



ARKANSAS DEPARTMENT OF HUMAN SERVICES
STATE INSTITUTIONAL SYSTEM BOARD MEETING
TELECONFERENCE

JULY 8, 2020 / 1:00 p.m.

Members Present: Rafael Figueroa, Jr.
Steven Blackwell
Porter Brownlee
James Luker
Mike Russell
John Yarbrough

DHS Staff Present: Kara Benca, Assistant Director, Quality Assurance, Division of Youth Services
Michael Crump, DYS Director
Sarah Cunningham, Office of Chief Counsel, DYS Attorney
Alicia Davis, Division of Youth Services
Jay Hill, Director, Division of Aging Adult and Behavioral Health Services
Glenn Holt, Deputy Director, Division of Youth Services
Mark Hooten, Physical Plant Supervisor, Division of Youth Services
Scottie Leslie, Division of Aging Adult and Behavioral Health Services
David Sterling, Office of Chief Counsel

Others in Attendance: Phyllis Bell, Senior Advisor for Child Welfare, Governor's Office

Agenda Item 1: **CALL TO ORDER**

Before the meeting was called to order, board member Mike Russell asked that a letter of sympathy be prepared for the family of board member Micheal Burden and signed by all the board members. Board members recently learned that Chairman Micheal Burden, who presided over the April meeting, passed away on June 20. All members agreed this with request.

Following this decision, the meeting was called to order by Chairman Rafael Figueroa.

Agenda Item 2: **APPROVAL OF MINUTES FOR JANUARY 8, 2020 BOARD MEETING**

Mr. Rafael Figueroa asked members if they had all received and reviewed copies of the minutes from the April 8th meeting and if there were any questions, additions, or corrections.

Dr. Mike Russell had a question about the water seepage issues at the Dining Hall and Education Buildings at Dermott. Dr. Russell referred to Mr. Porter Brownlee's comments regarding a geo-technical engineer and asked if Mr. Hooten had been in touch with one. Mr. Hooten replied that he had had been waiting on new fiscal year budget monies and now that the new fiscal year has started, he will begin to move forward with this.

There being no other discussion, Chairman Figueroa asked for approval of the minutes of the April 8, 2020, meeting and all members voted for approval.

Agenda Item 3: **DIVISION OF AGING, ADULT, AND BEHAVIORAL HEALTH SERVICES (DAABHS) REPORT**

ARKANSAS STATE HOSPITAL (ASH)

- Due to COVID 19, the completion date for the room by room project has been extended to December 2020. Dr. Mike Russell asked whether or not this could be a problem for ASH. Mr. Jay Hill responded that, while he wished the project would be completed sooner, that all potential ligature hazards had been removed from these rooms the remainder of the job consists of mostly cosmetic improvements, such as painting.
- A request for bid has been submitted to the Division of Building Authority (DBA.) for the asbestos removal and disposal from the cooler storage room and for the security fencing project at four (4) egress points in the new building. Dr. Mike Russell asked the status of this request to DBA and Mr. Hill stated the Division had not yet received any bid results
- A request for project bid has also been submitted to DBA for the adolescent courtyard project, approved at the April 8, 2020, meeting. Morris and Associates, Architects and Environmental Consultants, has provided a quote for the 30,000 square foot addition as follows:

New Fence	\$145,704
New Concrete	\$36,414
Full Court BB	\$2,200
<u>Patio Cover</u>	<u>\$40,000</u>
Total Cost	\$224,318
Contingency (10%)	\$22,431
Grand Total	\$246,749

Dr. Mike Russell asked if the Board needed to approve the project at this amount and if a motion was necessary. Ms. Alicia Davis referred Board Members to page 5 of the April minutes, where it was recorded that during that meeting the Board approved the project for the amount specified.

ARKANSAS HEALTH CENTER (AHC)

- The HVAC replacement for the Administration Building 7 and Dietary Building 10 has been completed.
- As requested by the Board, the Health Center has requested a drawing for the new addition, which will be 1,550 sq. ft. with a 1,120 sq. ft. covered porch. The price estimate remains \$300,000.

Dr. Mike Russell made a motion to approve the DAABHS quarterly report. Mr. Porter Brownlee seconded the motion. Motion was approved.

Agenda Item 4: **DIVISION OF YOUTH SERVICES (DYS) REPORT**

JUVENILE TREATMENT CENTERS

- **Arkansas JATC:** The fencing project is complete. The lock cylinders have been ordered for the new locks and are scheduled to arrive in approximately three weeks. The project is slated for completion in November.
- **Dermott JTC:** The sally port gate control is non-functioning. This is causing a safety issue when there is lightning in the area. DYS will be obtaining quotes for this project.
- **Harrisburg JTC:** There are currently no major issues. The facility is conducting routine maintenance.
- **Lewisville JTC:** The last juvenile and staff left LJTC on May 5th. DYS will be contracting with Randy Burks to perform routine maintenance, cutting grass, walking the grounds daily, and monitoring the sewer ponds.
- **Mansfield JTC:** The fencing project is complete.

