



Order

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 2023-09

AN ORDER OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, VOLUNTARILY WITHDRAWING FROM THE GREATER YUMA PORT AUTHORITY, REPEALING CONFLICTING PROVISIONS, AND PROVIDING FOR SEVERABILITY.

WHEREAS, on or about August 23, 2000, the City of San Luis entered into the Intergovernmental Agreement for the Joint Operation of the Greater Yuma Port Authority, becoming a voting member; and

WHEREAS, the City of San Luis, the City of Somerton, Yuma County, and the Cocopah Indian Tribe formed the Greater Yuma Port Authority, Inc. ("GYPA"), an Arizona non-profit corporation, for the purposes of 1) constructing operating and maintaining an international port of entry in coordination with Federal agencies; 2) establishing and maintaining a foreign trade zone or expansion zone; 3) acquiring land in an economically depressed area and encouraging businesses to locate there; 4) providing employment opportunities for low-income residents and improving economic conditions in the area; and 5) improving the flow of transportation in and around the area; and

WHEREAS, current members of the GYPA include the City of San Luis, the City of Yuma, Yuma County, and the Cocopah Indian Tribe; and

WHEREAS, the initial purposes of GYPA have been accomplished; and

WHEREAS, under Section 5.5 of the Fourth Amended and Restated Bylaws of GYPA, any member may at any time voluntarily withdraw and be entitled to repayment without interest of the member's capital contribution, payable over a three-year term;

[Intentionally left blank; the Order continues on the next page.]

NOW, THEREFORE, BE IT ORDERED by the Mayor and City Council of the City of San Luis, Arizona:

Section 1: That the City of San Luis withdraw from the Greater Yuma Port Authority, Inc. and seek repayment in full of the entirety of its capital contribution to said corporation under the terms of the Fourth Amended and Restated Bylaws of the Greater Yuma Port Authority, Inc., an Arizona non-profit corporation.

Section 2: That city officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Order.

Section 3: That if a conflict arises between the provisions of this Order No. 2023-09 and any other ordinance, resolution, Order, regulation, or policy of the City of San Luis, the conflicting provisions are amended, superseded, and replaced, and this Order shall govern.

Section 4: That any section, subsection, paragraph, sentence clause, phrase, or portion of this Order is held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction or operation of law by binding legislation, such decision or legislation shall not affect the validity of the remaining portion of this Order.

PASSED, ADOPTED, and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona, this ____ day of September 2023.

Nieves Riedel, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney