

LOUISIANA STADIUM AND EXPOSITION DISTRICT
BOARD OF COMMISSIONERS MINUTES
FROM THE MEETING OF SEPTEMBER 24, 2020

PRESENT: Commissioners Kyle M. France, Henry N. Baptiste, Hilary H. Landry, Gregory A. Morrison, Casey J. Robin, and Wells T. Watson.

ABSENT: J.P. Morrell

I. ROLL CALL and WELCOME

Chairman Kyle France called the September 24, 2020 meeting to order at approximately 1:12 p.m. Present were: Commissioners Kyle M. France, Henry N. Baptiste, Hilary H. Landry, Gregory A. Morrison, Casey J. Robin, and Wells T. Watson. Absent were: J.P. Morrell

Chairman Kyle M. France reads aloud the Certification Under Act 302 of the 2020 Regular Session related to open meetings, pursuant to which the LSED is authorized to conduct the September meeting via telephone conference.

Chairman France, with the assistance of Matt Boyd, ASM's IT Manager and Katie Bourque, ASM's Business Operations Coordinator, conducts a roll call, with six commissioners responding. Legal Counsel confirms there is a quorum in order to proceed with the Board meeting.

II. APPROVAL OF MINUTES OF JULY 23, 2020 MEETING

Chairman France asked for a motion for approval of the Minutes of the (July 23, 2020) Board Meeting. Commissioner Morrison moved for approval of same, seconded by Commissioner Landry. All were in favor, and the Minutes of the July 23, 2020 Board meeting were adopted.

III. ASM REPORT

Doug Thornton begins the ASM report by presenting an overview of the current status of venue operations, upcoming NBA season, NCAA meeting, and the use of the Smoothie King Center for early voting.

Mr. Thornton provides perspective regarding the entertainment industry by stating that Professional Bull Riding, WWE, and Disney On Ice are all scheduled for December of this year in markets that are able to host at 50 percent capacity like Oklahoma, South Dakota, and Texas. Texas recently increased theatre capacity to 75 percent, which is producing positive feedback from promoters who are looking ahead at Q1 and Q2 of 2021 year for New Orleans bookings.

Further discussion regarding tourist activity in the City of New Orleans. New Orleans & Company reported that the month of August was better than expected and people are coming to

New Orleans. Housing of displaced Lake Charles evacuees is coming to an end which will free up hotel space. In regards to the 2020 fiscal year budget, there has been continued cost mitigation strategy, which is continued furloughs for a number of staff. There is hope to restore some event income from January through June, the last half of the fiscal year.

Mr. Thornton notes the NBA season will most likely start sometime after the first of the New Year with still no indication of whether or not there will be fans. The NCAA preparations are going as planned and they are happy with everything that's been done so far for the 2022 hosting that will bring a big boost for the City of New Orleans. Final discussions are being made with the State with respect to making the Smoothie King Center available for early voting in anticipation of the major elections on November 3rd.

[This ends the General Matters report]

IV. SERVICE REPORT

Mr. Holmes provides and updates on current renovations. We have completed a majority of the work that was scheduled to be completed as of these dates and despite some challenges from a manpower perspective, given the pandemic, Phase 1 is almost at completion and there are deep discussions being held about Phase II. The plan is to start work the beginning of February and to have a contract in place before Thanksgiving week. He also notes that there is a Resolution on the agenda to be passed that pertains to Phase II that will advance some early purchases for Phase II work, as well as, two Resolutions that pertain to the TPC Bunker Renovation Project. He also notes that the Shrine on airline is being discussed by the Parish, Board and State as a potential site to host high school football and other activity. The plan is to have a similar approach as the Superdome with respect to applying the ASM VenueShield model. We are making sure all ground rules and required COVID socially distanced protocols by the local jurisdiction are in place in order to allow any tenant or user group at the facility.

[This concludes the Services Report.]

V. FINANCE REPORT

Mr. Holmes presents the finance report by stating it is early on in the fiscal year so there is not a lot to report. Not a lot of revenue coming in from the event side or hotel side which is to be expected. We are at a 15% of hotel collections now than what we had last year. Ongoing tracking of budgets and estimated hotel collections are being examined regularly, as well as, continued cost mitigation. He notes the mitigation model is being carried into the new fiscal year noting that some staff has been brought back for Saints activity.

