

EXHIBIT

"A"

**FIRST AMENDMENT TO
ECONOMIC DEVELOPMENT PROGRAM AGREEMENT
BETWEEN THE CITY OF ROUND ROCK AND BGE, INC.**

This First Amendment to Economic Development Agreement ("Amendment") entered into this ____ day of _____, 2020 (the "Effective Date") by and between the City of Round Rock, Texas, a Texas home rule municipal corporation (the "City") and BGE, Inc. a Texas corporation ("BGE").

RECITALS

WHEREAS, the parties entered into that certain Economic Development Program Agreement ("Agreement") as of the 5th day of December, 2019; and

WHEREAS, except as amended herein, all of the terms and provisions of the Agreement shall remain in effect and shall apply to this Amendment; and

WHEREAS, the parties wish to amend the Agreement, as set forth below;

NOW, THEREFORE, in consideration of the mutual benefits and promises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE I

Section 5.3 of the Agreement is hereby amended to read as follows:

- 5.3. Business Personal Property Investment. BGE intends to invest at least \$950,000 in Business Personal Property for the Facility (the "**Personal Property Investment Threshold**") in accordance with the following schedule (the "**Personal Property Investment Schedule**"): (i) at least \$650,000 in Business Personal Property for the Facility prior to December 31, 2019 (including any Business Personal Property investments made prior to the date of this Agreement), and (ii) the remainder of the Personal Property Investment Threshold must be spent prior to December 31, 2022.

In order to provide proof that the Personal Property Investment Threshold is being satisfied in accordance with the Personal Property Investment Schedule, on or before May 28 of 2020 and on or before April 15 of each subsequent calendar year until the Personal Property Investment Threshold has been satisfied, BGE agrees to provide the City with a copy of the rendition statement filed with the Travis Central Appraisal District, pursuant to § 22.01 of the Texas Tax Code. The rendition statement shall indicate that the business personal property has either an estimated market value, or a historical cost when new of at least the Personal Property Investment Threshold or portion thereof as required to be obtained in accordance with the Personal Property Investment Schedule.

ARTICLE II

2.1 Interpretation. Each of the Parties has been represented by counsel of their choosing in the negotiation and preparation of this Amendment. Regardless of which party prepared the initial draft of this Amendment, this Amendment shall, in the event of any dispute, however its meaning or application, be interpreted fairly and reasonably and neither more strongly for or against any Party.

2.2 Applicable Law. This Amendment is made, and shall be construed and interpreted, under the laws of the State of Texas and venue shall lie in Williamson County, Texas.

Executed to be effective this ____ day of _____, 2020.

CITY OF ROUND ROCK, TEXAS

By: _____
Craig Morgan, Mayor

APPROVED as to form:

Stephan L. Sheets, City Attorney

BGE, INC.

By: Charles L. Harris
_____, its Sr. Vice President