

NOTICE OF MEETING OF THE SAN LUIS FACILITY DEVELOPMENT CORPORATION

In accordance with section 38-431.01 of the Arizona Revised Statutes of the State of Arizona, notice is hereby given to the Members of San Luis Facility Development Corporation and to the general public that the Board Members of the San Luis Facility Development Corporation will hold a **Special Meeting at 5:30 p.m. on Wednesday, July 12, 2017**. The meeting will take place at City Hall in **Council Chambers**, located at 1090 E. Union Street, San Luis, Arizona, 85349. Everyone from the public is invited to attend the open meeting.

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of San Luis does not discriminate on the basis of disability in the admission of or access to, or treatment of employment in its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities or services contact: ADA/Section 504 Coordinator, City of San Luis Human Resources Department, 1090 E. Union Street, San Luis, Arizona, 85349; (928) 341-8520.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

THIS NOTICE IS APPROVED BY:

/s/ Kay M. Macuil, Attorney for the San Luis Facility Development Corporation

AVISO DE JUNTA DE LA CORPORACIÓN

De acuerdo con los Estatutos del Estado de Arizona "A.R.S § 38-431.01", se le informa a los miembros de la Corporación San Luis Facility Development Corporation y al público en general que los miembros de la Corporación San Luis Facility Development Corporation, tendrán una **Junta Especial a las 5:30 p.m. miércoles, el día 12 de julio de 2017** La junta se llevará a cabo en el **Salón Del Cabildo** ubicada en el 1090 E. Union Street, San Luis, Arizona 85349. El público está cordialmente invitado a la junta.

De acuerdo con el Acta de Americanos con Discapacidades y la Sección 504 del Acta de Rehabilitación del 1973, la Ciudad de San Luis, Arizona no discrimina por causa de discapacidad la admisión y acceso a sus programas, actividades, servicios o en el trato en cuanto a empleo. Para más información referente a derechos y provisiones del Acta de Americanos con Discapacidades o Sección 504, o para solicitar adaptaciones que sean razonables para la participación en programas, actividades o servicios de la Ciudad, contactar al: Coordinador del Acta de Americanos con Discapacidades/Sección 504, Departamento de Recursos Humanos de la Ciudad de San Luis, Arizona, ubicada en el 1090 E. Union Street, San Luis, Arizona, 85349; (928) 341-8520.

Por medio de este aviso y de acuerdo con los Estatutos del Estado de Arizona "A.R.S § 1-602.A.9", sujeto a ciertas excepciones reglamentarias, los padres de familia tienen el derecho de dar el consentimiento ante el Estado o cualquiera de sus subdivisiones políticas para hacer una grabación de audio o video de su hijo menor de edad. Las juntas del Cabildo se graban en audio y/o video y como resultado, el hecho de que haya menores presentes puede ser sujeto a que sean grabados. Para que los padres de familia puedan ejercer sus derechos pueden dar el consentimiento por escrito con la Secretaria de la Ciudad a tal grabación, o tomar acción personal para asegurarse que su hijo menor no esté presente cuando la grabación se lleve a cabo. Si un menor de edad está presente en el momento de la grabación, la Ciudad asumirá que los padres de familia están cediendo los derechos sobre una posible grabación de acuerdo con los Estatutos del Estado de Arizona "A.R.S. §1-602.A.9."

ESTE AVISO ES APROBADO POR:

/f/ Kay M. Macuil, Abogada de la San Luis Facility Development Corporation

AGENDA
SAN LUIS FACILITY DEVELOPMENT CORPORATION
San Luis Council Chambers
1090 E. Union Street
San Luis, Arizona 85349
JULY 12, 2017
5:30 p.m.

PLEASE TAKE NOTICE OF THE FOLLOWING:

- Board Members may attend the meeting by telephonic communication,
- the Chair or Acting Chair may change the order of the items, and
- 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.

1. CALL TO ORDER/ROLL CALL

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

-Special San Luis Facility Development Corporation Meeting held June 8, 2017

3. DISCUSSION AND POSSIBLE ACTION ITEMS:

- 3. A.** Discussion and possible action to approve Resolution No. 2017-2, a resolution of the Board of Directors of the San Luis Facility Development Corporation (the "Corporation") authorizing and approving (i) the possible sale and/or auction of the San Luis Regional Detention Facility, (ii) an amendment to the Corporation's filed Articles of Incorporation to permit such a sale, (iii) the conditional redemption in full of the Corporation's outstanding \$26,090,000 Senior Lien Taxable Refunding Revenue Bonds (San Luis Regional Detention Center Project) Series 2014 and the Corporation's outstanding \$20,835,000 Senior Lien Taxable Refunding Revenue Bonds (San Luis Regional Detention Center Project) Series 2014A with the proceeds of any such sale, and (iv) the marketing for sale and/or auctioning for sale of the San Luis Regional Detention Facility. **(Kay Marion Macuil, Corporation Attorney)**

3. B. EXECUTIVE SESSION

Vote to hold an Executive Session pursuant to A.R.S. §38-431.03(A) (3) and (4)

Discussion and possible action to hold an executive session pursuant to A.R.S. §38-431.03(A) (3) and (4) on any and all matters regarding Emerald Correctional Management exiting from operations in April of 2017 for discussion or consultation for legal advice with the Corporation's Attorney or attorneys in order to consider the Corporation's position and instruct its attorneys regarding the Corporation's position. **(Kay Marion Macuil, Attorney for the San Luis Facility Development Corporation).**

4. MOTION TO GO BACK INTO REGULAR SESSION.

5. SUMMARY OF CURRENT EVENTS

Events by Board of Directors pursuant to A.R.S. §38-431.02 (K).

6. 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."

Facilities Development Corporation

2.A.

Meeting Date: 07/12/2017

Department Head: Kay Macuil, City Attorney, Attorney's Office

Submitted By: Kay Macuil, City Attorney, Attorney's Office

ITEM:

MINUTES OF

-Special San Luis Facility Development Corporation Meeting held June 8, 2017

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO APPROVE THE CONSENT AGENDA.

Attachments

2017-06-08 Draft MInutes

**MINUTES
SPECIAL MEETING
SAN LUIS FACILITY DEVELOPMENT CORPORATION
SAN LUIS COUNCIL CHAMBERS
1090 E. Union Street
San Luis, Arizona 85349
June 8, 2017
5:30 p.m.**

PLEASE TAKE NOTICE THAT BOARD MEMBERS MAY ATTEND THE MEETING BY TELEPHONIC COMMUNICATION

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

PLEASE TAKE NOTICE: *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.*

1. **CALL TO ORDER** President Jenny Torres called the meeting to order at approximately 5:30 p.m.

ROLL CALL

President Jenny Torres , Present
Vice President John Starkey , Present
Secretary Olivia Jenkins , Absent
Director Maria Gonzalez , Absent
Director Joe Harper , Present

Others present:

Kay Marion Macuil, SLFDC Attorney,

Janet Taylor, Minute Taker

Tadeo De La Hoya, City Manager arrived at approximately 5:35 p.m.

2. **CONSENT AGENDA**

All matters are considered to be routine by the Board Members 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. - Approval of Minutes of Special Meeting held on March 14, 2017 and the Minutes of Emergency Special Meeting held on April 7, 2017.

Motion: President Jenny Torres and Vice President John Starkey to approve the minutes for the Special Meeting held on March 14, 2017 and to also approve the minutes for the Emergency Special Meeting held on April 7, 2017.

Motion passed unanimously

3. DISCUSSION AND POSSIBLE ACTION ITEMS

EXECUTIVE SESSION

Vote to hold an Executive Session pursuant to A.R.S. §38-431.03(A) (3) and (4)

- 3. A.** Discussion and possible action to hold an executive session pursuant to A.R.S. §38-431.03(A) subsections (3) and (4) on any and all matters regarding Emerald Correctional Management exiting from operations in April of 2017 for discussion or consultation for legal advice with the Corporation's Attorney or attorneys in order to consider the Corporation's position and instruct its attorneys regarding the Corporation's position. **(Kay Marion Macuil, Attorney for the San Luis Facility Development Corporation).**

Motion: Vice President John Starkey and Director Joe Harper to hold Executive Session pursuant to A.R.S. §38-431.03(A) subsections (3) and (4) as described in this Agenda item.

