



LOUISIANA CLERKS OF COURT ASSOCIATION

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PROPOSED MINUTES

CLERKS ONLY MEETING

TUESDAY, DECEMBER 3, 2019

2:00 PM

NATCHITOCHES, LA

The Louisiana Clerks of Court Clerk's Only meeting was held on December 3, 2019 at 2:00 p.m. in Natchitoches, Louisiana. Brian Lestage, President called the meeting to order. An opening prayer was given by Steve Andrews and Bridget Hanna led the Pledge of Allegiance.

Secretary, Annette Fontana called the roll with the following present:
Bridget Hanna, Darlene Landry, Brian Lestage, Jill Sessions, Mike Spence, Lynn Jones, Cherie Lott, Susan Racca, Clyde Ray Webber, Jr., Jeremy Evans, Douglas Welborn, David Dart, Randy Deshotel, Randy Briggs, David Ditch, Amy Patin, Laura Culpepper, Richard Arceneaux, Louis Perret, Annette Fontana, Steve Andrews, Linda Cook, Jason Harris, David Stamey, Chelsey Napoleon, Kim-Turlich-Vaughan, Lanell Landry, Robin Hooter, Tammy Foster, Charles Jagneaux, Becky Patin, Cliff Dressel, Theresa Robichaux, Diane Meaux Brossard, Jeff Skidmore, Johnny Crain, Jr., Holli Vining, Mark J. Graffeo, Felicia Ann Hendl.

Also present: Debbie Hudnall, Shelly Salter and Greg Brown.

President Steve Andrews and David Stamey welcomed everyone to Natchitoches.

Approval of the March 12, 2019 Clerk's Only Minutes and March 13-14, 2019 Conference Minutes

Motion to approve the prior minutes was made by Cliff Dressel and seconded by Charles Jagneaux. No discussion was had. The motion passed without opposition.

Financial Reports

Association

Richard Arceneaux, Treasurer gave the financial report for the Association ending July 31, 2019. He reported total current assets at \$701,471.88 total other assets of \$124,573.64 for total assets of \$837,328.48. Total current liabilities of \$154,188.71 were reported with total capital of \$683,139.77 and total liabilities and capital of \$837,328.48.

Rick reported on the Income Statement for the month ending July 31, 2019. Total revenues were \$69,481.19, total expenses were \$80,925.85 with a net income (loss) of (\$11,444.66)

Retirement

Rick gave the financial report for the Retirement Fund Balance Sheet ending June 30, 2019. He reported the total current assets were \$37,237,850.13 and \$2,430,920.23 in total other assets. Total investments were \$602,174,151.24 with total assets being \$641,842,921.60. Total current liabilities were \$602,878.61, total reserve balances were \$641,240,042.99 with total liabilities and reserves of \$641,842,921.60.

Rick reported the Income Statement for twelve months ending June 30, 2019. Total contributions were \$36,688,786.81, investment income of \$22,844,698.37, total investment expenses of \$2,964,543.42, total other additions (\$64,211.43), total deductions of \$43,702,335.56 and a net increase of \$12,802,394.77.

Insurance

Rick reported on the balance sheet for month ending July 31, 2019. Total current assets of \$4,003,384.44, total other assets of \$4,526,398.15 and total assets of \$8,529,782.59. Total current liabilities of \$280,366.60, total incurred but not reported \$782,980.00, total liabilities of \$1,063,346.60, total reserves of \$7,466,435.99 with total liabilities and reserves of \$8,529,782.59.

Board Reports

LACCRMA

Mark Graffeo reported that LACCRMA is doing fine. As of June 30, 2019, there were \$1.9 million dollars in Assets, of which \$1.7 million was investments. Claim reserves were set at \$557,000.

LCRAA

Chairman Rick Arceneaux gave the financial report ending October 31, 2019. The total current assets were \$3,880,555.01, total property and equipment was \$211,491.20 for total assets of \$4,092,046.21. Total current liabilities were \$39,396.06 and total liabilities and net position was \$4,092,046.21.

