

Central Falls Detention Facility Corporation Meeting Minutes
Tuesday, April 17, 2012
Wyatt Detention Facility Training Building
935 High Street
Central Falls, RI 02863
6:00 P.M.
TDD/TTY 401-727-7450

A meeting of the Central Falls Detention Facility Corporation was held on the above date; in the Training Building at 6:00p.m.

- 1) Call to order / Roll Call – 6:10 p.m.,
All Members present: Director Adamo, Director Tillinghast, Director St. Pierre, Director Romanowicz, and Chairman Hartford
- 2) Public Comment
Former Mayor Thomas Lazieh congratulated the staff of the facility on the accreditation, the successful Justice Department (OFDT) audit, and the new hire that will be joining the staff. He reiterated that the facility was constructed for the benefit of Central Falls. He regrets reading in the paper that the Board's plans to provide financial benefits to the City may not be coming yet. He hopes that the Board will continue to try to provide money to Central Falls. He hopes that the Bondholders interest in not advocating funds to the City is addressed again and again. He referenced the drop in the average daily population (ADP) as provided by Mr. Fair, and the amount of revenue that is not being received compared to the past. He hopes to hear discussion of the state commission and the decision of the Supreme Court in regards to Avcorr. He said that, from what he heard so far, attorneys on both side are calling it a win, so he'd like clarification. He asked that the Board discuss at some time if there is anything to consider once the City is no longer in receivership, how that will affect this Board and this facility.
- 3) Approval of minutes, 3/13/12

Motion made by Director Romanowicz to approve the minutes from 3/13/12; seconded by Director Tillinghast. All were in favor. Motion passed.

- 4) New Business –

A) Status of Crowley Commission Report

Chairman Hartford said that he was unsuccessful in getting an update. Attorney Lynch-Gadeleta stated that Attorney Fracassa tried to get a status last week and was told that it would be a couple weeks. Former Mayor Lazieh interjected that a meeting of the commission has been scheduled for Wednesday, April 25, 2012 in State House room 310 at 2:00 p.m. Chairman Hartford said that he would try to obtain a copy of the agenda for this meeting or perhaps a draft of the report. He will inform the Board and the Administration if he is successful.

B) OFDT Audit Results

Michael Fair, CEO, said that the Office of Federal Standards Trustee recently conducted a three-day audit of the facility. We received word from the DOJ in Washington that we passed with a score of "good." Last year, the facility received a score of "acceptable," so this is a step above that.

Director Tillinghast inquired whether the report contained information or opportunities that would allow the facility to become “excellent” (highest rating). Mr. Fair said that the report contained areas of deficiency that need to be addressed. We had three or four of those.

Chairman Hartford asked that a copy of the report be forwarded to the Board members for review via legal counsel.

Director Tillinghast asked if ICE was currently utilizing any facilities that were rated (by OFDT) lower than “good.” Mr. Fair said he was unsure of that answer. He said that he does not think that facilities are required to publicize scores and borderline facilities would be less likely to do so. Director Adamo suggested that the score could be used as a marketing tool.

Chairman Hartford commented that this is the fourth milestone for Mr. Fair’s Administration. He referenced the positive comment in the Almonte Report, the 100% score on the ACA re-accreditation, the public statement of Judge Flanders that he felt the Wyatt was a well-run facility, and now the “good” score on the OFDT audit.

C) Position change: IT asst. part time to full time

Mr. Fair said that this change will have minor financial impact, but since this is a change to the Table of Organization, he felt compelled to seek the Board’s approval.

The employee is currently working 38 hours a week, but making him full-time (40 hours) will entitle him to benefits. He has been an employee for about four years and has proven himself to be a valuable asset to the facility.

Mr. Fair pointed out that when the Locksmith resigned last year, he only filled that position in a part-time capacity. Director St. Pierre requested a marked-up Organizational Chart that details which positions were full-time and which were part-time. Director Adamo suggested that the Board take a look at the fluctuation in staffing. She requested information pertaining to current staff vacancies for the next Board meeting. Director St. Pierre concurred that this information would be helpful to the Board in approving changes such as the one presented tonight.

D) Report of Finance Committee/mid-year budget adjustments.

Director St. Pierre pointed out that the report presented to the Board was a new one, designed by Director Tillinghast that would provide ease in tracking progress compared to budget. He thanked facility personnel for providing the information necessary to facilitate the implementation of this chart. He pointed out that all line items are under-budget except for legal fees. Most of those expenses are on the part of the bondholders and the trustees. We are doing our part in keeping expenses under control. However, going forward, our concern is the ADP. We are not on target to make our debt reserve if we continue as we are.

