

APPROVED MINUTES

LOUISIANA CLERKS OF COURT ASSOCIATION CLERKS ONLY MEETING TUESDAY, NOVEMBER 29, 2016 BATON ROUGE, LA 2:00 p.m.

The Louisiana Clerks of Court Clerks Only Meeting was held on the above date at the Hilton Baton Rouge Capitol Center and was called to order by President David Dart. Rick Arceneaux gave the opening prayer and Steve Andrews led the Pledge of Allegiance.

Secretary Bridget Hanna called roll and the following members were present: Bridget Hanna, Darlene Landry, Connie Couvillon, Brian S. Lestage, Jill Sessions, Mike Spence, H. Lynn Jones, II, Susan Racca, Jeremy Evans, J. Douglas "Doug" Welborn, David Dart, Randy Deshotel, Randy Briggs, Michael Thibodeaux, Amy Patin, Laura Culpepper, Jon A. Gegenheimer, Richard "Rick" Arceneaux, Louis Perret, Annette Fontana, Steve D. Andrews, Thomas "Tom" Sullivan, Jr., Carol Jones, David Stamey, Arthur A. Morrell, Louise Bond, Kim Turlich-Vaughan, Tammy Foster, Lance Marino, Mildred Cyprian, Charles Jagneaux, Becky Patin, Cliff Dressel, Melissa Henry, Christy Lee, Theresa Robichaux, Dodi Eubanks, Diane Meaux Broussard, Johnny Crain, Jr., Holli Vining, Mark J. Graffeo, Felicia Ann Hendl, Rodd Naquin, and Lillian Richie.

Also present: Executive Director Debbie Hudnall and Frank Borne.

Welcome

President David Dart welcomed everyone to Baton Rouge and reviewed the agenda for the next several days.

Debbie Hudnall told the members that she just spoke to Julian Dufreche and he informed her that he has Stage IV liver and colon cancer and will be meeting with doctors tomorrow for a treatment plan. She stated that he has a very optimistic attitude and she passed a card around for everyone to sign. She also stated that Mrs. Ann Johnson's husband also has liver cancer. She asked that we keep them in our thoughts and prayers.

Approval of Minutes

Motion was made by Cliff Dressel and seconded by Lynn Jones to approve the minutes of the Clerks Only Meeting held on March 22, 2016, the 71st Annual Conference opening session minutes of March 23, 2016 and the 71st Annual Conference final session minutes of March 24, 2016. Motion passed without opposition.

Financial Reports

Executive Director Debbie Hudnall presented the financial reports for the Association for the period ending September 30, 2016. She reported total current assets of \$622,167, total property and equipment of \$7,704, total other assets of \$196,557 and total assets of \$826,428. She also reported total current liabilities of \$124,415, total capital of \$702,013 and total liabilities and capital of \$826,428. Debbie informed the board that current year to date actual revenues for the three months ending September 30, 2016 are \$213,274 with total expenses of \$190,581 and a net income of \$22,693. She stated that the net income compared to prior year month to date actual is higher because more advertising than in the past was sold in the new Clerk of Court Directory which provided additional revenue. At this time the Executive Director presented the financial reports for the Retirement Fund for the period ending September 30, 2016. She reported total current assets of \$28,344,371, total other assets of \$2,609,498, total investments of \$519,003,414 with total assets of \$549,957,282. For the three months ending September 30, 2016 total investment income of \$23,190,992 was reported, total investment expenses of \$253,208 and total investment expenses of \$253,208 with total other additions of (68,750). She reported total deductions of \$10,467,019 with a net increase of \$18,518,309. She stated that total administrative expenses for the Retirement Fund for the three months ending September 30, 2016 were \$166,582. The financials for the LA Clerks of Court Insurance Trust (administrative fund) for the period ending September 30, 2016 was then presented. Debbie reported total current assets of \$320,255, total other current assets of \$51,410 and total assets of \$371,665. She reported total current liabilities of -0- and total capital of \$371,665. She also stated that she was happy to report that the Insurance Board was able to reduce insurance premiums by 5% for 2017. The current year to date actual total revenues for the nine months ending September 30, 2016 were reported as \$95,043, total expenses of \$82,910 and total net income of \$12,133. She stated that there were currently 55 parishes participating in the Insurance Trust Fund. The statement of changes in net assets for August, 2016 was reported with cash assets of \$2,704,337, total investments of \$4,675,056, total other assets of \$29,032 and total assets of \$7,408,425. Motion made by Holli Vining to receive all financial reports as presented, seconded by Tammy Foster. Motion passed without opposition.

Supplemental Fund

Chairman Randy Deshotel presented the financial reports for the Clerks Supplemental Fund for the period ending October 31, 2016. He reported current cash assets of \$99,645, total other assets of \$121,480 and total assets of \$221,125. Liabilities of \$123,500 were reported with a net loss of \$13,246. He stated that the net loss was planned in order to reduce the balance in the fund. In addition, he reported total capital of \$97,625, and total liabilities and capital of \$221,125. Motion made by Holli Vining to receive the financials of the Supplemental Fund as presented, seconded by Tammy Foster. Motion passed without opposition.

Committee Reports

Bulk Purchasing

Lynn Jones informed the Clerks about bulk purchasing and that his office has been buying in bulk and has saved thousands of dollars. He brought the idea of Clerk's Offices around the state buying together in bulk in order to save money. His vendor stated it may be anywhere between 20-50% savings. The majority of the Clerks present stated that they would be interested in bulk purchasing. President Dart will appoint a small committee to look into this matter.

Education

Tammy Foster reported that the committee met recently to plan the February Institute and to choose the location for August 2017. For the February Institute they are planning a Clerks only round table session and they are looking at different venues for the August Institute.

LACCRMA

Mark Graffeo reported that LACCRMA received a good financial audit and all was going well. There was \$49,000 in claims expense and \$455,000 in claim reserves.

Scholarship Committee

David Dart reported that he has appointed the following committee members: Diane Meaux Broussard, Brian Lestage, Amy Patin, David Stamey, Melissa Henry, Randy Deshotel, Bridget Hanna, David Dart & Debbie Hudnall. A meeting will be scheduled soon.

E-Filing

David Dart stated that he has appointed the following committee members: Lynn Jones, Jon Gegenheimer, Louis Perret, Annette Fontana, Rodd Naquin, David Dart and Debbie Hudnall. A meeting will be scheduled soon.

Executive Director Report

Audits

Debbie Hudnall informed the Clerks that she has been told that auditors will become very strict with their audits and provided the Clerks with a statewide agreed-upon procedures document that the auditors will be using. These procedures will require auditors to check more transactions than they are presently checking along with several other more detailed requirements. She stated that this may cause the price of your audit to increase.

Deferred Compensation

The amount that you can contribute did not increase for 2017. All amounts will remain the same except for the amount for a Health Savings Plan for an individual which went up from \$3,350 to \$3,400.

Department of Public Safety

She met with Jimmie LeBlanc and some of his staff. She reported that they are looking at their budgets and where they can cut expenses. They are checking to make sure that the Clerks are sending Uniform Commitment Orders timely to DOC so that inmates can be released at the proper time. She told them she would work with them and cautioned the Clerks to get the UCO to DOC timely.

Grants

The Supreme Court grant for Dawn Tricou expired in September and Rosemary Cannon's grant expired in October, however, the Supreme Court has informed Debbie that both grants will be renewed and she is currently waiting for the new contracts. She reported that the Clerk's Association will be paid \$2.00 per hour less on the new contracts for each person. She stated that these grants are assisting the Clerks with criminal dispositions. It also benefits the Association in that it generates revenue. For 2015-16, \$73,000 was collected from Supreme Court and \$53,000 was paid out. So far this year we have collected \$24,000 and have paid out \$16,000.

Litigation

Lawrence vs. State of Louisiana
State of Louisiana vs. Cornella Carroll

The above named suits have been filed in Baton Rouge District Court challenging the constitution for people paying certain court cost on traffic tickets. Recently the Attorney General filed an exception of no right or cause of action, which was denied by a District Judge. The ruling was appealed to the 1st Circuit and was upheld. A status conference has been set for January 26, 2017 and she informed the Board that the plaintiff attorneys may want to depose some Clerks. Debbie will keep the Clerks informed on this matter.

