grant Program Cost     | \$286,470 |
| Liabilities                      | \$14,069    | Expenses               | \$130,997 |
| Net Position                     | \$329,717   | Net Income             | \$329,718 |
| Total Liabilities & Net Position | \$7,555,613 |                        |           |

Debbie stated that the auditors will not book the outstanding \$500,000 in grants until they are completed and paid for as well as the case management systems.

### Retirement

Debbie gave the report for retirement reminding everyone that the employer contribution will be 23% effective July 1, 2023. The unfunded liability will be paid off in 2029 and the actuary states that once the unfunded liability is paid off, the employer contribution will decrease by 12%.

Debbie stated that the employee rate is 8.25% and that the employer can pay, by law, however much they choose on behalf of the employees. The amount paid by the employer must be declared by June 15<sup>th</sup> of each year.

On the Clerk of Court Association website, the GASB 68 report is available to include on the Clerks' audit reports.

Debbie stated the system is 87% funded and the required rate of return is 6.55%.

### Insurance

Blue Cross Louisiana is being sold at the end of the year to Anthem and will be known as Anthem Blue Cross. Anthem operates Blue Cross programs in 15 other states and due to their size, the acquisition could be beneficial.

A Blue Cross representative spoke at the last board meeting and explained that fully funded accounts with Blue Cross will receive money back from the acquisition. However, self-funded plans, like LCCIT, will not.

Also, as a reminder, under the insurance plan, the Ochsner digital plan is offered to those with high blood pressure and diabetes. There is no cost to the member.

### **Supplemental**

Jill Sessions presented the financial report:

| <b>Balance Sheet</b>        |           | <b>Income Statement (YTD)</b> |             |
|-----------------------------|-----------|-------------------------------|-------------|
| Total Current Assets        | \$254,805 | Total Revenue                 | \$1,227,148 |
| Total Other Assets          | \$146,833 | Total Expenses                | \$1,117,400 |
| Total Assets                | \$401,637 | Net Income                    | \$109,748   |
| Total Current Liabilities   | \$133,250 |                               |             |
| Total Capital               | \$268,387 |                               |             |
| Total Liabilities & Capital | \$401,637 |                               |             |

Jill asked that the Supplemental Board meet briefly after the Clerks Only Meeting.

### **Committee Reports**

#### **Education Committee**

Kim Turlich-Vaughan reported there was a profit of \$19,744 from the Institute held in February 2023, at the Embassy Suites in Baton Rouge. It was the second highest in attendance history at 268 attendees with five sponsors. The dates for the Fall Institute are August 15-18<sup>th</sup> at the Baton Rouge Marriott.

#### **Judicial Council**

Melissa Henry reported the committee is really focusing on how much the Clerks are receiving in criminal court costs. The committee is zoned in on the statutes for clerks' fees and she provided additional information to them regarding St. Tammany Parish.

#### **Scholarship**

Randy Deshotel reported that the deadline to apply for the scholarships has passed and sixteen applications have been received. The committee will be meeting soon to go over the applications.

### **Executive Director Report**

#### **Auditor Survey**

Debbie stated the Clerks had asked for a survey of costs of the auditing firms. There were 45 parishes that responded, and a copy is passed out for review. No further comment.

#### **Campaign Finance**

Debbie provided a schedule of reporting and filing dates for candidates for the 2023 election year.

#### **Financial Disclosure Reminder**

Financial disclosures are due May 15<sup>th</sup> and if an extension on your taxes was filed then a copy of that should be submitted in lieu of the financial disclosure.

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

Cyber Security, Ethics and Sexual Harassment Training must be taken annually by all Clerks of Court and employees.

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

The Justice System Funding Report has been filed over the last two years with the audit report and will now be filed electronically. Debbie has made several recommendations regarding some changes, and a few have been adopted. This report is different than any report from Software & Services or any program.

### **HR 30 Judicial Structure Committee**

This resolution was to create a system to review the number of judges. The Clerks have been brought into the discussion regarding case management systems and eFiling. In the last committee meeting, Annette Fontana testified before the committee that eFiling has been the focus in a different committee.

### **HCR 101 Felony Case Study**

Debbie stated there will be legislation introduced and will be discussed in the Legislation section of the meeting.

### **Legislative Day**

Legislative Day is set for May 8<sup>th</sup> and the cost is \$100 to be paid by the Clerk directly. Debbie encouraged everyone to attend and to ask their legislators to also be there.

