



# IMPERIAL VALLEY FOREIGN TRADE ZONE

IMPERIAL COUNTY WORKFORCE AND ECONOMIC DEVELOPMENT • 2799 S. Fourth Street, El Centro, CA, 92243

## MEETING MINUTES

Tuesday, December 3, 2019 @ 3:15 P.M.  
I.C. Workforce & Economic Development  
2799 S. Fourth St., El Centro, CA 92243

## PROCEEDINGS

A meeting of the Imperial Valley Foreign Trade Zone – Joint Powers Authority (IVFTZ-JPA) was held on December 3, 2019, at 3:15 P.M. at the Imperial County Workforce & Economic Development located on 2799 S. Fourth Street, El Centro, CA 92243.

## ATTENDEES

### *JPA Members*

City of Brawley  
City of Calexico  
City of Calipatria  
City of El Centro  
City of Holtville  
County of Imperial

### *Primary*

Romualdo Medina  
Nick Wells

### *Alternate*

Gordon Gaste  
Marcela Piedra

### *Consultants*

(None)

### *Coordinating Staff*

I.C. Workforce & Economic Development  
I.C. Workforce & Economic Development

Priscilla Lopez  
Vanessa Caldera

### *Other Invites*

None



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## MINUTES

### *I. Call meeting to order*

- a. Roll call.

Meeting was called to order by Romualdo Medina at 3:42 P.M. Roll call was performed by Vanessa Caldera with four (4) JPA members present; it was determined that quorum was met.

- b. Approval of 04/09/19 and 09/23/219 minutes.

NICK WELLS motioned to approve minutes as presented; MARCELA PIEDRA 2<sup>nd</sup>.  
**Vote:** 4 in favor, 0 against, 0 abstain at the time of the vote. **Motion passed.**

### *II. Discussion/direction/action/update*

- a. Discussion/Action regarding contracting David Harlow with ITC Diligence for a short-term contract.

P. LOPEZ explains that David Harlow was the previous Foreign Trade Zone (FTZ) consultant; however, his contract has since expired. As there is a current Request for Qualifications (RFQ) for FTZ Consulting Services, P. LOPEZ poses the question is if the IVFTZ-JPA wants to contract David Harlow for only a month and then onboard the consultant chosen through the RFQ. V. CALDERA mentions that after having a conversation with a representative from UPS Zone Solutions, Vertiv's contracted FTZ consulting firm, she received the impression that the organization was still within the relatively early stages of the application process. M. PIEDRA asks for the due date for the annual report of FTZ #257. V. CALDERA responds saying that the annual report is due by the end of March. M. PIEDRA requests a timeframe for when a FTZ consultant will be selected and begin work for the IVFTZ-JPA Board. V. CALDERA informs the IVFTZ-JPA Board that proposals for the RFQ for FTZ Consulting Services is due on December 23, 2019, and there is hope to have a consultant selected by the first or second week of January. N. WELLS asks if the selected consultant has to first be approved by the IVFTZ-JPA Board and M. PIEDRA does confirm that final selection is made by the Board. P. LOPEZ relays to the IVFTZ-JPA Board that the documents for the RFQ have been released and that a consultant should be selected by the middle of January. Then I.C. Workforce & Economic Development will come before the IVFTZ-JPA Board with a recommendation based on the results of the selection committee meeting. R. MEDINA states that there is no interest in contracting David Harlow with ITC Diligence for a short-term contract if a long-term consultant will be selected within the near future. V. CALDERA asks for clarification if a form of letter needs to be sent to David Harlow thanking him for his letter of interest in entering in a short-term contract with the IVFTZ-



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JPA Board, however, the Board is no longer interested in a short-term agreement. N. WELLS asks if David Harlow has stated interest in submitting a proposal for the RFQ for FTZ Consulting Services, to which V. CALDERA replies he has. N. WELLS motions to not enter into a short-term contract with David Harlow from ITC Diligence. G. GASTE 2<sup>nd</sup> the motion. **Vote:** 4 in favor, 0 against, 0 abstain at the time of the vote. **Motion passed.**

- b. Update regarding the County of Imperial and cities providing the language in their insurance policies that cover their decisions as IVFTZ Board members to County Counsel.

P. LOPEZ clarifies that County Counsel wants the County of Imperial and the cities to provide the language in their insurance policies cover their decisions as IVFTZ-JPA Board members. Specifically, liability and errors and omissions coverage. V. CALDERA says that multiple cities have reached out to her letting her know that their current insurance policy covers their decisions made on the IVFTZ-JPA Board. V. CALDERA lets the IVFTZ-JPA members know that she needs the board members to send her the verbatim language located in their insurance policies, covering the decisions as IVFTZ-JPA board members, as request by the County of Imperial County Counsel. R. MEDINA asks for clarification if V. CALDERA is asking the cities just to forward the language to her so she may submit them to County Counsel, which V. CALDERA replies yes, N. WELLS asks if V. CALDERA has received any responses from the cities regarding their insurance policies, which V. CALDERA replies no. The cities move forward to submit their insurance policies to V. CALDERA so she may submit them to County Counsel.