Motion passed unanimously

4. MOTION TO GO BACK INTO REGULAR SESSION

Motion: Director Joe Harper and Vice President John Starkey to go back in to Regular Session.

Motion passed unanimously.

- 4.A.** Discussion and possible action on any and all matters regarding the scheduling of the Corporation's regular meetings. **(Kay Marion Macuil, Attorney for the San Luis Facility Development Corporation)**

- Note: Currently, **Tuesday, July 4, 2017** is the next Regular Monthly Meeting

No action taken: Discussion that the board meet as necessary. No members opposed.

5. ADJOURNMENT

Motion: Vice President John Starkey and Director Joe Harper to adjourn meeting.

Motion passed unanimously

Meeting adjourned at approximately 6:10 p.m.

Facilities Development Corporation

3.A.

Meeting Date: 07/12/2017

Department Head: Kay Macuil, City Attorney, Attorney's Office

Submitted By: Kay Macuil, City Attorney, Attorney's Office

ITEM:

Discussion and possible action to approve Resolution No. 2017-2, a resolution of the Board of Directors of the San Luis Facility Development Corporation (the "Corporation") authorizing and approving (i) the possible sale and/or auction of the San Luis Regional Detention Facility, (ii) an amendment to the Corporation's filed Articles of Incorporation to permit such a sale, (iii) the conditional redemption in full of the Corporation's outstanding \$26,090,000 Senior Lien Taxable Refunding Revenue Bonds (San Luis Regional Detention Center Project) Series 2014 and the Corporation's outstanding \$20,835,000 Senior Lien Taxable Refunding Revenue Bonds (San Luis Regional Detention Center Project) Series 2014A with the proceeds of any such sale, and (iv) the marketing for sale and/or auctioning for sale of the San Luis Regional Detention Facility. **(Kay Marion Macuil, Corporation Attorney)**

SUMMARY:

The documents attached to this agenda item were prepared by Attorneys Dan Howerda and Pat Ray with Kutak Rock. Kutak Rock was the firm who did the Bond legal work for the Corporation.

Resolution 2017-02 does three (3) things:

1. it authorizes the possibility of a sale;
2. it amends the Articles of Incorporation to allow for a sale; and
3. it approves the form of notice to the bond-holders to be used only if there is a sale.

Under Article Sixteen (16) of the Articles of Incorporation, in order to change the Articles of Incorporation there must be a unanimous vote of all the Directors.

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO ADOPT AND APPROVE RESOLUTION 2017-02 AMENDING THE ARTICLES OF INCORPORATION AS PRESENTED.

Attachments

Res 2017-02 Amend Art of Incorp
Art of Incorp
Amendment to Art of Incorp
Form of Notice to Bond-Holders

RESOLUTION

No. 2017-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF SAN LUIS FACILITY DEVELOPMENT CORPORATION (THE “CORPORATION”) AUTHORIZING:

(1) THE POSSIBLE SALE AND/OR AUCTION OF THE CORPORATION’S SAN LUIS REGIONAL DETENTION AND SUPPORT CENTER, (2) AN AMENDMENT TO THE CORPORATION’S ARTICLES OF INCORPORATION TO PERMIT SUCH A SALE, AND (3) THE CONDITIONAL REDEMPTION OF THE CORPORATION’S SERIES 2014 AND SERIES 2014A BONDS WITH THE PROCEEDS OF ANY SUCH SALE .

WHEREAS, San Luis Facility Development Corporation, a nonprofit corporation incorporated and existing pursuant to the laws of the State of Arizona (the “Corporation”), was formed to transact any or all lawful business for which nonprofit corporations may be incorporated under the laws of the State of Arizona (the “State”), including, without limiting the generality of the foregoing, any civic or charitable purpose such as financing or refinancing the cost of acquiring, constructing, reconstructing or improving buildings, equipment or other real and personal properties; and

WHEREAS, the Corporation currently owns the San Luis Regional Detention and Support Center (the “Detention Center”) and desires to sell the Detention Center; and

WHEREAS, the Corporation financed and refinanced the construction, development and expansion of the Detention Center by the issuance of bonds under and in accordance with a Trust Indenture dated as of October 1, 2005 (the “2005 Indenture”) by and between U.S. Bank National Association, as trustee (the “Trustee”) and the Corporation, as amended and supplemented by a First Supplemental Trust Indenture dated as of February 1, 2011 (the “First Supplemental Indenture”), a Second Supplemental Trust Indenture dated as of March 27, 2014 (the “Second Supplemental Indenture”), a Third Supplemental Indenture dated as of April 1, 2014 (the “Third Supplemental Indenture”) and a Fourth Supplemental Indenture dated as of July 1, 2014 (the “Fourth Supplemental Indenture”); and

WHEREAS, the construction, development and expansion of the Detention Center was financed by the Corporation with its previously issued \$27,795,000 San Luis Facility Development Corporation Senior Lien Project Revenue Bonds (San Luis Regional Detention and Support Center Project), Series 2005 (the “Series 2005 Bonds”) and its \$20,165,000 San Luis Facility Development Corporation Senior Lien Project Revenue Bonds (San Luis Regional Detention and Support Center Expansion Project),

Series 2011 (the “Series 2011 Bonds”) under the Trust Indenture and the First Supplemental Indenture; and

WHEREAS, the Corporation refinanced the Series 2005 Bonds under the Third Supplemental Indenture by the issuance of its \$26,090,000 Senior Lien Taxable Refunding Revenue Bonds (San Luis Regional Detention and Support Center Project) Series 2014 (the “Series 2014 Bonds”); and

WHEREAS, the Corporation refunded the Series 2011 Bonds under the Fourth Supplemental Indenture by the issuance of its \$20,835,000 Senior Lien Taxable Refunding Revenue Bonds (San Luis Regional Detention and Support Center Project) Series 2014A (the “Series 2014A Bonds”); and

WHEREAS, the Corporation has now conditionally determined to redeem the Series 2014 Bonds and the Series 2014A Bonds with the proceeds of the sale of the Detention Center at such time as when such a sale is consummated; and

WHEREAS, the Corporation will ensure that the net proceeds from any such sale of the Detention Center will be in an amount sufficient to redeem in full the Series 2014 Bonds and the Series 2014A Bonds, and if such proceeds are not sufficient, then the Corporation will not redeem Series 2014 Bonds and the Series 2014A Bonds or complete the sale of the Detention Center; and

WHEREAS, following its receipt of a fully executed purchase and sale agreement or signed letter of intent or other agreement to sell the Detention Center deemed satisfactory by the Corporation, the Corporation intends to provide conditional notice to the Trustee of its intent to redeem the Series 2014 Bonds and the Series 2014A Bonds, which notice will be conditioned upon the receipt of sufficient proceeds from the sale of the Detention Center to redeem the Series 2014 Bonds and the Series 2014A Bonds in full; and

WHEREAS, the Corporation is authorized and empowered, among other things, to (a) sell the Detention Center at any time, (b) execute a letter of intent or other agreement and/or purchase and sale agreement with a buyer in connection with any such sale of the Detention Center, (c) amend its Articles of Organization to permit a sale of the Detention Center, (d) redeem the Series 2014 Bonds and the Series 2014A Bonds, (e) enter into any and all necessary documents and effectuate the transactions described herein, and (f) enact this Resolution and enter into the transactions described herein; and

WHEREAS, there have been placed on file with the Secretary-Treasurer of the Corporation and presented to this meeting a form of Conditional Notice of Redemption for the Series 2014 Bonds and the Series 2014A Bonds, which form will be dated, signed and delivered to the Trustee at such time as the Corporation has executed a Resolution No. 2017-02

purchase and sale agreement or signed letter of intent or other agreement to sell the Detention Center with a buyer approved by the Corporation; and

WHEREAS, there have been placed on file with the Secretary-Treasurer of the Corporation and presented to this meeting a form of Articles of Amendment, which amendment when filed with the Arizona Corporation Commission will amend the Corporation's existing filed Articles of Incorporation to permit a sale of the Detention Center.

