

MINUTES

NEW HIGHMARK STADIUM COMMUNITY BENEFITS OVERSIGHT COMMITTEE

July 8, 2024

Downtown Central Library
1 Lafayette Square
Buffalo, NY 14203
Monday, July 8, 2024

The CBOC convened for its third meeting on Monday, July 8, 2024, at the Downtown Central Library. The meeting was conducted and public notice was posted in accordance with NY Open Meetings Laws.

AGENDA ITEM NO. 1 Call to Order, Roll Call and Establish Quorum

The meeting was called to order by Chairman Blue at 11:00AM ET. Chairman Blue conducted a roll call and established that a quorum was present.

MEMBERS PRESENT: Mo Sumbundu, Rhonda Frederick, Franchelle Parker*, Chairman Mark Blue, Sean Mulligan, Penny Semaia, Todd Starowitz and Toni Cannady – 8.

*Member Parker was not present for the roll call, but joined the meeting shortly thereafter.

MEMBERS ABSENT: Maria Whyte – 1

Additionally, Chairman Blue formally requested a moment of silence for the lives lost to recent gun violence.

Chairman Blue closed Agenda Item No. 1.

AGENDA ITEM NO. 2 Old Business

Chairman Blue opened the floor for committee members to discuss old business. During this time, Member Semaia, in his capacity as the Community Benefits Director appointed by Bills Stadium and Events Company, LLC (“Developer”), addressed two questions (outlined below) posed by Member Whyte at the CBOC’s April meeting.

Questions Previously Posed by Member Whyte:

- a. **Q (from CBOC April Meeting):** With respect to the workforce update, do any of the numbers reported on minority, women and apprentice workforce hours represent an overlap in reporting (i.e., workforce hours being reported 3 times in each of the categories)?
 - i. **A (from CBOC April Meeting):** In response, Community Benefits Director, Penny Semaia noted that the numbers reported do not represent any double reporting.

- b. **Q (from CBOC April Meeting):** How many bid releases are left and how much time remains to move the needle on things?
 - i. **A (from CBOC April Meeting):** In response, Community Benefits Director, Penny Semaia noted that bids are still available, although approximately 90% of the prime contracts have been awarded (which will provide additional opportunities for subcontractor participation).

Chairman Blue closed Agenda Item No. 2.

AGENDA ITEM NO. 3 Community Benefits Updates

Member Semaia started the Community Benefits Update by confirming that Developer’s annual report will be provided to the committee at the end of the month (i.e., July 29, 2024), which is in accordance with the annual report submission timeline that was voted on at the CBOC’s April meeting (see meeting minutes available at: <https://static.clubs.nfl.com/image/upload/bills/rmfrd7zx3mg3yo0girnp>).

BUSINESS PARTICIPATION AND WORKFORCE HOUR OBJECTIVE UPDATES

As part of the Community Benefits Update, Member Semaia provided an interim community benefits update, outlining Developer’s progress regarding the MWBE/SDVOB business participation and workforce hour objectives relating to the New Highmark Stadium. *Member Semaia reported as follows:*

- Workforce Update:
 - As of May 31, 2024, Developer has exceeded its minority and apprentice workforce hours, reporting (i) 20.10% for minority work hours (which exceeds the 15% goal) and (ii) 13.56% for apprentice work hours (which exceeds the 10% goal). Developer also reported the following percentages with respect to non-minority women work hours: (i) 4.81% for non-minority women work hours (which falls below the 5% target).

Category	Goal	Through 5/31/24
Minority Work Hours	15%	20.10%
Non-Minority Women Work Hours	5%	4.81%
Apprentice Work Hours	10%	13.56%

- Business Participation Update:
 - As of March 31, 2024, Developer has awarded a total of 217 MWBE/SDVOB contracts or OCSD-4 commitments. Additionally, a total of 116 individual MWBEs/SDVOBs have been awarded contracts or OCSD-4 commitments, with 57 individual regional MWBEs/SDVOBs being awarded contracts or OCSD-4 commitments.
 - Solely with respect to proposal releases #1-2, Developer has exceeded its business participation goals with respect to MBEs at 17.4% (which exceeds the 15% goal). Developer also reported the following percentages with respect to the WBE and SDVOB

business participation goals: (i) 8.4% for WBE participation (which falls below the 15% target) and (ii) 3.1% SDVOB participation (which falls below the 6% target).

Category	Goal	Through Proposal Release #1-2
Minority-owned Business Enterprise	15%	17.4%
Women-owned Business Enterprise	15%	8.4%
Service-Disabled Veteran-Owned Business	6%	3.1%

COMMUNITY ENGAGEMENT UPDATE

Following Member Semaia’s MWBE/SDVOB business participation and workforce hour objectives, Member Semaia reported on Developer’s community engagement efforts from May 2024 – June 2024. *Member Semaia reported as follows:*

- Developments by Jem and Gilbane | Turner:
 - hosted two (2) opportunity huddles
 - on 5/22/24 at the Tosh Collins Center (located in West Seneca)
 - on 6/11/24 at Mt. Aaron (located in the City of Buffalo); C
 - attended five (5) community events
 - small business administration matchmaker;
 - Buffalo purchasing matchmaker;
 - Kensington expressway hiring event to network with MWBEs; and
 - commodore perry project job fair.
 - participated in commercially useful function (CUF) training
 - placed advertisements with the local radio and media, and made direct follow-ups with MWBE/SDVOB contacts.

