

CAMINO REAL REGIONAL MOBILITY AUTHORITY BOARD RESOLUTION

WHEREAS, the Camino Real Regional Mobility Authority (CRRMA) and the County of El Paso (County) are parties to the 2013 El Paso County Comprehensive Mobility Plan, which anticipates the use of Vehicle Registration Fee (VRF) bond proceeds, among other funding sources, for the development of various projects, including the Rojas Project; and

WHEREAS, the CRRMA and County have entered into an Interlocal Agreement – VRF Project Development Agreement for the Rojas Avenue Roadway Improvement Project dated April 13, 2015 (the “Interlocal Agreement”), which provided the CRRMA with the VRF bond proceeds for the development of the design services necessary for the Rojas Project; and

WHEREAS, the CRRMA is prepared to engage a construction contractor and associated consultants in order to complete construction of the Rojas Project and the County now desires to advance the VRF bond proceeds necessary for such completion of the Project and therefore the Interlocal Agreement must be amended to provide the CRRMA with such funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CAMINO REAL REGIONAL MOBILITY AUTHORITY:

THAT the CRRMA Board Chair is authorized to execute an Interlocal Agreement – VRF Project Agreement for the Rojas Avenue Roadway Improvement Project with the County of El Paso, Texas.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST 2016.

**CAMINO REAL REGIONAL
MOBILITY AUTHORITY**

Susan A. Melendez, Chair

ATTEST:

Joe R. Fernandez, Board Secretary

APPROVED AS TO CONTENT:

Raymond L. Telles
Executive Director

**FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT
VRF PROJECT DEVELOPMENT AGREEMENT FOR THE
ROJAS AVENUE ROADWAY IMPROVEMENT PROJECT**

THIS FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT (the “Amendment”) is made and entered into effective as of the _____ day of _____, 2016, by and between EL PASO COUNTY, TEXAS (the “County”) and the CAMINO REAL REGIONAL MOBILITY AUTHORITY (“Authority”), (collectively, the “Parties”), for the development of the Rojas Avenue Roadway Improvement Project (the “Project”).

WITNESSETH:

WHEREAS, the County is a political subdivision of the State of Texas; and

WHEREAS, the Authority is a regional mobility authority created pursuant to the request of the City of El Paso and operating pursuant to Chapter 370 of the Texas Transportation Code (the “RMA Act”) and 43 TEX. ADMIN. CODE §§26.1 *et seq.* and is a body politic and corporate and political subdivision of the State; and

WHEREAS, Chapter 791 of the Texas Government Code provides that any one or more public agencies may contract with each other for the performance of governmental functions or services in which the contracting parties are mutually interested; and

WHEREAS, the County is authorized to impose an additional fee, not to exceed \$10.00, for vehicles registered in the County (the “Special Vehicle Registration Fee” or “VRF”) pursuant to Section 502.402 of the Texas Transportation Code (“Section 502.402”); and

WHEREAS, on August 30, 2013, the Commissioners Court of the County ordered the adoption and imposition of the Special Vehicle Registration Fee; and

WHEREAS, Section 502.402 requires that, if adopted, the County remit the revenue collected from the Special Vehicle Registration Fee to a regional mobility authority located in the County to fund long-term transportation projects; and

WHEREAS, Section 370.033 of the RMA Act permits the Authority to enter into an agreement under which the Authority may acquire, plan, design, construct, maintain, repair, or operate a transportation project on behalf of another governmental entity if the transportation project is located in the Authority's area of jurisdiction or in a county adjacent to the Authority's area of jurisdiction; and

WHEREAS, the County has entered into an Interlocal Agreement dated December 16, 2013, and a Transportation Project and Pledge Agreement dated April 9, 2014 with the Authority wherein the County has agreed to transfer all Special Vehicle Registration Fees to the Authority and the Authority has agreed to use those funds, and such other funds which may be designated

by the County from time to time, to finance and pay for the design and/or construction of certain County designated transportation projects within El Paso County; and

WHEREAS, the County and CRRMA entered into an Interlocal Agreement – VRF Project Development Agreement for the Rojas Avenue Roadway Improvement Project dated April 13, 2015 (the “Interlocal Agreement”), which provided funds necessary for the development of the design services necessary for the Project; and

WHEREAS, the Parties now desire to advance the construction activities necessary for completion of the Project and therefore the budget originally attached to the Interlocal Agreement as **EXHIBIT “C”** must be amended to include Project construction costs.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the undersigned Parties agree as follows:

1. Replacement of EXHIBIT “C”. The parties hereby agree to delete **EXHIBIT “C”** from the Interlocal Agreement in its entirety and replace it with **EXHIBIT “C-1”**, which is attached hereto and incorporated herein for all purposes.

2. Ratification. Except as expressly amended by this Amendment, the Interlocal Agreement and its exhibits shall remain in full force and effect.

3. Execution in Counterparts. This Amendment may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall be considered fully executed as of the date first written above, when both Parties have executed an identical counterpart, notwithstanding that all signatures may not appear on the same counterpart.

IN WITNESS WHEREOF, the Parties have executed and attested this Amendment by their officers thereunto duly authorized.

EL PASO COUNTY, TEXAS

**CAMINO REAL REGIONAL
MOBILITY AUTHORITY**

By: _____
Veronica Escobar
County Judge

By: _____
Susan A. Melendez
Chair

ATTEST:

By: _____
Joe R. Fernandez
Board Secretary

EXHIBIT “C-1”

CSJ: #0924-06-499

ROJAS AVENUE IMPROVEMENT PROJECT CONSTRUCTION PROJECT BUDGET

DESCRIPTION	TOTAL ESTIMATED CONSTRUCTION COST	CRRMA PAYS WITH VRF BOND FUNDS	CRRMA PAYS WITH OTHER FUNDS
LAND	\$ 0.00	\$ 0.00	\$ 0.00
UTILITY RELOCATION	\$ 0.00	\$ 0.00	\$ 0.00
PERMITS & SERVICES	\$ 0.00	\$ 0.00	\$ 0.00
ENVIRONMENTAL & PRELIMINARY ENGINEERING	\$ 504,456	\$ 504,456	\$ 0.00
CONSTRUCTION	\$ 4,884,312	\$ 4,884,312	\$ 0.00
MISCELLANEOUS	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL	\$ 5,388,768	\$ 5,388,768	\$ 0.00