

MINUTES OF ARKANSAS STATE POLICE COMMISSION MEETING  
November 18, 2015

The Arkansas State Police Commission met on Wednesday, November 18, 2015 at the Arkansas State Police Headquarters, Little Rock, Arkansas.

Commission Vice Chairman Guinn called the meeting to order at 10:03 a.m.

MEMBERS PRESENT:

Commissioner Frank Guinn, Vice Chairman  
Commissioner Dr. Lewis Shepherd, Secretary  
Commissioner Jane Christenson  
Commissioner John Allison  
Commissioner Bob Burns  
Commissioner Neff Basore  
Commissioner Bill Benton

STATE POLICE PERSONNEL ATTENDING:

Colonel Bill Bryant	Donna Humphries
Lieutenant Colonel Tim K’Nuckles	Major Lindsey Williams
Major Shawn Garner	Major Stan Witt
Major Henry LaMar	Major Ron Stayton
Captain David Sims	Sergeant Stuart Woodward
Emma French	Jenna Castleberry
Major Mike Foster	Captain Charles Hubbard
Captain Forrest Marks	Lieutenant Scott Woodward
Janet Chappelle	Captain Wesley Smithee
Harmony Daniels	Jackie Baker
Lieutenant Barry Saffold	Sergeant Ronnie Qualls
Corporal Jeff Preston	Lieutenant David Cooper
Lieutenant Jason Aaron	Gary Glisson
Corporal Brigham Jones	Sergeant Michael Exum
Lieutenant Paulette Ward	Lieutenant Stacie Rhoads
Robin Gifford	Lieutenant John Carter
Captain Bryan Davis	Sergeant Mike Moyer
Caitlin Sparks	Corporal Greg Church
Corporal Bobby Clemence	Sergeant Randall Dias
Corporal Lori Whillock	Sergeant Kim Warren
Sergeant Dennis Morris	Elaine Lee
Greg Downs	Captain Alex Finger
Lieutenant Jeff Sheeler	Mary Claire McLaurin

OTHERS PRESENT:

Michele Allgood - Mitchell Williams	April Cooper
Nga Mahfouz – AG Office	Ro Arrington - ADFA
Joe Thielke – ASPF	Randy Lann – ASPF
Doug Smith – Governor’s Office	

PLEDGE OF ALLEGIANCE:

Commissioner Christenson led the pledge of allegiance.

NOTIFICATION OF MEDIA:

The media was notified of this meeting on November 09, 2015.

MINUTES:

Commissioner Christenson made a motion to approve the minutes of the October 08, 2015 monthly Commission Meeting. Commissioner Basore seconded and the motion passed.

WEAPON RESOLUTIONS:

Major Mike Foster presented the following resolutions for consideration by the ASP Commission.

R E S O L U T I O N

WHEREAS: Corporal Shelby Clark efficiently and effectively served the Arkansas State Police for a period of thirty years, and ten days;

WHEREAS: Corporal Shelby Clark retired from this department September 26, 2015;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Corporal Shelby Clark has made formal request that his service weapon be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas on Wednesday, November 18, 2015, in accordance with Act 547 of 2003, awards him his Glock Model 21, Serial Number PKS086, as a token of their esteem and appreciation for service devoted to the Arkansas State Police.

Commissioner Christenson made a motion to approve the above weapon resolution presented to the Commission. Commissioner Basore seconded and the motion passed.

R E S O L U T I O N

WHEREAS: Corporal Shelby Clark efficiently and effectively served the Arkansas State Police for a period of thirty years, and ten days;

WHEREAS: Corporal Shelby Clark retired from this department September 26, 2015;

WHEREAS: His departure creates a vacancy that will be most difficult to fill, which is recognized by each and every member of the Arkansas State Police Commission;

WHEREAS: Corporal Shelby Clark has made formal request that his shotgun be retired with him and remain in his possession;

BE IT THEREFORE RESOLVED: The Arkansas State Police Commission, in its regular meeting at Arkansas State Police Headquarters in Little Rock, Arkansas on Wednesday, November 18, 2015, in accordance with Act 547 of 2003, determines the fair market value of the Remington shotgun, serial number D481155M, that Corporal Shelby Clark has carried be affixed at \$100.00, and that Corporal Shelby Clark be permitted to purchase the shotgun for his personal use.

Commissioner Allison made a motion to approve the above weapon resolution presented to the Commission. Commissioner Benton seconded and the motion passed.

PROMOTION CERTIFICATE:

Colonel Bill Bryant presented a promotion certificate to Lieutenant David Cooper promoting him to Lieutenant in the Highway Patrol Division, Troop K.