WHEREAS, the Corporation desires to approve the sale of the Detention Center, conditioned upon the receipt of (a) a fully executed purchase and sale agreement or signed letter of intent or other agreement to sell the Detention Center in form approved by the Corporation's officers and legal advisors, and with a buyer approved by the Corporation's officers, and (b) sufficient proceeds of the sale to redeem in full the Series 2014 Bonds and the Series 2014A Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN LUIS FACILITY DEVELOPMENT CORPORATION, THAT:

Section 1. In addition to words and terms elsewhere defined in this Resolution, the capitalized words and terms used herein shall have the meanings given in the Indenture.

Section 2. All actions (not inconsistent with the provisions of this Resolution) heretofore taken by or at the direction of the Corporation and its officers directed toward the sale of the Detention Center and the conditional redemption in full of the Series 2014 Bonds and the Series 2014A Bonds are hereby approved and ratified.

Section 3. It is hereby determined that: (i) the Corporation desires to sell the Detention Center for the purpose of redeeming in full the Series 2014 Bonds and the Series 2014A Bonds; and (ii) the Corporation is authorized by law and its governing documents and deems it necessary to sell the Detention Center for the purpose of redeeming in full the Series 2014 Bonds and the Series 2014A Bonds.

Section 4. The form of Conditional Notice of Redemption for the Series 2014 Bonds and the Series 2014A Bonds is hereby approved and authorized to be dated and executed by the President of the Corporation and provided to the Trustee at such time as the Corporation has executed a purchase and sale agreement or signed letter of intent or other agreement to sell the Detention Center in form approved by the Corporation's officers and legal advisors, and with a buyer approved by the Corporation.

Section 5. The sale by auction or otherwise of the Detention Center, conditioned upon the receipt of sufficient proceeds of the sale to redeem in full the Series 2014 Bonds and the Series 2014A Bonds is hereby authorized and approved, subject to the

negotiation of a letter of intent or other agreement and/or a purchase and sale agreement acceptable to the Corporation's officers and legal advisors.

Section 6. The President, the Vice President or the Secretary-Treasurer, or any of such officers, is hereby authorized, empowered and directed to date, execute and deliver the Conditional Notice of Redemption for the Series 2014 Bonds and the Series 2014A Bonds, to execute and deliver a letter of intent or other agreement and/or a purchase and sale agreement for the sale of the Detention Center and to execute and deliver any additional documents, certificates, consents or instruments as are necessary or desirable to effectuate the sale of the Detention Center and the redemption of the Series 2014 Bonds and the Series 2014A Bonds, including any agreement with a third party to market the Detention Center for sale and/or to host or conduct a sale auction of the Detention Center, all in forms acceptable to the Corporation's officers and legal advisors.

Section 7. The officers of the Corporation shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Resolution, including without limitation, the execution and delivery of the closing and other documents required to be delivered in connection with the sale of the Detention Center and the redemption in full of the Series 2014 Bonds and the Series 2014A Bonds.

Section 8. The undersigned hereby acknowledges and confirms that the Board of Directors of the Corporation unanimously approved the Articles of Amendment presented at a meeting of the Board of Directors. The President, the Vice President or the Secretary-Treasurer, or any of such officers, is hereby authorized, empowered and directed to date, execute and file with the Arizona Corporation Commission the Articles of Amendment and to publish the same in accordance with Arizona Revised Statute Section 10-11006.

Section 9. Following any sale of the Detention Center, the Corporation shall remain in existence and shall not be dissolved until such time as any existing contracts with the United States Marshals Service or any other governmental entity related to the use of the Detention Center have expired by their terms or have been assigned to the buyer of the Detention Center or its property manager, unless such buyer shall agree in writing to the earlier dissolution of the Corporation.

Section 10. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 11. Any provisions of any articles of incorporation, bylaws, orders, procedural pamphlets and resolutions inconsistent herewith are hereby waived to the

extent only of such inconsistency. This waiver shall not be construed as reviving any bylaw, order or resolution or any part thereof.

Section 12. This Resolution shall be effective immediately.

[Signature page follows]

PASSED AND ADOPTED this ____ day of June, 2017

San Luis Facility Development Corporation

By _____
Jenny Torres, President

ATTEST:

APPROVED AS TO FORM:

Secretary-Treasurer,
San Luis Facility Development
Corporation

Kay Marion Macuil, Attorney
San Luis Facility Development
Corporation

May-26-05 09:14am From-KUTAK ROCK

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AZ CORPORATION COMMISSION
FILED

MAY 26 2005

"EXP"

ARTICLES OF INCORPORATION

FILE NO. 005093-9

OF

SAN LUIS FACILITY DEVELOPMENT CORPORATION
(An Arizona Nonprofit Corporation)

KNOW ALL MEN BY THESE PRESENTS THAT:

The undersigned, being a natural person of the age of 18 years or more, and a resident of the State of Arizona, acting as an Incorporator of a Corporation under Section 10-3101 et seq. of the Arizona Revised Statutes (the "Arizona Nonprofit Code"), as amended, adopts the following Articles of Incorporation:

ARTICLE I

NAME

The name of the Corporation is SAN LUIS FACILITY DEVELOPMENT CORPORATION (hereinafter referred to as the "Corporation").

ARTICLE II

DURATION

The period of duration of the Corporation is perpetual.

ARTICLE III

REGISTERED OFFICE AND AGENT

The initial registered office of the Corporation shall be:

767 North First Avenue, P.O. Box 1170, San Luis, Arizona 85349

and the name of the initial registered agent at such address is:

Rosalicia Cordova, 767 North First Avenue, P.O. Box 1170, San Luis, Arizona 85349

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ARTICLE IV

PURPOSES, POWERS AND OBJECTS

Section 4.01. Purposes. The Corporation is organized exclusively for the purpose of financing, owning and/or operating one or more public projects in the State of Arizona (collectively, the "Project") that effect economic development in the City of San Luis, Arizona (the "City") or the County of Yuma (the "County"), and to otherwise provide facilities, equipment and other physical plant and related support to the Project.

Section 4.02. Powers. The Corporation shall have the following powers:

(a) To receive and maintain a fund or funds of real or personal property, or both, and to use and apply the whole or any part of the income therefrom and the principal thereof for the purposes as hereinabove set forth.

(b) To have one or more offices and to conduct and carry on any of its business at any place in the State of Arizona as may be determined by the Board of Directors.

(c) To buy or otherwise acquire, sell or otherwise dispose of, mortgage or otherwise encumber, exchange, lease, hold, use, operate or otherwise deal in and with real, personal and mixed property of all kinds and any rights or interest therein for any purposes of the Corporation and the Project.

(d) To borrow money and secure the repayment of monies borrowed for any purpose of the Corporation.

(e) To have and exercise any and all of those powers specified in the Arizona Nonprofit Code.

(f) To do all and everything necessary, suitable and proper for the accomplishment of any of the purposes or the attainment of any of the objectives or furtherance of any of the powers hereinbefore set forth, either alone or in corporation with other corporations, firms, governmental authorities or individuals, and to do every other act or acts, thing or things incidental or appurtenant to and growing out of or connected with the aforesaid objects or purposes or any part or parts thereof, provided the same be not inconsistent with the laws under which the Corporation is organized.

ARTICLE V

DISSOLUTION

No individual of the Corporation shall have any right, title or interest in the assets of the Corporation. The Corporation may dissolve and wind up its affairs in the manner now or hereafter permitted or provided by the Arizona Nonprofit Code. Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Corporation, transfer all of the assets of the Corporation to the City. Any

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such assets not so disposed of shall be disposed of by a court of competent jurisdiction for the county in which the principal office of the Corporation is then located, exclusively for such purposes, or to such organization or organizations as said court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE VI

DIRECTORS

The number of Directors who shall conduct and manage the affairs of the Corporation shall be five. The names of the persons and their addresses constituting the first Board of Directors, are:

Rosalicia Cordova
767 North First Avenue
P.O. Box 1170
San Luis, AZ 85349

Nep Ramirez
767 North First Avenue
P.O. Box 1170
San Luis, AZ 85349

Nieves Garcia Riedel
767 North First Avenue
P.O. Box 1170
San Luis, AZ 85349

Rosa Varela
767 North First Avenue
P.O. Box 1170
San Luis, AZ 85349

John Starkey
767 North First Avenue
Post Office Box 1170
San Luis, Arizona 85349

Directors may be removed and vacancies on the Board of Directors shall be filled as provided by the Bylaws.

The Corporation shall indemnify its Directors to the full extent permitted by Arizona law. The personal liability of a Director to the Corporation for monetary damages for breach of fiduciary duty as a Director shall be limited to the full extent provided by Arizona law.

ARTICLE VII

OFFICERS

The Board of Directors may appoint a President, one or more Vice Presidents, a Secretary, a Treasurer and such other officers or assistant officers as the Board of Directors believes will be in the best interest of the Corporation. The officers shall have such duties as may be prescribed in the Bylaws of the Corporation and shall serve at the pleasure of the Board of Directors.

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ARTICLE VIII
COMPENSATION

No compensation shall be paid to the Directors or officers of the Corporation, as such, for their services. However, nothing herein contained shall be construed to preclude the Corporation from paying any Director or officer reasonable compensation for other services rendered by such Directors or officers consistent with the purposes of the Corporation.

ARTICLE IX
BYLAWS

The Corporation may adopt Bylaws which shall contain provisions not inconsistent with these Articles of Incorporation, setting forth the rights, privileges, powers, duties and responsibilities of the Directors and officers. The Directors of the Corporation, as may be provided in the Bylaws, shall have the power, from time to time, to make, alter and amend the Bylaws as they shall deem proper for the management of the affairs of the Corporation.

ARTICLE X
COVENANTS REGARDING OPERATIONS

(a) The Corporation shall not have any employees or engage in any business or activity other than in connection with or relating to the activities permitted in Article IV hereof.

(b) The Corporation shall not consolidate or merge with or into any other entity or convey, transfer or lease its properties and assets substantially as an entirety to any entity through liquidation, dissolution or otherwise.

(c) The Corporation shall not dissolve or liquidate, in whole or in part, if any obligation under the Indenture of Trust (the "Indenture"), between the Corporation and corporate trustee named therein, as trustee, is outstanding (or any obligation refunding such obligation is outstanding).

(d) The funds and other assets of the Corporation shall not be commingled with those of any other entity.

(e) The Corporation shall not hold itself out as being liable for the debts of any other entity.

(f) The Corporation shall not form, or cause to be formed, any subsidiaries nor shall the Corporation acquire any interest as a general or limited partner in any partnership or as a member in any limited liability company.

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(g) The Corporation shall act solely in its corporate name and through its duly authorized officers or agents in the conduct of its business, and shall conduct its business so as not to mislead others as to the identity of the entity with which they are concerned.

(h) The Corporation shall maintain corporate records and books of account and shall not commingle its corporate records and books of account with the corporate records and books of account of any other entity. The books of the Corporation may be kept (subject to any provision contained in the statutes) inside the State of Arizona at such place or places as may be designated from time to time by the Board of Directors or in the Bylaws of the Corporation.

(i) The Board of Directors of the Corporation shall hold appropriate meetings to authorize all of its corporate actions. Regular meetings of the Board of Directors shall be held not less frequently than once per annum.

(j) The Corporation shall at all times ensure that its capitalization is adequate in light of its business and purpose.

(k) Except to the extent set forth in an Indenture, no guarantees of loans or other indebtedness to third parties shall be made by the Corporation.

(l) No director of the Corporation shall be personally liable to the Corporation or its members for monetary damages for breach of fiduciary duty as a director, provided, however, that this Article shall not eliminate or limit the liability of a director to the extent the elimination or limitation thereof is prohibited by Title 10 of the Arizona Revised Statutes, as amended from time to time. For the purposes of this Article, the term "director" includes a trustee and a person who serves on the board or council of the Corporation in an advisory capacity.

(m) The income of the Corporation shall not inure to the benefit of any private person.

ARTICLE XI

OTHER INDEBTEDNESS

Except to the extent set forth in the Indenture, the Corporation shall not incur, assume or guaranty any indebtedness.

ARTICLE XII

ASSETS

The Corporation shall not transfer to any person or entity any assets of the Corporation except pursuant to the Indenture.

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ARTICLE XIII

BANKRUPTCY/INSOLVENCY

The Corporation shall not, without the affirmative vote of the entire Board of Directors of the Corporation, (a) institute any proceedings to adjudicate the Corporation as bankrupt or insolvent, (b) consent to the institution of bankruptcy or insolvency proceedings against the Corporation, (c) file a petition seeking or consenting to reorganization or relief under any applicable federal or state law relating to bankruptcy with respect to the Corporation, (d) consent to the appointment of a receiver, liquidator, assignee, trustee, sequestrator (or other similar official) of the Corporation or a substantial part of its property, (e) make any assignment for the benefit of the Corporation's creditors; (f) cause the Corporation to admit in writing its inability to pay its debts generally as they become due; or (g) take any action, or cause the Corporation to take any action, in furtherance of any of the foregoing (any of the above foregoing actions, a "Bankruptcy Action"). No Director or officer of the Corporation shall (to the extent permitted by applicable law) be liable to the Corporation on account of such Director's or officer's good faith reliance on the provisions of this Article and the Corporation shall not have any claim for breach of fiduciary duty or otherwise against any Director or officer for failing to take any Bankruptcy Action.

ARTICLE XIV

MEMBERSHIP

The Corporation shall not have any members or membership rights as such terms are defined in the Arizona Nonprofit Code.

ARTICLE XV

INCORPORATOR

The name and address of the Incorporator is:

<u>Name</u>	<u>Address</u>
Jorge C. Albala	8601 North Scottsdale Road Suite 300 Scottsdale, Arizona 85253-2742

-120 5097.9

ARTICLE XVI

AMENDMENT

The right is expressly reserved to amend these Articles of Incorporation or any Article herein in any manner or respect now or hereafter permitted or provided for by the Arizona Nonprofit Code; provided, however, the Corporation shall not amend, alter, change or repeal any provision contained in these Articles of Incorporation without the unanimous vote in favor thereof of the entire Board of Directors.

May-26-05 03:41pm From-KUTAK ROCK

4004205001

T-752 P.010/013 F-451

- 12050979

20th IN WITNESS WHEREOF, I, the undersigned incorporator, have set my hand, as of the
day of May, 2005.

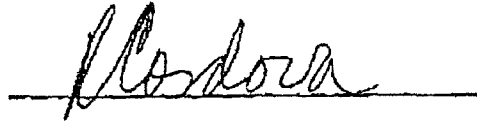
Jorge C. Albala
Jorge C. Albala, Incorporator

- 1205097.9

ACCEPTANCE OF APPOINTMENT AS STATUTORY AGENT

Rosalicia Cordova, having been designated to act as Statutory Agent for San Luis Economic Development Corporation, hereby consents to act in that capacity until removed or her resignation is submitted.

Dated: May 30, 2005.

A handwritten signature in cursive script, appearing to read "Rosalicia Cordova", is written over a horizontal line.

May-26-05 03:42pm From:KUTAK ROCK

4804285001

T-752 P.012/013 F-451

ARIZONA CORPORATION COMMISSION
CORPORATIONS DIVISION

Phoenix Address: 1300 West Washington
Phoenix, Arizona 85007-2929

Tucson Address: 400 West Congress
Tucson, Arizona 85701-1347

NONPROFIT
CERTIFICATE OF DISCLOSURE

A.R.S. Section 10-3202.D.

Sgn Luis Facility Development Corporation
EXACT CORPORATE NAME

- A. Has any person serving either by election or appointment as officer, director, trustee, or incorporator in the corporation:
1. Been convicted of a felony involving a transaction in securities, consumer fraud or antitrust in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
 2. Been convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, theft by false pretenses, or restraint of trade or monopoly in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
 3. Been or are subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven-year period immediately preceding the execution of this Certificate wherein such injunction, judgment, decree or permanent order:
 - (a) Involved the violation of fraud or registration provisions of the securities laws of that jurisdiction?; or
 - (b) Involved the violation of the consumer fraud laws of that jurisdiction?; or
 - (c) Involved the violation of the antitrust or restraint of trade laws of that jurisdiction?

