



LOUISIANA CLERKS OF COURT ASSOCIATION

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APPROVED MINUTES
CLERKS ONLY MEETING
TUESDAY, NOVEMBER 27, 2018
2:00 PM
NATCHITOCHES, LA

The Louisiana Clerks of Court Clerk's Only meeting was held on November 27, 2018 at 2:00 p.m. in Natchitoches, Louisiana. Steve Andrews, President called the meeting to order. An opening prayer was given by Brian Lestage and Bridget Hanna led the Pledge of Allegiance.

Secretary, Annette Fontana called the roll with the following present:
Bridget Hanna, Darlene Landry, Connie Couvillon, Brian Lestage, James Martin, Jill Sessions, Mike Spence, Lynn Jones, II, Cherie Lott, Susan Racca, David Dart, Randy Deshotel, Randy Briggs, Michael Thibodeaux, Laura Culpepper, Richard Arceneaux, Louis Perret, Annette Fontana, Steve Andrews, Linda Cook, Thomas Sullivan, Jr. Carol Jones, David Stamey, Chelsey Napoleon, Arthur R. Morrell, Louise Bond, Kim-Turlich-Vaughan, Robin Hooter, Stuart Shaw, Tammy Foster, Charles Jagneaux, Becky Patin, Theresa Robichaux, Diane Meaux Brossard, Jeff Skidmore, Johnny Crain, Jr., Holli Vining, Mark J. Graffeo, Robyn Creech, Felicia Ann Hendl, Chesney Baxley, Lillian Richie.

Also present: Debbie Hudnall and Jason Harris

President Steve Andrews and David Stamey welcomed everyone to Natchitoches.

Approval of the May 9, 2018 Clerk's Only Minutes and May 10-11, 2018 Conference Minutes

Motion to approve the prior minutes was made by Bridget Hanna and seconded by Kim Turlich-Vaughn. No discussion was had. The motion passed without opposition.

By-Laws Committee Report

Debbie advised that Cliff Dressel was unable to be present at the meeting and advised that there were three proposed amendments to the by-laws and explained each of them. First, it was proposed that St. Landry Parish move from District 8 to District 3. Next, there was a proposed change that each officer's term shall begin on July 1 following the date of their election to be consistent with how the Clerk's start their terms. Lastly, it was proposed that each ten (10) additional board member's term shall be July 1 following the date of their election. This is going to be voted on at the end of the meeting.

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Financial Reports

Association

Randy Deshotel, Treasurer gave the financial report for the Association ending August 31, 2018. He reported total current assets at \$635,863 and total other assets of \$139,661 for total assets of \$786,409. Total current liabilities of \$138,764.68 were reported with total capital of \$647,644 and total liabilities and capital of \$786,409.

Randy reported on the Income Statement for the two months ending August 31, 2018. Total revenues were \$137,822, total expenses were \$145,794 with a net income (loss) of (\$7,972)

Retirement

Randy gave the financial report for the Retirement Fund ending July 31, 2018. He reported the total current assets were \$32,737,940, he noted the amount of DROP with Great Western in the amount of \$26,130,328. There was \$2,461,549 in total other assets. Total investments were \$604,908,327.14 with total assets being \$640,107,817.25.

Randy reported the Income Statement for one month ending July 31, 2018. Total investment income of \$12,714,088 and a net increase of \$11,313,169.

Insurance

Randy gave the balance sheet for month ending August 31, 2018. He pointed out the Cash in the LAMP being \$356,378, total current assets of \$374,070 and total assets of \$404,651. Total current liabilities of \$0 and total liabilities and capital of \$404,651.

Motion by Rick Arceneaux to receive the Financial Report, second by Robin Hooter. All voted in favor to receive the Financial Report.

Board Reports

LACCRMA

Mark Graffeo reported that LACCRMA is doing fine. The last meeting was held in August of 2018. And as of June 30, 2018, there were 1.9 million dollars in Assets. Claims expenses for year end June 2018 was \$170,000. Claim reserves were set at \$526,000. Mark also advised that Hunt will remain the administrator for LACRRMA.

