

AMENDMENT NO. 1  
TO  
DETENTION SERVICES INTERGOVERNMENTAL AGREEMENT NO. 97-02-0015

This Amendment No. 1 to Detention Services Intergovernmental Agreement No. 97-02-0015 ("Amendment No. 1"), dated as of \_\_\_\_\_, 2017, is by and between the United States Marshals Service ("Federal Government") and the County of Fresno ("Local Government") and amends, in part, Detention Services Intergovernmental Agreement No. 97-02-0015, dated as of \_\_\_\_\_, 2017 (the "Agreement"), between the parties hereto. Capitalized terms not defined herein shall have the meaning set forth in the Agreement.

1. This Amendment No. 1 is being entered into in order to facilitate the financing of the new facility (referred to herein as the "West Annex") which will be accomplished through the issuance of lease revenue bonds (the "Bonds") by the State Public Works Board of the State of California (the "Board").
2. Prior to the issuance of the Bonds, the Local Government will enter into a ground lease (the "Ground Lease") with the Board of State and Community Corrections of the State of California ("BSCC") leasing to BSCC the land upon which the West Annex will be located. BSCC and the Board will enter into a site lease and a facility lease (the "State Leases") with respect to the Bonds and BSCC will then sublease the West Annex back to the Local Government (together with the Ground Lease and the State Leases, the "Financing Leases").
3. The Federal Government agrees that notwithstanding any provision in the Agreement to the contrary, the Agreement does not confer upon the Federal Government any right, title or interest in the West Annex, but if such right, title or interest may otherwise exist, the Agreement will be subordinate and subject to the terms of the Financing Leases.
4. Notwithstanding any provision in the Agreement to the contrary, the Local Government has the right, without penalty or cause, to terminate the Agreement at any time upon at least thirty (30), but not later than fifty (50), calendar days written notice.
5. The Local Government reasonably expects, at the date hereof, that no more than fifteen (15) beds in the West Annex shall be occupied by federal detainees at any one time pursuant to the terms of the Agreement.
6. Except as stated herein, all provisions of the Agreement remain in full force and effect.

7. This Amendment No. 1 may be executed in one or more counterparts.

UNITED STATES MARSHALS SERVICE

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

COUNTY OF FRESNO

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

1 Amendment No. 1 to New Agreement with United States Marshals Service

2 Agreement No 97-02-0015

3  
4 REVIEWED & RECOMMENDED  
5 FOR APPROVAL

COUNTY OF FRESNO

6  
7 MARGARET MIMS, Sheriff-Coroner

\_\_\_\_\_  
Brian Pacheco, Chairman,  
Board of Supervisors

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9  
10 APPROVED AS TO LEGAL FORM:

ATTEST:

Bernice E. Seidel, Clerk to the  
Board of Supervisors

11  
12 By \_\_\_\_\_  
13 Daniel C. Cederborg, County Counsel

14  
15  
16 APPROVED AS TO ACCOUNTING FORM:  
17 Oscar J. Garcia, CPA  
18 Auditor-Controller/Treasurer-Tax Collector

19  
20 By \_\_\_\_\_

21  
22 Fund 0001  
23 Subclass 10000  
24 ORG 31114000  
25 Account 5031  
26  
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