Yes ___ No X

B. IF YES, the following information MUST be attached:

- | | |
|---|--|
| 1. Full name and prior name(s) used. | 6. Social Security number. |
| 2. Full birth name. | 7. The nature and description of each conviction or judicial action, date and location, the court and public agency involved and file or cause number of case. |
| 3. Present home address. | |
| 4. Prior addresses (for immediate preceding 7-year period). | |
| 5. Date and location of birth. | |

C. Has any person serving either by election or appointment as an officer, director, trustee or incorporator of the corporation, served in any such capacity or held such interest in any corporation which has been placed in bankruptcy or receivership or had its charter revoked, or administratively dissolved by any jurisdiction?

Yes ___ No X

IF YOUR ANSWER TO THE ABOVE QUESTION IS "YES", YOU MUST ATTACH THE FOLLOWING INFORMATION FOR EACH CORPORATION:

- | | |
|---|---|
| 1. Name and address of the corporation. | 4. Dates of corporate operation. |
| 2. Full name, including alias and address of each person involved. | 5. A description of the bankruptcy, receivership or charter revocation, including the date, court or agency and the file or cause number of the case. |
| 3. State(s) in which the corporation: <ol style="list-style-type: none"> (a) Was incorporated. (b) Has transacted business. | |

D. The fiscal year end adopted by the corporation is 10/01/05

Under penalties of law, the undersigned incorporators/officers declare that we have examined this Certificate, including any attachments, and to the best of our knowledge and belief it is true, correct and complete, and hereby declares as indicated above. THE SIGNATURE(S) MUST BE DATED WITHIN THIRTY (30) DAYS OF THE DELIVERY DATE.

BY John Starkey DATE 5-23-05 BY S. Luis Facility Development Corporation DATE 5-26-05
TITLE John Starkey, Community Development Services Department TITLE Arizona, Incorporator

DOMESTIC CORPORATIONS: ALL INCORPORATORS MUST SIGN THE INITIAL CERTIFICATE OF DISCLOSURE. (If more than four incorporators, please attach remaining signatures on a separate sheet of paper.)

If within sixty days, any person becomes an officer, director, or trustee and the person was not included in this disclosure, the corporation must file an AMENDED certificate signed by all incorporators, or if officers have been elected, by a duly authorized officer.

FOREIGN CORPORATIONS: MUST BE SIGNED BY AT LEAST ONE DULY AUTHORIZED OFFICER OF THE CORPORATION.

CP: 0001 - Non-Profit
Rev: 9/00

May-26-05 03:42pm From-KUTAK ROCK

4804295001

T-752 P.013/013 F-451

ARIZONA CORPORATION COMMISSION
CORPORATIONS DIVISION

Phoenix Address: 1300 West Washington
Phoenix, Arizona 85007-2929

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Tucson, Arizona 85701-1347

NONPROFIT
CERTIFICATE OF DISCLOSURE

A.R.S. Section 10-3202.D.

San Luis Facility Development Corporation
EXACT CORPORATE NAME

- A. Has any person serving either by election or appointment as officer, director, trustee, or incorporator in the corporation:
1. Been convicted of a felony involving a transaction in securities, consumer fraud or antitrust in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
 2. Been convicted of a felony, the essential elements of which consisted of fraud, misrepresentation, theft by false pretenses, or restraint of trade or monopoly in any state or federal jurisdiction within the seven-year period immediately preceding the execution of this Certificate?
 3. Been or was subject to an injunction, judgment, decree or permanent order of any state or federal court entered within the seven-year period immediately preceding the execution of this Certificate wherein such injunction, judgment, decree or permanent order:
 - (a) Involved the violation of fraud or registration provisions of the securities laws of that jurisdiction?; or
 - (b) Involved the violation of the consumer fraud laws of that jurisdiction?; or
 - (c) Involved the violation of the antitrust or restraint of trade laws of that jurisdiction?

Yes No

B. IF YES, the following information MUST be attached:

1. Full name and prior name(s) used.
2. Full birth name.
3. Present home address.
4. Prior addresses (for immediate preceding 7-year period).
5. Date and location of birth.
6. Social Security number.
7. The nature and description of each conviction or judicial action, date and location, the court and public agency involved and file or cause number of case.

C. Has any person serving either by election or appointment as an officer, director, trustee or incorporator of the corporation, served in any such capacity or held such interest in any corporation which has been placed in bankruptcy or receivership or had its charter revoked, or administratively dissolved by any jurisdiction?

Yes No

IF YOUR ANSWER TO THE ABOVE QUESTION IS "YES", YOU MUST ATTACH THE FOLLOWING INFORMATION FOR EACH CORPORATION:

1. Name and address of the corporation.
2. Full name, including alias and address of each person involved.
3. State(s) in which the corporation:
 - (a) Was incorporated.
 - (b) Has transacted business.
4. Dates of corporate operation.
5. A description of the bankruptcy, receivership or charter revocation, including the date, court or agency and the file or cause number of the case.

D. The fiscal year end adopted by the corporation is 10/01/2005.

Under penalties of law, the undersigned incorporators/officers declare that we have examined this Certificate, including any attachments, and to the best of our knowledge and belief it is true, correct and complete, and hereby declares as indicated above. THE SIGNATURE(S) MUST BE DATED WITHIN THIRTY (30) DAYS OF THE OBSERVATION DATE.

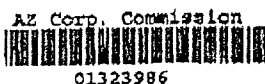
BY [Signature] DATE 5/23/05 BY [Signature] DATE 5/23/05
 TITLE Arizona Coridora, City Administrator/City Clerk TITLE Asst. Admin. Finance Director

BY [Signature] DATE 5/23/05 BY [Signature] DATE 5/23/05
 TITLE Marva Garcia-Rodriguez, Council Member TITLE Rosa Varilla, Council Member

DOMESTIC CORPORATIONS: ALL INCORPORATORS MUST SIGN THE INITIAL CERTIFICATE OF DISCLOSURE. (If more than four incorporators, please attach remaining signatures on a separate sheet of paper.)

If within sixty days, any person becomes an officer, director, or trustee and the person was not included in this disclosure, the corporation must file an AMENDED certificate signed by all incorporators, or if officers have been elected, by a duly authorized officer.

FOREIGN CORPORATIONS: MUST BE SIGNED BY AT LEAST ONE DULY AUTHORIZED OFFICER OF THE CORPORATION.
CF: 0001 - Non-Profit
Rev: 9/00



AFFIDAVIT OF PUBLICATION
For Arizona Corporation Commission



**2055 ARIZONA AVENUE
YUMA, AZ 85364
PHONE (928) 783-3333 ♦ FAX (928) 539-6810**

**STATE OF ARIZONA
COUNTY OF YUMA**

I, Lee Knapp, am authorized by the publisher as agent to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Sun, is a newspaper which is published daily, is of general circulation and is in compliance with Arizona Revised Statutes §§10-140.34 & 39-201.A & B. The notice will be/has been published three (3) consecutive times in the newspaper listed above.

DATES OF PUBLICATION

- 1) AUGUST 25, 2005
- 2) AUGUST 26, 2005
- 3) AUGUST 27, 2005

THE NAME OF THE CORPORATION: SAN LUIS FACILITY DEVELOPMENT CORPORATION

CORPORATE FILE NUMBER: 1205097-9

TYPE OF DOCUMENT: ARTICLES OF INCORPORATION

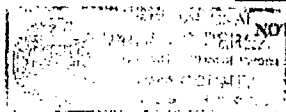
AUTHORIZED SIGNATURE:

Lee Knapp
TITLE: BUSINESS MANAGER

RECEIVED

SEP 08 2005
01080850
ARIZONA CORP. COMMISSION
CORPORATIONS DIVISION

SUBSCRIBED AND SWORN TO BEFORE ME ON THE
31st DAY OF August, 2005



NOTARY SIGNATURE Jinger P. Paray

ARTICLES OF AMENDMENT

SAN LUIS FACILITY DEVELOPMENT CORPORATION

Pursuant to the provisions of Arizona Revised Statutes Section 10-3101 et seq. (“**Arizona Nonprofit Code**”), the San Luis Facility Development Corporation, an Arizona nonprofit corporation (sometimes referred to herein as the “**Corporation**”) adopts the amendment to its Articles of Incorporation set forth in Article Two of these Articles of Amendment.