Rick discussed the Income Statement Ending October 31, 2019. Total revenues were \$575,682, portal direct costs were \$276,763, revenues over direct costs were \$298,919, grant program \$75,160, total administrative expenses of \$35,778 and a net income of \$187,981. The map of participating parishes was included in the Clerk packet page 19.

Rick reported that there is a new faceted search on the LACRAA portal. Ascension Parish is testing the functionality of the new recording software.

Regarding the audit report for LACRAA there were no findings or deficiencies.

Rick also reported that LCCRA has given 82 grants totaling \$2,328,380. For the third quarter there were 8 applications with 3 awarded totaling \$198,000.00.

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Insurance

Debbie discussed the insurance cost. There was a 45% reduction on retirees and a 6% increase on active employees. She discussed the increases to the deductions and out of pocket expenses.

Retirement

Debbie discussed the required rate of return which is set by the actuary at 6.75%. The Legislative Auditor wants that rate to come down further and is evaluating it. Reducing this rate is extremely costly to the system. The Clerk's actuary is going to recommend staying at 6.75% at this time.

Mark Graffeo then advised the Clerks that the system is currently about 82% funded. Mark distributed an Employer Contribution Summary Handout showing the different amounts and increasing from 19% and the cost to the Clerks. There was discussion regarding the possibility of increasing the employer contribution rate to more than the required rate. Mark informed the Clerks that the Board could increase the employer contribution up to 3% above the required 19% and that he thought it was a good time to be proactive in this regard.

Supplemental Compensation Board

Debbie asked the members of the supplemental board to meet and elect a chairperson following the Clerk meeting.

She reported on the balance sheet for October 31, 2019 with total assets being \$197,148.98, total liabilities of \$133,250 and total liabilities and capital \$197,148.98. She reported on the Income Statement ending October 31, 2019 with a gross profit of \$546,485.50, total expenses of \$536,000 for net income of \$10,485.50.

Committee Reports

Education Committee

Debbie reported that the August Institute set a new record of 248 in attendance and there was a net profit of \$19,393. The next institute is February 11-14, 2020.

Judicial Council Report

David Dart reported that the Judicial Council met in October where the council spoke about HCR 87, criminal justice reform. The biggest concern is funding and trying to get some legislation for that. David talked about HCR 87 and trying to get a Clerk representative on the committee.

Scholarship

Randy Deshotel reported a fund balance of \$14,136. There are currently 63 parishes participating in associate dues. Applications are going to be going out in March for seniors.

2020 Conference

Lynn Jones reported that the conference was going to be March 24-27, 2020 and it would be a 75th anniversary.

Exploring Business Courts in Louisiana

Mark Graffeo is on a legislative committee regarding exploring business courts in Louisiana. The committee met twice. This would be a technical and complex litigation court that would be located somewhere in the State of Louisiana. The benefits for litigants would be that it would be cost effective and convenient but would not be every parish. He will keep the Clerks informed of the committee findings.

Executive Director Committee

Mark explained that the committee met with Debbie at the Association office and discussed her contract. The committee came up with a new contract starting January 2020 for a period of 5 years being based on the Clerks salary, auto allowance, health and retirement in the amount of \$230,000, with an increase of \$5,000 per year maxing at \$250,000. He asked for comments because the Board would vote tomorrow.

Executive Director Report

New Clerks Orientation

New Clerk's Orientation is scheduled for March 3-5, 2020. Debbie discussed the Association paying for the hotel rooms for the new clerks. Debbie made a motion and David seconded. The Motion passed without opposition.

SCR 107

This is a task force on the benefits of marriage. Professor Sphatt on the committee brought up about the pamphlets regarding covenant marriages that the Clerks are supposed to give out. These pamphlets should come from the Attorney General's office; however they are posted on-line on his website.

HCR 87

This is related to funding of the Court system; However, she felt the staff of the Judicial Administrator's office was concerned with the funding of the Judge's offices. Debbie discussed that the law requires that restitution be paid prior to fines and costs. Fines and cost need to be separate.

HCR 102

This concerns modular homes and whether they would be considered movable or immovable.

