

PROPOSED MINUTES (To be approved at next meeting)

LOUISIANA CLERKS OF COURT ASSOCIATION

CLERKS ONLY MEETING

TUESDAY, DECEMBER 6, 2011

2:00 PM

SHREVEPORT/BOSSIER CITY, LA

The Louisiana Clerks of Court Clerks Only meeting was held on the above date with the following members present: Hart Bourque, Brian Lestage, Jim Martin, Cindy Johnston, Gary Loftin, Lynn Jones, Eugene Dunn, Carl Broussard, Pat Gladney, Beatrice Carter, David Dart, Ann Walsworth, Rick Arceneaux, Louis Perret, Steve Andrews, Linda Cook, Louie Bernard, Dorothy Lundin, Tammy Foster, Cliff Dressel, Dodi Eubanks, Holli Vining, Kay Bolding, Christine Crow and Lillian Richie.

Also present: Debbie Hudnall, Executive Director, Jeremy Evans, DeSoto Parish Clerk-Elect; Karen Calvert, Desoto Parish Chief Deputy and Bert LeBlanc, Jefferson Parish Chief Deputy.

The meeting was called to order by Vice President Lynn Jones. Tammy Foster gave the opening prayer and Lynn Jones led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Cliff Dressel, duly seconded by Steve Andrews, that the minutes of the last Clerks Only meeting, held April 19, 2011. MOTION CARRIED with no objections.

Motion by Cliff Dressel, duly seconded by Pat Gladney, that the 2011 Convention minutes be approved as presented. MOTION CARRIED with no objections.

WELCOME

In the absence of President Mark Graffeo, Vice President Jones expressed his appreciation to Louie Barnard for the many years that he has hosted the December meetings and his appreciation to Gary Loftin for hosting this year's meetings. Gary Loftin then welcomed everyone to Shreveport/Bossier.

TREASURER REPORTS

ASSOCIATION - The Financial Report of the Association was then presented by Treasurer, Jim Martin. The Statement of Financial Position for Fiscal Years 2010 and 2011 shows nearly a \$50,000 increase in assets which indicates the Association is faring well even after a reduction in dues. The Balance Sheet ending October 31, 2011 reflects net income of \$5,000. The Total Fund balance as of October 31, 2011 is \$624,873.

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Jim then presented the Budget Comparison for the months ending October 31, 2011 and reported that the Association is consistently within budget and that any changes necessary to stay within the 5% would be made as needed.

RETIREMENT AND RELIEF FUND – Treasurer Jim Martin then presented the Financial Statements for the Retirement and Relief Fund for Fiscal Years 2010 and 2011 which showed an increase of \$78 million in assets. The Balance Sheet ending October 31, 2011 shows a loss in Net Income of (\$12.5 million) which brings Total Liabilities & Reserves down to \$365 million. Jim stated that a loss was to be expected in this volatile market and then commended the Retirement Board and the Fund Managers at Summit Strategies for their efforts and for helping us to survive in this type of market.

Jim indicated that the Fund has received a clean Audit with no findings.

Motion by Louie Bernard, duly seconded by Cindy Johnston, that the Treasurer's Reports be received. MOTION CARRIED with no objections.

SUPPLEMENTAL COMPENSATION FUND

Jim Martin reported that the Supplemental Fund is back to even with Net Income of \$5,600 reflected on the Balance Sheet ending October 31, 2011 due to an increase in the per suit fee.

Motion by Gary Loftin, duly seconded by Pat Gladney, that the Financial Report of the Supplemental Compensation Fund be accepted. MOTION CARRIED with no objections.

COMMITTEE REPORTS

BY-LAWS COMMITTEE - Rick Arceneaux indicated there were no updates from the By-Laws Committee.

2012 CONVENTION COMMITTEE – Cindy Johnston reported that she was preparing for the Convention, which will be held April 30 – May 3, 2012 at Diamond Jacks Hotel in Bossier City.

2013 CONVENTION COMMITTEE - Debbie Hudnall reported on behalf of Tom Sullivan that the 2013 Convention would be held in Baton Rouge, most likely in April.

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EDUCATION COMMITTEE – Debbie also reported on Tom Sullivan's behalf that there were 184 participants at the Institute in August, which compared to 162 and 164 for the previous 2 Institutes. Total expenses were \$36,000 and total revenue was \$42,000 with proceeds remitted back to the Association of \$5,800 and \$1,000 remitted to the Association from LACCRMA. The next Institute will be held at the Baton Rouge Crown Plaza beginning February 14, 2012.

ELECTIONS COMMITTEE – No report made.

SCHOLARSHIP COMMITTEE – Debbie reported that President Graffeo would be appointing a new chairman for this committee.

RECORDS PRESERVATION COMMITTEE – Jim Martin reported that the committee was still looking at the possibility of legislation instituting a filing fee to support document preservation.

RISK MANAGEMENT – No report made.

EXECUTIVE DIRECTOR SELECTION COMMITTEE - Gary Loftin reported that the Executive Director's contract had been signed and a copy would be distributed to all Clerks. Debbie will now obtain a written estimate on the value of the car from a dealership and decide if she would like to purchase the vehicle.

REPORT OF EXECUTIVE DIRECTOR

Debbie expressed her gratitude to the Clerks for allowing her the opportunity to serve in the position of Executive Director. She then presented the results for the recent Clerks' elections and congratulated everyone.

