

RESOLUTION R-2023-44

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT ONE TO THE HOUSING AND COMMUNITY DEVELOPMENT JOINT RECIPIENT COOPERATION AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE CITY OF WHEATON

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City has previously entered into an agreement with the County of DuPage relating to the Federal Community Development Block Grant Program on July 8, 2014; and

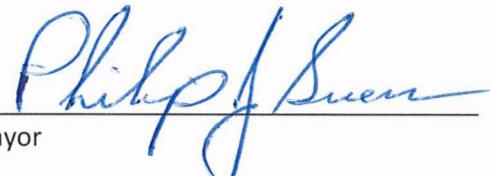
WHEREAS, the Department of Housing and Urban Development has requested that a new agreement be executed that meets all of HUD's current requirements; and

WHEREAS, the corporate authorities of the City of Wheaton find it reasonable and appropriate to enter into an agreement with the County of DuPage.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that:

The Mayor is hereby authorized to execute, and the City Clerk is hereby directed to attest to the Amendment One to a Housing and Community Development Joint Recipient Cooperation Agreement between the County of DuPage and the City of Wheaton which is incorporated herein as Exhibit A.

ADOPTED this 5th day of June 2023.


Philip J. Suess
Mayor

ATTEST:


Andrea Rosedale
City Clerk

Roll Call Vote:

Ayes: Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker
Councilman Brown
Mayor Suess
Councilman Clousing
Councilman Robbins

Nays: None
Absent: None
Motion Carried Unanimously

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AMENDMENT ONE TO A HOUSING AND COMMUNITY DEVELOPMENT JOINT
RECIPIENT COOPERATION AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND
THE CITY OF WHEATON

(FOR FEDERAL FISCAL YEARS ENDING IN 2024, 2025, 2026 &
CONDITIONAL AUTOMATIC RENEWAL THEREAFTER)

THIS AMENDMENT ONE TO THE HOUSING AND COMMUNITY DEVELOPMENT JOINT RECIPIENT COOPERATION AGREEMENT is entered into this 6 day of June, 2023 by and between the COUNTY OF DU PAGE, Illinois, a body politic and corporate, with a principal place of business located at 421 N. County Farm Road, Wheaton, IL 60187 (hereinafter called "COUNTY") and the CITY OF WHEATON, an Illinois Municipal Corporation with a principal place of business located at 303 W. Wesley St., Wheaton, IL 60187, (hereinafter called "CITY").

The purpose of this AMENDMENT ONE TO AGREEMENT is to amend an existing Housing and Community Development Joint Cooperation Agreement, between the above parties, which was adopted by Resolution DC-R-0128-14 on 06/24/2014, for the purpose of incorporating additional provisions obligating the COUNTY and CITY, which must be explicitly contained within said AGREEMENT, as reflected in Notice CPD-23-02 issued 04/10/2023.

In consideration of the premises of the AGREEMENT, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree to the following amendment of the terms of the AGREEMENT in accordance with Section 4.4. of the Agreement:

1. Section 3.5 is hereby deleted in its entirety and replaced with the following herewith, "The CITY and COUNTY agree to take all required actions to assure compliance with the COUNTY'S certification under section 104(b) of the Title I of the Housing and Community Development Act of 1974, including signing assurances and certifications in the HUD 424-B. In addition, the grant will be conducted and administered in conformity with the National Environmental Policy Act and related Federal authorities, Uniform Relocation Assistance Act and Real Property Acquisition Policies Act of 1970, as amended, Title VI of the Civil Rights Act of 1964, and the implementing regulations at 24 CFR part 1, and the Fair Housing Act, and the implementing regulations at 24 CFR part 100, and will affirmatively further fair housing. Both the COUNTY and CITY have the obligation to comply with 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 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968, and all other applicable Federal, State, and local laws."

