

LOUISIANA STADIUM AND EXPOSITION DISTRICT
BOARD OF COMMISSIONERS MINUTES
FROM THE MEETING OF JULY 27, 2023

PRESENT: Chairman Kyle M. France, John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith.

ABSENT: Commissioners Casey J. Robin and Wells T. Watson

ROLL CALL and WELCOME

Chairman Kyle M. France called the July 27, 2023, meeting to order at approximately 1:11 p.m.

I. APPROVAL OF MINUTES OF JUNE 22, 2023 MEETING

Chairman France asked for a motion for approval of the Minutes for the June 22nd, 2023 LSED Board of Commissioners Meeting. Commissioner Landry moved for approval of same, seconded by Commissioner Smith. All were in favor, and the Minutes of the June 22nd, 2023 Board meeting were adopted.

II. ASM REPORT

Mr. Holmes gave the ASM report in place of Mr. Thornton and began with a brief overview of the items to be discussed on the agenda, including the 2024 Fiscal Year budget. The new budget will be a reflection of the discussions the LSED has had regarding occupancy taxes and maximizing self-generated revenues as well as working in debt service. And this budget is a working budget that we can manage tightly through the fiscal year.

The massive undertaking in terms of converting the Superdome back to an event ready space for Essence Festival and Monster Jam and of course the cleanup and resumed construction was very impressive to witness. For both events the Superdome operated at half-house so that the construction was out of site but was not completely stopped. Now we are at full speed ahead to prepare for the upcoming Saints Football season. Some of the new spaces will be available to the public and we are confident that people will be very impressed and surprised at what they'll see when they walk into the building.

Mr. Holmes then gave an update regarding personnel changes within the ASM team. Gus Canazio has decided to take position at the new Clippers Arena in LA and we wish him the best of luck. Mark Waguespack has also decided to take a new full-time position in our corporate offices full-time and we're very excited for him and this new opportunity. To fill Mark's position we brought in Abby Jones, whom was previously general manager at the House of Blues here in New Orleans and we are happy to welcome her and her wealth of experience to the marketing department.

In terms of upcoming events, we have the Saints first preseason game against the Kansas City Chiefs. We have some shows coming up in Champions Square with acts like 3 Doors Down. As an additional event to the Sugar Bowl, the Country Kickoff Festival will take place on September 2nd and Garth Brooks is set to be the inaugural artist, along with upcoming artist Lainey Wilson and Nitty Gritty Dirt Band. Dave Chappelle is also set to perform in September. Also, of

course Beyonce. Maxwell is performing in conjunction at the Smoothie King Center right after the Battle of the Bands for the Bayou Classic. So that will be an interesting weekend of events.

Kathleen Turner briefly updates the board on the successes of the Supplier Diversity Program who's goal is to bring all facilities DBA spending to 30 percent. The current local spending is at 28.7 percent. This will further the overall goal of increasing diverse suppliers but also creating a business incubator for engagement opportunities and to work with suppliers whose business model aligns with our strategies. The YouthForce Nola organization is partnering with the Bill and Melinda Gates Foundation to create a short documentary and some of our YouthForce participants were asked to be in the production, which was exciting for them.

[This concludes Mr. Holmes' Report]

III. FINANCE REPORT

Mr. Weidler began his report by giving an update regarding the remaining financial statement for the 2023 fiscal year. Based on the financial statements through May numbers seem to be ahead of 2019 which were the highest yet. The final numbers for the 2023 fiscal year will be available by August 15th.

The 2024 fiscal year budget took about three months to go line by line to account for all expenses and revenues to keep in line the current year. As taxes are increasing, there will be opportunity to ask legislature for budget adjustments in the future. The new budget is projecting the increased attendance levels for events as well the lowered costs of staffing due to technology. Operations costs will go up and that is attributed to payroll costs for full-time staff doing day to day work at the facilities. Energy costs will vary and will be reviewed month to month. Overall, the increase in operational efficiencies, the decrease in 3rd party contracts, and anticipated decrease in utility costs should the lower overall cost for both the Smoothie King Center and the Superdome.

[This concludes Mr. Wielder's report]

IV. CONSTRUCTION REPORT

Ms. Long was absent. There is no construction update.

