

RESOLUTION NO. 2004-54
TOURISM AND SPORTS AUTHORITY
Resolution Implementing Mandatory Health Insurance for
Multipurpose Stadium Facility Contractors pursuant to A.R.S. § 5-813

I. RECITALS

WHEREAS, pursuant to Arizona Revised Statutes § 5-801 et seq. (the “Act”), the Board of Directors (the “Board”) of the Tourism and Sports Authority, doing business as the Arizona Sports & Tourism Authority (the “Authority”) is authorized to adopt administrative rules as necessary to administer and operation the Authority and any property under its jurisdiction; and

WHEREAS, pursuant to the Act, the Authority is to construct a multipurpose stadium facility (the “Facility”); and

WHEREAS, pursuant to the Act, the Board approved the Agreement for Design/Build Services dated as of August 12, 2003 (the “Construction Contract”) between the Authority, B&B Holdings, Inc., d/b/a The Arizona Cardinals and Hunt Construction Group, Inc. (the “Contractor”) for the design, engineering and construction of the Facility; and

WHEREAS, pursuant to §5-813 of the Act, the Authority is required to provide that any contract with respect to the design, engineering and construction of the Facility require each prime contractor and major subcontractors to provide health insurance to the contractor’s employees and dependents of the contractor’s employees, except for those employees who work less than 120 in a calendar year; and

WHEREAS, Section 4.4 of the Construction Contract requires the Contractor for itself and all major subcontractors to comply with the provisions of §5-813 of the Act; and

WHEREAS, the Board has determined that it is in the best interests of the Authority to provide certain guidance to the Contractor for determining compliance with §5-813 of the Act.; and

WHEREAS, in consultation with counsel, the Board has developed the “Guidelines for Determining Compliance with A.R.S. §5-813”, attached hereto as Exhibit “A” (the “Guidelines”).

II. AUTHORIZATION OF MANDATORY HEALTH INSURANCE

NOW, THEREFORE, BE IT RESOLVED, that the Board, on behalf of the Authority and pursuant to the Act, hereby adopts and approves the Guidelines for use in determining the Contractor’s compliance with §5-813 of the Act;

FURTHER RESOLVED, that the President and Chief Executive Officer of the Authority is authorized and directed, in the name and on behalf of the Authority, to take all actions necessary, appropriate or advisable to effectuate the above resolutions; and

III. MISCELLANEOUS MATTERS

FURTHER RESOLVED, that all actions previously taken on behalf of the Authority by any director or officer of the Authority in connection with any of the foregoing matters are hereby ratified and confirmed in all particulars as the acts of the Authority.

Dated: June 29, 2004.

Exhibit "A"
Guidelines for Determining Compliance with A.R.S. §5-813