

Public Authorities Accountability Act of 2005

Filed pursuant to and in accordance with Subdivision (1) of Section 2800 of the Public
Authorities Law:

Annual Report
2016

1.) Operations and Accomplishments in 2016

During this past year, 2016, the Albany Convention Center Authority (“ACCA”) has proceeded under the guidance of New York State Office of General Services (“OGS”) and the 2013 approval by Governor Cuomo to construct, within the existing State appropriation, a right sized convention facility to be located between Eagle, Howard and Wendell Streets adjacent to the Empire State Plaza, the EGG, the Times Union Center and to be directly connected to the Empire State Plaza Walkway. The address is 55 Eagle St.

During 2016 the ACCA having completed all aspects of the design for The Albany Capital Center, The Empire State Walkway Renovations, and all associated site work by the professional consultants, then proceeded with all aspects of construction. The Construction Manager as a result of a public bidding process for all work scopes presented to the ACCA Board recommendations to award such that by year’s end the ACCA entered into contracts with Prime Contractors for all aspects The Albany Capital Center necessary for the delivery of the completed facility.

The ACCA Board adopted important resolutions and approved related activities to the construction of The Albany Capital Center as follows:

- Contracts executed for:
 - Bid Package (“BP”)-04: Misc. Metals
 - BP-09: Vertical Transportation
 - BP-14: Site Improvements
 - BP-15: Placeholder; Not Used
 - BP-16: ESP Walkway General Trades
 - BP-17: Exterior Sign
 - BP-18: Audio/Visual Equipment
 - BP-19: Kitchen Equipment
 - BP-20: FF & E designed by HNTB
 - BP-21: FF & E Lease
 - BP-22: Placeholder; Not Used
 - BP-23: Solar Array
- Contract completed and closeout:
 - BP-01 Deep Foundations

- The production of interior artwork for installation at 7 key locations within the facility, produced by local artist Dahl Taylor, with interactive functions tied to the website developed by SMG, the building operator.
- The expansion of ACCA support for the Historic Tourism Initiative by the City of Albany through the purchase of an interactive kiosk
- Monthly distribution of payments to contractors from the State Financial System.
- Annual reporting, periodic updates and all filings with the Office of the State Comptroller.
- Monitor the progress of the selected operator SMG when it:
 - Developed the Furniture, Fixtures & Equipment schedules
 - Updated the operating pro-forma
 - Engaged in the full marketing effort accordingly to continue preselling, resulting in over 50 events signed for the stub year, 3-1-17 through 12-31-17 alone.
- Established the schedule for the delivery of the completed facility by 3-1-17.
- Supported the legislative effort to have the Albany County Hotel/Motel Occupancy Tax extended through 12-31-18.

2.) Financial Reports –

(i) **Audited Financials:** follow link below:

http://www.albanycapitalcenter.com/img/documents/2016_Audit_Place_Holder_909764.pdf

(ii) **grant and subsidy programs** – During 2016, \$12 million was allocated as a New York State appropriation to the Albany Capital Center project construction. This allocation was made in order to replace the \$12 million that was expended to obtain control of the properties off Broadway in Albany that are retained by ACCA. These properties are at the originally considered convention center site.

(iii) **operating and financial risks** - The ACCA's funding is currently derived from the original \$75 million State budget appropriation and a portion of a Hotel-Motel Occupancy Tax enacted by Albany County. The ACCA had accessed funds from these sources for its operational and financial obligations that occurred in 2016. The ACCA's efforts for 2016 were directed to the advancement of the final plan for the convention facility and to maintain the properties acquired for the former convention center site until disposed of for other future development.

(iv) current ratings, if any, of bonds issued by recognized municipal bond rating agencies and notice of changes in such ratings – N/A

(v) long-term liabilities, including leases and employee benefits plans - Lease obligations are the only long-term liabilities of the ACCA. As a result of the acquisitions, purchase of buildings and land made on August 24, 2010, the Authority was assigned ground leases relating to surface parking areas which contain development rights. These parcels were within the originally designated site for the building of the convention center. Assignment of these ground leases allows for the Authority to take the existing leases over from the original lessee with the same terms in place. The ground leases are accounted for as operating leases. The leases include a purchase option for two of the three properties during the final five years of the lease term. The surface parking areas to which these leases relate are being rented on a daily, monthly and event basis utilizing management agents.

