

**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 Darrington Roadway Improvement Project (Project); and

WHEREAS, the CRRMA and County have entered into an Interlocal Agreement – VRF Project Development Agreement for the Darrington Roadway Improvement Project dated February 22, 2016 (the “Interlocal Agreement”), which provided the CRRMA with access to certain estimated VRF bond proceeds for the design of the Project, subsequently amended such Interlocal Agreement to provide the CRRMA with funds for construction of the Project and further amended the Interlocal Agreement to permit additional drainage design and survey activities; and

WHEREAS, the CRRMA and County now desire to further amend the Interlocal Agreement to modify storm sewer designs required for continued development 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 Third Amendment to the Interlocal Agreement – VRF Project Development Agreement for the Darrington Roadway Improvement Project with the County of El Paso, Texas.

PASSED AND APPROVED THIS 9TH DAY OF MAY 2018.

**CAMINO REAL REGIONAL
MOBILITY AUTHORITY**

ATTEST:

Susan A. Melendez, Chair

Joe R. Fernandez, Board Secretary

APPROVED AS TO CONTENT:

Raymond L. Telles
Executive Director

**THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT
VRF PROJECT DEVELOPMENT AGREEMENT FOR THE
DARRINGTON ROADWAY IMPROVEMENT PROJECT**

THIS THIRD AMENDMENT TO THE 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 Darrington Roadway Improvement 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 the Darrington Roadway Improvement Project (the “Interlocal Agreement”) related to the engineering design of the Project, amended such Interlocal Agreement to permit the CRRMA to commence the construction of such project and further amended the Interlocal Agreement for the addition of funds for drainage design and survey activities; and

WHEREAS, the County and CRRMA now desire to further amend the Interlocal Agreement for the provision of additional design funds necessary to modify design of certain storm sewer systems required for continued development of the project.

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

1. Replacement of EXHIBIT “C-2”. The parties hereby agree to delete **EXHIBIT “C-2”** from the Interlocal Agreement, as amended, in its entirety and replace it with **EXHIBIT “C-3”**, 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-3”
DARRINGTON ROADWAY IMPROVEMENTS PROJECT
ESTIMATED PROJECT BUDGET**

DESCRIPTION	TOTAL ESTIMATED COST	CRRMA PAYS WITH VRF BONDS \$	COUNTY PAYS WITH OTHER FUNDS
LAND	\$0.00	\$0.00	\$0.00
UTILITY RELOCATION	\$0.00	\$0.00	\$0.00
RAIL ROAD PERMIT & SERVICES	\$0.00	\$0.00	\$0.00
ENVIRONMENTAL & PRELIMINARY ENGINEERING	\$999,963.58	\$999,963.58	\$0.00
CONSTRUCTION*	\$5,000,000.00	\$5,000,000.00	\$0.00
MISCELLANEOUS	\$0.00	\$0.00	\$0.00
TOTAL	\$ 5,999,963.58	\$5,999,963.58	\$0.00

*NOTE: The authority granted herein by the County for the CRRMA’s use of VRF bond proceeds for construction anticipates the use of 2014 bond proceeds. However, the CRRMA is also permitted to utilize proceeds generated through an additional VRF bond issuance completed in 2017.