Dr. Mike Russell made a motion to approve the DYS quarterly report. Mr. Jim Luker seconded the motion. Motion was approved.

Agenda Item 5: **NEW BUSINESS**

DIVISION OF YOUTH SERVICES (DYS) ~ LEASES WITH RITE OF PASSAGE (ROP)

Leases with Rite of Passage (ROP) beginning July 1, 2020, for three juvenile treatment were distributed to the Board for review and approval along with the August lease renewal with ROP for the Arkansas Juvenile Assessment and Treatment Center in Alexander. Ms. Kara Benca directed board members attention to these leases and asked for their approval. Chairman Figueroa asked if everyone had a chance to look over the leases.

Mr. Porter Brownlee state he believes that DHS should be named as additional insured on the certificate of insurance, particularly so that DYS would be notified if the policy is modified or cancelled. Dr. Mike Russell agrees with Mr. Brownlee that, to protect the state, DHS needed to be identified on the certificate of insurance in order to give the state direct access to the policy. Mr. Steven Blackwood added that having DHS listed as additional insured on the policy is extremely important and should not cost the state anything.

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Dr. Mike Russell says sometimes there might be a small fee, but it would be well worth it here.

DHS Chief Counsel David Sterling reminded board members that the state has liability up to the point we're insured, then we have sovereign immunity. Ms. Kara Benca agreed and said that is the same legal advice received from Mr. Michael Brechlin.

Mr. Porter Brownlee wanted to know what is in place to insure we are informed of a policy modification, lapse or cancellation and Mr. Sterling replied that DF&A and DHS Offices of Procurement require that *contractors* notify us of insurance modifications or expirations. Mr. Sterling was asked about theft or property damage and he explained that currently, anyone seeking restitution from the state must file a claim through the Arkansas Claims Commission. Dr. Russell asked if it would be the same procedure if ROP was responsible. Mr. Sterling explained that ROP is insured for this. If a claim was made to both, the state would be dismissed early on so that ROP could respond to the claim.

Mr. Porter Brownlee said his concern was not as much with the coverage, but the notification to DYS. Ms. Sarah Cunningham re-stated the requirement included in the scope-of-work of a contact for the contractor/vendor to notify us of change in insurance. Dr. Mike Russell said that since it was already a requirement, it should also be a requirement that is substantiated on the certificate of insurance.

Mr. Steven Blackwood asked if a contract would be terminated for not having insurance and Mr. Sterling replied they would definitely be in breach-of-contract and action could be brought by the State. Mr. Glenn Holt agreed with Mr. Sterling that a DYS contractor would be contacted with the Division's concerns. A contractor could also be held responsible for restitution for placing the state at risk by a lapse in coverage.

Dr. Mike Russell said he supports a cancellation clause and DHS being a certificate holder, he would like to see us a certificate holder. Mr. Sterling said OCC will research this, and if the state does not take on additional liability by being named as a certificate holder, he is also supportive of DHS's name being on the certificate of insurance.

Mr. Jim Luker stated he thought maybe this was getting more into operational issues than facility issues, which is beyond the mission of this Board and doesn't feel the Board should dwell too much on liability insurance. Dr. Russell replied that as approvers of lease agreements, if the notice something that should be corrected, it should be brought to the attention of the Division. Following this discussion, Mr. Rafael Figueroa asked if anyone would like to make a motion.

Mr. Steven Blackwood made a motion that the Board approve all ROP leases as presented, relying on DHS attorney's to follow-up with a determination of the addition of the agency's name on the certificates of liability insurance for notification purposes. Dr. Mike Russell seconded the motion. Motion was approved.

Chairman Rafael Figueroa asked if there was any further new business. Mr. Jay Hill, DAABHS Director, asked if the Board would approve putting out a request for bid on the 1,550 square foot expansion of the activity center at the Arkansas Health Center along with a 1,120 square foot covered porch at an estimated cost of \$300,000.

Mr. Steven Blackwood made a motion to request bids on the activity room addition project at the Arkansas Health Center for an estimated cost of \$300,000. Dr. Mike Russell seconded the motion. Motion was approved.

Agenda Item 6: **OLD BUSINESS**

There was no old business for discussion.

Agenda Item 7: **ADJOURN**

Board members agreed in light of the COVID 19 public health emergency, the October 14, 2020, quarterly meeting should be teleconference as well. DHS staff will work towards conducting the meeting using zoom. The meeting will begin at 1:00 p.m.

There being no further business, **Mr. Porter Brownlee made a motion to adjourn the meeting; Dr. Mike Russell seconded the motion. Motion was approved.**

The meeting adjourned at 1:40 p.m.

Respectfully Submitted:

Porter Brownlee, Secretary
State Institutional Systems Board