3.) Mission statement and measurements including its most recent measurement report

Mission Statement: The New York state legislature found, determined and declared that a convention center facility located in downtown Albany will provide significant economic and social benefits to the City and County of Albany and the entire capital district region and that locating such convention center facility in the City of Albany is in the public interest, given the convenience and accessibility of the City, its significance in the history of the State, its stature as the capital city of the State and the seat of State government. It is therefore the purpose and mission of the Albany Convention Center Authority to design, develop, plan, finance, create, site, construct, renovate, administer, operate, manage, and maintain a convention center facility within the downtown area of the City of Albany.

Measurement Report:

The performance of the Authority can be measured by the conduct of the following activities within its allocated resources and necessary approvals:

- 1.) All pre-development activities such as studies, surveys, site selection, design, and land acquisition; and

See accomplishments for 2016 in item 1 above.

- 2.) All construction activities necessary to construct the convention center facility.

See accomplishments for 2016 in item 1 above.

4.) Schedule of bonds and notes Outstanding

There are no bonds or notes outstanding as of December 31, 2016

5.) Compensation schedule for salaries in excess of \$100,000.

a.) Duncan Stewart, Executive Director/CEO.

6.) Biographical information for all persons with salaries in excess of \$100,000

Mr. Duncan Stewart has over 25 years of experience in commercial construction and development industries. His career includes employment with several Capital Region developers and contractors, including serving 12 years as vice president of operations for Zandri Construction in Cohoes. Project experience includes: the air-traffic control tower/Tracon Facility, air cargo and maintenance buildings at the Albany International Airport, renovations and additions to Albany Public Schools #20 and #27, new gymnasium and classroom additions to the St. Anne Institute in Albany, Woodland Hills Montessori School, renovations and additions to St. Pius X, St. Augustine's, and St. Mary's Crescent among other liturgical facilities.

A resident of Averill Park, Mr. Stewart, is a native of Boston, having lived in the Capital Region since 1975. In his project work, he has served in both the capacity of an owner's representative and general contractor and has extensive experience with the construction management process both as advisor and as constructor.

7.) Projects undertaken during the past year

Pursuant to its enabling legislation, the general purpose of the ACCA is to design, develop, plan, finance, create, site, construct, renovate, administer, operate, manage, and maintain a convention facility located in the City of Albany. Therefore, the ACCA has a single statutorily mandated project.

Please see 2016 activities listed in Section 1 above, which are all in furtherance of a single project.

8.) Listing of all real property having a fair market value in excess of \$15,000.

All real property having a fair market value in excess of \$15,000:

TAX MAP	LOCATION	OWNER
76.50-1-23	27 Dallius Street	ACCA
76.50-1-15	62 Green Street	ACCA
76.50-1-16	62.5 Green Street	ACCA
76.50-1-17	64 Green Street	ACCA
76.50-1-18	66 Green Street	ACCA
76.50-1-19	72 Green Street	ACCA
76.50-1-20	74 Green Street	ACCA
76.50-1-21	46 Division Street	ACCA

