

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE CITY OF SAN JOSE'S APPLICATION FOR A COUNTY OF SANTA CLARA HISTORIC GRANT FOR A VIETNAMESE RELATED MONUMENT AT THE VIET HERITAGE GARDEN IN KELLEY PARK; DELEGATING AUTHORITY TO AN AUTHORIZED REPRESENTATIVE TO SIGN AND SUBMIT THE GRANT APPLICATION TO THE COUNTY OF SANTA CLARA, SIGN THE GRANT AGREEMENT, AND ADMINISTER THE PROJECT ON BEHALF OF THE CITY OF SAN JOSE; AND COMMITTING THE PROJECT PROPERTY TO THE PROJECT USE FOR A PERIOD OF AT LEAST TWENTY YEARS**

**WHEREAS**, the County of Santa Clara ("County") has established the Historic Grant Program to acknowledge and celebrate untold perspectives of underrepresented communities within Santa Clara County ("Grant Program"); and

**WHEREAS**, the County funds the Grant Program; and

**WHEREAS**, the City of San José (the "Applicant") submitted a Grant Application to the County in order to seek Grant Program funds for the following Project: a monument located at the Viet Heritage Garden in Kelley Park, representing the gratitude of the members of the San José Vietnamese community who were welcomed as refugees after the fall of the Republic of Vietnam, and for the United States service members who fought in support of the Republic of Vietnam (the "PROJECT"); and

**WHEREAS**, the PROJECT will be located in Kelley Park, 1300 Senter Rd., San José, CA 95112 (the "Property"), and said Property is owned or controlled by the City of San José (the "Property Holder"); and

**WHEREAS**, if the County-funded PROJECT is for a capital improvement of a structure or building of historic significance, then the County requires that the property on which

the grant-funded capital-improvement PROJECT is located be continually used for a minimum of twenty (20) years and be open to all Santa Clara county residents on a non-discriminatory basis; and

**WHEREAS**, Applicant is required pursuant to the Historic Grant Program Procedural Guide to designate a legally authorized representative to administer the PROJECT and to execute the Grant Agreement, along with any amendments thereto, on behalf of the Applicant;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The PROJECT is located on the Property that will be continually used for the PROJECT for the Term as set out in the Grant Application.
2. The City Council of the City of San José hereby delegates authority to the City Manager, to sign and submit the Grant Application to the County of Santa Clara, to negotiate, execute, amend, or terminate the Grant Funding Agreement (“Grant Agreement”) and any other agreements in relation to the Historic Grant Program, and authority to administer and carry out all terms and conditions of the Grant Agreement and related agreements including but not limited to taking any all other necessary actions to complete the PROJECT.
3. By delegating such authority to the City Manager, the City Council acknowledges, agrees, represents and warrants that the execution of the Grant Agreement and any and all other agreements or amendments by the City Manager binds and obligates the City Council to comply with all terms and conditions of such agreements, without the necessity of additional approvals or conditions.

4. The City Council has had the opportunity to seek the advice of its own legal counsel and other professionals in connection with the Grant Agreement and the Historic Grant Program Procedural Guide.
5. The City Council agrees that the terms and conditions of the Grant Agreement and the requirements of the Historic Grant Program Procedural Guide are acceptable and the City Council is ready, willing and able to carry out the terms and conditions of the Grant Agreement without any amendment thereto.
6. The City Council hereby approves the Grant Application submitted on its behalf to the County of Santa Clara in relation to the PROJECT and the request for Grant funds.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk