

**CAMINO REAL REGIONAL MOBILITY AUTHORITY
BOARD RESOLUTION**

WHEREAS, El Paso County, Texas (County) and the Camino Real Regional Mobility Authority (CRRMA) have entered into an Interlocal Agreement – Engineering Services for Design of the O.T. Smith Hike and Bike Trail dated September 17, 2018 (Interlocal), which provided funds necessary for the development of the design services for a shared use path along O.T. Smith Road (the “Project”); and

WHEREAS, the CRRMA and County subsequently amended the referenced Interlocal, in coordination with the Texas Department of Transportation, for certain revisions to the design services, to provide funds necessary for the CRRMA to provide construction oversight and testing services, and provide additional construction support activities; and

WHEREAS, the CRRMA and County now desire to further amend the referenced Interlocal to permit the CRRMA to utilize engineering funds for certain construction activities, as requested by El Paso County staff.

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

THAT the Chair be authorized to execute a **Fourth Amendment to the Interlocal Agreement – Engineering Services for Design of the O.T. Smith Hike and Bike Trail** with El Paso County, including any additional documents or materials as may be required, to allow for a more flexible use of engineering and construction funds in the development of the project.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER 2021.

**CAMINO REAL REGIONAL
MOBILITY AUTHORITY**

ATTEST:

Joyce A. Wilson, Chair

Dorothy M. (Sissy) Byrd, Board Secretary

APPROVED AS TO CONTENT:

Raymond L. Telles Executive Director

**FOURTH AMENDMENT TO THE INTERLOCAL AGREEMENT
ENGINEERING SERVICES FOR DESIGN OF THE
O.T. SMITH HIKE AND BIKE TRAIL**

THIS FOURTH AMENDMENT TO THE INTERLOCAL AGREEMENT (the “Amendment”) is made and entered into effective as of the ____ day of _____, 2021, by and between EL PASO COUNTY, TEXAS (the “County”) and the CAMINO REAL REGIONAL MOBILITY AUTHORITY (“CRRMA”), (each a “Party” and collectively, the “Parties”), for the purposes described herein.

WITNESSETH:

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

WHEREAS, the CRRMA 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, each Party is paying for the performance of governmental functions or services from current funds available to the paying Party; and

WHEREAS, Section 370.033 of the RMA Act permits the CRRMA to enter into an agreement under which the CRRMA 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 CRRMA’s area of jurisdiction or in a county adjacent to the CRRMA’s area of jurisdiction; and

WHEREAS, the County and CRRMA entered into an Interlocal Agreement – Engineering Services for Design of the O.T. Smith Hike and Bike Trail dated September 17, 2018 (the “Interlocal Agreement”) [2018-0374], which provided funds necessary for the development of the design services for a shared use path along O.T. Smith Road (the “Project”); and

WHEREAS, the Interlocal Agreement was subsequently amended via Amendments No. 1 [2019-0369], No. 2 [2020-0381], and No. 3 [2021-0277] dated July 1, 2019, June 15, 2020, and May 3, 2021 respectively; whereby Amendment No. 1 added design funds for certain landscaping and design revisions requested by El Paso County, Amendment No. 2 added certain construction testing and oversight activities, and Amendment No. 3 added funds for additional construction support requested by the County; and

WHEREAS, the Parties now desire to further amend the Interlocal Agreement in order to permit the use of design funds for construction activities, as requested by El Paso County staff.

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

1. Replacement of EXHIBIT “C-3”. The parties hereby agree to delete **EXHIBIT “C-3”** from the Interlocal Agreement in its entirety and replace it with **EXHIBIT “C-4”**, 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: _____
Ricardo Samaniego
County Judge

By: _____
Joyce A. Wilson
Chair

ATTEST:

By: _____
Dorothy M. (Sissy) Byrd
Secretary

EXHIBIT “C-4”

CSJ: 0924-06-560 O.T. SMITH SHARED USE PATH PROJECT ESTIMATED PROJECT BUDGET

DESCRIPTION	TOTAL ESTIMATED COST*
LAND	\$0
UTILITY RELOCATION	\$0
RAIL ROAD PERMIT & SERVICES	\$0
ENGINEERING	\$469,398.28
CONSTRUCTION	\$369,701.39
MISCELLANEOUS	\$0
TOTAL	\$839,099.67

*NOTE: The table above identifies anticipated uses of County funds by the CRRMA in estimated amounts by category of use. However, the CRRMA is not limited in its use of funds by such categories and is expressly authorized to utilize funds from any category in the development of the Project, as needed; provided that the CRRMA coordinates any such use with the County.