[This ends the Finance Report.]

VI. FACILITY OPERATIONS REPORT

Alan Freeman begins the Facility Operations report by reporting that new dates have been scheduled for events in 2021 that were previously in question. He noted that in the last months there have been regular discussions with the Saints, NFL, and ASM's corporate office about what needs to be done to reopen the Superdome with or without fans. There has been a New Orleans specific Venueshield program that has been created that outlines the basic 6 step measures in preparation for the Saints season. He notes that prior to the first Saints home game on September 13th, a lot of time was spent cleaning the facility to make sure the building was in great shape.

Mr. Freeman discusses the NBA season. He states the regular season resumed in Orlando in July/August. The Smoothie King Center was utilized by the Pelicans as a broadcast facility. All the pre-game shows, half-time shows, time-out cut-outs were done from the Smoothie King Center. He notes the NBA draft will take place in November of this year. A visit from the NCAA was made primarily to get an update on the construction and how that will impact their space for the Men's Final Four in early April of 2022.

Mr. Freeman states that Champions Square will be utilized for an upcoming drive-in voter registration campaign in October while early voting will be held at the Smoothie King Center. WWE is still holding a day in November hoping they will be allowed to host their event. There is also talks with a local promoter about doing a virtual concert at the Smoothie King Center that will be a recorded stream. Monster Truck hopes to have a show in early December. The LHSAA announced that they are going to move their high school championship from early December to late December with the 26th, 27th, and 28th being held.

Brief discussion amongst ASM and LSED representatives regarding the new Director of operations and Engineering, Chuck Doug. Brief discussion about hosting Bayou Classic while in the middle of Phase II construction between Commissioners.

[This concludes the Facility Operations Report.]

VII. CONSTRUCTION REPORT

Eileen Long presents a brief summary of the construction projects.

Superdome Renovations: The design and construction team are working feverishly to finish Phase I construction, work on the design for Phase II, and plan the future phases of III through V.

Alario Center kitchen replacement project: The pre-engineering building has been finalized saving 2-3 weeks on the work schedule. Original contract had a scheduled finish date for May 13, 2021, and are now hoping to finish by the third week of April. A Change Order for \$6,100 is to be approved by the Board.

TPC-Louisiana Clubhouse: Three bids were received for the large bunker project renovation. One of three, Duinink was the lowest qualified bidder. Base bid plus Alternate No. 1 was \$1,121.659, which is one of the items to be presented to the Board for approval to move forward. If approved, construction will start as early as a one week and be finished by January 11, 2021, which allows the grass to be finished and grow back before the April tournament.

Westwego Sports Complex: Eileen notes that we will receive Request for Approvals for project management services this week and plan to reduce that list the week after to have presentations with respect to the RFP's. The selection team for the RFP's consists of the LSED, ASM, and Jefferson Parish.

[This concludes the Construction Report.]

VIII. LEGAL REPORT

Shawn M. Bridgewater introduced the LSED Legal Report and presented the following eleven Resolutions, which were approved by the Board of Commissioners as noted below:

On motion of Commissioner Morrison, seconded by Commissioner Landry, the LSED authorized and approved an appropriation from the LSED Capital Reserve Account in the amount of \$170,583.08 to purchase equipment and make repairs necessary to maintain and operate the Mercedes Benz Superdome, the Smoothie King Center, and Champions Square for the 2020-2021 Fiscal Year. The funding source is the LSED Capital Reserve Account, and there are sufficient funds to support this Resolution. Approval of the Resolution was recommended.

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. Motion **20-40 passed**.

On motion of Commissioner Baptiste, seconded by Commissioner Watson, the LSED authorized and approved an appropriation from the LSED Capital Reserve Account in the amount of \$39,169.77 to purchase equipment and make repairs necessary to maintain and operate the Mercedes Benz Superdome, the Smoothie King Center, and Champions Square for the 2020-2021 Fiscal Year. The funding source is the LSED Capital Reserve Account, and there are sufficient funds to support this Resolution. Approval of the Resolution was recommended.

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. Motion **20-41 passed**.

