

APPROVED MINUTES

LOUISIANA CLERKS OF COURT ASSOCIATION

CLERKS ONLY MEETING

TUESDAY, NOVEMBER 27, 2012 AT 2:00 PM

THE ROOSEVELT HOTEL, NEW ORLEANS, LOUISIANA

The Louisiana Clerks of Court "Clerks Only" meeting was held on the above date with the following members present: Robby Barousse, Hart Bourque, Darlene Landry, Connie Couvillon, Brian Lestage, Jim Martin, Cindy Johnston, Gary Loftin, Lynn Jones, Carl Broussard, Pat Gladney, Jeremy Evans, David Dart, Randy Deshotel, Ann Johnson, Michael Thibodeaux, Ann Walsworth, Rick Arceneaux, Louis Perret, Steve Andrews, Tom Sullivan, Marion Hopkins, Carol Jones, Arthur Morrell, Dot Lundin, Lanell Landry, Robin Hooter, Stuart Shaw, Tammy Foster, Mildred Cyprian, Charlie Jagneaux, Becky Patin, Malise Prieto, Julian Dufreche, Dodi Eubanks, Diane Meaux Broussard, Johnny Crain Jr., Holli Vining, Mark Graffeo, Felicia Hendl, Christine Crow, Lillian Richie, and Pete Fitzgerald. Also present: Debbie Hudnall, Executive Director, Bill Hodge and Cheryl Landrieu.

The meeting was called to order by President Lynn Jones who asked everyone to remember Theresa Robichaux, who recently lost her father, and Jo Wood, who lost her daughter. Ann Walsworth gave the opening prayer and Mark Graffeo led the Pledge of Allegiance.

At the request of President Jones, Pete Fitzgerald introduced Cheryl Landrieu, who will be sworn in as the 5th Circuit Court of Appeal Clerk in January after his retirement. Mrs. Landrieu was welcomed by the group.

WELCOME AND COMMENTS BY PRESIDENT

President Jones opened with this quote, "Christmas is a necessity. There has to be at least one day of the year to remind us that we're here for something else besides ourselves." –Eric Sevareid.

He then welcomed everyone to The Roosevelt Hotel for what he believed was the first time the end of year Board meetings have been held in New Orleans.

APPROVAL OF MINUTES

Tammy Foster made a motion to approve the minutes of the last regular Clerks Only meeting held May 1, 2012. The motion was seconded by Diane Meaux Broussard. MOTION CARRIED. Diane Meaux Broussard made a motion to approve the 2012 Convention minutes, duly seconded by Darlene Landry. MOTION CARRIED.

FINANCIAL REPORTS (reports on file in office)

ASSOCIATION – Treasurer Jim Martin presented the Balance Sheet of the Association which reflected Total Assets of \$698,646 and Total Capital of \$569,333 as of October 31, 2012. The Income Statement showed Total YTD Income of \$12,124, which is an improvement over Prior YTD Income of \$5,580. Jim also presented the audited comparative Statement of Financial Position for 2011 and 2012 which showed a slight increase in assets.

RETIREMENT AND RELIEF FUND - Treasurer Jim Martin presented the Balance Sheet as of October 31, 2012, which showed the Louisiana Clerks of Court Retirement and Relief Fund had Total Assets of \$407,337,251 with a Net Income of \$17,118,796. Additionally, the Retirement Administration Fund Balance Sheet and Income Statement were presented showing Total Assets of \$236,520 as of October 31, 2012. The audited Statements of Plan Net Assets were presented showing an increase of Net Assets increasing from \$378,083,955 as of June 30, 2011 to \$390,272,342 as of June 30, 2012. Jim also stated that the audit report was received at the Retirement Fund's last meeting and indicated the best possible opinion.

SUPPLEMENTAL FUND -Treasurer Jim Martin then presented the report for the Clerk's Supplemental Fund. The Balance Sheet ending October 31, 2012 showed Total Assets of \$148,016 and Total Liabilities of \$113,750. The total Revenue received for the 4 months ending October 31, 2012 was \$462,861 with total Expenditures of \$455,000 for a Net Income of \$7,861. Jim stated that suit filings were down for everyone and that income and expenses were close to even and would be monitored closely.

