

WHEREAS, the Nexus Center development project (the “Nexus Project”), sponsored by the Upper Mohawk Valley Memorial Auditorium Authority (the “Authority”), is deemed a significant and transformative tourism project benefiting the residents of Oneida County, and

WHEREAS, the Authority has conducted a request for proposals process and entered into an agreement with Hueber-Breuer Construction Co., Inc. for the construction of the Nexus Project, and

WHEREAS, the Authority plans to issue bonds in order to finance the construction of the Nexus Project, and

WHEREAS, the Covid-19 pandemic has negatively impacted the Authority’s revenues, creating shortfalls in the existing financing plan and causing the project construction to pause, and

WHEREAS, the completion of the Nexus Project is critical to the continued revitalization of the U-District in downtown Utica, and

WHEREAS, the State of New York has committed up to \$22 million in assistance to the Nexus Project in the form of a reimbursement grant requiring a matching local contribution, and

WHEREAS, Oneida County has, to date, advanced \$11,775,277.53 in County monies pursuant to the terms of the State Grant Agreement, and

WHEREAS, Oneida County has engaged independent third parties, Camoin and Associates, Inc. and Venue Solutions Group, LLC (“Venue Solutions”) to evaluate the Nexus Project development, management and business model, and

WHEREAS, Camoin and Associates, Inc. concluded that the Nexus Project is projected to generate significant sales and hotel occupancy tax revenues for Oneida County that may be directed by the County for the support of the financing of the Nexus Project, and

WHEREAS, a restart of the Nexus Project is critical to preserving the Authority’s ongoing contractual relationships, and

WHEREAS, on December 20, 2019, New York Tax Law §1202-d providing for the imposition of an occupancy tax in Oneida County was amended to increase the occupancy tax from 2% to 5% (the “Bed Tax”), and

WHEREAS, pursuant to New York Tax Law §1202-d, Oneida County can designate portions of the Bed Tax for “the promotion of tourism development, economic development, and other directly related and supporting activities by a not-for-profit and/or a public benefit corporation under contract with the county,” and

WHEREAS, any agreement allocating the Bed Tax proceeds must be approved by the Oneida County Board of Legislators, now therefore be it

RESOLVED, the Oneida County Board of Legislators authorizes the County Executive to negotiate and develop agreement(s) with the Authority to provide the necessary financial, contractual, or other support to the Authority for the Authority to obtain bond financing for the completion of the Nexus Project; and be it further

RESOLVED, the Oneida County Board of Legislators authorizes the County Executive to review the evaluation of the Nexus Project by Venue Solutions and determine the most efficient and economical means of assisting the Authority in completing the Nexus Project by utilizing an appropriate portion of the increase in the Bed Tax and, if feasible, to engage in negotiations with the Authority for a financing agreement to complete the Nexus Project at a total project cost not to exceed \$63 million, and be it further

RESOLVED, the Oneida County Board of Legislators will require that any and all information necessary to justify an agreement to contractually support the Nexus Project bond financing or the allocation of any Oneida County funds to the Nexus Project financing, including, but not limited to information relative to the renegotiation of any existing agreements between the Authority and its contractors, be provided to Oneida County prior to the finalization of any agreement between Oneida County and the Authority, and be it further

RESOLVED, that in the event the County Executive is successful in achieving the negotiation of an agreement with the Authority to complete the construction of the Nexus Project, he shall present such agreement(s) to this Board for approval.