



## City of Springfield

SCHEDULED

Meeting: 05/06/13 07:00 PM

Initiator: Kathy Breck

Sponsors: Mayor Domenic J. Sarno

DOC ID: 2140

### **Order Approving and Authorizing the Execution of a Host Community Agreement With Blue Tarp ReDevelopment, LLC, And Authorizing an Election on a Ballot Question for the Operation of a Casino, Upon Request (Mayor Sarno)**

WHEREAS, pursuant to "An Act Establishing Expanded Gaming in the Commonwealth", codified at Chapter 194 of the Acts of 2011, and any regulations promulgated thereunder (collectively, the "Act"), the City conducted a two-phase RFQ/P process for the Proposed Destination Casino Resort for the City of Springfield, Massachusetts, Bid No. 13-213, to select one or more casino companies with whom the City would negotiate a host community agreement to construct and operate a destination casino resort project in the City; and

WHEREAS, The Phase I - RFQ/P was issued by the City on September 21, 2012, and responses were due October 11, 2012 and the responses to the Phase I - RFQ/P were evaluated by an internal review committee as well as consultants who provided advice and guidance; and

WHEREAS, pursuant to the City's Phase II - RFQ/P, bid no. 13-134, dated November 1, 2012 a public informational meeting with all proposers on November 14, 2012 and the due date for responses to the Phase II-RFQ/P were submitted January 3, 2013 and copies of the public portions of the proposals were posted on the City's SRA website dedicated to the casino process; and

WHEREAS, the City's Casino Consultants engaged an urban planning firm, a financial advisor, an economic impact consultant, a traffic consultant, a mitigation consultant and an environmental law expert to provide services relative to evaluation and analysis relating to the responses to the City's Phase II Request for Qualifications for the development of a proposed destination casino resort. The consultants worked in conjunction with the City's internal review committee to carry out the evaluation tasks related to the criteria specified in the Phase II - RFQ/P; and

WHEREAS, on February 7, 2013, the Mayor, along with members of his ad hoc advisory committee, the City's internal review committee, and the City's consultants, met to review and discuss all available information, and on February 11, 2013, the City made selections of two enterprises with which it would negotiate host community agreements, more particularly described in Section 1.C of the RFQ/P, for the development, construction and operation of a destination resort casino; and

WHEREAS, the City's governing body has opted out of the provision in Mass Gen. Law. ch. 23K, § 15 that "host community" shall mean the ward in which the gaming establishment is to be located for the purpose of receiving a certified and binding vote on a ballot question at an election, such that a vote must be held city wide; and

WHEREAS, negotiations and refinements as to the proposals were conducted, for the purpose of entering into a host community agreement, and a host community agreement is a requirement of the Act for an applicant for a category 1 license in Western Massachusetts; and

WHEREAS, following clarifications, negotiations and reaffirmation of commitments, and enhancement to each overall project, as well as requests for best and final offers, which became the basis for negotiating an HCA with each Developer, the Mayor met with members of his ad hoc advisory committee and internal review committee to discuss each proposal, and selected *Blue Tarp reDevelopment, LLC, an affiliate of MGM Resorts International*, as preferred developer, to construct and operate a destination casino resort project in the City on a site bounded generally by State Street, Main Street, Union Street, and East Columbus Avenue;

NOW THEREFORE BE IT ORDERED, pursuant to Mass. Gen. Laws ch. 23K, § 15, that the City Council hereby:

- 1) Approves the Host Community Agreement with *Blue Tarp reDevelopment, LLC, an affiliate of MGM Resorts International*, in substantially the same form as the Host Community Agreement submitted by the Mayor to the City Council and attached hereto as Exhibit A;
- 2) Authorizes the Mayor to execute the Host Community Agreement referenced herein, in substantially the same form as the Host Community Agreement submitted by the Mayor to the City Council and attached hereto as Exhibit A; and
- 3) Authorizes the holding of an election in accordance with M.G.L. c.23K, §15(13), upon receipt of a request for an election from *Blue Tarp reDevelopment, LLC*, on the condition that:
  - a. In the event that the Massachusetts Gaming Commission has not issued a positive determination of suitability to the applicant in accordance with 205 CMR 115.05(3) prior to the request by the applicant for an election in accordance with 205 CMR 124.02(1), then, prior to the election, and at the expense of the applicant, the City will conduct a process for informing the community about the commission's determination of suitability standards and procedures, in accordance with 205 CMR 115.05(6).

A true copy of an Order approved by the City Council on May10, 2013 by the following roll call vote: (13) in the City of Springfield by the following roll call vote: Yes, Thirteen (13) Councilors Bud L. Williams, E. Henry Twiggs, Timothy J. Rooke, Zaida Luna, Kenneth E. Shea, Esq., Michael A. Fenton, John A. Lysak, Kateri B. Walsh, Timothy C. Allen, Melvin A. Edwards, Thomas M. Ashe, Clodo Concepcion, James J. Ferrera, III; No, None (0).

Approved by the Mayor on May 14, 2013

Attest:



City Clerk