

**Little Rock Board of Directors Special Called Meeting
October 13, 2021
4:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a Special Called Meeting with Mayor Frank Scott, Jr., presiding. City Clerk Susan Langley called the roll with the following Directors present: Richardson; Webb; Peck; Wright; Wyrick; Kumpuris; Phillips; Adcock; Vice-Mayor Hines; and Mayor Scott. Open Position: Ward 1. Director Capi Peck delivered the invocation followed by the Pledge of Allegiance.

Mayor Scott stated that before the Board of Directors went into Executive Session, he would like for City Manager Bruce Moore to explain the process that he had consistently utilized in the past regarding legal settlements. City Manager Moore stated that he worked closely with the City Attorney's Office and in some instances, the cases were able to be settled through a Mediator and others settled in Court. City Manager Moore stated that it had been the City Attorney's history to alert the Board as to the direction of the settlement and if there was an objection, staff would return to the negotiations. City Manager Moore stated that the most recent settlement (Walls vs. Starks) had been unique in that early on, the City Attorney asked that the Board enter into an agreement with the Arkansas Municipal League (AML) to represent the City. City Manager Moore stated that in his tenure as City Manager, he had always operated under the policy that the City Manager had spending authority up to and not more than \$50,000.00. City Manager Moore stated that in most cases, settlements were under \$50,000.00, with some being as low as \$3,000.00. Mayor Scott stated that there had been a lot reported in the newspaper in the last several days, and he had wanted City Manager Moore to provide an overview of the process that had been utilized regarding legal settlements.

Vice-Mayor Hines stated that the Board had not been consulted on any aspect of the settlement and that the first they had heard of the settlement was when the notification was sent to the City Attorney's Office through the District Court Office. Vice-Mayor Hines stated that he objected to the settlement; especially the extra financial ramifications that had been added. Mayor Scott asked if the Board had ever voted on a legal settlement. City Manager Moore stated that he didn't recall an official vote ever being taken in regards to a legal settlement. Director Wright stated that in her tenure on the Board, they had never voted on a legal settlement; however, the City Attorney had always made them aware of a potential settlement. City Attorney Tom Carpenter stated that the decision had evidently been made by AML to not include the City Attorney's Office in any of the settlement decision. City Attorney Carpenter stated that the case started out with the City Attorney's Office handling the litigation; however, during the course of preparation, staff recognized the nature of the cross-examination that would have to be conducted and the potential damage to the Little Rock Police Department (LRPD) in order to be successful in the lawsuit. City Attorney Carpenter stated that as the Board was aware, there was disagreement within LRPD in regards as to what should be done and statements written about the Officer's actions, assuming certain aspects that the Officer didn't remember. City Attorney Carpenter stated that as a result, the determination was made to contract with AML. City Attorney Carpenter stated that in law, there were two (2) types of conflicts; the first being an irreversible conflict, in which

case an Attorney, or his office, could not be involved in a case, and the second being non-irreversible, which was the situation at hand. City Attorney Carpenter stated that at the end of 2020, his office had received notification that there would be a mediation to settle the case. City Attorney Carpenter stated that his office had discussions with AML, and in the end, mediation was not held as the amount requested increased substantially; however, it was agreed that information would be shared with the City Attorney's Office. City Attorney Carpenter stated that several months prior, he was made aware that the Attorney for the Officer had stated that he had settled the case and that his client was not to pay any damages and that the City would pay a \$500,000.00 settlement. City Attorney Carpenter stated that he questioned AML Staff and was assured that he would be kept in the loop regarding any potential settlement, and that never happened. City Attorney Carpenter stated that he was not sure when the settlement actually occurred; however, he learned the previous Thursday that the case had been settled and he had never been informed by AML.

Director Adcock stated that as a Board Member, she had always been kept informed regarding possible legal settlements and always been assured that City Attorney Carpenter and City Manager Moore had worked together to broker a settlement. Director Wyrick stated that when the City Attorney had contacted her the previous Thursday to inform her of the settlement, he had told her that it was not appropriate for the City Manager to approve any settlements – even if they were under \$50,000.00, because it was not a bidding or Request for Proposal process. Director Wyrick asked for clarification regarding the City Manager's spending authority in regards to legal settlements. City Manager Moore stated that in his nineteen (19) years as City Manager, he had always operated under the policy that the position had the spending authority of \$50,000.00, regardless of the nature. City Manager Moore stated that over the years, he had authorized many settlements and his authority had never been questioned by the City Attorney, or anyone else. In addition, City Manager Moore stated that the previous week was the first time he had seen in writing that his spending authority was being questioned. City Manager Moore stated that several years prior there was a case where five (5) African-American Officers sued the City and the case was settled for \$33,000.00, and again, his spending authority was not questioned.

Director Kumpuris stated that in the past the Board had always been notified regarding potential settlements and if one of them objected, it would have had to come before the Board for action. Director Kumpuris stated that at that point, he was not concerned with question regarding the spending limit, the issue at hand was that the Board was not kept in the loop and more importantly was not notified until after a settlement had been reached. Director Kumpuris stated that the Press had called asking his opinion regarding the settlement and he was unaware that arbitration had occurred or that a settlement discussion had been conducted. Director Kumpuris stated that the City Attorney should have been the Board's conduit to what was happening with the case and the conduit had been broken.

Mayor Scott stated that representatives from AML would be present at the October 19, 2021, Board of Directors Meeting and they would be available to answer questions.

1. **REVIEW:** Review of Ward 1 Position Candidates.

Director Richardson made the motion, seconded by Director Wyrick, for the Board to go into Executive Session for the purpose of reviewing the candidates for the Ward 1 Position seat. By unanimous voice vote of the Board Members present, **the Board went into Executive Session for the purpose of reviewing the candidates for the Ward 1 Position seat.**

2. **SELECTION:** Selection of Ward 1 Director.

Director Adcock made the motion, seconded by Vice-Mayor Hines, to appoint Virgil Miller, Jr., as the representative for Ward 1. By voice vote of the Board Members present, with Director Richardson voting Present, **the Board appointed Virgil Miller as the representative for Ward 1.**

Director Richardson made the motion, seconded by Director Philips, to adjourn the meeting. By unanimous voice vote of the Board Members present, **the meeting was adjourned.**

ATTEST:

APPROVED:

Susan Langley, City Clerk

Frank Scott, Jr., Mayor