

MINUTES
SAN LUIS FACILITY DEVELOPMENT CORPORATION
San Luis Council Chambers
1090 E. Union Street
San Luis, Arizona 85349
May 29, 2019
5:30 p.m.

PLEASE TAKE NOTICE

- Board Members will attend either in person, telephone, or video conference communication.
- The President or Acting President may change the order of the items.

If authorized by law and by a majority vote of a present quorum of the Board of Directors, an executive session will be held immediately following the vote in accordance with A.R.S. §38-431.03(a) and the meeting will be temporarily recessed while the board retires to executive session which will not be open to the public.

PLEASE TAKE NOTICE: *The Chair or Acting Chair may change the order of the items.*

1. **CALL TO ORDER/ROLL CALL** President Jenny Torres called the meeting to order at approximately 5:34 PM.

THOSE PRESENT:

Director Maria Gonzalez
Vice President John Starkey
President Jenny Torres

OTHERS PRESENT:

Kay Marion Macuil, City Attorney, Attorney for the Corporation
Janet Taylor, Legal Secretary, Clerk of the Board
Jorge Mungaray, IT Technician
Israel Delgado, IT Intern

THOSE NOT PRESENT:

Director Joe Harper
Director Marco Pinzon

2. CONSENT AGENDA

All matters are considered to be routine by the Commission and will be enacted by one motion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

2. A. MINUTES OF

Minutes of the Annual Meeting held April 9, 2019.

MOTION: Vice President John Starkey and Director Maria Gonzalez to approve the consent agenda. **Motion passed unanimously.**

The vote was as follows:

President Jenny Torres	Aye
Vice President John Starkey	Aye
Director Maria Gonzalez	Aye

3. DISCUSSION AND POSSIBLE ACTION ITEMS:

3.A. EXECUTIVE SESSION

Vote to hold an Executive Session pursuant to A.R.S.§38-431.03(A) subsections (3) and (4). Discussion and possible action on any and all matters regarding action to hold an executive session pursuant to A.R.S.§§38-431.03(A) subsections (3) and (4) for discussion or consultation for legal advice with the Board's Attorneys in order to consider the Board Members' position and instruct the Attorneys regarding ICE's proposed agreement. **(Kay Marion Macuil, Corporation's Attorney and Outside Counsel, Bill Sims)**

MOTION: Vice President John Starkey and Director Maria Gonzalez approve to enter into Executive Session. **Motion passed unanimously.**

The vote was as follows:

President Jenny Torres	Aye
Vice President John Starkey	Aye
Director Maria Gonzalez	Aye

4. MOTION TO GO BACK INTO REGULAR SESSION

President Jenny Torres and Vice President John Starkey approve going back into Regular Session. **Motion passed unanimously.**

The vote was as follows:

President Jenny Torres	Aye
Vice President John Starkey	Aye
Director Maria Gonzalez	Aye

5. Discussion and possible action on any all matters regarding the proposed inter-governmental service agreement (IGSA) by the U.S. Immigration and Customs Enforcement (ICE) to pay to reserve several beds at the San Luis Regional Detention and Support Center. **(Kay Marion Macuil, Corporation Attorney)**

Attorney for the Corporation Kay Macuil indicated that the reason she worded the motion specifying today's date was because, at the time of the writing of the agenda, the final version was not attached she wanted to be sure that it was the final version the board is approving, not what may have been attached.

MOTION: Vice President John Starkey and Director Maria Gonzalez to approve the Intergovernmental Service Agreement with ICE as presented on May 29, 2019.

Motion passed unanimously.

The vote went as follows:

President Jenny Torres	Aye
Vice President John Starkey	Aye
Director Maria Gonzalez	Aye

6. Discussion and possible action on any and all matters regarding Resolution No. 2019-01. A Resolution of the San Luis Facility Development Corporation Board of Directors adopting and approving the entering into an amendment to the Facility Operation and Management Agreement with LaSalle Corrections, L.L.C. to add duties described in an Inter-Governmental Service Agreement with Immigration Customs Enforcement. **(Kay Marion Macuil, Attorney for the Corporation)**

Ms. Macuil explained that the new Intergovernmental Service Agreement with ICE requires that subcontracts state specifically that the subcontractor does not hire undocumented employees. That is the substance of this amendment.

President Torres stated that she did not see any issues and asked if there was any discussion on the item. Members of the board stated they did not have any discussion on that item.

MOTION: President Jenny Torres and Vice President John Starkey to approve Resolution 2019-01. **Motion passed unanimously.**

The vote went as follows:

President Jenny Torres	Aye
Vice President John Starkey	Aye
Director Maria Gonzalez	Aye

7. DISCUSSION ITEMS:

- 7.A.** Discussion and possible directions to staff on any and all matters regarding the progress on the Request for Proposals for Operations. **(Kay Marion Macuil, Corporation Attorney)**

Ms. Macuil indicated that she contacted all conceivable vendor/providers. She reached out to Civicore, GEO, MTC, and LaSalle. Ms. Macuil also stated that there is a new one

that has just started, the Immigration Center of America; and that Mr. Gimbut Assistant City Attorney provided her with a contact in Nevada, Jackie Crawford of the Molasky group who might be a provider. Ms. Macuil stated that she even reached out to Hull Youngblood (formerly of Emerald Corrections) to see if he might know anybody, but he did not provide any additional companies. Ms. Macuil continued with; the RFP was sent to them by FedEx. The advertisement was done in the Arizona Republic as well as the Yuma Sun and Baja El Sol. Ms. Macuil stated that she was contacted by a company that informs companies of RFPs, and the only communication she received was from MTC. MTC requested all of the prior operating agreements. She stated that we would see what happens July 1st.

President Torres asked if there were any questions, and Director Maria Gonzalez asked if this was done because the contract with LaSalle was going to be due. Ms. Macuil responded, yes it expires November 30th. Ms. Gonzalez stated that we had established that was what we were going to do.

President Torres replied that what we are going to do is wait for the proposals to come in and review them. Whatever decision we make as a board, we will decide. If we go out and hire someone who isn't LaSalle, we will have to work on a contract. If we continue with LaSalle, we will work on a new contract as well. So either way, we are going to work on a contract. The contract is due in November. We will start working on a contract either with the existing operator or a new operator depending on what the board decides, starting in July.

Ms. Macuil stated that if you recall the RFP is wide open.

They can propose to purchase, lease, do as we are doing now, whatever they want to come up with. President Torres stated that it would be interesting to see the proposals.

Ms. Gonzalez replied, yes.

8. ADJOURNMENT

Suggested adjournment by President: "Since we have come to the end of the items on the agenda and there is no further business, the meeting is adjourned."

Meeting adjourned at approximately 6:05 PM.