In all other respects, the terms and conditions of the AGREEMENT shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the dates recited below:

CITY OF WHEATON, a Municipal Corporation
in the State of Illinois

By:


Phillip J. Suess, Mayor

Date:

June 6, 2023

Attest:

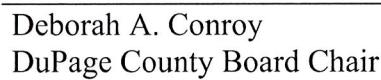

Andrea Rosedale

Name: Andrea Rosedale

Title: City Clerk

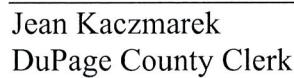
COUNTY OF DU PAGE, a body politic in the
State of Illinois

By:


Deborah A. Conroy
DuPage County Board Chair

Date:

Attest:


Jean Kaczmarek
DuPage County Clerk



HS Resolution

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: HS-R-0053-23

Agenda Date: 6/6/2023

Agenda #: 14.B.

**APPROVAL OF AMENDMENT ONE TO A HOUSING
AND COMMUNITY DEVELOPMENT JOINT RECIPIENT
COOPERATION AGREEMENT BETWEEN THE COUNTY OF DUPAGE
AND THE CITY OF WHEATON
(FOR FEDERAL FISCAL YEARS ENDING IN 2024, 2025, 2026 and
CONDITIONAL AUTOMATIC RENEWAL THEREAFTER)**

WHEREAS, the United States Congress has enacted the Housing and Community Development Act of 1974, as amended, (hereinafter referred to as "ACT") providing federal financial assistance for various public improvements which will aid in preventing or eliminating blight, and which will assist in the provision of housing and housing opportunities; and

WHEREAS, the ACT provides that local units of government may enter into a joint recipient agreement in order to cooperatively address the purposes of the ACT; and

WHEREAS, the County and the City of Wheaton have determined that joint action is the most effective way to undertake and accomplish activities and purpose of said ACT; and

WHEREAS, the County and the City of Wheaton previously entered into a Joint Recipient Agreement on July 13, 1993 via Resolution number DC-0016-93, which agreement was automatically renewed thereafter for each succeeding urban county qualification period through federal fiscal years 2012, 2013 and 2014, which remained in effect until all funds, including program income or income generated from the expenditure of such funds, which may be received from the U.S. Department of Housing and Urban Development ("HUD") for such urban county qualification periods through 2014 have been expended, returned, or otherwise accounted for, to the satisfaction of HUD; and

WHEREAS, the County and City of Wheaton previously entered into a Joint Recipient Agreement on June 24, 2014 via Resolution DC-R-0128-14, which agreement automatically renews thereafter for each succeeding urban county qualification period, and it is the intention of the parties that such 2014 Joint Recipient Agreement will remain in effect until all funds, including program income or income generated from the expenditure of such funds, which may be received from the U.S. Department of Housing and Urban Development ("HUD") for such urban county qualification periods have been expended, returned, or otherwise accounted for, to the satisfaction of HUD, said Joint Recipient Agreement replaced the 1993 version; and

WHEREAS, HUD issued Notice CPD-23-02 on April 10, 2023, which provides instructions for Urban County Qualification for Participation in the Community Development Block Grant (CDBG) Program for Federal Fiscal Years (FYs) 2024-2026; and

WHEREAS, Section V. Cooperation Agreements of said Notice specifies standards which must be contained within all Cooperation Agreements; and

WHEREAS, Section V. H. has been updated to include additional provisions which must be explicitly contained within each Cooperation Agreement, and

WHEREAS, Section 4.4 of the 2014 Joint Recipient Agreement states prior to the automatic renewal of the Agreement for each succeeding three-year Urban County Qualification period, each party agrees to timely adopt any amendment to the Agreement incorporating necessary changes to meet the requirements for Cooperation Agreements set forth in the Urban County Qualification Notice applicable to the subsequent three-year Urban County Qualification period, and to submit such amendment to HUD as provided in the Urban County Qualification Notice, and that such failure to comply will void the automatic renewal for such qualification period; and

WHEREAS, Amendment One to the Agreement is entered into for the purpose of incorporating additional provisions obligating the County and Village, which must be explicitly contained within said Agreement; and

WHEREAS, Upon approval by the DuPage County Board, Amendment One will be fully incorporated into the effective Housing and Community Development Joint Recipient Cooperation Agreement Between DuPage County and the City of Wheaton, adopted June 24, 2014 under Resolution DC-R-0128-14 (for federal fiscal years ending in 2024, 2025, 2026 and conditional automatic renewal thereafter); and

