

CLERKS ONLY MEETING
Wednesday, December 8, 2010 @ 2:00 P.M.
Events Center
Natchitoches, LA.

The Louisiana Clerks of Court Clerks Only meeting was held on the above date with the following members present: President Louie Bernard, Robby Barousse, Gerald Harrington, Hart Bourque, Samuel G. Couvillon, Jim Martin, Cynthia Johnston, Gary Loftin, H. Lynn Jones, Eugene Dunn, Carl Broussard, Janet Payne, James Patrick Gladney, Doug Welborn, ElRay Lemoine, Michael Thibodeaux, Ann Walsworth, Rick Arceneaux, Louis Perret, Vernon Rodrigue, Steve Andrews, Linda Cook, Tom Sullivan, Marion Hopkins, Carol Jones, Arthur Morrell, Bill Hodge, Dorothy Lundin, Lanell Landry, Carolyn Ryland, Tammy Foster, Becky Patin, Cliff Dressel, Malise Prieto, Diane Broussard, Mark Graffeo, Kay Bolding, Christine Crow, Lillian Richie, Debbie Hudnall Executive Director, Joe Wood and Arwyn Bascle, Lobbyists.

The Clerks Only Meeting was called to Order by President Louie Bernard, with Ann Walsworth giving the Opening Prayer. The Pledge of Allegiance was led by Mark Graffeo, First Vice President.

The Roll Call was then done by Secretary Bill Hodge, and the above members were present.

APPROVAL OF MINUTES

Hart Bourque made the motion to approve the minutes of the last Clerks Only meeting held April 12, 2010, as presented. The motion was seconded by Cliff Dressel and motion carried. Motion by Pat Gladney to approve the minutes of the 2010 Convention at the New Orleans Sheraton Hotel. The motion was seconded by Gary Loftin, and with no objection, motion carried.

TREASURERS REPORT

Louisiana Clerks of Court Association

Treasurer Tammy Foster presented an abbreviated report reflecting the Annual Audited report of the Clerks Association reflecting Net Assets of \$483,448 as of June 30, 2010. The balance sheet of the Association dated November 30, 2010, reflects net assets of \$521,959 with the Income Statement for 5 months showing year to date actual net income of \$38,510.92.

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Louisiana Clerks of Court Retirement Fund

The Annual Audited Report of the Retirement Fund as of June 30, 2010 as attached reflects net assets of \$301,991,357.00. The change in plan net assets is reflected as a net increase of \$30,068,379.00, as compared to 2009 loss of \$60,241,410. Administrative expenses for 2010 are reflected as \$120,395 compared to 2009 administrative expenses of \$116,794. The Summary of Valuation Results report by G S Curran & Co. was presented showing the Retirement Fund is 80.5% funded, with a minimum Employer Contribution rate of 17% for fiscal year 2011. The Balance Sheet of the Retirement Fund as of October 31, 2010 reflects total assets of \$336,799,872.99. The Treasurer then pointed out that the Net Change for the 4 month period ending October 31, 2010 reflects \$36,515,977.32 increase. The Balance Sheet for Administrative Expenses as of October 31, 2010 reflects total assets of \$1,113,461.50, followed by Budget to Actual Comparison Statement for 4 months. Treasurer Tammy Foster then reported that the List of all Retirees is presented to all Clerks present as mandated by state statute.

Motion to Accept Financial Reports made by Carolyn Ryland. A Second to the Motion was made by Lanell Landry, and with no opposition, said Motion carried.

COMMITTEE REPORTS

By-Laws Committee:

Chairman, Lanell Landry reported that this committee will send out a survey to the Clerks so that they may respond to the needs of the District Clerks, and hope to meet before the Convention to read the surveys.

Convention Committee 2011:

President Bernard reported that as per Convention Host, Clyde Ray Weber, the dates of the Convention have been set for Tuesday, April 19, 2011, with Early Bird Party this date, and through April 22, 2011, all in the greater Vidalia area. The swearing in of the new officers will take place Friday Morning, April 22, 2011, with many activities planned for these 4 days.

Education Committee:

Chairman Bill Hodge reported that the Education Committee has set the dates of Tuesday February 15, 2011 through Friday, February 18, 2011 as the next Institute, which will be held at the Lafayette Hilton Hotel in Lafayette.

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Elections Committee:

Chairman, Mark Graffeo had no report at this time.

