

FUND EXCHANGE MASTER
THOMAS COUNTY, KANSAS

S U P P L E M E N T A L A G R E E M E N T N o . 1

This Agreement, effective as of the date signed by the Secretary or designee, is between the **Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the "Secretary") and **THOMAS COUNTY, KANSAS** (the "County"), collectively, the "Parties."

RECITALS:

- A. The Secretary and the County entered into Agreement No. 198-16 dated April 28, 2016, for the purpose of participating in the Secretary's voluntary Federal Fund Exchange Program (the "Original Master Agreement").
- B. The Parties now mutually desire to supplement the Original Master Agreement to reflect a change in the exchange provisions.

NOW, THEREFORE, the Parties agree as follows:

1. On page one (1) of the Original Master Agreement, Recital A be replaced in its entirety to read as follows:

- A. The Secretary has authorized a voluntary Federal Fund Exchange Program under which local units of government may exchange some or all of the Federal Funds allotment by KDOT to the local unit in a specific federal fiscal year for State Funds allocated to the Secretary.

2. On page one (1) of the Original Master Agreement, Recital B be replaced in its entirety to read as follows:

- B. The County desires to exchange all or a portion of the County's annual allotment of Federal Funds for State Funds at the Exchange Rate.

3. On page one (1) of the Original Master Agreement, Article I, paragraph 2, **Banked Funds**, be deleted and the subsequent definition paragraphs renumbered.

4. On page two (2) of the Original Master Agreement, Article I, paragraph 4, **Exchange Rate**, be replaced in its entirety to read as follows:

- 4. "**Exchange Rate**" means the exchange of the County's Federal Funds allotment for State Funds at the reimbursement rate determined by the Secretary in the Fund Exchange Request.

5. On pages two (2) and three (3) of the Original Master Agreement, Article II, paragraph 3, **Exchange of Funds**, be replaced in its entirety to read as follows:

3. **Exchange of Funds**. When the County submits a Fund Exchange Request, to use the Exchanged Funds pursuant to the Federal Fund Exchange Program, the following terms will apply to the exchange:

- (a) The County authorizes the Secretary to retain and use the Exchanged Portion of the County's annual allotment of Federal Funds for the federal fiscal year indicated in the Fund Exchange Request in exchange for State Funds at the Exchange Rate.
- (b) The Secretary shall reimburse the County, with State Funds, for one hundred percent (100%) of costs incurred pursuant to this Agreement, in an amount not to exceed the

Exchange Rate multiplied by the Exchanged Funds. All costs incurred in excess of the fund exchange amount will be the sole responsibility of the County.

- (c) The County understands that the Secretary may use the retained Federal Funds exchanged by the County for any federally eligible purpose or project within the State.
- (d) The Secretary will make partial payments to the County for amounts not less than \$1,000 and no more frequently than monthly. Such payments will be made after receipt of proper billing showing costs paid by the County and any reimbursement form required by KDOT.

6. Attachment A of the Original Master Agreement, is null and void, and is replaced by the attached Revised Attachment A.

THIS SUPPLEMENTAL AGREEMENT shall not be construed to alter, modify, or void the terms, provisions or conditions of the Original Agreement, incorporated herein by reference, except as herein specifically provided.

IN WITNESS WHEREOF, the Parties have caused this Supplemental Agreement to be signed by their duly authorized officers.

ATTEST:

THOMAS COUNTY, KANSAS

Shelly A. Harms 3/30/18
COUNTY CLERK (Date)

Mich. Bough
CHAIRPERSON

(SEAL)



Bryan Sowers
MEMBER

Francis Burton
MEMBER

Kansas Department of Transportation
Secretary of Transportation

BY: _____
Catherine M. Patrick, P.E. (date)
State Transportation Engineer