ARTICLE ONE NAME OF CORPORATION

The name of the nonprofit corporation is San Luis Facility Development Corporation.

ARTICLE TWO RESOLUTIONS OF AMENDMENT

Resolutions to amend **Article X (b)** and to delete **Article XII** of the Articles of Incorporation of the Corporation were adopted by a unanimous vote of the entire Board of Directors of the Corporation at a duly called and conducted meeting of the Board of Directors of the Corporation on June [REDACTED], 2017. The Corporation has no members and no other approvals are required. **Article X (b)** of the Articles of Incorporation was amended and **Article XII** was deleted to the Articles of Incorporation pursuant to the following resolutions:

RESOLVED, that **Article X (b)** of the Articles of Incorporation of this Corporation be, and hereby is, amended to read as described below.

(b) The Corporation shall not consolidate or merge with or into any other entity.

RESOLVED, that **Article XII** of the Articles of Incorporation of this Corporation is hereby deleted in its entirety.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the President of the Corporation, acting for and on behalf of the Corporation and its Board of Directors, has set her hand on this _____ day of _____, 2017.

By: _____
Jenny Torres, President

STATE OF ARIZONA)
) ss.
County of Yuma)

On this, the ____ day of _____, 2017, before me, the undersigned Notary Public, personally appeared Jenny Torres, the President of the San Luis Facility Development Corporation, an Arizona nonprofit corporation, and acknowledged to me that she, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by herself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My Commission Expires:

**NOTICE TO TRUSTEE OF ELECTION TO CONDITIONALLY REDEEM
THE SERIES 2014 AND SERIES 2014A BONDS**

\$26,090,000

San Luis Facility Development Corporation
Senior Lien Taxable Refunding Revenue Bonds
(San Luis Regional Detention Center Project)
Series 2014

\$20,835,000

San Luis Facility Development Corporation
Senior Lien Taxable Refunding Revenue Bonds
(San Luis Regional Detention Center Project)
Series 2014A

The San Luis Facility Development Corporation (the “Issuer”), as issuer under the Trust Indenture dated as of October 1, 2005 (the “2005 Indenture”), as supplemented by the First Supplemental Trust Indenture dated as of February 1, 2011 (the “First Supplemental Indenture”), the Second Supplemental Indenture dated as of March 27, 2014 (the “Second Supplemental Indenture”), the Third Supplemental Indenture dated as of April 1, 2014 (the “Third Supplemental Indenture”) and the Fourth Supplemental Indenture dated as of July 1, 2014 (the “Fourth Supplemental Indenture,” and together with the 2005 Indenture, the First Supplemental Indenture, the Second Supplemental Indenture and the Third Supplemental Indenture, the “Indenture”) by and between the Issuer and U.S. Bank National Association as trustee (the “Trustee”), hereby notifies the Trustee of its election to conditionally redeem its \$26,090,000 Senior Lien Taxable Refunding Revenue Bonds (San Luis Regional Detention Center Project) Series 2014 and its \$20,835,000 Senior Lien Taxable Refunding Revenue Bonds (San Luis Regional Detention Center Project) Series 2014A (the “Series 2014A Bonds,” and together with the Series 2014 Bonds, the “Redeemed Bonds”) on [REDACTED] and hereby directs the Trustee as follows:

1. The Issuer previously issued the 2014 Bonds under the Third Supplemental Indenture and the 2014A Bonds under the Fourth Supplemental Indenture.

2. The Issuer hereby notified the Trustee of its intent to optionally redeem the Series 2014 Bonds under Section 2.02(b) of the Third Supplemental Indenture and the Series 2014A Bonds under Section 2.02(b) of the Fourth Supplemental Indenture on [REDACTED] (the “Redemption Date”) at a redemption price equal to 100% of the principal amount thereof, plus interest accrued to, but excluding, such date of redemption (the “Redemption Price”).

3. The Trustee shall give any and all required notices of this redemption, including notice pursuant to Section 2.02(e) of the Third Supplemental Indenture and Section 2.02(e) of the Fourth Supplemental Indenture.

4. The redemption of the Series 2014 Bonds and the Series 2014A Bonds is conditioned upon, and subject to, the Issuer’s satisfaction of all conditions precedent under the

Indenture as may be required to effectuate the redemption, including the deposit with the Trustee of monies sufficient to pay the Redemption Price of the Series 2014 Bonds and the Series 2014A Bonds on the Redemption Date, and this notice shall be of no effect unless such conditions are timely satisfied. If such conditions are not met, then the Series 2014 Bonds and the Series 2014A Bonds will remain Outstanding under the Indenture.

5. The Issuer agrees to reimburse the Trustee for all out-of-pocket costs and expenses incurred by the Trustee related to or arising from the rescission or cancellation of the notice of redemption. The Issuer further agrees to indemnify and hold the Trustee, its officers, directors, employees and agents harmless from and against all claims, costs, expenses, losses and liabilities of any kind whatsoever, including, without limitation, fees and expenses of legal counsel incurred by the Trustee related to or arising from the cancellation or rescission of the notice of redemption.

Dated:

SAN LUIS FACILITY DEVELOPMENT CORPORATION,
as Issuer

By: _____
_____, President

Facilities Development Corporation

3.B.

Meeting Date: 07/12/2017

Department Head: Kay Macuil, City Attorney, Attorney's Office

Submitted By: Kay Macuil, City Attorney, Attorney's Office

ITEM:

EXECUTIVE SESSION

Vote to hold an Executive Session pursuant to A.R.S. §38-431.03(A) (3) and (4)

Discussion and possible action to hold an executive session pursuant to A.R.S. §38-431.03(A) (3) and (4) on any and all matters regarding Emerald Correctional Management exiting from operations in April of 2017 for discussion or consultation for legal advice with the Corporation's Attorney or attorneys in order to consider the Corporation's position and instruct its attorneys regarding the Corporation's position. **(Kay Marion Macuil, Attorney for the San Luis Facility Development Corporation).**

SUMMARY:

The Board can be properly advised by holding an executive session for the purposes described in the agenda item.

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO HOLD AN EXECUTIVE SESSION AS DESCRIBED IN THIS AGENDA ITEM.

Facilities Development Corporation

5.

Meeting Date: 07/12/2017

Department Head: Kay Macuil, City Attorney, Attorney's Office

Submitted By: Kay Macuil, City Attorney, Attorney's Office

ITEM:

SUMMARY OF CURRENT EVENTS

Events by Board of Directors pursuant to A.R.S. §38-431.02 (K).

SUMMARY:

- Houston Business Journal reports GEO building new facility in Texas.
- Reeves County Texas puts detention facility up for bid.
- Tucson Sentinel reports 600,000 immigration cases clog courts.
- Miami Herald reports Federal Prosecutors Inaugurate 'express' deportations (Judicial Orders of Removal - meaning a convicted foreign national will be deported after serving sentence instead of going through a deportation hearing and detention).
- On July 7, 2017, Warden David Rivas of the San Luis Regional Detention Center reported that 8 employees were hired back.
- Other current events of interest to the Board.

RECOMMENDATION / SUGGESTED MOTION:

Discussion item only, no action.

Attachments

GEO Builds

Texas County Selling

Immigration Courts Clogged

Judicial Orders of Removal

The first new immigrant detention center in the Trump administration will be in Conroe.... [more](#)

GAGE SKIDMORE / WIKIMEDIA COMMONS

It's the first new immigrant detention center in the Trump administration, [according to the Associated Press](#).

“We are very appreciative of the continued confidence placed in our company by U.S. Immigration and Customs Enforcement,” CEO [George Zoley](#) said in the release.

The new facility will be the fourth in the Houston area, joining others in Conroe, Livingston and Houston, [the Houston Chronicle reports](#). The four centers are expected to hold about 3,000 immigrants. ICE holds around 40,000 detainees nationwide, but the numbers are expected to grow.

The new Conroe detention center will share a parking lot and be part of the existing Conroe center, the Joe Corley Detention Facility, per the Chronicle. Montgomery County built that facility in 2008 with public bonds. The county immediately leased the facility to GEO Group, which later bought it for \$65 million, per the Chronicle. No public funds will be used to build the new facility.