COMMITTEE REPORTS

BY-LAWS COMMITTEE - Chairman Rick Arceneaux reported that the committee would propose the following amendments to the By-Laws at the 2013 Conference.

1. Article VI, Section 1. (f)

(f)Appoint and meet with the ~~Convention~~ Annual Conference Committee in setting up the program for the annual conference.

2. Article X, Section 1, (a) and (b), Section 2(a) and (b)

(a)The annual conference shall be held annually at the place to be voted on by the entire membership two years in advance of the conference. Date and time is to be determined by the President and ~~Convention~~ Annual Conference Committee. The annual conference shall not be held during the regular legislative session.

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(b) The Annual Conference Chairman shall present a proposed budget to the Board of Directors at least 90 days prior to the conference for approval.

(a) A registration fee determined by the ~~Convention~~ Annual Conference Committee and approved by the Board of Directors shall be paid by all members and non-members attending any part of the annual conference.

3. Article XI; Section 2 (c) and (u)

(c) Prepare, present and interpret detailed, monthly and annual financial reports of all monies received and expended and submit same to the Treasurer and Board of Directors at their meetings; further, prepare, present and interpret detailed annual financial reports of all monies received and expended the General Membership at the Annual ~~Convention~~ Conference.

(u) Be available at all Board Meetings and at the Annual ~~Convention~~ Conference of the Louisiana Clerks of Court Association, unless an excuse is accepted by the president of the Association. The expenses of the Executive director attending the annual ~~Convention~~ Conference shall be paid by the Association.

He also advised the Board that there has been a request from Randy Deshotel to move Evangeline Parish from the 6th district to the 3rd district. These changes will be voted on at the conference.

2013 CONFERENCE COMMITTEE - Chairman Tom Sullivan entertained the Clerks with a video presentation promoting the western themed conference, "Back in the Saddle Again", to be held April 14-16, 2013 at the Capital House Hilton in Baton Rouge. Tom encouraged everyone to make their reservations early as the room block is very limited.

EDUCATION COMMITTEE - Chairman Tom Sullivan reported that the next Institute will be held at the Lafayette Hilton February 26 – March 1 and will be highlighted by guest speaker Edwin Edwards, who will also have a book signing after his session. The Institute will also include sessions for Clerks Only, Ethics, Sovereign Citizens, and many other topics of interest.

ELECTIONS COMMITTEE – Chairman Mark Graffeo indicated that the committee would meet after the December 8th election and asked that the Clerks pass along any issues with ERIN or elections so that they may be addressed at this meeting.

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RISK MANAGEMENT – Mark Graffeo reported that LACCRMA is well funded with net assets of \$1.4 million. LACCRMA received the audit report for the fiscal year ending June 30, 2012 which had a clean opinion and showed no material weaknesses. He also stated that Dot Lundin would be sworn in to take Vernon Rodrigue's position on the Board as the representative from District Two. Mark asked everyone to keep Vernon Rodrigue and his family in their prayers.

SCHOLARSHIP COMMITTEE – Chairman Diane Meaux Broussard reported that the fund balance is low. In an effort to grow the fund, the committee will host a raffle at the 2013 conference. Diane indicated that she would like to have approximately 20 items donated for the raffle. Please contact Diane to make a donation.

LISA – LISA is the acronym for the Louisiana Integrated Software Access system that was proposed by the Strategic Planning Committee that would be owned by the Clerks. President Lynn Jones reported that the land records system owned by Jefferson Parish, which is also being used by East Baton Rouge Parish with some modifications, has been offered to the Committee. The Committee has enlisted a consultant and will continue to look at all options available. President Jones indicated that there is currently a conference call scheduled.

EXECUTIVE DIRECTOR REPORT

Debbie Hudnall, Executive Director, expressed her thanks for the great staff that she has and told the Clerks how much she enjoys her job.

