

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 Eastlake Blvd., Phase 1 Roadway Improvement Project (Project); and

WHEREAS, the County and CRRMA entered into an Interlocal Agreement – VRF Project Development Agreement for Eastlake Blvd., Phase 1 Roadway Improvement Project for the engineering design of the Project, which was subsequently amended to add an estimated construction cost; and

WHEREAS, the CRRMA has completed procurement activities for construction of the Project and the parties now desire to further amend the Interlocal Agreement to adjust the budget to reflect the actual funds required for the construction of the Project.

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

THAT the CRRMA Board Chair is authorized to execute a Second Amendment to the Interlocal Agreement – VRF Project Development Agreement for the Eastlake Boulevard Phase I Roadway Improvement Project with the County of El Paso, Texas.

PASSED AND APPROVED THIS 14TH DAY OF FEBRUARY 2018.

**CAMINO REAL REGIONAL
MOBILITY AUTHORITY**

Susan A. Melendez, Chair

ATTEST:

Joe R Fernandez, Board Secretary

APPROVED AS TO CONTENT:

Raymond L. Telles
Executive Director

**SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT
VRF PROJECT DEVELOPMENT AGREEMENT FOR THE
EASTLAKE BLVD., PHASE 1 ROADWAY IMPROVEMENT PROJECT**

THIS SECOND AMENDMENT TO INTERLOCAL AGREEMENT (the “Amendment”) is made and entered into effective as of the ____ day of _____, 2018, by and between EL PASO COUNTY, TEXAS (the “County”) and the CAMINO REAL REGIONAL MOBILITY AUTHORITY (“Authority”), (collectively, the “Parties”), for the purposes described herein.

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 construction of certain County

designated transportation projects within El Paso County and that certain transportation project described as Eastlake Blvd. Phase 1 Project (the “Project”); and

WHEREAS, the Project is located in El Paso County which is within or adjacent to the Authority’s area of jurisdiction; and

WHEREAS, the County and CRRMA entered into an Interlocal Agreement – VRF Project Development Agreement for Eastlake Blvd., Phase 1 Roadway Improvement Project for the engineering design of the Project [15-0118], which was subsequently amended [16-0886] to add an estimated construction cost (collectively referred to herein as the “Interlocal Agreement”); and

WHEREAS, the CRRMA has completed procurement activities for construction of the Project and the parties now desire to further amend the Interlocal Agreement to adjust the budget to reflect the funds required for the construction of the Project.

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

1. Amendment to EXHIBIT “C-1”. The parties hereby agree to delete **EXHIBIT “C-1”** from the Interlocal Agreement in its entirety and replace it with **EXHIBIT “C-2”**, which is attached hereto.

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: _____
Ruben Vogt
County Judge

By: _____
Susan Melendez
Chair

EXHIBIT “C-2”

EASTLAKE BLVD. PHASE 1 IMPROVEMENTS PROJECT CSJ #0924-06-436 ESTIMATED PROJECT BUDGET

DESCRIPTION	TOTAL ESTIMATED COST	CRRMA PAYS WITH VRF SERIES 2014 AND 2017 BONDS \$	COUNTY PAYS WITH OTHER FUNDS
LAND	\$0	\$0	\$0
UTILITY RELOCATION	\$0	\$0	\$0
RAIL ROAD PERMIT & SERVICES	\$0	\$0	\$0
ENVIRONMENTAL & PRELIMINARY ENGINEERING	\$2,449,819.00	\$2,449,819.00	\$0
CONSTRUCTION*	\$27,264,458.08	\$27,264,458.08	\$0
MISCELLANEOUS	\$0	\$0	\$0
TOTAL	\$ 29,714,277.08	\$29,714,277.08	\$0

*NOTE: The authority granted herein by the County for the CRRMA’s use of VRF bond proceeds for construction anticipates the use of 2013 bond proceeds. However, the CRRMA is also permitted to utilize proceeds generated through an additional VRF bond issuance currently contemplated by the Parties to be completed in 2017.