NOW, THEREFORE, BE IT RESOLVED, by the County Board that approval is given to incorporate said Amendment One to the Housing and Community Development Joint Recipient Cooperation Agreement Between DuPage County and the City of Wheaton (for federal fiscal years ending in 2024, 2025, 2026 and conditional automatic renewal thereafter) ("AGREEMENT"), a copy of which is attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Chair of the DuPage County Board is authorized and directed to execute Amendment One, together with such additional documents as may be required in anticipation of, and strictly subject to, the Mayor of Wheaton executing the Amendment; and

BE IT FURTHER RESOLVED, that the Chair of the DuPage County Board is authorized and directed to execute an Amendment One to the Agreement on behalf of DuPage County and the Clerk is hereby authorized and directed to attest to such execution and affix the official seal thereto; and

BE IT FURTHER RESOLVED that the County Clerk be directed to send a copy of this Resolution to Mr. Donald Kathan, Director, Community Planning and Development, Attn: Mr. David Pray, U.S. Department of Housing and Urban Development, Chicago Area Office, Region V, 77 West Jackson Boulevard, Room 2400, Chicago, IL 60604-3507; Honorable Phillip J. Suess, Mayor of Wheaton, Civic Center, 303 W. Wesley St., Wheaton, IL 60187-0727; and a copy to the DuPage Community Development Commission.

Enacted and approved this 13th of June, 2023 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

AYES 16
NAYS 0
ABSENT 2

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In all other respects, the terms and conditions of the AGREEMENT shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the dates recited below:

CITY OF WHEATON, a Municipal Corporation
in the State of Illinois

By:

Phillip J. Suess, Mayor

Date:

June 6, 2023

Attest:

Andrea Rosedale

Name: Andrea Rosedale

Title: City Clerk

COUNTY OF DU PAGE, a body politic in the
State of Illinois

By:

Deborah A. Conroy

DuPage County Board Chair

Date:

June 13, 2023

Attest:

Jean Kaczmarek
Jean Kaczmarek
DuPage County Clerk

RESOLUTION R-2023-44

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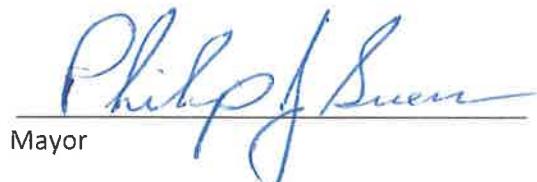
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WHEREAS, the corporate authorities of the City of Wheaton find it reasonable and appropriate to enter into an agreement with the County of DuPage.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that:

The Mayor is hereby authorized to execute, and the City Clerk is hereby directed to attest to the Amendment One to a Housing and Community Development Joint Recipient Cooperation Agreement between the County of DuPage and the City of Wheaton which is incorporated herein as Exhibit A.

ADOPTED this 5th day of June 2023.


Philip J. Suess
Mayor

ATTEST:


Andrea Rosedale
City Clerk

Roll Call Vote:

Ayes: Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker
Councilman Brown
Mayor Suess
Councilman Clousing
Councilman Robbins

Nays: None

Absent: None

Motion Carried Unanimously



WHEATON CITY HALL
303 W WESLEY STREET, WHEATON, IL, 60187
630.260.2000 | www.wheatonil.us

CITY OF WHEATON, ILLINOIS

R-2023-44

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I HEREBY CERTIFY that I am the City Clerk of the City of Wheaton, DuPage County, Illinois, and that, as such City Clerk, I have the custody of the papers, entries, records and resolutions of said City.

I FURTHER CERTIFY that the attached is a true and correct copy of City of Wheaton Resolution R-2023-44 which was adopted by the Wheaton City Council on **Monday, June 5, 2021**.

I have hereunto set my hand and affixed the seal of said City this **6th day of June 2023**.

A handwritten signature in blue ink that reads "Andrea Rosedale". The signature is written in a cursive style and is positioned above a horizontal line.

City Clerk



WHEATON MAYOR PHILIP J. SUESS

CITY MANAGER MICHAEL DZUGAN

CITY COUNCIL: MICHAEL BARBIER | ERICA BRAY-PARKER | SCOTT BROWN | BRADLEY CLOUSING | LYNN ROBBINS | SCOTT WELLER

