

Approved Board Minutes

LOUISIANA CLERKS OF COURT ASSOCIATION

BOARD OF DIRECTORS MEETING

WEDNESDAY, MAY 5, 2010

1:00 P.M.

BATON ROUGE, LA.

The **BOARD OF DIRECTORS** of The Louisiana Clerks of Court Association met on the above date at the Holiday Inn, 4848 Constitution Avenue, in Baton Rouge, La.

The following members were present:

Louie Bernard, President, Mark Graffeo, Lynn Jones, Tom Sullivan, Bill Hodge, Tammy Foster, Gary Loftin, Lanell Landry, Edmond Kinler, Dot Lundin, Jim Martin, Carolyn Ryland, ElRay Lemoine, Cliff Dressel, Christine Crowe, Darlene Landry, Lauren Bailey appearing on behalf of Hon Butch Gautreaux, Ex Officio Senate Member, and Debbie Hudnall, Executive Director.

The following Clerks of Court, as guests, were present: Hart Bourque, Clyde Ray Webber, and Julian Dufreche. Also present was Mr. Randy Zinna, Attorney at Law.

The meeting was called to Order by the President, Mr. Louie Bernard, with the opening prayer by Carolyn Ryland, followed by the Pledge of Allegiance by Clyde Ray Webber.

APPROVAL OF MINUTES

MOTION BY CLIFF DRESSSEL, SECOND BY LANELL LANDRY

that the Minutes of December 10, 2009, Board Meeting, be approved as presented, and with No Objection, said Motion carried.

COMMENTS BY THE PRESIDENT

The President thanked Clerk Tom Sullivan, and our Executive Director, Debbie Hudnall, for their hard work in passing HB 1060 through the House of Representatives, and the President included a special thanks to Dodi Eubanks for her address.

President Bernard administered the Oath of Office to the following Board Members:

Gary Loftin, as Historian; Lanell Landry, as Parliamentarian; Edmond Kinler, as 1st District Member; and Christine Crowe, as 9th District Member.

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FINANCIAL REPORTS

President Bernard introduced Tammy Foster as the Treasurer of the Association.

The Financial Report of the Association was then presented, reflecting the balance sheet as of March 31, 2010 indicating current assets of \$454,818.29, adding property and equipment for a total of \$518,781.13. The liabilities reflect \$57,895.22 plus capital of \$460,885.91. The Income statement for 9 months ending 3/31/2010 reflects total revenue of \$58,216.77, expenses of \$44,652.63 for total net income of \$13,564.14, and further reflecting a YTD actual income of \$86,948.91.

THE LEGAL FUND balance sheet ending 3/31/2010 for year to date reflects total net income of \$60,797.67 which is the amount for only those parishes left in fee litigation lawsuit. The Executive Director advised the Board that this fund will be removed on or before July 1, 2010 from the Association.

MOTION BY LANELL LANDRY, SECOND BY CLIFF DRESSEL, that the Financial Reports be accepted, and with No Objection, said Motion carried.

PROPOSED BUDGET 2010-2011

Debbie Hudnall, our Executive Director, presented to the Board the Proposed 2010/2011 Annual Budget for the Association, effective July 1, 2010, reflecting that dues will remain at 2.25%. Total receipts are estimated to be \$585,900, and expenses total \$556,625 leaving net income of \$11,275.00, with depreciation expense increasing by \$6000.00. The Executive Director was commended for the office staff by Jim Martin.

MOTION BY CLIFF DRESSEL, SECOND BY TOM SULLIVAN, that the Board accept the proposed budget as presented, and with No Objection, said Motion carried.

REPORT BY ATTORNEY

Randy Zinna reported to the Board that Financial Reports are due on or before May 15, 2010. The request for the declaratory opinion as to the use of Schedule D or E is set for hearing on May 20, 2010 or May 21, 2010. If completed by range, you may have to amend depending on outcome. Further discussions were had by other board members and Mr. Zinna as to 2008 and 2009 reports.

As to the Fee Litigation lawsuit, settlement, notices, and Motion for Summary Judgment are still pending. McGlinchey law firm is still handling litigation on behalf of three of the parishes. Discussions were had as to those Parishes left in the lawsuit – 7 in number. Debbie Hudnall requested that the Association be removed from collecting and disbursing any more funds on behalf of the litigation after June 30th, if possible. Judge Vance must approve any settlement.

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BOARD APPOINTMENTS

President Bernard asked to appoint Dot Lundin, Jim Martin, and Vernon Rodrigue to the Supplemental Compensation Board for 2010-2011. MOTION BY MARK GRAFFEO, SECOND BY CAROLYN RYLAND that these appointments be made, and with No Objection, said Motion carried.

BOARD REPORTS

RETIREMENT AND RELIEF FUND

President Bernard reported that the Retirement Board met today and approved an investment policy statement and approved a new custodian – a local bank – Hancock Bank. He also reported there was a strong performance for the quarter of about 18%. The Board will be looking to further diversify the portfolio with the investment committee interviewing 3 Managers in July. President Bernard stated there were no current issues with any of the managers. He related to the Board that Gary Curran, Actuary, reported that the Retirement Fund is 80% funded. The actuary had also informed the Retirement Board that based on the fund having an 8% rate of return, he was projecting an increase in the employer contributions for the next 5 years as follows: 2%, 2%, 3%, 2%, and for the 5th year 2%. However, the pending legislation and many other factors would hopefully help reduce the employer contribution increases in the future.

