

## **APPROVED BOARD MINUTES**

**LOUISIANA CLERKS OF COURT ASSOCIATION  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, JULY 27, 2011  
1:00 PM  
LAFAYETTE, LA**

The Board of Directors of the Louisiana Clerks of Court Association met on the above date at the Hilton in Lafayette, Louisiana.

The following members were present: Mark Graffeo, President, Lynn Jones, Tammy Foster, Diane Meaux Broussard, Holli Vining, Jim Martin, David Dart, Rick Arceneaux, Louie Bernard, Felicia Ann Hendl, Vernon Rodrigue, Carl Broussard, Carol Jones, Lanell Landry, ElRay Lemoine, Cliff Dressel, Christine Crow, Darlene Landry and Debbie Hudnall, Executive Director.

The following guests were present: Dot Lundin, Julian Dufreche, Gary Loftin and Tamara Tretter.

The meeting was called to order by President Mark Graffeo. Felicia Ann Hendl gave the opening prayer and Holli Vining led the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

Motion by Cliff Dressel, duly seconded by Louie Bernard, that the minutes of May 25, 2011 be approved as presented. MOTION CARRIED with no objections.

### **COMMENTS BY PRESIDENT**

President Graffeo welcomed everyone to Lafayette. He commented that it had been a busy few months with the preparation and holding of the Strategic Planning Session and preparation of the upcoming Institute as well as putting together a committee to handle contract negotiations of the Executive Director.

### **FINANCIAL REPORTS**

The Financial Report of the Association was then presented by Jim Martin. The report ending June 30, 2011 indicates total assets of \$549,417.28. Net Income was \$60,092.05. The Income Statement was presented for the Fiscal Year ending June 30, 2011 showing that we were within our budget with an overage in revenues and under budget in expenses. Considering the budget comparison, and an expectation of lower expenses in the next fiscal year, Association dues have been reduced in an effort to bring revenues and expenses closer together.

Debbie reported that all but 7 parishes have paid their dues for 2011.

Motion by David Dart, duly seconded by Darlene Landry, that the Financial Reports be received and, with no objections, MOTION CARRIED.

### **BOARD REPORTS**

**RETIREMENT AND RELIEF FUND** - President Graffeo reported that the Retirement Board met today and Jessica Portis, with Summit Strategies, gave her market report for the fiscal year returns. She stated that the economy and the market will continue to be volatile and that we need to remain diversified in our investment strategy and continue to rebalance our portfolio.

President Graffeo reported total assets to be \$378 million with a net income of \$77 million for the fiscal year ending June 30, 2011. Our fiscal year return was 24.3%, which is the highest rate of return we have had in 16 years. Our rate of return last year was 8.7% and a negative 19% for the prior year.

Our Actuary, Greg Curran, reported to the Retirement Board that our estimated actuarial rate is 6.2% which takes into account a 5 year "smoothing" period due to the volatility of the market. He feels that we will possibly have a moderate increase in the Employer Contribution Rate of 1% or less next year and possibly 2% increase the year after.

Bob Tarcza, Tax Attorney, spoke to the Retirement Board and suggested some legislative changes for review. He will return to the October or December Board meeting to ascertain which changes the Board wants to present to the Legislature. President Graffeo felt that the Board's first meeting with Mr. Tarcza went well.

**SUPPLEMENTAL COMPENSATION BOARD** - Jim Martin reported that the Supplemental Board hopes that the July 1<sup>st</sup> increase in the per-suit fee and the cap will level things out. As of June 30, 2011, the Supplemental Fund took in \$1,292,587 and paid out \$1,369,145 for a loss of \$76,557. Current assets and cash are now (\$3,637). These figures are attributed to suit filings being down across the entire state. Last fiscal year we took in \$1,344,700 million which is \$52,000 more than this year. Some offices continue to remit their supplemental fees late each month. These offices are re-urged to remit their reports timely.

**LACCRMA** - President Graffeo reported that LACCRMA continued to operate well and that there is a Board meeting scheduled for the Thursday morning of the Institute at 7:30 A.M.

### **COMMITTEE REPORTS**

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

**2011 CONVENTION REPORT** – Debbie Hudnall reported in Clyde Ray Webber's absence that all Convention financials have been finalized and that \$7,621.75 has been paid over to the Association from the 2011 Convention proceeds and that the \$3,000 seed money will remain in the Convention account for the 2012 Convention.