Retirement Contribution Report

Debbie gave the Clerks a copy of the new retirement report. She stated that they are now asking for the number of part time employees not subject to retirement contributions. She said if the number of part time employees continues to grow without paying into the system it can eventually affect the retirement system.

Legislation

Debbie introduced the Clerks Governmental Affairs Consultant, Arwin Bascle.

2017 Legislative Proposals

1. Law on abandonment & prescription should all coincide. (CC 3495, RS 13:842, CCP 561) Debbie stated there is a house study to review this and discussion was held on this matter. It was decided to wait until study is completed to see what happens.
2. Consider making civil & criminal copy fees the same as recording (up to \$2.00) (RS 13:841, 844 & 847) Debbie stated that there is a resolution to study court costs that there be no increase in court cost fees until 2018 so there may be an issue with trying to pass this at this time.
3. Stalking (CCP 3603.1 & RS 46:2173) No advance deposit provided the complainant is eligible to receive all services, benefits and other forms of assistance provided by Chapter 28 of this title based on the status of the relationship between the victim and perpetrator. (Only those with no family relationship would be required to pay advance costs of court unless they qualify as a pauper). Discussion was held on this matter. It was decided to approach the protective order registry to see if they will assist with this.
4. Amend refund statute (RS 18:842) Legislation to define the person to be refunded as the attorney of record. Jon Gegenheimer's attorney is researching this matter and will report back to the members.
5. Increase fax filing from \$5 to \$10 (RS 13:850) Debbie stated that there is a resolution to study court costs that there be no increase in court cost fees until 2018 so there may be an issue with trying to pass this at this time.
6. Recording fees (RS 13:844) Several items were discussed in regards to Legislation for recording fees. (1) Indexing Standards (2) Require instruction page (3) To no longer require microfilming and to cease printing books (4) To make sure last 4 digits of social security is not redacted (5) To require mandatory electronic filing within 5 years and proposed fee changes. Debbie will work on a possible proposal.

LCRAA

Chairman Mark Graffeo reported on the grants stating that the Board has approved approximately \$591,000 in grants and funded about \$300,000 at this time. The grants that have been reviewed were approximately 1.2 million which has the Board approving about 48% of requests. Tom Sullivan encouraged those parishes that need assistance to get on LCRAA or back scan to apply for a grant. They would like to get all parishes back scanned 30 years online. There are presently 54 parishes participating.

2017 Conference Update

The annual conference is to be held in Lake Charles July 17-20th at Golden Nugget. We are having it at this time of the year in order that it does not conflict with legislative session.

New Business

None

Other Comments

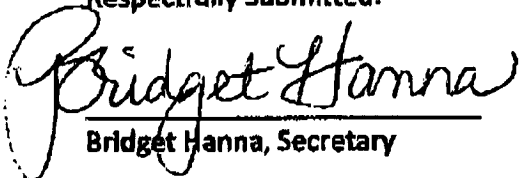
Bridget Hanna advised the Clerks that she has had several attorneys in the past few months request pauper status at appeal when they were previously paying for their clients on contingency cases. She stated that the 1st Circuit Court of Appeal had overturned the District Judge in denying the pauper status. At the present time she has a case in which the appeal costs are \$62,000 and the attorney has now filed for pauper status on behalf of their client. She stated that she has hired an attorney to traverse the pauper application and it is set for court at the end of January 2017. She wanted to inform the Clerks that this was happening more and that it could set precedence and be financially harmful to the Clerk's Office. She will keep everyone informed on the progress of this matter.

Arthur Morrell gave an update on his suit with the City of New Orleans.

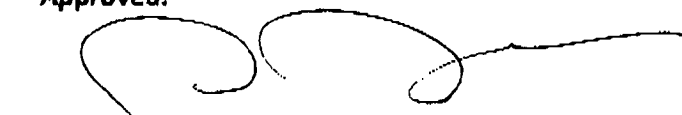
Tom Sullivan said he appreciated the assistance from the Secretary of State during the recent election with flooded precincts.

There being no further business, Doug Welborn moved to adjourn, seconded by Rick Arceneaux. Motion passed without opposition.

Respectfully Submitted:


Bridget Hanna, Secretary

Approved:


David Dart, President