



**ALBANY CONVENTION
CENTER AUTHORITY**

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

2021

1. **Operations and Accomplishments in 2021:**

During this past year, 2021, the Albany Convention Center Authority (“ACCA”) has proceeded pursuant to its enabling legislation to oversee the management of the Albany Capital Center which is located at 55 Eagle St, Albany NY 12207, adjacent to Howard and Wendell Streets and the Empire State Plaza, the EGG, the Times Union Center and directly connected to the Empire State Plaza Walkway.

The Albany Capital Center remained busy through mid-March of 2020, before the imposition of health and safety guidelines by the State of New York restricting the use of public facilities in response to the COVID-19 Pandemic. Despite the expectation of declining event revenue due to numerous cancellations and reduced hotel occupancy receipts from lower than expected hotel occupancy, the ACCA worked with ASM to repurpose its operations to fit the needs of small groups, and both remote and virtual users, in an effort to generate offsetting revenue. The Albany Capital Center has remained open during the pandemic, hosting small gatherings, sports training, virtual conferences with as many as 2000 participants while strictly complying with all guidelines for multi-purpose convention and meeting facilities, and importantly, remaining available to participate in the State response to the pandemic if needed.

To address indoor air quality, surface cleaning and full compliance with the public health and safety guidelines established by the State of New York, working with ASM Global, the ACCA supported filtration upgrades, additional staff training, the purchase of entry control stations with temperature readout, interior signage to maintain social distancing requirements, drinking fountain and sink fixture covers, and the build-up of cleaning and PPE inventories.

To improve program efficiency at the Albany Capital Center, the ACCA moved certain planned elements within its annual capital improvement program that were scheduled for those traditional slow periods of late August and around the holiday season in December to instead coincide with the reduced activity related to the pandemic, beginning in March of 2020. As part of that effort the ACCA invested in deferred maintenance, the installation of epoxy floor coating in the back of house corridors on Levels 1 & 2 and in the food service areas that service Level 2, along with the re-painting of soft-surfaces throughout the facility,

2. **Financial Reports:**

a.) **Audited Financials:**

<https://www.albanycapitalcenter.com/acca/about-acca/financial-information>

Financial Reports (Continued):

b.) Operating and Financial Risks:

The ACCA sole source of funding is from portions of the Albany County Hotel-Motel Occupancy Tax which was due to sunset on 12-31-20. As part of the State budget process, the Albany County Hotel-Motel Occupancy Tax was included and passed as part of the current NY State budget, to now be in effect through 12-31-2023

The ACCA utilized these funds to meet its operational and financial obligations incurred in FY 2021. The ACCA's efforts in 2021 were initially directed to the operation of the Albany Capital Center under the management of ASMGlcba Albany LLC.

Subsequent to the downturn in meeting and convention business, that occurred after 3-15-2020, the ACCA and the Albany Capital Center have experienced a steady return of business throughout FY 2021. While the number of events, 170, the number of events days, 296, along with 58K plus visitors and 10K plus hotel rooms remain below the positive economic impact levels prior to 3-15-20, and as a result further delaying stabilization, the outlook is positive. Cancellations although reduced in number remain a concern as does the possibility of losing business when clients seek to move dates within the calendar related to COVID-19 concerns and the preferred dates are already secured by other events.

c.) Current ratings, if any, of bonds issued by recognized municipal bond rating agencies and notice of changes in such ratings:

-N/A-

d.) As a result of actions taken by the ACCA Board; at a regularly scheduled meeting on 2-6-19, health care benefit in retirement will be provided to ACCA employees with 10 or more years of services. As of the date of this report the ACCA has one qualifying employee. Subsequently, to address concerns for the future cost of this benefit, on 9-23-2021, the ACCA Board elected to change the healthcare program and provider thereby significantly reduce the amount of the future OPEB cost.

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

a. 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.

**Mission statement and measurements including its most recent measurement report
(Continued):**

b. Measurement Report:

Performance Measures: The performance of the Authority can be measured by its ability to administer and manage the operations of the Albany Capital Center within its allocated resources and in accordance with its approvals.

Results: The Authority accomplished its mission by taking the necessary actions during the pandemic for the Albany Capital Center to remain open, including cost cutting measures, repurposing, and strategically timing certain planned improvements.

4. Schedule of bonds and notes Outstanding:

-N/A-

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

a. Duncan T. Stewart, Executive Director/CEO.

