



**ARKANSAS DEPARTMENT OF HUMAN SERVICES**  
**STATE INSTITUTIONAL SYSTEM BOARD MEETING**  
**Z O O M M E E T I N G**

**OCTOBER 14, 2020 / 1:00 p.m.**

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

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  
Bryan Hall, Chief Operations Officer, Arkansas State Hospital  
Scottie Leslie, Division of Aging Adult and Behavioral Health Services  
Sarah Linam, Office of Chief Counsel  
James Scoggins, Administrator, Arkansas State Hospital  
Angel Smith, CFO, Division of Aging Adult and Behavioral Health Services  
Keesa Smith, Deputy Director, DHS

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

Agenda Item 1: **CALL TO ORDER**

Following some technical difficulties at DHS, Board Chairman Rafael Figueroa, Jr. called the meeting to order at 1:15 p.m.

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 July 8<sup>th</sup> meeting. All members responded that they had.

**Mr. Steven Blackwell made a motion to approve the minutes from the July Board meeting. Mr. Porter Brownlee seconded the motion. Motion was approved.**

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

**ARKANSAS STATE HOSPITAL (ASH)**

Mr. James Scoggins made the DAABHS presentation to the board.

- Mr. Scoggins reported that the completion date for the room by room project has been extended to February 2021, although staff is hoping it will be sooner. Of nine (9) Units, there is only about a Unit and a half left to be completed.
- 1DE funds have been allocated for the asbestos removal and disposal from the cooler storage room and the project is moving forward.
- The approved additional security fencing project has a cost estimate of \$28,566 and has been approved by DBA. ASH is waiting for 1DE funds to be allocated to begin the project.
- DBA has approved the 30,000 square foot courtyard project near Unit D and it is in the final review phase. ASH is waiting for 1DE funds to be allocated to begin this project.

Mr. Jim Luker asked how the State Hospital was staying in budget. Mr. Scoggins replied that, due to funding resources, only the asbestos project was going forward at this time. Mr. Luker asked if it was necessary to complete asbestos removal before moving forward with other projects. Mr. Scoggins stated it should not affect the others, as it is in a separate, isolated location at the hospital.

**ARKANSAS HEALTH CENTER (AHC)**

- As requested by the Board, the Health Center has requested a drawing from the architect for the addition to the large activity room and covered porch at the Center but it has yet to be received.

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

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

**JUVENILE TREATMENT CENTERS**

Ms. Kara Benca made the DYS report to the Board.

- The lock project at the Arkansas Juvenile Assessment and Treatment Center is still scheduled to be completed in November.
- Quotes for the non-functioning sally port gate control at Dermott came in under the threshold required for Board approval and DYS has moved forward with project and all repairs are now completed.

Mr. Jim Luker brought up the controversy over the University selling the Colt property and asked about DYS interest in that facility. DYS Director Micheal Crump explained that we leased the facility from the University and when we moved all operations to Harrisburg, the property reverted back to the college.

Mr. Luker asked if we could look into this further and Mr. Crump replied he will communicate with DHS Office of Chief Counsel for further information.

Mr. Rafael Figueroa asked if there were further questions concerning the DYS report. Dr. Mike Russell commented on the detail in the report.

**With no further discussion, Mr. Porter Brownlee made a motion to approve the DYS quarterly report. Mr. Steven Blackwood seconded the motion. Motion was approved.**

Agenda Item 5:           **NEW BUSINESS**

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

The Division of Youth Services would like to enter the final lease agreement with Rite of Passage (ROP), the current service provider at the four (4) DYS facilities, at its final location, which is the Lewisville Juvenile Treatment Center. A copy of the lease was included in the Board packet.

Mr. Steven Blackwood referred to page 4 of the lease where lessor is to be identified as an additional insured. This was discussed in two prior board meetings. Mr. Blackwood and Mr. Brownlee wanted to know if clarification on this language was determined by the DHS Office of Chief Counsel. Mr. Brownlee understood that DYS would be an additional certificate holder, not an additional insured, per previous discussions.

Mr. Mike Russell asked about item (d)(1) on page 4 where it states that the lessee carry “All Risk” property insurance for its personal property replacement costs wanted to know about DYS personal property – buildings, contents, and equipment – and if \$1,000,000 is enough. He also asked if we are requiring them to have a personal umbrella. Mr. Russell believes there needs to be clarification here.

Mr. Russell asked if David Sterling was in attendance. He is not, but Sarah Collins Linam, Deputy Director at OCC and former Chief Procurement Officer said contracts are something that she is quite familiar with, and stated she would take a closer look at the lease. She also stated that all state-owned facilities are covered under a state umbrella policy and most of the time vendors are not required to cover state property, due to significant contract cost increases.

Mr. Rafael Figueroa said he understood from David Sterling (from past meetings) that DHS being named as additional insured ties the agency into liability. If we are not named in the contract, we are covered by sovereign immunity.

Ms. Kara Benca indicated that the lease in discussion was prepared by Division of Building Authority (DBA) and was not drafted by DHS. Ms. Linam stated that generally if a standard lease is prepared and approved by the receiving agency is limited to making changes. However, she will closely review this particular lease.

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Mr. Jim Luker referenced item (d)(2) on page 4 concerning property and casualty coverage, which doesn't address weather related events such as tornadoes. Dr. Russell replied that it wasn't necessary for coverage of "acts of God", but he does want confirmation that if something were to occur, taxpayer dollars were not used for repair / replacement.

Ms. Sarah Linam reminded us that the lease before the Board is only one (1) piece of a larger agreement with the vendor and DYS, which includes a host of obligations including services and performance - in addition to insurance responsibilities.

Dr. Mike Russell said this was a good point and moved that the Board table this discussion until OCC can provide all the information needed for clarification.

Mr. Steven Blackwood stated he believed the Board should look at the lease as a stand-alone document and didn't necessarily need to get into the other arrangements in the contract. Mr. Blackwood referred to minutes of the last meeting (bottom of page 4) where the motion was made 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.

Ms. Sarah Cunningham, DYS Attorney, responded that she had researched this following the July meeting, and based on case law, determined that the agency need not be added as it could be viewed as a waiver of sovereign immunity. Mr. Blackwood agreed this should be applied to the current lease and asked if it was of benefit to table the issue. Mr. Michael Crump, DYS Director, stated that the lease is not scheduled to go into effect until January, so there is time for further discussion before then. Mr. Rafael Figueroa agreed with Mr. Crump that this could be discussed further. Mr. Luker asked that OCC staff look closely at items (d)(1) and (2).

**The Board proceeded with Dr. Mike Russell's motion to table discussion concerning the ROP lease at Lewisville. Mr. Porter Brownlee seconded the motion. Motion was approved.**

Agenda Item 6: **OLD BUSINESS**

There was no old business for discussion.

Agenda Item 7: **ADJOURN**

There being no further business **Mr. Steven Blackwood made a motion to adjourn the meeting; Mr. Porter Brownlee seconded the motion. Motion was approved.**

The meeting adjourned at 1:45 p.m. Next zoom meeting will be January 13, 2021.

Respectfully Submitted:

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Porter Brownlee, Secretary  
State Institutional Systems Board