

**KC-055-15-B**

**AMENDMENT TO  
INTERLOCAL COOPERATION AGREEMENT FOR URBAN COUNTY COMMUNITY  
DEVELOPMENT PROGRAM FUNDS BETWEEN KITSAP COUNTY AND THE CITIES  
OF BAINBRIDGE ISLAND, PORT ORCHARD AND POULSBO**

WHEREAS, Kitsap Urban County (hereinafter referred to as "COUNTY"), a political subdivision of the State of Washington, and the cities of Bainbridge Island, Port Orchard and Poulsbo (hereinafter referred to as "CITIES"), municipal corporations of the State of Washington within Kitsap County, for the cooperation of units of local government under the authority of RCW 39.34 previously entered into an Interlocal Cooperation Agreement, KC-055-15, for the purposes of the Community Development Block Grant Program and the HOME Investment Partnership Program.

WHEREAS, the Agreement was signed by Kitsap County on February 23, 2015, City of Bainbridge Island on February 24, 2015, City of Poulsbo on March 11, 2015, and City of Poulsbo on March 4, 2015 and became effective upon adoption by the parties and will continue until terminated as provided herein.

WHEREAS, the Agreement was amended, KC-055-15A, and signed by Kitsap County on July 25, 2022, City of Bainbridge Island on July 29, 2022, City of Port Orchard on July 13, 2022, and City of Poulsbo on August 2, 2022.

WHEREAS, HUD allows for amendments to existing agreements to include new provision(s) based on statutory or regulatory changes, rather than drafting a new cooperation agreement, and it is necessary to add Section 1.8 authorizing the mayors to sign the Agreement on behalf of their municipality, modify Section 2.3 and 2.5 of the existing agreement to include updated language, and add Section 2.8 to include a new required provision.

WHEREAS the County and the Cities agree to the modifications of such Agreement.

NOW THEREFORE, in consideration of the mutual benefits contained herein, the Interlocal Cooperation Agreement is hereby modified as follows:

**SECTION 1. RECITALS**

**Addition of new section:**

1.8 WHEREAS, the Mayor of each of the cities is authorized to execute this Agreement on their Municipality's behalf.

**Renumbering of existing section:**

2.0 NOW, THEREFORE, in consideration of the mutual promises made herein and the mutual benefits received hereunder, the parties agree as follows:

## SECTION 2. ACTIVITIES

### **Delete:**

2.3 The signatory parties agree that they will take all actions necessary to assure compliance with the urban county's certification required by 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, and the implementing regulations at 24 CFR part 1, the Fair Housing Act, and the implementing regulations at 24 CFR part 100, section 109 of Title I of the Housing and Community Development Act of 1974, and the implementing regulations at 24 CFR part 6 including 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, and the implementing regulations at 24 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR part 147, Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws. Urban County funding is prohibited for activities, in or in support of, any city that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification. Noncompliance by a city included in an urban county may constitute noncompliance by the entire urban county which can, in turn, provide cause for funding sanctions or other remedial actions by the Department.

### **Replace with:**

2.3 The signatory parties agree that they will take all actions necessary to assure compliance with the urban county's certification required by 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, 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 (AFFH); 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, and the implementing regulations at 24 CFR part 35; the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR part 146; Section 3 of the Housing and Urban Development Act of 1968; and other applicable laws. Urban County funding is prohibited for activities, in or in support of, any city that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification. Noncompliance by a city included in an urban county may constitute noncompliance by the entire urban county which can, in turn, provide cause for funding sanctions or other remedial actions by the Department.

### **Delete:**

- 2.5 The signatory parties understand, that by executing the CDBG cooperation agreement, they:
- (a) may not apply for grants from appropriations under the Small Cities or State CDBG Programs for fiscal years during the period in which it participates in the urban county's CDBG program; and
  - (b) may receive a formula allocation under the HOME Program only through the urban county. Thus, even if the urban county does not receive a HOME formula allocation, the participating unit of local government cannot form a HOME consortium with other local governments.

**Replace with:**

2.5 The signatory parties understand, that by executing the Interlocal Cooperation Agreement, they:

- (a) may not apply for grants from appropriations under the Small Cities or State CDBG Programs for fiscal years during the period in which it participates in the urban county's CDBG program; and
- (b) may receive a formula allocation under the HOME Program only through the urban county. Thus, even if the urban county does not receive a HOME formula allocation, the participating unit of local government cannot form a HOME consortium with other local governments. This does not preclude the Urban County or the Municipality from applying for HOME from the State, if the State allows.

**Addition of new section:**

2.8 The signatory parties understand and agree that they may not sell, trade, or otherwise transfer all or any portion of the CDBG funds to a Metropolitan City, Urban County, unit of general local government, or insular area that directly or indirectly receives CDBG funds in exchange for any funds, credits, or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

THIS AMENDMENT constitutes the entire amendment to the agreement between the County and the Cities. All other terms and conditions of the Interlocal Cooperation Agreement remain in effect.

THIS AMENDMENT is effective when signed by all parties.

**CITY OF BAINBRIDGE ISLAND**

  
BLAIR KING, City Manager

DATE: 6/17/25


Approves As To Form:

  
City Attorney

**KITSAP COUNTY BOARD OF COMMISSIONERS**

  
CHRISTINE ROLFES, Chair

NOT PRESENT  
ORAN ROOT, Commissioner


  
KATHERINE T. WALTERS, Commissioner

DATE: 7-28-25

ATTEST:  
  
DANA DANIELS, Clerk of the Board



**CITY OF PORT ORCHARD**

  
ROB PUTAANSUU, Mayor

DATE: 6/2/2025

Approves As To Form:

  
City Attorney

**CITY OF POULSBO**

  
BECKY ERICKSON, Mayor

DATE: 7/11/2025

Approves As To Form:

  
City Attorney