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

a. Mr. Duncan Stewart has over 37 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:

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

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

a. The Albany Capital Center, 55 Eagle St. Albany, NY 12207
Parcel #: 76.33-1-28.1

9. **Code of Ethics:**

a. Board Member Code Link:

https://albanycapitalcenter.production.carbonhouse.com/assets/doc/ACCA_Code_of_Ethical_Conduct_Resolution_passed_5-18-2006_655018-4e8820b517.pdf

b. Employee Code Link:

https://albanycapitalcenter.production.carbonhouse.com/assets/doc/Employee_Code_of_Ethics-418b43ae3a.pdf

10. **Assessment of Internal Control Structure and Procedures:**

Our independent auditor found no material weakness in the Internal Control Structure and Procedures during the 2021 Audit.

a. Link:

<https://www.albanycapitalcenter.com/acca/about-acca/financial-information>

11. **Enabling Legislation:**

a. Link:

<https://albanycapitalcenter.production.carbonhouse.com/assets/doc/Legislation-900f54c330.pdf>

12. **Description of the Authority and its Board Structure:**

a. The Albany Convention Center Authority (ACCA) has one full time employee and contracts for accounting, legal and certain administrative services including payroll. The activities of the ACCA are overseen by a 9 member Board of unpaid volunteers appointed by various levels of government. Currently there are 3 vacancies.

FY 2022 ACCA Board:

1. Michele Vennard, Chair Appt. by the Mayor of Albany
2. Daniel C. Lynch Vice Chair Appt. by the Albany County Executive
3. Steven C. Lerner, Treasurer. Appt. by the Albany County Executive
4. Sarah Reginelli. Secretary. Appt. by the Mayor of Albany
5. Hon. John T. McDonald III RPH Appt. by the Speaker of the NYS Assembly
6. Michael Hoffman Appt. by the President Pro-Tempore of the NYS Senate
7. Vacant: Appointee of the Governor
8. Vacant: Appointee of the Governor
9. Vacant: Appointee of the Governor

FY 2022 ACCA Committees:

- Audit & Finance Committee – a committee of the Board
- Governance Committee – a committee of the Board
- Economic Impact Committee:
 - Michele Vennard, Chair
 - Hon. John T. McDonald III RPH
 - Steven C. Lerner

b. Board Meetings and Attendance:

Link: <https://www.albanycapitalcenter.com/acca/meeting-records>

Description of the Authority and its Board Structure (Continued):

c. Description of Major Authority Units or Subsidiaries:

-NONE-

d. Number of Employees: The ACCA has one Fulltime Employee

13. Charter and by-laws:

a. Link:

<https://albanycapitalcenter.production.carbonhouse.com/assets/doc/ByLaws-2fc48672f6.pdf>

14. Listing of material changes in operations and programs during the reporting year:

a. 2021 was the fourth full calendar year that the Albany Capital Center was in operation and during which the Authority oversaw the operations of the facility under the management of ASMGlobal Albany LLC, the 'Operator', under contract through 12-31-2025.

b. Due to the effects of the world-wide COVID-19 pandemic, the number of events at the Albany Capital Center remained lower than in past years, as a result event revenues were less than budgeted, and the projected overall economic impact of this facility upon the Capital Region was less in FY 2021.

c. The corresponding negative impacts to the hospitality industry as a whole and specifically the hotel sector in Albany County resulted in the ACCA receiving approximately 75% of the normally budgeted revenue from the Hotel Occupancy Tax.

d. The Albany Capital Center remained open and by reducing operating costs, increasing efficiencies, and carefully managing cash flow, the ACCA met all of its obligations.

15. Minimum of a 4 year financial plan including:

a. Current and projected capital budget, operating budget report, including an actual versus estimated budget with an analysis and measurements of financial and operating performance

b. Attachment D-1 link:

<https://www.albanycapitalcenter.com/assets/doc/9-23-21-ACCA-FY-2022-Budget-Approved-by-ACCA-Board-9-23-21-1-1f07fe1d30.pdf>

c. Attachment D-2 Link:

<https://www.albanycapitalcenter.com/assets/doc/9-23-21-ABO-Format-2022-Approved-by-ACCA-Board-9-23-21-1-3337cfa60.pdf>

16. Board performance evaluations: provided, however, that such evaluations shall not be subject to disclosure under FOIL.

17. Description of the total amount of:

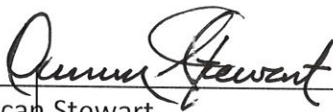
- a. Assets, services or both assets and services, bought or sold without competitive bidding including: (i) the nature of assets and services, (ii) names of the counterparts, (iii) where the contract price for the assets purchased exceed FMV or where the contract price for the assets sold is less than 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 qualifying purchases of Assets and/or Services occurred in FY 2021-

18.) Description of material pending litigation:

-None-

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.



Date: 3/24/2022

Duncan Stewart
Albany Convention Center Authority (ACCA)
Executive Director/CEO

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