During this segment of the presentation, Member Semaia also highlighted Developer’s efforts in collaboration with the County Executive’s office to invest in the activation of career events, which is specific to local trades.

Committee members made the following statements and asked the following questions (see the corresponding response below each question) regarding the community engagement update:

Questions & Answers:

1. Member Frederick:
 - a. **Q:** What is commercially useful function training?
 - i. **A:** In response, Community Benefits Director, Penny Semaia noted that Commercially Useful Function training and monitoring is to ensure work on the construction site is being managed and performed by each responsible contractor.
2. Chairman Blue:
 - a. **Q:** It would be helpful to have a list of the media that receive meeting notices and information regarding where the public notices are posted. Chairman Blue noted that it is

important that the community knows exactly when and where the meetings are taking place. Chairman Blue also noted that, while he does not anticipate large attendance numbers, the meeting notices cannot be posted last minute and may need to be posted in other places (i.e., social media, churches, etc.) to ensure public awareness.

- i. **A:** Member Semaia noted that the meeting notices are posted at the physical locations and website set forth on the agenda (i.e., 72 hours before the meeting date at the following locations: Erie County Rath Building (95 Franklin Street Buffalo, NY 14202); ECC City Campus (121 Ellicott Street Buffalo, NY 14203); ECC South (4041 Southwest Blvd., Bldg. 7, Orchard Park, NY 14127) and Buffalo Bills website (www.buffalobills.com)). Member Cannady, who serves as the Secretary of the CBOC, noted that, as recommended by Member Whyte, the meeting notices are also posted with the papers of record (i.e., *Buffalo Challenger*, *Grand Island Dispatch*, *East Aurora Advertiser*, and *Lancaster Bee*). Member Semaia also followed up by stating that Developer will provide to the committee a list of media outlets where the meeting notices are posted.
- b. **Q:** It would be helpful for the public and the committee to have an organizational chart of the businesses that are working on site (primes and subs), so that members of the public are able to visualize the progress on the construction.
 - i. **A:** Member Semaia noted that he will follow up with Developer to discuss this request.

3. Member Mulligan:

- a. Member Mulligan noted that at the CBOC's April meeting, he asked how many contracts were right-sized to meet the capacity of small, local MWBEs to ensure these companies are working on the new stadium project, and inquired whether this information was available. Member Mulligan noted that having this data will show the progress on the stadium and will help to ensure that the CBOC has time to shape its recommendations to Developer.
 - i. **A:** In response, Community Benefits Director, Penny Semaia noted that the data is still being crunched, but that in Developer's procurement process, the proposals are broken down into the most approachable, reasonable packages for smaller businesses. Semaia also noted that subs will have an opportunity to be contracted for the remainder of the construction project.

4. Member Sumbundu:

- a. **Q:** Member Sumbundu inquired as to the turnout of the opportunity and awareness huddles hosted by Developments by Jem and Gilbane | Turner, and also how many businesses attending these events have been awarded contracts for the construction project.
 - i. **A:** In response, Community Benefits Director, Penny Semaia noted that he will provide a follow up update to the committee on the requested numbers, but that the event hosted on 6/11/24 (see above) was the largest community huddle to date, with an average turnout of 35-40+ businesses.

Statements:

Chairman Blue that the Community Benefits Agreement
(<https://www3.erie.gov/law/sites/www3.erie.gov.law/files/2023->

[03/bills_community_benefits_agreement_execution_version.pdf](#)) contains a yearly \$3M annual investment to be spent by Developer into the community. Chairman Blue noted that when the committee was first assembled, committee members believed that the \$3M commitment would not begin until after the new stadium was opened, but that Developer's \$3M investment obligation has already begun (making Developer's commitment a 33-year commitment). Chairman Blue also noted that the CBOC will help with how the annual investment will be allocated, and will develop a formula for how the funds will be allocated as a committee. Chairman Blue concluded his statement by thanking Erie County Legislature Chairwoman April Baskin.

Member Mulligan followed up by noting that the CBA outlines the categories of objectives that Developer should be addressing in its yearly expenditures. Member Mulligan also noted that given that the Bills' fiscal year ends in March, the committee should establish a date to have a hearing to make sure that the committee is ahead of the decisions being made.

Member Cannady noted that it is important for there to be transparency with the public as to the CBOC's participation in investment allocations, noting that the committee does not have an annual budget (to allocate funds), but that the committee's role is to make recommendations to Developer (which can include factors to be considered in Developer's determination as to where the funds are being allocated).