76.50-1-22	44 Division Street	ACCA
76.50-1-31	346 Broadway	ACCA
76.50-1-34	1 City Square	ACCA
76.11-1-7	3 City Square	ACCA
76.11-1-8	2 E-Comm	ACCA
76.11-1-9	3 E-Comm	ACCA
76.11-1-10	310 Broadway	ACCA
76.11-1-13	5 Pryun Street	ACCA
76.42-5-25	50 Hudson Avenue	ACCA
76.50-1-24	14 Dallius Street	PSC,LLC
76.50-1-25	22 Dallius Street	PSC,LLC
76.50-1-26	39 Hamilton Street	PSC,LLC
76.50-1-27	37 Hamilton Street	PSC,LLC
76.50-1-28	31 Hamilton street	PSC,LLC
76.50-1-29	23 Liberty Street	PSC,LLC
76.50-1-30	28 Division Street	PSC,LLC
76.50-1-32	342 Broadway	PSC,LLC
76.50-1-33	338 Broadway	PSC,LLC
76.50-1-35	330 Broadway	PSC,LLC
76.11-1-12	298 Broadway	JOHN CLARK,TRUSTEE
76.42-5-21	58 Green Street	JOHN CLARK,TRUSTEE
76.42-5-22	54 Green Street	JOHN CLARK,TRUSTEE
76.42-5-23	50 Green Street	JOHN CLARK,TRUSTEE
76.42-5-24	52 Hudson Avenue	JOHN CLARK,TRUSTEE
76.42-5-27	46 Hudson Avenue	JOHN CLARK,TRUSTEE
76.42-5-28	37 Division Street	JOHN CLARK,TRUSTEE
76.42-5-29	41 Division Street	JOHN CLARK,TRUSTEE
76.42-5-30	43 Division Street	JOHN CLARK,TRUSTEE
76.42-5-31	45 Division Street	JOHN CLARK,TRUSTEE
76.42-5-32	47 Division Street	JOHN CLARK,TRUSTEE
76.42-5-33	49 Division Street	JOHN CLARK,TRUSTEE
76.50-1-3	56 Division Street	ACCA
76.50-1-4	54 Division Street	ACCA
76.50-1-5	52 Division Street	ACCA
76.50-1-6	57 Green Street	ACCA
76.50-1-7	57.5 Green Street	ACCA
76.50-1-9	61 Green Street	ACCA
76.50-1-10	65 Green Street	ACCA
76.50-1-12	65 Hamilton Street	ACCA
76.50-1-13	67 Hamilton Street	ACCA
76.42-5-44	358 Broadway	ACCA
76.33-1-28.1	55 Eagle Street	ACCA

9.) Code of ethics - See attachment A

10.) Assessment of internal control structure and procedures

Our independent auditor found no material weakness in the Internal Control Structure and Procedures during the 2016 Audit. See attachment B for Management Assessment of Internal Controls

11.) Enabling legislation – Follow link below

<http://www.albanycapitalcenter.com/acca/>

12.) Description of the authority and its board structure

- **Committees and Members**
 - Audit & Finance Committee – a committee of the whole
 - Governance Committee – a committee of the whole
 - Construction Committee:
 - Gavin Donohue; Committee Chair
 - Sarah Reginelli
 - Michael Skrebutenas
 - Sherri Brooks (resigned 8 -'16)
 - Marketing Committee:
 - Michele Vennard; Committee Chair
 - Brad Rosenstein
 - Megan Daly
 - Steve Lerner
- **Board Meetings and Attendance** - follow link below
http://www.albanycapitalcenter.com/acca/meeting_records.cfm
- **Description of Major Authority Units or Subsidiaries** – NA
- **Number of Employees** – 2

13.) Charter and by-laws – See Attachment C

14.) Listing of material changes in operations and programs during the reporting year – No material changes in operations and programs during 2016. The Authority continued to construct the Albany Capital Center for opening in early 2017.

15.) Minimum of a 4 year financial plan, including: (i) current and projected capital budget, (ii) operating budget report, including an actual versus estimated budget with an analysis and measurements of financial and operating performance – See Attachments D-1 and D-2

16.) Board performance evaluations; provided, however, that such evaluations shall not be subject to disclosure under FOIL – See Attachment E

17.) Description of the total amount of assets, services or both assets and services bought or sold without competitive bidding including: (i) the nature of assets and services, (ii) names of the counterparts, (iii) where the contract price for the assets purchased exceed FMV or where the contract price for the assets sold is less than FMV, a detailed explanation of the justification for making purchase or sale without competitive bidding and a certification by the CEO and CFO that they have reviewed the terms of such purchase or sale and determined that it complies with applicable law and procurement guidelines

No land Purchases in 2016. All services purchased were competitively bid.

18.) Description of material pending litigation – Kasseleman Electric Company, Inc. commenced an action against the Albany Convention Center Authority (ACCA) and Gilbane Building Company (Gilbane) in 2016. Kasselman is suing for an amount of damages currently undisclosed.

I hereby certify the foregoing report is accurate to the best of my knowledge, based on the audited financial records of the Albany Convention Center Authority.

Gavin Donohue
Chair