**2012 CONVENTION REPORT** – Debbie Hudnall reported in Cindy Johnston's absence that the 2012 convention would be held the week of April 16-20, 2012 at Diamond Jacks Casino in Bossier City.

**IACREOT** – Diane Meaux Broussard reported that the IACREOT Convention was wonderful, but that the Association was struggling financially and needed dues. She said that she plans to have a booth at the Clerks' Convention next year in order to promote IACREOT. IACREOT's Convention will be in Albuquerque, New Mexico next year. Most of the content of the Convention was on technology. Lynn Jones stressed that there was very good educational content and he suggested that the Association send someone, possibly Debbie, to attend the classes each year so we can stay up to date on what's going on in the Country.

**EDUCATION COMMITTEE** – President Graffeo reported that the Institute is coming up August 9-12 at the Embassy Suites in Baton Rouge. Tuesday morning before the Institute, Hunt Insurance will have a training session for their new Benefit Solver online benefits system.

**EXECUTIVE COMMITTEE** - President Graffeo reported that the Executive Committee met for the 2<sup>nd</sup> Annual Strategic Planning session at Nottoway Plantation July 12<sup>th</sup> & 13<sup>th</sup>. After a full day of brainstorming and discussions, the committee followed up the next day and completed an action item list of things that would be of benefit to the Association and to individual Clerks. One of the main topics discussed was technology issues, including a possible statewide portal. The Executive Committee met again on July 26<sup>th</sup> to discuss issues concerning a statewide portal. After much discussion, President Graffeo indicated that this item is in its infancy stage and there will need to be much more research done. A more formal presentation from the session will be presented at the October Board meeting.

### **REPORT OF EXECUTIVE DIRECTOR**

**LEGISLATION** - Debbie reported that she would be giving a Legislation presentation at the Institute.

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Debbie then presented an opinion she requested from Sheri Morris as to whether expungements were civil or criminal. Sheri's opinion states that the only AG's opinion concerning this issue "reaches the conclusion that all matters related to prosecutions of criminal offenses are criminal proceedings" but that "the appellate courts have recognized that civil proceedings can arise from criminal proceedings." It is Sheri's opinion that expungement proceedings are a civil action but she is not sure that the AG would reconsider his previous opinion. President Graffeo asked the Board if they would like to pursue an AG opinion. After much discussion, the Board agreed to defer that decision to see if the Law Institute will be requesting changes in expungement laws while they are in the process of creating a uniform expungement form.

Debbie called everyone's attention to RS 42:1170(3) which will require that all Clerks and their employees to begin receiving a minimum of 1 hour of ethics education training per year beginning January 1, 2012. Any Clerk elected after January 1, 2010, are currently required to have 1 hour of ethic's training. The Clerks and their employees may receive the training at the Institute or training online that the Louisiana Board of Ethics offers.

Everyone was reminded of the reporting schedule for campaign finance reports for this election year.

Debbie also reported briefly on a meeting she was asked to attend at the Secretary of State's office concerning a presentation they had received of an add-on to the UCC system that would track accounts receivables on hospital claims on a daily basis as securities. This meeting was only to ask for the Clerks' thoughts on the system. No action was taken or planned at this time.

### **DISTRICT REPORTS**

**District Five** - Carol Jones reported that Bill Hodge has retired and that he had appointed Louise Bond as his Chief Deputy.

**District Nine** - Christine Crow reported that a member of her district had inquired as to whether or not changing the final average compensation from 36 months to 60 months would expose the Clerks to possible litigation. Debbie responded that the only time it would affect anyone significantly is if the retiree had a large pay increase within the 5 year period. At this time there hasn't been a negative effect on any retirees, but there had been a savings of approximately 2% for the employer contribution.

The remaining districts had no items to report.

### **OTHER BUSINESS**

President Graffeo reported that he had appointed 7 Clerks to an Executive Director Contract Negotiation Committee. The following Clerks were named to the committee: Gary Loftin as Chairman, Lynn Jones, Tammy Foster, Cliff Dressel, Jim Martin, Christine Crow and Brian LeStage. A report will be given at the October Board meeting.

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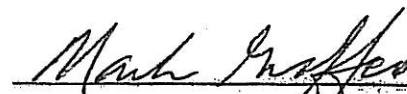
After some discussion, the location for the October Board meetings is tentatively scheduled for Nottoway Plantation.

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

RESPECTFULLY SUBMITTED:

APPROVED:

  
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HOLLI VINING, SECRETARY  
BOARD OF DIRECTORS

  
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MARK GRAFFEO, PRESIDENT