DIVISION REPORTS:

Fiscal Report – Emma French

Ms. French gave an overview of the reports which were distributed to the Commission. She stated we are about 1/3 of way the through this Fiscal Year and we are doing fine. Ms. French stated the exit interview for Fiscal Year 2014 was held this week with Legislative Auditors and we did not have any findings. They will be back in about five weeks to start the FY2015 Audit.

Administrative Services – Harmony Daniels

Ms. Harmony Daniels presented an oral summary of the written report distributed to the Commission. She began by reporting the Human Resources/Personnel transactions for the month; the civilian transactions include four new hires, three promotions, three voluntary resignations, two extra help hires and one termination. The commissioned transactions included fifteen promotions, three lateral transfers, and one retirement. We currently have four members on military deployments.

Regarding the ASP Health Plan, October paid claims were over \$1 million which is a decrease of \$339,000 over last month. The fund balance was \$425,000 lower than last month for a total fund balance of \$7.8 million. Average discount savings for the month of October was 7%. Our staff have been working with our Pharmacy Benefit Manager as well as our Third Party Administrator in the Retirement System so that we can get the changes implemented that were approved by this body and we are on schedule to have those in place by January 1.

Commissioner Allison then said you are telling me we have paid out \$425,000 more than our income coming in for the month. Ms. Daniels stated yes, we are down \$425,000 for the month. Commissioner Allison stated that leaves our balance at what? Ms. Daniels stated we have \$7.8 million. Commissioner Guinn asked if we see that stopping at any point? Ms. Daniels stated we are hopeful and with the changes coming January 1, some of which could provide immediate relief. What we want to do is reverse the trend of having more money going out than what's coming in. When those changes go into effect January 1, we are confident that we will see an improvement. Commissioner Allison stated we are not going to see \$400,000 for the month and asked if we have a forecast of what the revenue increase would be when it is implemented? Ms. Daniels stated we are expecting it to be about \$1.2 million annually.

Commissioner Allison stated that is not good and we need to stay on top of it, we cannot get behind. Ms. Daniels stated we are monitoring it on a monthly basis along with the Hatcher Agency.

OLD BUSINESS:

Bond Counsel, Michelle Allgood with Mitchell Williams and Ro Arrington of Arkansas Development Finance Authority.

Michelle Allgood stated that Mitchell Williams was recently hired pursuant to a RFP process to be the bond counsel on a transaction for your headquarters facilities. You have before you a resolution that would permit you to have flexibility with regard to the issuance of those bonds. We are working with Arkansas State Police staff to time when the bonds will be issued, how much money will be needed for the projects and when the design professionals are being selected.

Commissioner Allison asked what she is asking the Commission to do on the resolution and Ms. Allgood stated this resolution will permit you to spend money and then reimburse yourselves from bond proceeds when the bonds are issued.

Resolution presented by the Bond Counsel, Michele Allgood and Ro Arrington of ADFA for the ASP Commissions approval.

**A RESOLUTION EXPRESSING THE INTENT OF THE DEPARTMENT OF ARKANSAS STATE POLICE TO REIMBURSE EXPENDITURES OF THE DEPARTMENT AND THE ARKANSAS DEVELOPMENT FINANCE AUTHORITY PERTAINING TO CERTAIN CAPITOL IMPROVEMENTS FROM THE PROCEEDS OF DRIVER'S LICENSE REVENUE BONDS TO BE ISSUED BY THE AUTHORITY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

WHEREAS, the Department of Arkansas State Police (the "Department") is a state agency charged with the enforcement of the traffic and criminal laws of the State of Arkansas (the "State") in accordance with Act 45 of 1981; and

WHEREAS, the Department intends to make improvements to and construct various troop headquarters facilities located throughout the State (collectively, the "Project"), and intends to incur preliminary expenses related to examining the feasibility of the Project, including but not limited to architectural, engineering, and design costs (the "Preliminary Costs"); and

WHEREAS, the Arkansas Development Finance Authority (the "Authority") is authorized and empowered under the provisions of Act 1062 of the Acts of Arkansas of 1985, codified at Arkansas Code Annotated Sections 15-5-101 *et seq.*, as amended (the "Act"), to issue revenue bonds to finance the acquisition of capital improvements for State agencies; and

WHEREAS, Act No. 1057 of the Acts of Arkansas of 1997 ("Act 1057") further authorized the Authority to issue its revenue bonds to finance the acquisition and construction by the Department of its headquarter facilities; and

WHEREAS, the Authority intends to issue Driver's License Revenue Bonds (the "Bonds") to provide funds for completion of the Project and reimbursement of any portion of the Preliminary Costs paid directly by the Department or the Authority; and

WHEREAS, this Resolution is intended as official action of the Department declaring its intent to finance the Project with the Bonds and for the Department and Authority to be reimbursed from bond proceeds for the Preliminary Costs of the Project they may incur, in compliance with the provisions of Section 1.150-2 of the Department of Treasury Regulations, promulgated pursuant to the provisions of the Internal Revenue Code of 1986 (the "Applicable Treasury Regulations").