SUPPLEMENTAL COMPENSATION BOARD

Gary Loftin, Chairman, advised the Board that there was no report at this time.

RISK MANAGEMENT BOARD (LACCRMA)

Mark Graffeo, Chairman, advised the Board that Risk Management will meet immediately following this meeting.

COMMITTEE REPORTS

2010 CONVENTION REPORT

No report at this time.

EDUCATION COMMITTEE

Bill Hodge, Chairman, reported the Education Committee will meet May 25, 2010 in Baton Rouge to plan the August Institute 2010 to be held at the Embassy Suites here in Baton Rouge August 17 – 20, 2010.

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SCHOLARSHIP COMMITTEE

It was reported by President Bernard that Mike Thibodeaux, the Chairman, could not be present today, and that applications for 5 graduating Seniors of Clerks were submitted. The Committee did meet and awarded each applicant \$500.00. MOTION BY JIM MARTIN, SECOND BY GARY LOFTIN that said applications be accepted and the scholarships be awarded. With No Objection, said Motion carried. The 5 Applicants were: Joshua A. Deon (Willie Deon); Cody Dodd (Dodi Eubanks); Emily Marie Olivier (John T Olivier); Austin Vining (Holli Vining); Aimee Lestage (Brian Lestage).

REPORT OF EXECUTIVE DIRECTOR

Debbie Hudnall, Executive Director, reported on Legislation, advising that HB 1126 a retirement bill affecting new hires passed the House floor; HB 749, a retirement bill, changing the final average compensation from 36 months to 60 months will be heard today. It was reported by our Director that the House Committee complimented the Clerks for this move. She also reported that she had now been asked for a fiscal note on HB 1060. Said bill will be coming up before Jud B, said date unknown. There was then discussion about SB 28, Super Poll Watcher bill, said bill was continued. It was agreed that no stance would be taken on said bill. Senate Bill 80, as to Expungements, would require the Clerks to collect the \$50 for the Sheriffs and District Attorneys; it also includes a \$10 administration fee for Clerks, with an amendment that 20% of collected funds must go to the IDB Boards. There was then much discussion about HB 1305 by Rep. Baldone that would require Clerks to remove SS numbers on previously filed documents, and the many problems that would result. It was agreed that we should ask that the bill be pulled and converted to a study resolution. Debbie then reported on HB 1218, as to refunds in civil cases. A compromise had been reached on the bill, but then it ran into problems on the House floor and they were still working on a compromise. Senator Claitor's bill, SB 572, had been amended to return monies from the Registry of the Court from 3 days to 15 days after the signing of the order.

Debbie advised that she had received an audit proposal for the Association from Duplantier, Hrapmann, Hogan, & Maher LLP for \$4000 or a \$250 increase. She also received a proposal for the audit on the Supplemental Compensation for \$4500 or a \$250 increase. MOTION BY CAROLYN RYLAND, SECOND BY ELRAY LEMOINE that we accept the audit fee, and with No Objections, said Motion carried.

COMMENTS BY PRESIDENT

President Bernard discussed that when notices of Board meetings went out from the Association Office he would like to suggest that the meeting schedules and events all be included on one page. The event schedule would state which Board would be included in the event. Board members should then RSVP for those events in which their Board is included. President Bernard wanted to assure everyone that all Clerks are always invited and welcomed to attend all meetings.

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There then followed a discussion concerning the use of executive sessions during a Board meeting, MOTION BY GARY LOFTIN, SECOND BY CLIFF DRESSEL, that the Association Board policy would be that executive session is just that, and the only persons allowed to be present in executive session would be those Board members currently serving on said Board and anyone the Board deemed necessary to furnish information. With No Objections, said Motion carried.

OTHER BUSINESS/COMMENTS BY BOARD MEMBERS:

Lanell Landry advised the Board that the By-Laws Committee was in discussions with District Members as to the number of Clerks in each Representative District, the composition of each district as to number of Clerks, and what could be done to balance these districts.

Lynn Jones reminded the Board that IACREOT Convention would be held in Chicago June 25 through July 2, 2010.

Jim Martin offered a Resolution that the Board request the Department of Vital Statistics improve and increase the birth certificate data available to the Clerks and to further provide updated equipment in order for Clerks of Court to provide birth certificates on the parish level as allowed by law and at this time offered a Motion to this effect. MOTION SECOND BY TOM SULLIVAN, and with No Objection, said Motion carried.

Clyde Ray Webber reported that the Convention Dates for 2011 will be April 19, 20 and 21. Officers will be sworn in on Thursday evening.


Debbie Hudnall advised that for the future, per diem checks will be distributed at meetings to Board members who have RSVP'd that they would be in attendance. All other Board members would receive their check by mail.

MOTION BY LANELL LANDRY, SECOND BY DARLENE LANDRY
That this meeting be adjourned, and with No Objection, said Motion carried.

RESPECTFULLY SUBMITTED:


BILL HODGE, SECRETARY
BOARD OF DIRECTORS

APPROVED:


LOUIE BERNARD
PRESIDENT