HCR 103

This is a technology survey that the Clerk's need to have their IT complete. David Dart mentioned that the Department of Homeland Security will do a security study at no cost.

HCR 106

This is the Clean Slate committee who is studying criminal records being erased.

DCFS Confidentiality

Debbie needs to meet with DCFS concerning things that need to be confidential that the Clerks are not.

Attorney General Opinion #18088

This opinion is in relation to sheriff's fees charged by the Marshall of Ruston. The opinion cited La. R.S. 13:5807 in stating that the Clerk shall pay the service cost when billed by Marshall. The Marshall should not be required to wait for payment until the Clerk collects from the party if need be. Debbie believes this is a bad opinion and will talk to the AG's office.

Recording Software

Debbie said she is excited about the new software and that Bridget was testing hoping to go live soon.

E-Filing

Debbie brought up the issue of when a person e-files, when is it considered filed. Is it when it is submitted or when it is accepted by the Clerk and how does that effect prescription? We may need some legislation for this.

Debbie then asked the Clerk's what direction they wanted to go regarding the ongoing projects of LACRAA. She brought up E-Vault La where a user would click on the selected parish's link for e-filing and e-recording and be directed to that Parish site.

Debbie advised the Clerks that she is concerned about a uniform court system and that if we don't do it the Supreme Court will.

She discussed e-filing with Tyler and that Cott was close to integration for their customers. Debbie advised that Software and Services is currently not willing to integrate with Tyler. There was some discussion from the Clerks on this issue. Debbie clarified that Tyler has nothing to do with e-Vault. It would be a link on e-Vault where you could e-file on a universal website for clerks.

Legislation

Robin Hooter then discussed the following proposed Legislation that was included in a packet provided to the Clerks:

La. R.S. 1:55E (2) Publication of Emergency Closing – This is an unnecessary requirement.

La. R.S. 18:1373.3 G-H Tabulation and Counting of Absentee & Early Voting
There is some concern on how the election results show up on the Secretary of State website. There was a couple of parishes that had not put in their early and absentee

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votes and the computer showed that all precincts were reported. This caused a candidate to believe that they had gotten the majority of the votes when in fact this was not the case after the early and absentee votes were reported.

La. R.S. 18:1406 -1415 Contesting an Election

Due to the timeline of notifying the parties to appear in court within days because this is an expedited matter, the Clerks would like to be able to have electronic service or notice.

La. C.Cr.P. art. 417 Publication of Petit Jurors; La. 38:1501 Drainage Records
The Clerks would like to get rid of this statutory requirement.

La. R.S. 44:101 General Powers of the Recorder

It was recommended to remove "recorder of marks and brands" as these items are filed with the State Brand Commission.

La. R.S. 51:282 Assumed Names
Need to repeal this statute

La. R.S. 13:844 Mortgage Certificates

Amendments to this statute call for a cost increase for certificates over ten years.

Debbie also discussed research fees and a cost for having the Clerk do the research for abstractors, realtors and mortgage companies.

Act 325 Liens and Marriage License clarifications.

Another issue that was brought up by the Clerks regarding changing the terminology to "Filing a Notice of Candidacy" as opposed to "Qualifying".

New Business

None

Other Comments

Louis Perret encouraged Clerk's attendance to IGO Conference in New York in July and encourage Clerk's to become a member.

Louis also advised that he is being sued by an employee who was terminated 19 years ago. Lafayette Parish is one of 17 parishes that pays health insurance benefits for employees over a certain number of years of service. Louis recommended some clarification and clean up regarding that legislation.

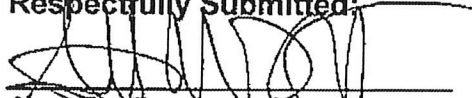
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Adjournment

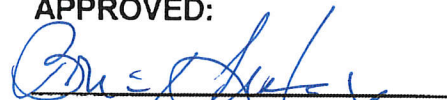
Motion to adjourn by David Dart, second by Steve Andres. Motion passed without opposition.

MEETING ADJOURNED.

Respectfully Submitted:


Annette Fontana, Secretary

APPROVED:


Brian Lestage, President