GEO Group reported \$2.1 billion in revenue in 2016, up from \$1.8 billion in 2015, [according to filings with the Securities and Exchange Commission](#).

Jack Witthaus covers money and innovation for the Houston Business Journal. [Follow him on Twitter](#).

PUBLIC NOTICE

REQUEST FOR SEALED PROPOSAL FOR SALE OF REEVES COUNTY DETENTION CENTER,
INCLUDING APPROXIMATELY 106.660 ACRES OF REAL ESTATE AND ALL IMPROVEMENTS.

NOTICE TO INTERESTED PARTIES:

Notice is hereby given that Reeves County, Texas will receive offers for the Sale of approximately 106.660 acres of land and all improvements thereon. The property, known as Reeves County Detention Centers I, II and III is located at 98 West County Road 204, and is more particularly described as the West one-half (W 1/2) of the South one-third (S 1/3) of Section Seventeen (17), Block Five (5), H&GN RR Co. Survey, Reeves County, Texas, containing 106.660 acres, more or less. All proposals are to be made by sealed bid/proposal pursuant to Texas Local Government Code Section 272.001(a).

Sealed bids must be delivered in a sealed envelope labeled "Response to Request for Proposals for Sale of Real Property" to the office of the County Judge of Reeves County, Texas, 100 E. 4th St, Ste 104A, Pecos, Texas 79772 by mail, or via hand delivery. Sealed bids must be received by 5:00 p.m. on July 7, 2017. The bidder's name shall appear on the outside of the envelope and on each page of the proposal. The bid must state with clarity the cash value of the offer, and any provisions regarding the transaction proposed. The bid proposal submission date will not be delayed for any reason. Sealed bids must be received and time stamped by the County Judge prior to the aforementioned date and time. All bids will be publicly opened and read aloud in the Commissioners Courtroom by the County Judge, and considered for evaluation and confirmation of compliance with bid procedures. Bid proposals are expressly subject to confirmation by the Commissioners Court on July 10, 2017 in the Commissioners Courtroom, 3rd Floor, Reeves County Courthouse, 110 E. 4th Street, Pecos, Texas 79772, in a public meeting. The Court will have the discretion to make an award, continue the deliberation, or to reject any and all bids. The successful bidder submitting the proposal deemed most advantageous for the purchase of real property and improvements shall pay all costs of closing, and any title insurance shall be at the costs of the respective acquirer. The County of Reeves reserves the right to reject any or all bids and waive any informalities and irregularities in the bids received.

ALL PROPOSALS FOR THE PURCHASE OF THE DESCRIBED PROPERTY WILL BE CONSIDERED, BUT THE MINIMUM BID SHOULD EXCEED \$40,405,930.00. ADDITIONAL INFORMATION ON THE PROPERTY MAY BE EXAMINED BY ANY INTERESTED PERSONS DURING NORMAL BUSINESS HOURS IN THE OFFICES OF THE COUNTY JUDGE.

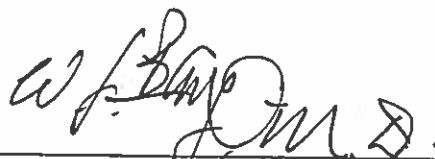
All persons interested in making a sealed bid proposal for purchase of the property described herein are advised to make such tests and investigation of such property, as they may deem desirable and necessary prior to the bid proposal. The Property to be sold will be conveyed by Special Warranty Deed, in the condition "As Is" and "Where Is", subject to such faults, hazards or other detriments that may exist of record, be visible on the surface of the property or that may be otherwise not readily apparent.

The conveyance of title, once awarded by the Commissioners Court, shall be by Special Warranty Deed and related terms/conditions deemed appropriate by the Commissioners Court.

THE COMMISSIONERS COURT OF THE REEVES COUNTY DOES HEREBY ORDER THAT THIS NOTICE SHALL BE PUBLISHED ON TWO SEPARATE DATES IN ACCORDANCE WITH LAW AS AN OFFICIAL NOTICE OF REEVES COUNTY, TEXAS.

DATED THIS THIS 12 DAY OF JUNE 2017.

POSTED
3:58 o'clock P. M



Won J. Bang, MD, County Judge

JUN 12 2017

DIANNE O. FLOREZ
REEVES COUNTY CLERK, REEVES COUNTY, TEXAS
BY DF DEPUTY



Nearly 600,000 immigration cases clog courts, study finds



By [Andrew Becker](https://www.revealnews.org/author/andrew-becker/) / June 4, 2017

Racked with a backlog approaching 600,000 cases, the nation's 58 immigration courts over the last decade have taken longer to rule on deportations, asylum claims and other matters despite hiring more judges and more than doubling their annual budget, according to a new Government Accountability Office report.

Government auditors said that the Justice Department's Executive Office for Immigration Review, which oversees the immigration court system, has been plagued by inefficiencies, its own foot-dragging in hiring new judges and an increasingly complex and changing legal landscape spurred by recent U.S. Supreme Court decisions and lawsuits brought by immigrants facing deportation.

Between 2006 and 2015 the court system's caseload more than doubled, growing steadily each year under the Obama administration, while judges completed nearly one-third fewer cases, the report states. The study was conducted at the request of congressional Republicans and Democrats.

That spells bad news for President Donald Trump as he pushes his central political agenda to crack down on illegal immigration and beef up border security. The report underscores that the already bogged-down immigration courts could become a major obstacle to his objective of removing 2 million to 3 million people from the country.

But the good news for immigrants is that judges are ordering deportation for a smaller percentage of immigrants, down to 52 percent in 2015 compared to 77 percent in 2006. Judges are also more frequently ending cases, or ruling in an immigrant's favor. Overall, judges now decide fewer cases based on the actual merits of arguments than they did a decade ago.

Despite smaller individual caseloads for judges, immigration hearings are being scheduled years into the future, including five years out in at least one court, according to the report. Such delays also put a strain on immigrants' legal rights by making it more difficult to produce witnesses or documents in their defense, potentially jeopardizing their legitimate claims to avoid deportation.

Sometimes people who may have had a good claim against deportation lost their eligibility over time because their circumstances changed, the report states. In other instances, immigrants who don't have a solid argument to stay in the country avoid deportation longer because their hearings are delayed.

"The effects of the case backlog are significant and wide-ranging, from some respondents waiting years to have their cases heard to immigration judges being able to spend less time considering cases," the report concludes, adding that technology could help the court tackle the backlog.

A surge of unaccompanied children arriving at the border starting in 2014 has also exacerbated the challenges faced by immigration judges. Those cases, which usually take longer because of different legal options, are given priority over matters that may be resolved faster.

The median number of days to complete a deportation case, accounting for nearly all of the court system's caseload between 2006 and 2015, grew 700 percent from 42 days to 336 days.

Auditors concluded that those delays are also due to judges delaying decisions more by continuing cases. Continuances are grouped into about 70 different categories, including more time needed because of illness of an immigrant, their witness or attorney, delays in background investigations or security checks, and insufficient time to complete a hearing.

While apprehensions of border jumpers have ebbed to their lowest point in decades, immigration enforcement jumped 37.6 percent in the first 100 days of the Trump administration compared to the same time period a year before, according to U.S. Immigration and Customs Enforcement. Deportations, however, were down about 12 percent.

Although the Trump administration has called for hiring dozens of additional judges, the mounting caseload could be further intensified by a wave of judges retiring. Almost 40 percent of immigration judges are now eligible for retirement. The office's budget is about \$440 million for the fiscal year ending Sept. 30, up from \$199 million in 2005.

The study also explored the question of whether an independent immigration court could better handle deportation cases, appeals, immigration-related discrimination complaints and other matters than the current system run by the Justice Department. The association that represents immigration judges for years has advocated for such independence, but has not persuaded a federal judicial panel to make the change.

Attorney General Jeff Sessions, who earlier this year directed prosecutors to prioritize immigration offenses for prosecution, announced recently the appointment of an acting director to take over the 1,000-person immigration office. James McHenry, who had served as deputy associate attorney general with a focus on immigration litigation, replaces Juan Osuna, who ran the office for much of the Obama administration.

