

Hearing on the Proposed BCC Budget on Thursday, July 10, 1997, at 5:00pm or immediately following the joint County Administration, Economic Development & Planning and Finance Committee meeting.

RESOLUTION NO. 299

by EDUCATION, CULTURE and RECREATION and FINANCE COMMITTEES

Seconded by Ms. Hudak

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF BROOME AND B.C. ICEMEN, L.L.C.

WHEREAS, the county is the owner of the Broome County Veterans Memorial Arena (hereinafter The Arena), and

WHEREAS, the County has determined that having a professional hockey team play in the Arena is advantageous both as a recreational program for the benefit of the residents of Broome County and for the benefit of the local economy, and

WHEREAS, Broome Hockey Associates, Inc. has indicated that it will no longer have an AHL franchise and will be vacating the arena, and

WHEREAS, the B.C. Iceman, L.L.C. are in the process of purchasing a franchise from the United Hockey League and desire to rent the arena for the use of its franchise hockey team as its home facility, now, therefore, be it

RESOLVED that this County Legislature hereby approves and authorizes a lease or rental agreement between the County of Broome and the B.C. Iceman, L.L.C. on the following terms and conditions:

1.)The term of the agreement shall be from July 2, 1997 through February 28, 2001 with an exclusive option to renegotiate and renew the terms of the agreement for an additional five year period from March 1, 2001 through July 31, 2006.

2.) The rental shall be as follows:

- a.) 1997-1998 hockey season - no minimum rent.
- b.) 1998-1999 hockey season - the greater of 7% of the gross ticket sales or \$1,300 per game.
- c.) 1999-2000 hockey season - the greater of 8% of the gross ticket sales or \$1,300 per game.
- d.) 2000-2001 hockey season - the greater of 9% of the gross ticket sales or \$1,300 per game.

3.) Advertising. B.C. Icemen to bear all costs in connection with advertising within the arena and outside marquee and retain revenue as follows:

- a.) First year all advertising revenue retained by B.C. Icemen.
- b.) Second through fourth years B.C. Icemen pay Broome County \$15,000 if advertising revenue is less than \$400,000 and \$20,000 if advertising revenue exceeds \$400,000.

4.) Hockey Concession Revenue-County operating concession

- a.) First year 100% of revenue from all concessions retained by Broome County.
- b.) Second through fourth years 20% of gross hockey concession revenue will be distributed to B.C. Icemen.

Concession revenue distribution is contingent upon the present agreement between the County and Aramark, Inc. being satisfactorily terminated. In the event the County chooses not to manage the concessions directly the B.C. Icemen shall have the right of first refusal for operation of both food and legal beverage concessions with distribution of revenues to be determined.

5.) Sky Boxes:

B.C. Icemen to market the boxes and retain 50% of revenue from

sky box sales. County to retain 100% of revenue from sky box tickets sold for non-hockey events.

6.) Equity partnership:

B.C. Icemen, L.L.C. upon the sale of the franchise will pay Broome County 20% of net sale proceeds.

7.) Insurance and Indemnification provisions shall be substantially the same as provided in the agreement between the County and Broome Hockey Associates, Inc.

8.) Such additional terms as in the opinion of the County Attorney are necessary to carry out the intent of this resolution, and be it

FURTHER RESOLVED, that the County Executive, on behalf of the County of Broome, is hereby authorized to sign such lease/rental agreement, subject to approval, as to form, by the Broome County Law Department, and to sign such other necessary documents, papers and agreements as he may deem from time to time necessary to implement the intent and purpose of this Resolution.

Carried.

Mr. Howard moved, seconded by Mr. Pasquale, to **adjourn** at 5:37pm. The adjournment **carried.**