



LEGAL AID
JUSTICE CENTER

September 15, 2023

Farmville Town Council
116 North Main Street
Farmville, Virginia 23901

Dear Councilmembers:

We recognize that the Farmville Town Council voted during the last Town Council meeting to assess the possibility of withdrawing from the Town's Intergovernmental Service Agreement (IGSA) with the U.S. Immigration and Customs Enforcement (ICE), in response to the outpouring of local and regional opposition to the Farmville Detention Center. We write to reiterate that the Town has the freedom to allow this contract to expire today. The original IGSA was signed in September 2008 and stated that the agreement "will remain in effect for a period not to exceed sixty (60) months." Article VII of the IGSA. That period of performance was extended twice, once in 2013 and once in 2018, through ICE contract modification forms pursuant to Article X of the IGSA. The current period of performance extends to September 15, 2023. When the period of performance ends, the contract expires. Further, Article X of the IGSA expressly states that any "modification will become part of this Agreement only after the ICE Contracting Officer and the authorized signatory of the Service Provider [i.e., the Town Manager] have approved the modification in writing." Therefore, under the express terms of the agreement, the Town has the authority to not sign any contract modification forms extending the period of performance of the IGSA.

We encourage the Town of Farmville to withdraw from the IGSA by allowing the contract to expire. However, should the contract be renewed, the Town can provide written notice to ICE at any time regarding its intent to terminate the IGSA. Article VII of the IGSA states that either party, the Town or ICE, can terminate the agreement at any time by providing 60 days' notice of the effective date of formal termination, or the parties may agree to a shorter period. Many localities across the country, including Howard County, Maryland in 2021, have used this provision to terminate its IGSA with ICE.

If we can provide any further clarification or insight regarding these agreements or otherwise, please do not hesitate to reach out to us.

Sincerely,

National Immigration Project
Legal Aid Justice Center