### **Litigation**

Debbie asked how many of the Clerks were served with the Dr. Slaughter lawsuit out of Baton Rouge. Sheri Morris will represent the Clerks and will be filing for an extension of time.

### **Memo of Understanding – DAFR**

Debbie stated there had been a discussion at the last meeting regarding the Memo of Understanding with DAFR and she spoke with Sara Halphen who will be handling the letter and correspondence. Nothing further at this time.

### **Web Portal – LCRAA & Supplemental**

The web portal has been very successful for monthly reporting with almost all Clerks utilizing the online payments.

### **Legislation**

Debbie gave the history on the legislation in the past regarding e-recording, e-filing, LCRAA and RFPs. For LCRAA, the recording software is in 17 parishes and Software and Services programs in another 17 parishes, as well as their own customers. Annette and Debbie are going to have a meeting with Representative Magee and Representative Zeringue in the near future. Software and Services assured Debbie that by the second week of July that over 50 clerks will have the e-filing.

Tanner Magee's bill, HB 229, regarding the LCRAA board, was originally changing the number of clerks on the board from five clerks to three clerks. Now instead, they are leaving the clerks at five members and add four judges and also doing away with the portal. It also mandates that every pleading filed by attorneys, in both civil and criminal cases, are to be filed electronically effective January 1, 2025. A discussion was had regarding the position of the bill and how to address it with legislators and judges.

HB 300 – This is a bill to expand the role and responsibilities of the judicial council. Melissa Henry serves as the clerk's representative on the judicial council. The clerks are to report date to the judicial council listed in the bill.

HB 305 - Relative to electronic signatures by judges.

HB 376 – In domestic order in civil cases, it currently states to send by end of the next business day by fax to the LPOR. They want it changed no later than two hours from when the order is filed. One suggestion is that it needs to be clarified that it should be after the judge signs.

HB 286 – In the criminal law, that first offense marijuana charges, 90 days after they've been convicted, a person may expunge the record and be exempt from the processing fee.

HB 477 – Debbie stated this is a good bill and is to mandate the SID and the date of the arrest be given by the arresting agency.

HB 479 – Another expungement bill and adds more work onto the clerks without addressing any funds. She believes it involves the municipal courts and expungements.

Senator Duplessis filed another automatic expungement bill which is the same bill as last year. It includes that the clerks be funded.

The Clerks upload every night the disposition with the docket number and which judicial district to the Supreme Court. CMIS tries to send it to state police. They don't capture the docket number or the judicial district it is coming from. The only way for it to work would be to give it a CMIS number. Last year, 2.5 million records would qualify for the expungement, and it cannot be sorted in the State Police database.

SB 321 – A bill introduces that Caddo, Orleans Criminal and East Baton Rouge parishes will put their criminal records online for free for everyone and shall provide it to the Attorney General so he can give it out to the public for free. Debbie previously distributed a press release regarding this "Transparency Bill." Debbie spoke with both Greg Brown and Mike Spence about the following quote in the press release, who both stated it was absolutely not true. "East Baton Rouge and Caddo have indicated to members of the coalition in private conversations that there should be little to no cost to their offices."

HB 135 – Prohibits registered sex offender or child predator from serving as a commissioner or a watcher in Election. Clerks discussed how to get that information if it did pass.

HB 260 – Relative to federal election guidance and funding and that the Clerks have to abide by the federal guidelines.

HB 494 – Election polling places – authorizes persons and organizations engaging in lawful non-partisan activities to remain within 600 feet to entrance of polling places.

SB 16 – Allows for the Board of Supervisors to have one additional meeting during federal elections.

The legislators are asking for a pay raise from \$16,000 to \$60,000 for themselves and the assessors are asking for a pay raise in the amount 10% per term raise beginning January 1, 2023, that lasts forever.

### **Conference Announcements**

Meet at 6:00pm in the lobby for dinner.


**Other Comments**

The Supplemental Board and Nominating Committee will both be meeting after the clerks only meeting.  
Bridget Hanna added that Clay Schexnayder indicated to her that he is going to run for Secretary of State.

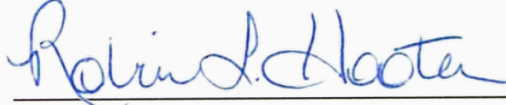
**Adjournment**

There being no further business, Meeting adjourned.

Respectfully Submitted,

  
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Jill M. Sessions, Secretary

Approved:

  
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Robin Hooter, President