[This concludes Ms. Long's report]

VI. LEGAL REPORT

Shawn M. Bridgewater begins her LSED Legal Report, presenting the following Resolutions, which were approved by the Board of Commissioners as noted below:

On motion of Commissioner Landry, seconded by Commissioner Baptiste, the Louisiana Stadium and Exhibition District authorized and approved the attached Budget for the LSED 2023 Fiscal Year (July 1, 2023 through June 30, 2024), inclusive of the Summary; Consolidated Cash Flow Statement; Facility Statement of Income for the

Superdome; Facility Statement of Income for the Smoothie King Center; and the Administrative Services Budget.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-37** passed.

The Louisiana Stadium and Exhibition District authorized, authorized and approved the selection and engagement of a certified investment advisor to provide professional services and advise the LSED and the State of Louisiana with respect to various matters that relate to the investment of the LSED Bond proceeds (“Investment Advisory Services”). On or about June 30, 2023, the LSED and its bond counsel reviewed three (3) proposals that had been submitted in connection with the solicitation and selected Causey Demgen & Moore P.C. to perform the Investment Advisory Services.

On motion of Commissioner Baptiste, seconded by Commissioner Alario, the LSED ratified the engagement of Causey Demgen & Moore P.C. and authorized the negotiation and execution of an Investment Advisory Agreement with Causey Demgen & Moore P.C. on terms and conditions that are acceptable to Chairman Kyle M. France and LSED legal counsel. The source of funds for the Investment Advisory Agreement is the LSED Capital Reserve account and there were sufficient funds to support the Resolution.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-38** passed.

On or about October 12, 2011, an agreement was entered into by and between SMG (in its capacity as Manager of the Superdome and the Smoothie King Center) and New Cingular Wireless PCS, LLC (“New Cingular”), pursuant to which New Cingular designed, installed and operated a neutral host distributed antenna system (the “Existing DAS”) throughout the Superdome, Smoothie King Center and Champions Square (“Neutral Host Agreement”). The term of the Neutral Host Agreement has expired and SMG and New Cingular have agreed to extend the term of the Neutral Host Agreement for an additional ten (10) years.

On motion of Commissioner Smith, Seconded by Commissioner Alario, the Louisiana Stadium and Exhibition District consented to the ten-year (10) extension of the Neutral Host Agreement. This Resolution had the Staff Analysis Support and Recommendation of ASM Global (a copy of which is attached to the resolution.)

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-39** passed.

On motion of Commissioner Smith, Seconded by Commissioner Alario, the Louisiana Stadium and Exhibition District authorized, approved and ratified the execution of the Master Plan Phase 3b Guaranteed Maximum Price Adjustment No. 10 (“Phase 3b GMP Adjustment No. 10”) to the Guaranteed Maximum Price Amendment for the Construction Manager at Risk Contract by and between the LSED and Broadmoor, LLC with respect to Phase 3b of the 2019 Superdome Capital Improvements Project (“Project”).

Phase 3b GMP Adjustment No.10 provides for an increase of \$513,244.20 to the Phase 3b Guaranteed Maximum Price that consists of the following:

- (i) An increase in the amount of \$133,841.67 for additional costs that are associated with rebuilding the Level 100 plenum walls that were demolished in connection with the ramp demolition at the Project site;
- (ii) An increase in the amount of \$13,469.57 for additional costs that are associated with infill of a gap between the atrium screen and adjacent walls on Levels 300, 400 and 500 of the Project site;
- (iii) An increase in the amount of \$4,425.04 for additional costs associated with tile and paint changes at the Project site;
- (iv) An increase in the amount of \$6,961.25 for additional costs associated with the sprinklers at the Project site;
- (v) An increase in the amount of \$36,279.11 for additional costs that are associated with correcting the existing slab elevations on Level 200 of the Project site;
- (vi) An increase in the amount of \$46,046.65 for additional cost associated with the addition of a terrazzo base on the Level 200 and Level 300 East and West Sideline Restrooms at the Project site;
- (vii) An increase in the amount of \$95,812.52 for additional costs associated with the replacement of hot water heaters and electrical requirements at the Project site;
- (viii) An increase in the amount of \$42,382.21 for additional costs associated with mechanical changes at the Project site;
- (ix) An increase in the amount of \$86,385.53 for additional costs associated with duct-work that is required at Level 650 of the Project site;
- (x) An increase in the amount of \$28,742.90 for additional costs that are associated with the additional slab topping at the Project site; and
- (xi) An increase in the amount of \$18,897.75 for costs associated with additional demolition and blocking at the Project site.