On motion of Commissioner Baptiste, seconded by Commissioner Watson, the LSED authorizes, ratifies, and approves Guaranteed Maximum Price Adjustment Nos. 1-8 to the Guaranteed Maximum Price Amendment for the Construction Manager at Risk by and between the LSED and Broadmoor, LLC, with respect to Phase 1a of the 2020 Capital Improvements Project. GMP Adjustment Nos. 1-8 provide as follows:

- (i) GMP Adjustment No. 1 provides for an increase to the Master Plan Project Guaranteed Maximum Price in the amount of \$30,331.00 for investigative work performed by Gallo Mechanical;
- (ii) GMP Adjustment No. 2 provides for an increase to the Master Plan Project Guaranteed Maximum Price in the amount of \$115,208.00 for the rental of temporary trailers and for pre-testing in existing fan rooms as more fully described on the attached copy of GMP Adjustment No. 2 attached hereto;
- (iii) GMP Adjustment No. 3 is a no cost change order to close-out certain allowances that are provided for in the Master Plan Project Guaranteed Maximum Price;
- (iv) GMP Adjustment No 4 provides for an increase to the Master Plan Project Guaranteed Maximum Price in the amount of \$1,174,334.00 to perform the work more fully described on the attached copy of GMP Adjustment No. 4;
- (v) GMP Adjustment No. 5 provides for an increase to the Master Plan Project Guaranteed Maximum Price in the amount of \$274,588.00 for the work more fully described on the attached copy of GMP Adjustment No. 5;
- (vi) GMP Adjustment No. 6 provides for an increase to the Master Plan Project Guaranteed Maximum Price in the amount of \$644,379.00 to perform the work more fully described on the attached copy of GMP Adjustment No. 6;
- (vii) GMP Adjustment No. 7 provides for an increase to the Master Plan Project Guaranteed Maximum Price in the amount of \$313,925.00 to perform the work more fully described on the attached copy of GMP Adjustment No. 7; and
- (viii) GMP Adjustment No. 8 provides for an increase to the Master Plan Project Guaranteed Maximum Price in the amount of \$1,066,297.00 to perform the work more fully described on the attached Request from Legends Hospitality as the Master Plan Project Manager

The funding source for GMP Adjustment Nos. 1-8 is the Master Plan Project Budget, and there are sufficient funds to support this Resolution. The execution of GMP Adjustment Nos. 1-8 by LSED Project Representative, Commissioner Hilary Landry's is hereby authorized, ratified and approved.

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. Motion **20-42 passed.**

On motion of Commissioner Landry, seconded by Commissioner Baptiste, the LSED authorized and approved the Eighth Amendment to the Contract for the Construction Manager at Risk between the LSED and Broadmoor, LLC, with respect to the 2019 Superdome Capital Improvements Project. The LSED authorized and approved Broadmoor to proceed with the early release of the electrical substation enabling package, which includes electrical preconstruction services and submittals, shop drawings for steel clips and metal deck, steel clip fabrication, steel and deck fabrication and demolition work, along with general conditions, for a not to exceed sum of \$766,825. The funding source for the CMAR Eighth Amendment is the Master Plan Project budget and there are sufficient funds to support this Resolution. Approval of the Resolution was Recommended.

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. Motion **20-43 passed.**

On motion of Commissioner Morrison, seconded by Commissioner Watson, the LSED authorized and approved the negotiation and execution of a Third Amendment to the Agreement for Professional Services by and between the LSED and Trahan Architects for the 2019 Superdome Capital Improvements Project. Chairman Kyle France is authorized to execute the Third Amendment, with it to be ratified at a subsequent LSED Board Meeting. Approval of this Resolution was Recommended.

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. Motion **20-44 passed**

On motion of Commissioner Morrison, seconded by Commissioner Baptiste, Pursuant to Resolution 19-38, dated July 25, 2019, the LSED authorized and approved the execution of a Professional Service Agreement between The Ehrhardt Group and the LSED to provide communication services with respect to the 2019 Capital Improvements Project. The original term of this agreement has now expired. This Resolution authorized, approved, and ratified the First Amendment to the Professional Service Agreement between The Ehrhardt Group and the LSED to be effective as of May 1st, 2020. The funding source for the services of The Ehrhardt Group is the LSED Capital Reserve, and there are sufficient funds to support this Resolution. Approval of the resolution was recommended.