Chairman Blue added to Member Cannady's comments that full transparency is important, and that the committee wants to ensure that it submits recommendations (which will be taken under strong advisement by Developer).

ANNUAL REPORT UPDATES

Member Semaia concluded the update by reporting on the annual report. *Member Semaia reported as follows:*

- Developer will submit the annual report to the CBOC on July 29th.
- Developer is confident that the annual report will reflect Developer's full \$3M community investment.
- The report will include, but not be limited to, the follow categories:
 - economic development
 - youth and education
 - community and civic programs
 - project utilization updates

Following this update, Member Mulligan inquired as to whether the annual report will reflect each of the categories listed in the Community Benefits Agreement. Member Semaia confirmed that the report will reflect Developer's progress of the category objectives set forth in the agreement.

Additionally, Member Sumbundu inquired as to whether the timeline for submission of the annual report is based on Developer's fiscal year. Member Semaia and Member Cannady clarified that the Community Benefits Agreement coincidentally coincides with Developer's fiscal year (and noted that committee members voted during the CBOC's April meeting in favor of Developer's request to list the annual report submission timeline as 120 days following the end of Developer's fiscal year).

Chairman Blue closed Agenda Item No. 3.

AGENDA ITEM NO. 4 New Business

Chairman Blue opened the floor for committee members to raise new business items (which are set forth in greater detail, below).

1. Chairman Blue:
 - a. **Statement Regarding List of County Administrative Support:** Chairman Blue noted that it would be helpful to have a list of County representatives that are providing administrative support to the committee (see Member Mulligan statement below). Member Cannady noted that she will provide this list at the committee's next meeting.
 - b. **Statement regarding CBOC Meeting Dates:** Chairman Blue noted that the committee needs to establish set meeting dates, which will help ensure public awareness of future committee meetings.
2. Member Sumbundu:
 - a. **Motion Regarding Future CBOC Meeting Dates:** Member Sumbundu motioned that the committee meet on the second Monday of each month, which was seconded by Member Mulligan. Member Parker followed up to inquire when the committee will meet in the event that the second Monday falls on a federal holiday. Member Sumbundu submitted a follow up motion that the committee meet on the second Monday of each month and that if the second Monday is a federal holiday, committee members will meet on the next day (i.e., Tuesday).
 - b. **Official Motion:** Upon motion by Member Sumbundu, seconded by Member Parker, and without opposition, the committee agreed to meet on the second Monday of each month, or in the event of a federal holiday, the Tuesday thereafter.
3. Member Mulligan:
 - a. **Statement Regarding Governance Procedures and County Support:** Member Mulligan noted that the committee will need to establish written governance procedures (e.g., bylaws) and also noted that the Community Benefits Agreement provides that the County will provide staffing support.
 - b. **County Admin Support and Bylaws:** Member Cannady followed up to confirm, noting that Section 4(a) of the Community Benefits Agreement provides that the County shall provide administrative staff support for the committee. Member Cannady also noted that members of the County have, to date, been providing this support and thanked Kayla Witherspoon and Catherine Walsh from the County. Member Cannady also noted that, since the CBOC's April meeting, she has prepared an initial draft of the bylaws.
4. Member Frederick:
 - a. **Question Regarding Subcommittees:** Inquired as to whether the committee discussed whether subcommittees would be formed.
 - i. **A:** In response, Member Semaia noted that subcommittees were discussed at the CBOC's April meeting (at which time, the committee determined that monthly meetings would be held in lieu of subcommittee meetings).

- b. **Question Regarding Remote Meeting Participation:** Member Frederick inquired whether the committee intends to adopt written procedures regarding remote participation due to exigent circumstances.
 - i. In response, Member Cannady confirmed that she intends to draft written procedures regarding remote participation due to exigent circumstances.

Chairman Blue closed Agenda Item No. 4.

AGENDA ITEM NO. 5 Public Comment

Chairman Blue opened the meeting for public comment, which is limited to three (3) minutes per commenter. Members of the community provided the following comments:

- Community member, Pastor Charles Walker (program director at Back To Basics Outreach Ministries), acknowledged the committee’s attempts to make the public aware of the meetings, but noted that the community is not being reached through the committee’s public notices (i.e., the notices placed at: Erie County Rath Building (95 Franklin Street Buffalo, NY 14202); ECC City Campus (121 Ellicott Street Buffalo, NY 14203); ECC South (4041 Southwest Blvd., Bldg. 7, Orchard Park, NY 14127) and Buffalo Bills website (www.buffalobills.com) and with the following papers of record (in addition to other news media outlets): *Buffalo Challenger*, *Grand Island Dispatch*, *East Aurora Advertiser*, and *Lancaster Bee*). Pastor Walker noted that he hosts a podcast and he’s happy to be a resource to help circulate the word throughout the community.

Chairman Blue closed Agenda Item No. 5.

AGENDA ITEM NO. 6 Adjournment

Chairman Blue adjourned the meeting at 11:42 AM ET.

The next CBOC meeting is scheduled for **Monday, August 12, 2024 at 11:00AM.**