This Resolution was recommended by Legends Hospitality (the Project Manager) and Trahan Architects (Project Architect) and was approved by the Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The source of funds for the Phase 3b GMP Adjustment No. 10 is the Master Plan Project Budget and there are sufficient funds to support this Resolution. The execution of the Phase 3b GMP Adjustment No. 10 by Commissioner Hilary H. Landry was authorized, approved and ratified.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-40** passed.

On motion of Commissioner Alario, Seconded by Commissioner Smith, the Louisiana Stadium and Exhibition District authorized, approved and ratified the execution of the Master Plan Phase 3b Guaranteed Maximum Price Adjustment No. 11 (“Phase 3b GMP Adjustment No. 11”) to the Guaranteed Maximum Price Amendment for the Construction Manager at Risk Contract by and between the LSED and Broadmoor, LLC with respect to Phase 3b of the 2019 Superdome Capital Improvements Project (“Project”).

Phase 3b GMP Adjustment No.11 provides for a net increase of \$2,045,038.96 to the Phase 3b Guaranteed Maximum Price that consists of the following:

- (xii) A decrease in the amount of \$5,061.11 for a credit associated with removal of certain Project scope;
- (xiii) An increase in the amount of \$2,227.51 for cost that is associated with the addition of tile to the Level 200 East Sideline Pantry walls the Project site;
- (xiv) A decrease in the amount of \$4,528.18 for a credit associated with the removal of the tile behind the ventless hoods at the Project site;
- (xv) An increase in the amount of \$2,831.85 for additional costs associated with framing at the L300 East Sideline Suite Kitchen and pantry at the Project site;
- (xvi) An increase in the amount of \$482,464.91 for additional costs associated with running temporary power and changes to the permanent power location at the Project site;
- (xvii) An increase in the amount of \$10,176.84 for additional cost associated with changing from standard carriers to compact carriers at the Project site;
- (xviii) An increase in the amount of \$842,224.90 for additional cost related to certain work and Project scope modifications at the Project site;
- (xix) An increase in the amount of \$378,835.79 for additional costs associated with the additional linear feet of beverage conduit needed to complete Project scope due to unforeseen conditions at the Project site;
- (xx) An increase in the amount of \$62,424.64 for additional costs associated with flooring changes at the Project site;
- (xxi) An increase in the amount of \$22,538.82 for additional air freight costs that are associated with the delivery of certain materials needed to meet the Project schedule due to design changes; the
- (xxii) An increase in the amount of \$6,494.15 for increase cost that is associated with the addition of carpet at the Level 700 elevator landings;
- (xxiii) An increase in the amount of \$ 125,770.46 for costs associated with demolition and pourback at the Project site.
- (xxiv) An increase in the amount of \$21,710.53 for additional costs associated with having a Kone operator on the Project site for the Essence Fest and Monster Jam events;
- (xxv) A decrease in the amount of \$53,215.00 for a credit associated with removal of IPTV content creation from the Project scope;
- (xxvi) A decrease in the amount of \$30,080.40 for credit for cost associated with a Project work related error;
- (xxvii) An increase in the amount of \$139,057.39 for costs associated with the addition of plumbing at the Project site;
- (xxviii) An increase in the amount of \$28,562.17 for costs associated with the addition of plumbing, mechanical, and sprinklers at the Project site; and
- (xxix) An increase in the amount of \$12,603.69 for additional costs that are associated with changes to the smoke detectors in East and West Sideline Atrium at the Project site.

This Resolution was recommended by Legends Hospitality (the Project Manager) and Trahan Architects (Project Architect) and was approved by the Project Team, consisting of the LSED Project Representative, the ASM Project Representative, and the

New Orleans Saints Project Representative. The source of funds for the Phase 3b GMP Adjustment No. 11 is the Project Budget and there are sufficient funds to support this Resolution. The execution of Phase 3b GMP Adjustment No. 11 by Commissioner Hilary H. Landry is hereby authorized, approved and ratified.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-41** passed.

On motion of Commissioner Landry, Seconded by Commissioner Alario, the Louisiana Stadium and Exhibition District authorized the negotiation and execution of a contract with Trimark USA (“Master Plan Phase 3b Trimark Contract”) for the acquisition of certain food service equipment that is required in connection with Phase 3b of the Superdome Capital Improvements Project (“Project”).