Director Tillinghast pointed out that our original intent was to amend the budget periodically based on actual performance. The implications on the cash flow are clear and they are significant. With the information provided in the chart he created, we can run a model with some projections, by varying factors such as the ADP. This will show us that without significant changes in the ADP there will

be significant change in cash in the debt service reserve funds. We will lose much more than we projected.

Director Tillinghast said that he spoke with Mr. Fair and there will be changes implemented to try to control this. For example, the next graduating class may be delayed. Non-essential vacancies will not be filled. The subcommittee will meet again with the Administration before the next meeting. By the next Board Meeting, we should have a recast 2012 budget. The sub-committee will be prepared to make recommendations at the Board level.

Director Adamo asked if we had any control or any indication of what the bondholders would take for legal fees. Accounting Manager Karen Casey said that they'd just taken \$40,000 out and applied it to their expenses. Director Tillinghast stated that this would need to be taken into consideration in the budget recast.

Michael Geezil, Advisor to the Board, declined to comment because he was unable to attend the previous sub-committee meeting because he was away.

Michael Fair reiterated that we are under-budget for everything. There is not a thing that we are not looking at to save money.

Former Mayor Lazieh asked about the status on the taxes owed to the City. Attorney Lynch-Gadaleta said that Attorney Fracassa was looking into that. Chairman Hartford said that we'd get an update on that at the next meeting.

Motion to accept the report of the Finance sub-committee made by Director Romanowicz; seconded by Director Adamo. All were in favor. Motion passed.

E) Current Cash Report and overview of accounts update.

Chairman Hartford commented that this item was covered during discussion of previous items. He asked if anyone had anything to add. No further information was offered.

5) Old Business

Chairman Hartford spoke of a meeting that he had with the Governor. He was summoned to the meeting through the Receiver, Judge Flanders. He and Flanders met with the Governor and Rosemary Gallogly, his assistant Chief of Staff. Mr. Fair provided him with some excellent statistics regarding the trending and the operations of the facility. Chairman Hartford gave the Governor an update of our current situation and our ability to generate revenue for the City. It is becoming commonly accepted that the facility is run at an efficient level and that the principal issue for us is our substantial amount of debt and our current payment under our current interest rate. He informed the Governor that we were looking for assistance in any way that we could get it to try to restructure our debt at a more reasonable cost based on the current market. The Governor understood this and subsequently directed Rosemary to meet with the Chairman and others that he's been talking with to explore opportunities for refinancing. He has since contacted Rosemary and hopes to have a meeting with this group within the next week or two. He will report back to the Board following that meeting.

Attorney Lynch-Gadaleta asked if the Almonte Report should be covered under old business. Chairman Hartford said that he was waiting for the Commission Report before taking any action on this.

- 6) Reports of the CEO and/or Legal Counsel (as necessary); ADP update, ACA certificate, Update on Controller and other matters.

Michael Fair reported that the current ADP is 586. He is expecting three or four more before the day ends, so we will close at or about 590. Seven (7) females are scheduled to leave tomorrow and sixteen (16) detainees are scheduled to leave on the bus on Friday. He expects to have new commits to offset. The ADP has been going up an average of 3 – 4 per week, so we are going in the right direction. He remains optimistic that the population will increase significantly soon.

Director Adamo asked to have the average length-of-stay added to the ADP report distributed to the Board. Mr. Fair said that this information could be included. He pointed out that the average length of stay has decreased because the Marshals are now moving detainees shortly after sentencing whereas, in the past, the process would take several weeks.

Mr. Fair reported that the facility lost all power in two (housing) pods last night. Due to the circuitry, the pods lost water, too. We had the parts to fix the problem on-hand, so we were replace the defective parts fairly quickly. He said that we are using this opportunity to see if we can divorce the water system from the electronics system in order to avoid this issue in the future.

- 7) Executive Session pursuant to R.I. General Laws § 42-46-5 for the following purposes:

- A. RIGL § 42-46-5(a)(2) and RIGL §42-46-5(a)(4) for the purpose of reviewing issues regarding FOP representation of supervisory staff and litigation concerning the Wayne Salisbury matter; Ng: Cornell; Avcorr; Property tax bill, Forensic Audit.

- B. RIGL § 42-46-5(a)(3) for the purpose of receiving an operational report from the CEO

- 8) Next meeting: Tuesday, May 15, 2012 @ 6:00pm @ Wyatt Training Building

- 9) Adjournment