

AMENDMENT NO.1

JOINT EXERCISE OF POWERS AGREEMENT/CONTRIBUTION AGREEMENT BETWEEN EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY AND CONTRA COSTA COUNTY

Effective as of the _____ day of _____, 2016, the East Contra Costa Regional Fee and Financing Authority, a joint exercise of powers agency ("AUTHORITY"), and Contra Costa County, a political subdivision of the State of California, a member of the AUTHORITY and a party to the agreement that created the AUTHORITY ("COUNTY"), enter into this Amendment No. 1 to the "Joint Exercise of Powers Agreement/Contribution Agreement," dated the 13th day of March, 2008, (the "Agreement") by and between the AUTHORITY and COUNTY, to amend the Agreement as stated herein. The AUTHORITY and COUNTY are sometimes each referred to as a "Party" and together as the "Parties."

RECITALS

- A. The Agreement provides for the COUNTY to contribute \$3,000,000 in Proposition 1B funds to the State Route 4 Bypass – Phase 1 improvements. The County has contributed those funds.
- B. The Agreement requires the AUTHORITY to give the COUNTY an equivalent amount of Regional Transportation Development Impact Mitigation (RTDIM) Fees for use on the Vasco Road Safety Improvement project. The Parties desire to extend the deadline and to re-establish priorities for ECCRFFA projects and timing for giving the RTDIM Fees to COUNTY.

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

- 1. Section 1.B.(2) in the Agreement is deleted and replaced with new Section 1.B.(2), to read:
 - (2) Providing COUNTY a total of \$3,000,000, plus up to \$350,000 in interest, for a total not-to-exceed amount of \$3,350,000, using future RTDIM Fees as those fees become available. Interest will be calculated as though the Prop 1B funds had been invested in the County Pooled Investment Earnings Account, beginning when COUNTY contributed the funds in accordance with Section 1.A.(2), and continuing until the funds are repaid as provided in this section. The payment to COUNTY will be the first priority for AUTHORITY's use of RTDIM Fees once the following "First Priority Projects" have been completed. Notwithstanding the foregoing, full payment to COUNTY must be completed by June 30, 2020. The First Priority Projects are:
 - (a) SR4 East widening;
 - (b) eBART extension to Hillcrest Avenue;

(c) SR4 Bypass projects, including the following:

- a. SR4/SR160 Connector Ramps;
- b. Sand Creek Road Interchange;
- c. Balfour Road Interchange – Phase 1;
- d. 4-Laning between Lone Tree Way and Balfour Road.

2. Except as specifically set forth in this Amendment No. 1, all other provisions of the Agreement shall remain unchanged and in full force and effect.

EAST CONTRA COSTA REGIONAL FEE
AND FINANCING AUTHORITY:

CONTRA COSTA COUNTY:

By: 

Secretary or Designee

By: _____

Public Works Director