Resolved that the LSED hereby authorizes and approves the execution of Change Order No. 004R2 to the Master Plan Phase 3b Trimark Contract (“Phase 3b Trimark Change Order No. 004R2”), which provides for an increase of \$44,636.00 to the Master Plan Phase 3b Trimark Contract amount that consists of additional costs associated with Project-related food service equipment, all as more fully described on the attached Master Plan Phase 3b Trimark Change Order No. 004R2.

Master Plan Phase 3b Trimark Change Order No. 004R2 was recommended by Legends Hospitality (Project Manager) and Trahan Architects (Project Architect) and was approved by the Project Team, consisting of the ASM Project Representative, the LSED Project Representative, and the New Orleans Saints Project Representative. The source of funds for the Master Plan Phase 3b Trimark Change Order No. 004R2 is the Project Budget and there are sufficient funds to support the Resolution. The execution of the attached Master Plan Phase 3b Trimark Change Order No. 004R2 by Chairman Kyle M. France is hereby authorized, approved, and ratified.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-42** passed.

On motion of Commissioner Alario, Seconded by Commissioner Landry, the Louisiana Stadium and Exhibition District authorized and approved Trahan Architects, APAC to provide additional architectural services with respect to certain elements of Phase 3b of the 2019 Superdome Capital Improvements Project (the “Project”), in accordance with and as outlined in further detail on Trahan Additional Services Request No. 33 (“Trahan ASR #33”), a copy of which is attached hereto. The additional services that are to be performed pursuant to Trahan ASR #33 shall be for a not to exceed fee of \$60,000.00 and consist of services related to the implementation of the New Orleans Saints Sponsorship and Branding; the costs associated with Trahan ASR #33 will be reimbursed by the New Orleans Saints to the Project budget.

This Resolution was recommended by Legends Hospitality (Master Plan Project Manager) and was approved by the Project Team, consisting of the LSED Project

Representative, the ASM Project Representative, and the New Orleans Saints Project Representative. The source of funds for Trahan ASR #33 is the Project Budget, and there are sufficient funds to support the Resolution. The execution of Trahan ASR #33 by Chairman Kyle M. France and/or Commissioner Hilary H. Landry was authorized, approved and ratified.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-43** passed.

On motion of Commissioner Smith, Seconded by Commissioner Landry, the Louisiana Stadium and Exhibition District authorized, approved, and takes the following actions with respect to the 2023 Smoothie King Center LED Fascia Video Displays Project (“Project”):

- (i) On June 22, 2023, four (4) bid responses were received with respect to the Project and all four bids were found to be in compliance with Louisiana Public Bid Law;
- (ii) Following review of the submitted bids by ASM Global, the LSED Construction Committee accepts the recommendation of ASM Global and recognizes the Base Bid and Alternates Nos. 1 and 2, that was submitted by ANC Sports Enterprises, LLC in the amount of \$2,331,662.00 as the lowest responsive bid; and
- (iii) The LSED further hereby authorizes the negotiation and execution of a contract with ANC Sports Enterprises, LLC by Chairman Kyle M. France (“Project Contract”).

This Resolution has the Staff Analysis Support and Recommendation of ASM Global (attached hereto) and was approved by the LSED Construction Committee. The source of funding for the Project Contract is the Smoothie King Center Reserve and Replacement Fund and were sufficient funds to support this Resolution.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-44** passed.

On motion of Commissioner Alario, Seconded by Commissioner Baptiste, the Louisiana Stadium and Exhibition District authorized and approved the execution of a Contract with Jessica Becker Architecture, a Professional Architectural Corporation for a not to exceed fee of \$10,000.00 (“Jessica Becker Contract”), to perform architectural and related services with respect the development of plans for concession stand renovations at the Smoothie King Center.

This Resolution was the Staff Analysis Support and Recommendation of ASM Global (attached to the resolution) and was approved by the LSED Construction Committee. The source of funds for the Jessica Becker Contract will be the Smoothie King Center Repair & Replacement Fund, and sufficient funds exist to support the Resolution.

Chairman Kyle M. France was hereby authorized to sign the Jessica Becker Contract on behalf of the LSED.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-45** passed.

On motion of Commissioner Smith, Seconded by Commissioner Landry, the Louisiana Stadium and Exhibition District authorized and approved the execution of the attached Certificate of Substantial Completion (“Certificate of Substantial Completion”) with respect to the Contract between the LSED and Roofing Solutions, LLC dated March 16, 2023 (“Contract”), for the 2023 Alario Center Hall B Roof Repair Project (the “Project”). The Certificate of Substantial Completion provides that the work performed under the Contract is, subject to the completion of the items on the Project Punchlist, sufficiently complete in accordance with the Contract documents to allow the owner to occupy and/or utilize the work for its intended use.

This Resolution had the Staff Analysis Support and Recommendation of ASM Global (attached hereto) and was approved by the LSED Construction Committee. The execution of the Certificate of Substantial Completion by Chairman Kyle M. France is hereby authorized.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-46** passed.

Pursuant to LSED Resolution Nos. 15-86 and 17-31, dated August 26, 2015 and April 20, 2017, respectively, and Jefferson Parish Resolution Nos. 127758 and 128897, the LSED and the Parish of Jefferson approved and ratified the negotiation and execution of: (i) a Cooperative Endeavor Agreement between the Parish of Jefferson and the LSED for the proposed Jefferson Parish Sports and Recreation Complex in Westwego, aka the John A. Alario, Jr. Sports Complex (the “Facility”), and (ii) the First Amendment to the Cooperative Endeavor Agreement between the Parish of Jefferson and the LSED, copies of which are attached to this Resolution (collectively, the “CEA”).

On motion of Commissioner Smith, Seconded by Commissioner Landry, the Louisiana Stadium and Exhibition District authorized and approved the negotiation, execution and finalization of a Second Amendment to the Cooperative Endeavor Agreement with Jefferson Parish for the purpose of the authorizing the LSED to conduct a Request for Proposals/Qualifications for the selection by the LSED of a qualified manager for the Facility (“Second Amendment”). The Second Amendment will be on terms and conditions that are approved by Chairman Kyle M. France and LSED legal counsel. This Resolution has the support and approval of the LSED Construction Committee and the Westwego Sports and Recreation Complex Project Committee. The execution of the Second Amendment by Chairman Kyle M. France was authorized and approved.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-47** passed.

On motion of Commissioner Baptiste, Seconded by Commissioner Smith, the Louisiana Stadium and Exhibition District authorized and approved the following actions with respect to the Alario Center Hall “C” HVAC Repair Project, Jefferson Parish Project Bid #50-001142258 (“Project”):

- (i) In accordance with Jefferson Parish Department Award Recommendation Letter dated July 7, 2023, the LSED acknowledges the Jefferson Parish Department of Purchasing’s recommendation that the Base Bid of ARC Mechanical Contractors, Inc. in the amount of \$329,900.00 and Alternate Nos. 1, 2 and 3 in the amount of \$53,400.00 (for a total bid amount of \$383,300.00) be recognized as the lowest responsive bid with respect to the Project;
- (ii) The LSED agrees to contribute the sum of \$83,300.00 towards the Project cost utilizing the proceeds of the Settlement Agreement dated February, 22016 with respect to the lawsuit entitled “*Parish of Jefferson, et al vs. Mickey O’Connor General Contractor, Inc. et al.*”, 24th Judicial District Court, Proceeding No. 710-598; and
- (iii) The LSED authorizes the negotiation and execution a Cooperative Endeavor Agreement with Jefferson Parish (“Project CEA”) that sets forth the terms and conditions with respect to the completion of the Project by the Parish of Jefferson and the LSED’s contribution of \$83,800.00 towards the completion of the Project. The Project CEA will be on terms and conditions that are approved by Chairman Kyle M. France and LSED legal counsel.

This Resolution had the support and recommendation of ASM Global (copy attached hereto) and was approved by the LSED Construction Committee. The execution of the Project CEA by Chairman Kyle M. France was authorized and approved.

Voting in favor were Chairman Kyle M. France and Commissioners John A. Alario, Jr., Henry N. Baptiste, Hilary H. Landry, Glen D. Smith. **Motion 23-48** passed.

[This concludes the Legal Report]

VII. BOARD REPORTS

None.

VIII. OTHER BUSINESS

None.

IX. ADJOURNMENT

Chairman France asks for a motion to adjourn. On motion of Commissioner Smith, the July 27, 2023 LSED Board meeting adjourned at 1:45 p.m.