Andrew Becker can be reached at abecker@revealnews.org (<mailto:abecker@revealnews.org>). Follow him on Twitter: [@ABeckerReveal](https://twitter.com/ABeckerReveal) (<https://twitter.com/ABeckerReveal>).

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SUBMIT

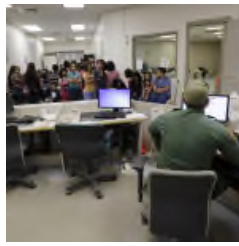
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Backlogs, vacancies may foil plan for tougher immigration enforcement

(<https://www.revealnews.org/blog/immigrant-places-for-homes-and-vacancies-could-foil-tougher-immigration-enforcement/>)



Jailed immigrants see double standard in US bail reform stance

(<https://www.revealnews.org/blog/immigrant-places-for-homes-and-vacancies-could-foil-tougher-immigration-enforcement/>)



Trump's Homeland Security chief issues 'mass deportation' playbook

(<https://www.revealnews.org/article/trumps-homeland-security-chief-issues-mass-deportation-playbook/>)



Why Border Patrol union members are pumped about Trump – for now

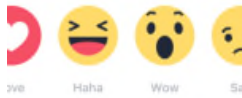
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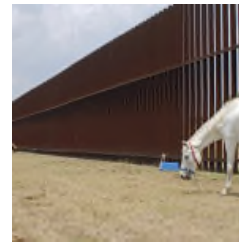
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JUNE 19, 2017 5:38 AM

Federal prosecutors inaugurate 'express' deportations

BY ALFONSO CHARDY

achardy@nuevoherald.com

Until recently, foreign nationals convicted of a crime in federal court were told that immigration authorities would put them in deportation proceedings upon completion of their prison terms.

Not anymore.

Under orders from Attorney General Jeff Sessions, a champion of hard-line immigration enforcement, federal prosecutors are asking district judges to issue what are known as “judicial orders of removal,” which ensure that a convicted foreign national will be deported on completion of the sentence instead of being sent to an immigrant detention center to await proceedings in immigration court and then a deportation order from an immigration judge.

The new legal tactic shortens the wait time for deportation, bypasses backlogs in immigration court, saves the federal government money in housing and food in immigrant detention centers, frees up space in those centers for other detained foreign nationals and sends a message to immigrant communities that under President Donald Trump immigration enforcement is real.

Trump administration officials hope the judicial orders of removal lead to an assembly line of deportations straight from the federal penitentiary and back to the countries from where the foreigners came — a sort of “express deportation” system.

“This is a new era. This is the Trump era,” Sessions said in announcing the new measures, a way of saying that the new administration will enforce all immigration laws, particularly those that deal with deportation of criminals, and that more space in immigrant detention centers will be freed up to house more possible deportees.



Emotions boil over after Miami-Dade commissioners drop 'sanctuary' protections

Miami-Dade commissioners on Friday, Feb. 17, 2017, backed Mayor Carlos Gimenez's controversial decision to detain jailed inmates sought for deportation by the federal government, citing funding threats by President Donald Trump and ignoring hours of emotional testimony from residents who implored the board to stand up to the mayor.

José A. Iglesias - Miami Herald

Sessions' directive on judicial orders of removal was contained in his April 11 memo to all prosecutors, issued the same day of his "Trump era" speech at the Mexican border in Arizona. The memo also included directives to prosecutors about increasing the severity of criminal charges against border crossers, immigrants accused of document fraud or identity theft and foreign nationals who sneak back into the United States after having been previously deported.

On deportations, the Sessions' memo says: "At the sentencing phase of each federal case, prosecutors should seek, to the extent practicable, judicial orders of removal."

Several have already been issued in Miami federal court since Trump took office in January in cases involving sentencing of foreign nationals in felony cases.

For example, in April, U.S. District Judge Robert Scola issued a judicial order of removal in a Venezuelan arms shipment case, which he later retracted because of what he described as a "scrivener's error."

Scola's order came after he sentenced Alfredo Montilla Hernández, one of three Venezuelans who recently pleaded guilty in the case, to 40 months in prison.

After the sentence, Scola signed the judicial order of removal saying Montilla Hernández was to be deported to Venezuela as soon as possible.

"It is hereby ordered," so read Scola's original order, "that the defendant is ordered removed from the United States to Venezuela promptly upon his sentencing."

Scola's order departed from previous sentencing orders that typically told a foreign defendant to surrender to immigration authorities for deportation proceedings after completion of the prison term.

Montilla Hernández's attorney, Ricardo Hermida, said he had never before seen an order like that.

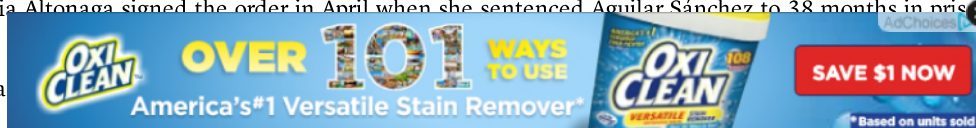
He was right, because such an order was one of a kind — an error.

When Scola withdrew the order, ascribing the first one to a scrivener's error, he replaced it with one of the first Trump-era judicial orders of removal issued in Miami federal court. It said, in part: "The defendant is ordered removed from the United States to Venezuela upon his sentencing, which removal is to be effected upon completion of his term of incarceration."

A similar judicial order of removal was issued in a related case, that of Abrahán José Aguilar Sánchez — another Venezuelan implicated in the arms shipment case.

U.S. District Judge Cecilia Altonaga signed the order in April when she sentenced Aguilar Sánchez to 38 months in prison for his role in the arms shipment case.

Judicial orders of removal are not new, but they have become more common in recent years as the federal government has tightened immigration law for decades.



But it was seldom used, since deportation proceedings became the purview of immigration courts under the Justice Department.



One of the Immigration Court rooms at the Krome Detention Center. José A. Iglesias - jiglesias@elnuevoherald.com

But as more and more deportable immigrants got ensnared in the immigration court system, delays in their cases became lengthier and lengthier. A new Government Accountability Office (GAO) report issued in June shows that the backlogs in immigration court are now so long that it may take years for a deportable immigrant in proceedings to receive a decision from a judge.

“The number of pending cases before...immigration courts grew by 58 percent from fiscal years 2012 through 2016 to a backlog of more than 500,000 cases pending at the start of fiscal year 2017,” according to the GAO report. “As a result, some respondents’ cases may take years to resolve.”

Respondent is immigration court parlance for defendant. A foreign national in immigration court essentially can expect one of two outcomes: a deportation order or an order from the judge allowing him or her to stay either with a green card or some other protection that prevents removal.

Session's directive to prosecutors April 11 also included other requirements. Among them: Making crossing the border without papers a second time a felony instead of a misdemeanor as before; and charging foreign nationals with document fraud and aggravated identity theft with a mandatory minimum sentence of two years in prison if found in possession of fake documents.

This is not evident in Miami federal court where cases involving foreign travelers arrested at Miami International Airport with fraudulent visas appear on docket sheets routinely.

Two recent cases involving a Colombian and a Salvadoran arrested at MIA in May for alleged visa fraud could be a local test for the toughened Sessions' immigration enforcement requirements.

One of the defendants, a maximum penalty of 10 deportation — essentially

An advertisement for OxiClean stain remover. It features a blue background with a white and yellow OxiClean product container. Text includes "OVER 101 WAYS TO USE", "America's #1 Versatile Stain Remover", and a red button that says "SAVE \$1 NOW". There is also a small "AdChoices" icon in the top right corner of the ad.

er being arraigned on a immigration authorities for

The second defendant, a Salvadoran accused of using fake papers to obtain a U.S. visa to work on a ship, was arraigned last week . She pleaded not guilty after initially signaling a willingness to plead guilty. The indictment lists a maximum penalty of 10 years in the federal penitentiary.

A tentative trial date has been set for July, but on Friday a new document in the case docket indicated that the Salvadoran may now reconsider again and plead guilty.

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Immigration activist pleads for a stop to mass deportations

Nora Sandigo, a well-known activist who helps children whose parents have been deported, pleads for calm during the immigration debate at Miami-Dade County Hall on Friday, Feb. 17, 2017.

C.M. Guerrero - Miami Herald

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