ACTUARIAL REPORT – Debbie presented the Summary of Valuation Results of the Retirement and Relief Fund and noted that there was a decrease in Payroll from 2011 to 2012 and an increase in Benefit Payments. The Funding Deposit Account Balance grew from \$603,658 to \$1,505,286 by maintaining the current Employer Contribution rate of 17.25% rather than decreasing it to 16.25%. She indicated that upon approval, the Employer Contribution rate will increase to 18.5% on July 1, 2013. This is a better rate than the previously expected rate of 20%, which was achieved by reducing the Valuation Interest rate from 8% to 7.5%. Debbie also presented a Year-to-Year Comparison of active members and retirees and Census Data for the Retirement Fund.

DEFERRED COMPENSATION – The maximum calendar year contribution for the Deferred Compensation plan has been increased to \$17,500 for employees under age 50 and to \$23,000 for employees over age 50 in the coming year. The catch-up amount will increase to \$35,000/year.

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MEDICAL RECEIVABLES SYSTEM - The Jefferson Parish Clerk of Court has signed a Memorandum of Understanding with the Secretary of State, the Clerks Association, and a computer company who is working to develop a medical receivables system. Jefferson Parish will serve as the pilot office for this optional program.

DROP – Debbie made the Board aware that all employees who have completed DROP and moved their investments to Great West had previously been receiving a 3.5% return. That amount was reduced to 2.5% on October 1, 2012.

BUILDING UPDATE – Debbie reported that the opening of bids has been postponed until December 11th. She stated that 5 contractors attended the pre-bid meeting and that the architect indicated that they were all reputable contractors. A drawing of the building design was shown to the Clerks.

2013 LEGISLATION

To preface the discussion of proposed legislation, Debbie indicated that this is a fiscal session which limits legislators to 5 bills each other than local bills.

R.S. 40:39.1 Birth Certificates – With the closure of the Vital Records' satellite offices, the Clerks have been asked to take on a larger workload in issuing birth certificates. Clerks currently receive \$5/certificate and collect the Vital Records fee. An additional \$4/certificate is collected on the long form and remitted to the State for purchasing equipment and adding old birth records to the system but has never been used for this purpose. This fund has been swept by the Governor each year and not used for its intended purpose. It was the consensus that the Clerks should seek increased fees, the amount of which will be determined at a later date, for issuing birth certificates.

R.S. 9:2743 Mortgage Certificates - Debbie will seek an opinion from Sheri Morris to determine the feasibility of seeking legislation to require a SSN on all mortgage certificate requests.

R.S. 13:844, R.S. 9:5217 Fee for Non-Standard Margins – Proposed legislation would require that all pages of a mortgage have uniform margins.

R.S. 13:1218 Judicial Bonds - Requires Clerk to record in a bound book all judicial bonds - Proposed legislation would repeal this obsolete law.

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R.S. 51:282 Fee for assumed names - Proposed legislation would repeal this law which is a conflict with current fee schedules.

R.S. 13:4453 Bond for Appeal – Proposed legislation would repeal this antiquated law.

R.S. 13:847 Fees for Exhibits to clarify law - Proposed legislation would clarify that electronic exhibits are to be charged the same filing fees as paper exhibits.

R.S. 11:1515, 1562, 1523, 1525 and 1526 Forfeiture of retiree's contribution (if paid by employer) if terminated before vested – Consultation with our tax attorneys revealed that this proposed legislation is not allowed by a qualified plan.

R.S. 13:782 Car Allowance (District 4) – Proposed legislation would allow for a car allowance to be paid to Clerk in lieu of the office paying for a vehicle.

CCP 4461-4464 Increase amount of small tutorship from \$20,000 to \$75,000. Clerks in attendance indicated no opposition.


R.S. 13:782 Pay Raise – After a brief discussion, the Clerks in attendance were in favor of pursuing a pay raise. Debbie suggested that a small group of Clerks meet with a group of Assessors to negotiate details of both Associations pursuing comparable raises.

There being no further business, a motion to adjourn was made by David Dart and seconded by Mike Thibodeaux. MOTION CARRIED.

Respectfully submitted:

Approved:


Holli Vining, Secretary
Board of Directors


Lynn Jones, President
Board of Directors