

05 - 2025

**RESOLUTION OF THE MEMBERS OF THE BOARD OF THE ALBANY  
CONVENTION CENTER AUTHORITY AUTHORIZING AN OPERATOR INCENTIVE  
FEE IN ACCORDANCE WITH THE AGREEMENT ENTERED INTO WITH ASM  
GLOBAL ALBANY, LLC FOR THE OPERATIONS OF THE ALBANY CAPITAL  
CENTER**

**JANUARY 31, 2025**

**WHEREAS**, the Albany Convention Center Authority (the “Authority”) is a public benefit corporation established to design, develop, plan, finance, create, site, construct, renovate, administer, operate, manage, and maintain a convention center and related facilities to be located in the City of Albany, New York; and

**WHEREAS**, pursuant to Section 2675-e of the Public Authorities Law, the Authority has the power to contract for services of architects, engineers, consultants, lawyers, financial and other professional consultants and advisors, developers, contractors, vendors, concessionaires, tenants, and/or convention facility users, occupant managers and service providers; and

**WHEREAS**, pursuant to Resolution No. 23-14 dated August 22, 2014, the Authority entered into a contract with SMG dated as of September 1, 2014 for the operations of the Albany Capital Center (the “Management Agreement”), as amended by the First Amendment dated as of December 1, 2017; and

**WHEREAS**, in October of 2019 SMG merged with AEG Facilities to form ASM Global resulting in ASM Global Albany, LLC (hereinafter “ASM”) being the operator of the Albany Capital Center; and

**WHEREAS**, the Authority and ASM entered into an Amended and Restated Management Agreement dated as of January 1, 2021 (the “Amended and Restated Management Agreement”); and

**WHEREAS**, pursuant to and in accordance with the Amended and Restated Management Agreement, ASM’s total fee is based upon an annual fixed fee plus an incentive fee based upon objective performance and quality criteria; and

**WHEREAS**, the Economic Impact Committee has reviewed the application of the objective performance and quality results to the criteria contained in the Amended and Restated Management Agreement and determined that an incentive fee has been earned by ASM for 2024; and

**WHEREAS**, the Economic Impact Committee having determined that the criteria for an incentive fee has been earned, now recommends to the full board that such incentive fee be approved for calendar year 2024; and

**NOW, THEREFORE BE IT RESOLVED** by the Members of the Board of the Authority that

the Authority hereby approves the following earned incentive fee payments to ASM pursuant to and in accordance with the Amended and Restated Management Agreement:

Performance/Productivity Incentive Fee for 2024:	\$67,627.95
Quality Incentive Fee for 2024:	<u>\$52,021.50</u>
Total Incentive Fee for 2024:	<b>\$119,649.45</b>

**FURTHER BE IT RESOLVED**, the Authority hereby authorizes and directs the Executive Director to take any and all actions required to implement this resolution.

This resolution shall take effect immediately.