- c. Discussion who will be invited to sit on the FTZ Consultant RFQ selection committee to review the proposals.

P. LOPEZ informs the IVFTZ-JPA Board that there has been some ideas regarding those who should be sitting on the selection committee for the RFQ, however, first the IVFTZ-JPA is asked to provide their recommendations. P. LOPEZ states that if the IVFTZ-JPA Board member wish for an elected official to be a part of the committee, Jesus Escobar may be the best to provide insight on the subject. P. LOPEZ opens the floor for recommendations from the cities on who from their entity they wish to be a member of the selection committee. N. WELLS asks if IVFTZ-JPA Board members can be a part of the selection committee, which P. LOPEZ replies no, board members may cause a conflict of interest, which means they cannot be a part of the RFQ selection committee. N. WELLS concurs with P, LOPEZ, stating that Jesus Escobar may be an ideal selection committee member. M. PIEDRA asks if it is required that a member of the IVFTZ-JPA Board cannot be a part of the selection committee. P. LOPEZ states that if language is found stating that IVFTZ-JPA Board members cannot be a part of the selection committee, it will be forwarded to the cities to review. V. CALDERA states that she believes while board members cannot be sitting in on the selection committee, they can be moderators and present during the interviews of the consultants. It is also said that the IVFTZ-JPA Board



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will have final decision on the consulting firm chosen. P. LOPEZ reiterates that if language is found stating that IVFTZ-JPA Board members may not take part of the selection committee, it will be forward to all members. N. WELLS asks who is the IVFTZ-JPA's legal counsel, to which, P. LOPEZ replies it is Imperial County's County Counsel. P. LOPEZ states that Imperial County Workforce & Economic Development will clarify the language on who can be a member for the RFQ selection committee and cities can determine who they wish to be a part of the meeting. Additionally, P. LOPEZ says that if there is no language forbidding the IVFTZ-JPA Board members from taking part of the selection committee, the board members will be the ones to screen the submitted proposals for the RFQ for FTZ Consulting Services.

- d. (Emergency Item) Discussion/ Direction regarding questions Vertiv, an organization interested in becoming a FTZ operator, submitted questions to the IV-FTZJPA Board regarding the FTZ operator sample agreement.

P. LOPEZ explains that Vertiv has submitted questions regarding the FTZ operator sample agreement sent to them in September. It is determined to be an emergency item as Vertiv requests answers be provided to them as soon as possible. N.WELLS motions to approve the Discussion/Direction regarding questions Vertiv has submitted regarding the FTZ operator sample agreement as an emergency item. G. GASTE 2<sup>nd</sup> the motion. **Vote:** 4 in favor, 0 against, 0 abstain at the time of the vote. **Motion passed.**

P. LOPEZ explains that Vertiv is in the middle of the FTZ operator application and that they do have their own consultants, UPS Zone Solutions. Imperial County Workforce & Economic Development sent Vertiv a sample agreement drafted by County Counsel and Vertiv responded with questions to be answered by the IVFTZ-JPA Board. P. LOPEZ clarifies that some of the documents questions are not for the IVFTZ-JPA Board, but for other representatives of their organization. M. PIEDRA asks who is providing the comments on the sample agreement, to which, P. LOPEZ responds that Vertiv is the one who is asking the questions. R. MEDINA asks if there is a general purpose zone operator job description. V. CALDERA responds that the only documentation provided to Vertiv was a sample agreement and the exhibits typically associated with a contract was not sent to the organization. P. LOPEZ clarifies that the reason why Vertiv requested a sample agreement is because they are not quite there yet, in terms of the application process, and the sample agreement is to help their legal team prepare. Answering the questions asked by Vertiv now helps the IVFTZ-JPA Board get ahead of the ball. M. PIEDRA states that it seems like the questions asked by Vertiv need to be answered by a consultant to provide the most accurate information. P. LOPEZ says that Imperial County Workforce & Economic Development can inform Vertiv that the IVFTZ-JPA is in the midst of contracting a consultant and once one has been appointed, we can answer their questions with the best accuracy to the FTZ bylaws. M. PIEDRA states that if there is no emergency to answer the questions provided by Vertiv, then it would be in their and the IVFTZ-JPA's best interest to wait the month and a half until a consultant is contracted. M. PIEDRA says that it may be good for the consultant to review the agreement to ensure that it is still



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relevant. N. WELLS agrees that it is important to have fresh eyes review the FTZ operator agreement.

Item has been tabled until a consultant has been contracted to review the questions submitted by Vertiv.

### **III. Future agenda items and other business**

1. RFQ for Foreign Trade Zone Consulting Services
2. Questions submitted by Vertiv regarding the Foreign Trade Zone Sample Agreement.

### **IV. Next meeting date**

Tentatively January 22, 2020 at 3:00 P.M. at the City of Holtville

### **V. Meeting adjourned**

- a. Meeting adjourned at 4:05 p.m.