ACTUARIAL REPORT - The Actuarial Report of the Clerks' Retirement and Relief Fund was reviewed and reflected payroll for the year ending June 30, 2010 to be \$86 million and for the year ending June 30, 2011 to be \$87 million. The employer contribution rate for retirement could be reduced but the Board will consider maintaining the contribution at the current rate to help pay down the unfunded liability. The employer contribution rate is much lower than many other entities. The Fund is currently 81% funded. Debbie also reviewed census data of the Fund's 3,716 members.

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In reference to the Monthly Contribution Report, Debbie reviewed the law that requires the Clerks to pay their monthly contributions by the 10th of the month or include legal interest. Some Clerks continue to submit their contributions late. This information will be presented to the Board of Directors for consideration of collecting legal interest on untimely contributions. She also indicated that direct deposit of contributions will be available as of January 1, 2011. The Clerks were also asked to review their monthly reports for accuracy.

SPOUSE WAIVER FORM - Debbie presented a newly required application form for Retirement/Drop/Post Drop that must be submitted. The new form is in compliance with Federal Law which requires a spouse to sign the application if the spouse is designated to receive less than 50% of the member's benefits from Retirement or Drop. The spouse must sign the forms and they must be notarized.

STAFFORD ACT – Debbie also explained the Stafford Act stating that this act allowed any employee who was receiving retirement benefits on January 1, 2006 to be temporarily reemployed for a period of 180 days/yr until July 1, 2012. Debbie suggested that the computation of allowed time for a retiree who falls under this act to work is very detailed and she encouraged the Clerks to contact the Association office to assist in this matter.

DEFERRED COMPENSATION – Debbie informed the members that the maximum contributions allowed per year will increase to \$17,000, or \$22,500 for anyone 50 years of age or older, and the maximum catch-up amount will increase to \$34,000 effective January 1, 2012.

SOCIAL SECURITY - Debbie informed the Clerks about an issue that a former Deputy Clerk had when applying for Social Security. To avoid a reduction of benefits, the State Treasury Department required a letter from the Association verifying that the Deferred Compensation Plan was a savings plan and not a retirement plan. Anyone applying for Social Security may obtain a letter of verification from the Association office.

Debbie also discussed 2 Social Security offsets. The Windfall Elimination Provision (WEP) applies to those who contributed to Social Security on their own. If someone drawing a government pension applies for Social Security under the WEP, the maximum reduction for 2011 \$372.50/month. If someone is applying to draw Social Security from contributions made by a spouse, the Government Pension Offset (GPO) will reduce their benefits by 2/3 of their government pension.

UNCLAIMED PROPERTY – Debbie reminded everyone to check the Treasury Department's Unclaimed Property website for office funds.

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SUPREME COURT REPORT – Debbie asked for input from the Clerks on the format of the form offered by the Supreme Court to report information on Damages suits that was previously submitted to the Commissioner of Insurance. After much discussion, it was the general consensus of the Clerks to not support the current format of this form.

2012 LEGISLATION

Debbie presented several items of proposed legislation that had been submitted:

1. R.S. 18:1314 – Increase Absentee Commissioner's Pay on Election Day from \$50 to \$100. After a discussion, there was no action taken on this proposal.
2. R.S. 13:841, CC 3352, CCP 1922 – Affidavit of Distinction -Add an additional fee to recording if filer fails to include last 4 digits of SSN on Mortgage, Lien, or Judgment to cover the cost of filing for any individual who has to file an affidavit of distinction. After a lengthy discussion, Motion made by Louie Bernard, duly seconded by David Dart, to proceed and support this legislation. MOTION CARRIED with no objections.
3. R.S. 51:282 – Assumed Name Filings – Delete 25 cents filing fee and 50 cents for certified copies. This bill would be to clean up obsolete fee statutes. Motion by Pat Gladney, duly seconded by David Dart, to proceed and support this legislation. MOTION CARRIED with no objections.
4. R.S. 9:2743 – Eliminates Mortgage Certificates. After a discussion, Motion made by Hart Bourque, duly seconded by Cindy Johnston, in opposition to pursuing this legislation. MOTION CARRIED with no objections.
5. The Tax Assessors Association contacted Debbie to see if the Clerks wanted to ask for a pay raise. The Sheriff's Association indicated they were not asking for a pay raise in 2012 but would be introducing a vehicle that would allow them to obtain a pay raise in the future. After some discussion, Motion made by Gary Loftin, duly seconded by Jim Martin, to keep the possibility of pursuing this legislation open. MOTION CARRIED with no objection.

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Debbie then reminded the Clerks of R.S. 13:785 which requires the Clerk to pay the Police Jury any balance in the Clerk's Salary Fund which exceeds one-half of the revenues of the last year of the term, which amount shall be limited to no more than that which was received from the Police Jury during said term of office.


OTHER BUSINESS

David Dart announced that he would be running for a position on the Deferred Compensation Board in March and he asked for everyone's support. Voting for this position will be by proxy. There is not currently a representative of the Clerk's Association on this Board.


There being no other business, Louis Perret made a motion to adjourn the meeting. David Dart seconded. MOTION CARRIED with no objection.

RESPECTFULLY SUBMITTED:

APPROVED:



HOLLI VINING, SECRETARY
BOARD OF DIRECTORS



LYNN JONES, VICE PRESIDENT