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ARKANSAS STATE POLICE COMMISSION, AS FOLLOWS:

Section 1. The Department hereby declares its present and official intent to reimburse itself and the Authority for Preliminary Costs from the proceeds of the Bonds of the Authority and, further, declares as follows:

a. The Bonds will be issued in one or more series on a tax exempt basis in a principal amount not to exceed \$30,000,000.00. The Preliminary Costs to be reimbursed by the proceeds of the Bonds will not exceed twenty percent (20%) of the aggregate issue price of the Bonds.

b. The Preliminary Costs will be "preliminary expenditures" within the meaning of the Applicable Treasury Regulations, including architectural, engineering, surveying, soil testing, and bond issuance costs incurred prior to commencement of acquisition and construction of the Project.

c. The Preliminary Costs to be reimbursed will have been paid between the date that is 60 days prior to the date of adoption of this Resolution and the date that the Bonds are issued or otherwise in a manner consistent with the Applicable Treasury Regulations.

Section 2. This Resolution is adopted to document compliance with the Applicable Treasury Regulations and other provisions of the Internal Revenue Code of 1986, including the rules and regulations promulgated thereunder.

Section 3. This Resolution shall be in effect upon its adoption and approval.

Commissioner Allison made a motion to approve the above resolution presented to the Commission. Commissioner Christenson seconded and the motion passed.

#### EXECUTIVE SESSION:

Commission Vice Chairman Guinn announced the Commission would go into Executive Session to discuss personnel matters. Commissioner Shepherd made a motion to go into Executive Session, Commissioner Allison seconded and the motion passed. The Commission went into Executive Session at 10:13 a.m. and the open meeting resumed at 11:14 a.m.

Commission Vice Chairman Guinn asked Colonel Bryant if he had any recommendations.

Colonel Bryant recommended the Commission consider Corporal Lori Whillock for the vacant Sergeant position in the Criminal Investigation Division, Company B. Commissioner Basore made a motion that Corporal Whillock be promoted to Sergeant, Commissioner Christenson seconded and the motion passed.

Colonel Bryant advised for the vacant Sergeant position in the Highway Patrol Division, Troop A, he is approving a laterally transfer of Sergeant Bobby Brown.

Colonel Bryant recommended the Commission consider Corporal Jack Young for the vacant Sergeant position in the Highway Patrol Division, Troop E. Commissioner Allison made a motion that Corporal Young be promoted to Sergeant, Commissioner Benton seconded and the motion passed.

Colonel Bryant recommended the Commission consider Sergeant William Randall Dias for the vacant Lieutenant position in the Highway Patrol Division, Troop E. Commissioner Christenson made a motion that Sergeant Dias be promoted to Lieutenant, Commissioner Shepherd seconded and the motion passed.

Colonel Bryant recommended the Commission consider Sergeant Ronald Qualls for the vacant Lieutenant position in the Highway Patrol Division, Troop I. Commissioner Allison made a motion that Sergeant Qualls be promoted to Lieutenant, Commissioner Christenson seconded and the motion passed.

Colonel Bryant recommended the Commission consider Major Shawn Garner for the vacant Lieutenant Colonel position in the Director's Office, Field Operations. Commissioner Burns made a motion that Major Garner be promoted to Lieutenant Colonel, Commissioner Christenson seconded and the motion passed.

Colonel Bryant advised for the vacant Sergeant position in the Criminal Investigation Division, Company A, he is postponing until a later date.

Commission Vice Chairman Guinn announced the Commission needed to vote on adding a new member General Mark Berry to the ASP Foundation. Commissioner Burns made a motion to add General Mark Berry as a new member of the ASP Foundation, Commissioner Basore seconded and the motion passed.

#### NEXT MEETING:

The next monthly meeting of the Commission will be held Thursday, December 10, 2015 at 10:00 a.m.

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With no more business, Commission Vice Chairman Guinn asked for motion to adjourn. Commissioner Shepherd made a motion to adjourn the meeting, Commissioner Christenson seconded and the motion passed. Commission Vice Chairman Guinn adjourned the meeting at 11:17 a.m.

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Commission Vice Chairman

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Commission Secretary