

**AMENDMENT #2 TO CDBG AND HOME COOPERATION AGREEMENT –
PARTICIPATION IN THE JOHNSON COUNTY URBAN COUNTY AND THE
COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT
PARTNERSHIPS PROGRAMS DATED JUNE 5, 2003**

THIS SECOND AMENDMENT to the Cooperation Agreement – Participation in the Johnson County Urban County and Community Development Block Grant (“CDBG”) and HOME Investment Partnerships (“HOME”) dated June 5, 2003 for Federal Fiscal Years 2004-2006, as amended on June 25, 2015 (the “Agreement”), is entered the date of last signature below (the “Effective Date”) by and between the Board of County Commissioners of Johnson County, Kansas, by and through the Planning, Housing, and Community Development Department, a body corporate and political subdivision of the State of Kansas (“County”) and the City of Olathe (“City”) (collectively, the “Parties”).

RECITALS

- A.** Johnson County, as Lead Entity for the Johnson County Urban County, has entered into a Cooperation Agreement with the City’s for participation in the CDBG and HOME programs.
- B.** On May 6, 2024, the U.S. Department of Housing and Urban Development (“HUD”) issued CPD Notice 24-02 Instructions for Urban County Qualifications for Participation in the Community Development Block Grant (CDBG) Program for Fiscal Years (FYs) 2025-27 (the “Urban County Notice”).
- C.** The Urban County Notice requires that subrecipient agreements comply with the federal laws and regulations specified in HUD’s Urban County Notice.
- D.** The Urban County Notice also recommends including a provision that if a party elects to terminate the Agreement at a new qualification period, the terminating party shall send a copy of the notice of termination to the HUD field office by the date specified in HUD’s Urban County Qualification Notice.
- E.** The Parties wish to amend their Agreement to address these two points.

In consideration of the above, the Parties agree to amend the Cooperation Agreement as follows:

- 1.0 Section V(B) of the Cooperation Agreement is amended to add additional language. The new language is in *italics*. Amended Section V(B) shall be and read as follows:

By the date specified in HUD's Urban County Qualification Notice for the next qualification period, the urban county will notify the participating unit of general local government in writing of its right not to participate. *The terminating party shall send a copy of the notice of termination to the HUD field office by the date specified in HUD's Urban County Qualification Notice.*

- 2.0 Section VII of the Cooperation Agreement is amended to add additional language. The Cooperation Agreement is amended to add additional language to VII. Language to be deleted is ~~struck out~~. New language is in *italics*. Amended Section VII shall be and read as follows:

The COUNTY and CITY agree to take all required actions necessary to assure compliance with the COUNTY's urban county certification ~~required by and:~~

- Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, ~~including~~
- Title VI of the Civil Rights Act of 1964, as amended, *(and the implementing regulations at 24 CFR Part 1)*;
- the Fair Housing Act, *(Title VIII of the Civil Rights Act of 1968)*, and *the implementing regulations at 24 CFR Part 100 and the duty to affirmatively further fair housing*;
- Section 109 of Title I of the Housing and Community Development Act of 1974 *and the implementing regulations at 24 CFR Part 6, which incorporates:*
 - *Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR Part 8;*
 - *Title II of the Americans with Disabilities Act of 1974, and the implementing regulations at 28 CFR Part 35;*
 - *the Age Discrimination Act of 1975, and the implementing regulations at 24 CFR Part 146; and*
 - *Section 3 of the Housing and Urban Development Act of 1968, and*
- All other applicable laws.

3.0 All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The Parties have caused their duly authorized representatives to execute the above and foregoing Amendment to the Agreement on the date of last signature below.

**BOARD OF COUNTY COMMISSIONERS OF
JOHNSON COUNTY KANSAS THROUGH
THE DEPARTMENT OF PLANNING,
HOUSING, AND COMMUNITY
DEVELOPMENT**

CITY OF OLATHE

Printed Name: John Bacon
Title: Mayor

Date: _____

Jay C. Leipzig, Director of Planning,
Housing, and Community Development

Date: _____

ATTEST:

ATTEST:

Lynda Sader, Deputy County Clerk

Brenda Swearingian, City Clerk

APPROVED AS TO FORM

APPROVED AS TO FORM



Betsey Lasister, Ass't County Counselor

Ron Shaver, City Attorney