

RESOLUTION NO. 323

AUTHORIZING AN AGREEMENT WITH SPECTACOR MANAGEMENT GROUP REGARDING OPERATING AND MANAGEMENT SERVICES FOR THE TIMES UNION CENTER

Introduced: 8/12/19

By Public Works Committee:

WHEREAS, The County Executive has requested authorization to adjust the existing contract with Spectator Management Group (SMG) in order to enter into a new agreement for the operation and management of the Times Union Center for a term commencing on July 1, 2020 and ending December 31, 2025, with one six-year option to renew to be exercised by July 15, 2024, and

WHEREAS, According to the terms of the proposed agreement SMG will guarantee that the County will receive the first \$600,000 of net operation income; thereafter SMG will receive the next \$280,000 of net operation income (NOI) as a base management fee and thereafter any NOI in excess of \$1,000,000 shall be distributed 70% to the County and 30% to SMG, and thereafter any NOI in excess of \$1,500,000 shall be distributed 65% to the County and 35% to SMG with no caps on the revenue split amounts, and

WHEREAS, SMG will provide the County with \$35,000 annually during the term of the Operating and Management Agreement for the promotion fund, and

WHEREAS, The Albany County Purchasing agent has indicated that, due to the unique nature of the agreement, the procurement requirements contained within the Section 103 of the New York State General Municipal Law are satisfied and no bid process is required, and

WHEREAS, This Honorable Body adopted a County Procurement policy pursuant to Section 104 of the General Municipal Law, which is more strict than the requirements found under Sections 103 referenced above, and which under other circumstances would require contracts of this nature to be bid, and

WHEREAS, The County Purchasing Agent and County Attorney have indicated that it is appropriate and proper for the Legislature to waive the County procurement policy, at the request of the County Executive, given that it has been determined that it is in the County's best interest to do so, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Spectacor Management Group for the operation and management of the Times Union Center commencing on January 1,

2019 and ending December 31, 2025 with one six-year option to renew to be exercised by July 15, 2024 in accordance with the terms set forth herein, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote – 8/12/19