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. Motion **20-45 passed.**

On motion of Commissioner Landry, seconded by Commissioner Watson, By Resolution No. 20-28, dated June 25, 2020, the LSED approved the engagement of special counsel to advise and assist the LSED with respect to the establishment of a disadvantaged business program for use in connection with the LSED's contract procurement process, and to advise the LSED with respect to the legal requirements that are applicable thereto. LSED Resolution No. 20-28 authorized Chairman Kyle France and legal counsel to negotiate and execute a contract for professional services on behalf of the LSED, with the contract to be subsequently approved by the Louisiana Attorney General's Office and then ratified by the LSED. The necessary approval for the Attorney General has now been secured. Accordingly, this Resolution ratifies the agreement for professional services. Approval of this Resolution was Recommended.

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. Motion **20-46 passed.**

On motion of Commissioner Morrison, seconded by Commissioner Robin, the LSED authorized and approved the execution of a Consulting Agreement with Professional Service Industries to conduct construction material testing, observation and related services with respect to the Alario Center Kitchen Replacement Project. The funding source of this Resolution is the

Alario Center Capital Outlay, and there are sufficient funds to support this Resolution. Approval of this Resolution was Recommended.

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. **Motion 20-47 passed.**

On motion of Commissioner Morrison, seconded by Commissioner Baptiste, the LSED authorized and approved Change Order No. 001 to the contract between the LSED and CM Combs Construction, LLC, with respect to the Alario Center Kitchen Replacement Project. Change Order No. 001 reflects a net increase of \$6,185.24 to the project contract amount consisting of the following: the Engagement Letter of Laporte, A.P.A.C., to provide the Annual Basic Financial Statements for the LSED for the fiscal year ending June 30, 2020, and to issue the required Accountant's Compilation Report. The resolution authorizes Chairman France to sign the Engagement Letter on behalf of the LSED. Approval of the resolution was recommended

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. **Motion 20-48 passed**

On motion of Commissioner Landry, seconded by Commissioner Morrison, On September This Resolution confirms and takes the following actions with respect to the TPC Large Bunker Renovation Project, Project No. TPC-2020 Bunker Reno-AFC 1.0, at the TPC of Louisiana Golf Course (the "Project"):

1. On September 8, 2020, a total of three (3) bids were received by ASM Global (as the LSED Capital Project Manager) on behalf of the LSED.
2. Following review of the bids by ASM Global (the LSED Capital Project Manager), the LSED recognized and accepted the Duininck, Inc. ("Duininck") Base bid in the amount of \$1,048,659.00, plus Alternate No. 1 in the amount of \$73,000.00, for a total bid amount of \$1,121,659.00, as the lowest responsive bid for the Project.
3. The LSED authorized ASM Global (as the LSED Capital Project Manager), the LSED Construction Committee, and LSED legal counsel to enter into negotiations with Duininck to finalize a construction agreement/contract for the Project ("Project Contract").

The funding source for the Project will is derived from a combination of TPC Capital Outlay and LSED Capital Reserve and sufficient funds exist to support this Resolution.

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. **Motion 20-49 passed.**

On motion of Commissioner Morrison, seconded by Commissioner Robin, the LSED authorized and approved the negotiation and execution of a Memorandum of understanding by and among the LSED, State of Louisiana, PGA TOUR, Inc., and the Tournament Players Club of Louisiana, Inc. ("TPC") that outlines the terms and conditions pursuant to which the Management Agreement by and between the LSED and the TPC dated September 10, 2009 will be Amended and Restated. This Resolution further authorized and approved the negotiation and execution by Chairman Kyle M. France of an Amended and Restated Management Agreement with respect to the TPC of Louisiana golf facility, on terms and conditions that are acceptable to the LSED and its legal counsel with same to be ratified a subsequent meeting.

Voting in favor were Commissioners France, Baptiste, Landry, Morrell, Morrison, Robin, and Watson. Voting against: None Abstaining: None Absent: None. **Motion 20-50 passed.**

[This concludes the Legal Report.]

IX. BOARD REPORTS

None.

X. OTHER BUSINESS

None.

XI. ADJOURNMENT

The LSED September 24, 2020 monthly meeting adjourned at 2:04 p.m.