



24-5532

DATE: April 16, 2024 (Item No. {{item.number}})

TO: Board of Supervisors

FROM: James R. Williams, County Executive
Glen Williams, Asset Development Manager

SUBJECT: Resolution and Memorandum of Understanding Relating to Grant Funds for San José State University’s “Speed City Legacy Center and Spirit of ‘68 Track and Field Facility” Project

RECOMMENDED ACTION

Consider recommendations from the Office of the County Executive relating to a grant application for a “Speed City Legacy Center and Spirit of ‘68 Track and Field Facility” at the County Fairgrounds and a memorandum of understanding with San José State University.

Possible action:

- a. Adopt Resolution to approve an application for specified grant funds from the Budget Act of 2022/23 California State Budget, Section 19.56(b)(1)(BI) \$9,000,000 to the County of Santa Clara for the Speed City Project and delegating authority to the County Executive, or designee, to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the project scope, following review and approval by County Counsel as to form and legality and approval by the Office of the County Executive. Delegation of authority shall expire on December 31, 2026.
- b. Approve Memorandum of Understanding with San José State University that requires the University to assume all obligations and legal requirements arising from the County’s approval of the grant application and execution of related grant documents, that has been reviewed and approved by County Counsel as to form and legality.

FISCAL IMPLICATIONS

By adopting the attached Resolution, the County is accepting responsibility for administering the \$9 million grant. Because the State typically reimburses grantees for eligible expenditures

already incurred, it is expected that some or all of the costs incurred by San José State University (SJSU) would be reimbursed by the State grant funds. Administration is also recommending approval of a memorandum of understanding with SJSU so that the County is not responsible for any pre-development, development, operation, and maintenance costs associated with the track and field facility on the Fairgrounds site.

REASONS FOR RECOMMENDATION AND BACKGROUND

At the Finance and Government Operations Committee (FGOC) meeting on March 17, 2022 (Item No. 5), a Letter of Interest was presented by SJSU proposing that an approximately 9-acre area of the Fairgrounds site be set aside for development of a commemorative track and field facility. The project is in honor of the legacy of Speed City and the Olympic Project for Human Rights.

An Exclusive Negotiating Agreement (ENA) was approved by the Board of Supervisors at its meeting on April 19, 2022 (Item No. 71) to conduct further due diligence.

The County of Santa Clara was designated \$9 million in AB178, the Budget Act of 2022, for the Speed City Legacy Project. Administration has been working with SJSU to further define the project and provide answers to the State of California on the intended future use of the \$9 million for Speed City.

The terms of the grant require that the funds be expended by June 30, 2026, although the California State Parks and Recreation Department has indicated it would likely be willing to extend that deadline if required and progress was being made. However, the State grant representative indicated that the County must approve a resolution applying for and accepting the grant and must submit additional documents by April 19, 2024 for this grant to be included in the current budget and not reappropriated by the State.

SJSU has proposed a two-phase development, first building the track and field facility, which would be constructed with the \$9 million grant and an additional \$1.5 million in funds raised by the University. SJSU proposes to develop the Speed City Legacy Center, which is currently uncertain in scope and location, pending additional funding in a second phase.

Project Scope of Work

Phase 1 of the project, to be funded through State grant funds and existing University philanthropic commitments is comprised of the following scope of work:

- National Collegiate Athletic Association (NCAA) Division 1 nine-lane competitive track.
- NCAA Division 1 field events facilities, constructed primarily within the track interior, and inclusive of discus, shot put, javelin, hammer, steeplechase, pole vault, high jump, long jump, and triple jump.
- Placement of temporary restroom facilities.

- Placement of temporary track and field equipment storage facilities.
- Parking at minimum as required for ADA access, loading/unloading, and service vehicles.
- Speed City/Spirit of '68 signage and branding within the design of the improvements.
- Utility infrastructure pathways for future phases of the project as related to common trenches or should future infrastructure needs be sited below improvements to be constructed.

The proposed location of the track on the Fairgrounds site is shown in an attachment.

Public Benefits

While still subject to negotiation, in exchange for use of approximately 9-acres on the Santa Clara County Fairgrounds site, County staff and SJSU representatives have conceptually discussed the following public benefits:

1. Track Usage for Local Public High School Meets. Six-times-a-year, SJSU would make available the track and field facility for local high school track and field meets. The County would determine local public high school eligibility for use of the facility.
2. Neighborhood Access. One-day-a-week with hours to-be-determined, the track would be open to local neighborhood usage.
3. Free Clinics. Three-times-a-year, SJSU would host a clinic for youth whose eligibility would be based on County-established, needs-based criteria.
4. Scholarships. Scholarships for County-affiliated youth who meet needs-based criteria would be available when SJSU conducts track and field youth camps. The County would develop the needs-based criteria to establish eligibility for the SJSU scholarships. The percentage of scholarship campers requires negotiation between the County and SJSU.

Reason for Request of Delegation of Authority

Although delegations of authority (DOA) are discouraged except under certain circumstances, this DOA is necessary to meet the State grant deadline. If the Board approves this DOA, the grant agreement would be executed by the County Executive in final form and submitted to the California State Parks and Recreation Department to meet its deadline. The grant application would be completed primarily by SJSU, but the County would be required to execute the State grant contract.

Memorandum of Understanding with San Jose State University

The Budget Act of 2022 designates the County as the intended recipient of the grant funds, and as the grantee, the County is responsible for complying with all terms and conditions of the State grant contract. However, SJSU would be solely responsible for the construction of the track and field facility and for operating and maintaining it. As SJSU would be the chief beneficiary of the funds, the County and SJSU are preparing a Memorandum of

Understanding (MOU) under which SJSU would be responsible for fulfilling the obligations and legal requirements set forth in the State grant contract. Responsibilities under the grant contract are not assignable or transferable without the written consent of the State.

CHILD IMPACT

If a track facility is constructed, public availability of the track during specified hours would provide a benefit to children and youth.

SENIOR IMPACT

If a track facility is constructed, public availability of the track during specified hours would provide a benefit to seniors.

CONSEQUENCES OF NEGATIVE ACTION

The County would forgo the \$9 million grant from the State of California and the funding would not be available for a Speed City track and field facility.

STEPS FOLLOWING APPROVAL

Upon priority processing, the Clerk of the Board shall expedite execution of the Resolution and send via **overnight service** one executed original copy to Dennis Carlson at the California State Parks and Recreation Department:

Dennis Carlson
CA Dept of Parks & Recreation, OGALS
715 P Street, Suite 13-103
Sacramento, CA 95814

ATTACHMENTS:

- Speed City Resolution
- Speed City Project Location