LCRAA

Chairman Rick Arceneaux gave the financial report ending October 31, 2018. The total current assets were \$3,534,752, total property and equipment \$211,491 for total assets of \$3,746,243. Total liabilities were \$5000, total liabilities and net position was \$3,746,243.

Rick discussed the Income Statement Ending October 31, 2018. Total revenues were \$517,696, grant program \$229,680, total administrative expenses of \$45,961 and a net income of \$69,671.

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Rick discussed the map of participating parishes which was included in the Clerk packet page 20.

Debbie reported that LCCRA has given 69 grants totaling \$1,778,910. She also pointed out the reduction of the fee going to LACRAA with \$2.50 going to LACRAA and \$2.50 going to the Clerks.

Election of Clerk to fill vacancy on LCRAA

Rick advised that there was a vacancy for a mid-sized Clerk on the LACRAA board. Brian Lestage nominated Jeff Skidmore, Randy Briggs seconded. A Motion to Close nominations was made by Rick Arceneaux. All voted in favor of Jeff Skidmore to the LACRAA Board.

E-Filing Committee

Debbie reported that LCRAA is going out for RFP for E-filing. The advertisement was placed in the Baton Rouge Advocate and on a state site. She advised that there were lots of questions submitted which were to be answered on the date of this meeting on the Louisiana Clerk's Website. Deadlines are December 17 with interviews being January 3- 4, 2019.

Criminal Statistics

Debbie reported LACRAA approved going out for an RPF and this is planned for the first of the year.

Recording Software

Debbie reported that Ascension, Rapides and St. Tammany are working on the Clerk's Recording Software. Bridget Hanna commented on how well things are progressing with Antares and that Ascension will be on early to mid-2019. Antares has taken a lot of Clerk input and considered the different Parish sizes. Cheryl with Antares has been out to the offices and learned a great deal about the Clerks.

Retirement

Debbie discussed the change from Summit to AndCo. Summit recommended AndCo. The Board entered into an interim agreement with AndCo. The Retirement Board did an RFP and received 12 responses. The Board would decide at the meeting the meeting on November 28, 2018.

Supplemental Compensation Board

Randy Deshotel gave a report on the balance sheet ending October 31, 2018. The total current assets were \$89,978 and total other assets were \$126,093 for total assets of \$215,971. Total current liabilities were \$133,250, fund balance was \$94,431.14, net loss was (\$11,709.63), total capital was \$82,721.51 for a total of liabilities and capital of \$215,971.

Committee Reports

Education Committee

Theresa Robichaux reported that the Education Committee met on September 26, 2018 in Baton Rouge. They scheduled all sessions for the March Institute. The fall Institute will be in August. The February Institute differs in that the Gumbo Panel will be held on the last day instead of the motivational speaker. Billy Tripp should be making the packets and getting them out shortly.

Scholarship

Brian Lestage reported on the Scholarship fund. There are 1574 associate members, 63 participating parishes, \$15,680 collected and a current account balance of \$12,793.77.

Executive Director Report

Deferred Compensation Plan

Debbie advised that on January 1, 2019 contributions increase to \$19,000. For the catch-up provision, \$38,000.

Government Relations

Debbie discussed a two year contract with Arwin Bascle for \$42,000. Tammy Foster moved to approve and enter into the contract for two years, seconded by Lynn Jones. Motion passed without opposition.

Insurance Update

Debbie reported that the change from Hunt to Gallagher is happening now. Gallagher has been very responsive and will be at the Insurance meeting tomorrow. Debbie brought up the question of whether a Clerk can have disability insurance and whether there is a law that covers that. Debbie will speak more with Gallagher about this.

Legislative Day

Debbie asked the questions to the Clerks whether they still wanted to do Legislative Day in the same format. The Clerks responded affirmatively.

Litigation

Lawrence vs. State of Louisiana

Debbie gave an update on this litigation. The attorney general is representing all defendants. The Plaintiff filed a Summary Judgment and responses are due on December 3 with a hearing on December 17, 2018.

The Clerks submitted information regarding what Clerk's procedures with traffic tickets. The attorney general did not plan on submitting affidavits in support and was simply planning on opposing on the sufficiency of the lawsuit and qualified immunity.

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If not successful on qualified immunity, the attorney general will then use the Affidavits for a Summary Judgment.

Hunt vs. Terrebonne General Hospital

Dumez vs. Terrebonne General Hospital

Theresa Robichaux discussed this litigation concerning cost under La. R.S. 13:841, exhibit fees. In this case a flash drive was introduced into evidence which contained significant pages of medical records. The trial court ruled against the Clerk in that she could only charge \$5.00 for the flash drive not the per page cost. The Terrebonne Clerk has taken a writ and is waiting on a determination from the First Circuit.

Stuart Shaw also had some litigation to discuss. His office received a call from someone who wanted to marry an inanimate object. He referred the call to Vital Records. He also received another call about marrying when the individual had another wife in Utah. Stuart's office was sued in federal court for not issuing a marriage license for someone wanting to marry their computer. He advised that he was dismissed from the lawsuit.

Victim's Notification

Debbie discussed Criminal Justice Reform and the Governor's objectives and the promise that money saved would be for the justice programs. She discussed a \$750,000 grant for Victim Notification and that the Clerk must give notice of Court hearings and keep that confidential. They wanted the Clerks to have some input on the notification software. The Governor has set aside money for the Clerks.

She advised that the Law Enforcement Commission has money to link victim notice of the Clerk to electronic notice for the victim. This could be linked to the Clerk's systems.

Legislation

Johnny Crain, Jr. talked about his local bill to have 2 Judges live in Washington Parish and the issues he has with getting documents signed. He advised that he may go 4-6 days without a Judge in his Parish because they are in St. Tammany. There was discussion among the Clerk's about the procedures in other districts with multiple parishes. Bridget Hanna discussed the 23rd which hired a courier to bring and pick up documents.

Holli Vining brought up the Clerk's getting clarification on the time period for mortgage certificates or get rid of them. There was some discussion among the Clerks about the time period that is run for a certificate. Randy Deshotel will set up a meeting with Eric LaFleur. Kim Turlich-Vaughan spoke to Bayou Title about doing their mortgage certificates and is waiting on an Attorney General opinion regarding this.

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Debbie discussed that she has been serving on the E-Notary Committee. The law currently allows the Clerk to reject a document if it does not have an original signature. The committee has been discussing situations where one person is in one state and the notary is in another and the question of an electronic signatures. They are proposing the following legislation, "That the recorder shall not refuse to record a tangible copy of an electronic record on the grounds that it does not bear the original signature of a party if the notary public before who is was executed certifies that the tangible copy is an accurate copy of the electronic record." So, what they want is that if it is not an original signature on the document then they want an original signature from the notary.

Debbie also discussed that there are some 1300 inmates beyond their sentence because of the delay in getting documentation to DOC. DOC is unsure where the delay is in obtaining documents. Debbie just encourages each Clerk's office to get the UCO and the bill to the jail ASAP.

2019 Conference Report

Debbie Hudnall reported that the 2019 Clerk's Conference will be March 11-14, 2019 at the Capital Hilton Baton Rouge. She advised that there will be entertainment.

By-Laws Amendments

The Clerks voted on the amendments to the by-laws.

First amendment to change the term to each officer to begin on July 1 was motioned by David Stamey, second by Robin Hooter. All voted in favor.

Second amendment to move St. Landry from District 8 to District 3 was motioned by Bridget Hanna, seconded by David Stamey. All voted in favor.

Finally, that the board members term shall begin on July 1 was motioned by Kim Turlich-Vaughan and seconded by Holli Vining. All voted in favor.

New Business

None

Other Comments

Debbie discussed that the Clerk of Court Association has been in the association building for five years. She advised that the building next door sold for \$200 per square foot and that would indicated that the Clerk's building has doubled in value in the last five years.

Mike Spence also gave an update on Gary Lofton, who was undergoing his 5th chemotherapy treatment.

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Adjournment

Motion to adjourn by Rick Arceneaux, second by Stuart Small. Motion passed without opposition.


MEETING ADJOURNED.

Respectfully Submitted:



Annette Fontana, Secretary

APPROVED:



Steve Andrews, President