Scholarship Committee:

Chairman Michael Thibodeaux reported that since this committee always needs money, they were looking at a fundraiser at the Convention.

Records Preservation Committee:

President Louie Bernard announced he had appointed the following members to the Records Preservation Committee: Jim Martin, Chairman, Malise Prieto, Dale Atkins, Mark Graffeo, Lynn Jones, and Tammy Foster. He announced that Dale Atkins had encountered difficulty with lost data of conveyance and mortgage records that were under the judges I.T. department. Louie acknowledged and thanked those Clerks who had gone to New Orleans to assist Dale. He announced the committee will meet immediately following the meeting to be proactive in developing data integrity guidelines.

Risk Management Committee:

Mark Graffeo, Chairman, reported that this Committee had met in May and October 2010, and has an Audited Financial Statement of \$1.8 Million, with claims reserve of \$400,000 and claims expense of \$26,500. There are approximately 15 claims that are currently being worked by this committee. The rates being paid by members have not changed and copies of statements are available.

SUPPLEMENTAL FUND

Gary Loftin, Chairman, reported the Audited Financial Statement of the fund as of June 30, 2010, reflected net assets of \$72,700. The Balance Sheet for November 30, 2010 reflects net assets of \$54,275.

2011 LEGISLATION

At this time, Debbie Hudnall, Executive Director, extended a thank you to Joe Wood for her many years of hard work for our Association – and thanked those Clerks who worked so diligently for our Legislation. At this time, Debbie noted that no district had submitted any proposed legislation, but she had received some information from individual Clerks. It was noted that the upcoming session begins April 25, 2011 and ends June 23, 2011. She reminded all that this would be a fiscal session, and that each legislator could only introduce 5 additional bills that were not fiscal bills. Finally, she reported that there would be an early session dealing with the very important issue of re-districting.

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Debbie presented several legislative proposals that had been submitted.

1. CCRP – Bond Forfeiture – After discussion, no action was taken.
2. R.S. 13:783 F(3)- Retiree's Insurance – After discussion, President Bernard appointed Mark Graffeo, Chairman, Malise Prieto, Lanell Landry and Jim Martin as a committee to draft possible legislation that would prorate a retiree's insurance premium based on years of service.
3. R.S. 9:5176- Uniform Cancellation Form – After discussion, Louis Perret moved that the Clerks adopt the proposed legislation submitted by Jon Gegenheimer and drafted by his attorney, Malcolm Meyer that would include a uniform cancellation form in state statute. Motion was seconded by Pat Gladney. Motion carried. The Clerks asked that if possible the number of pages should be reduced to help keep cost down for filers.

There was much discussion concerning appeal costs and charges for copy costs. Redaction was a major topic, and after much discussion it was decided that the Clerks should be pro active, knowing that there will be forthcoming mandates and probably legislation. It is hopeful that the burden of redaction will be the responsibility of the filer, and not the Clerk.

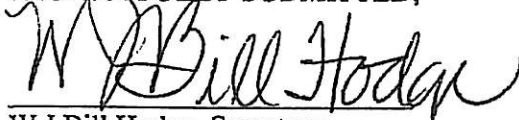
R.S. 15:32 – Disposition of Money used as evidence in criminal cases – Arthur Morrell discussed proposed legislation that would provide that upon request of the Clerk, the Court En Banc could order that monies in evidence in criminal cases that were not disposed of within five years could be used to help defray the operation expenses of the Clerk's office. It was agreed that this should be a local bill for Orleans. Motion by Gerald Harrington and seconded by Cliff Dressel that the Clerks' Association endorse this legislation. Motion carried.

The Executive Director then provided a hand out to all Clerks with a reminder that RS 14:139 is now in effect during this election cycle. The last item of discussion concerned a Court Technology Survey being sent out by the Louisiana Supreme Court through the National Court Center. The Clerks recommended that Debbie send the survey out to all the Clerks. Debbie informed the Clerks that Tim Averill is taking over as the new Judicial Administrator of the Supreme Court and he will be at the Clerks Institute in February 2011.

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With no New Business, and no further comments, Motion by Lanell Landry, and second By Hart Bourque that this meeting be adjourned. There being no objections, meeting adjourned.

RESPECTFULLY SUBMITTED,


W J Bill Hodge, Secretary

APPROVED:


Louie Bernard, President