



To the Mayor and Members of the City Council

March 22, 2022

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**SUBJECT: AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT WITH OUR NATION'S BEST SPORTS**

On May 21, 2013, the City Council approved M&C C-26269 authorizing the execution of an Economic Development Program (Chapter 380) Agreement with Our Nation's Best Sports. The Agreement, CSC# 44768 was executed on September 4, 2013, and provided for 10 annual economic development program grants to the company in an amount equal to up to 50% of the City's incremental value of real and business personal property at the site. As a part of the agreement, the company has to expend at least \$3.5 million in real and business personal property and employ a minimum of 35 full-time employees. The agreement also called for conducting at least two market or trade shows lasting approximately five days each at the Fort Worth Convention Center or another location in the City, which had an estimated annual economic impact of approximately \$9.2 million. Failure to meet the Trade Show commitment in any year would result in forgoing the grant payment in the following year.

The Company has successfully met the investment and trade show requirements in the previous six annual review years. The Company was able to conduct two market or trade shows in 2020 because both events were scheduled and took place in January and February of that year in advance of any COVID-19 public event space restrictions being implemented. However, in 2021, the Company was only able to conduct one trade show as a result of public health concerns and public event space restrictions, which were outside of the Company's control. This causes the Company to be out of compliance with the Trade Show Commitment for 2021, which would require that the corresponding estimated grant payment of \$1,197.92 be forfeited. The Agreement and the initial M&C lack a *force majeure* clause, which would typically be claimed for such an unforeseeable situation or unavoidable circumstance. Staff has been informed by the Company that the Company is scheduled to meet the 2022 Trade Show Commitments.

Therefore, staff is recommending that the City Council amend the agreement to exempt the Company in 2021 from only the Trade Show requirements and to add a *force majeure* clause.

Staff will place an M&C for City Council consideration on the March 29, 2022 agenda to amend the Economic Development Program Agreement CSC# 44768 to exempt the company from 2021's Trade Show Commitment and add a *force majeure* clause.

If you have any questions concerning this information, please contact Robert Sturns, Economic Development Director at 817-392-2663 or [robert.sturns@fortworthtexas.gov](mailto:robert.sturns@fortworthtexas.gov).

**David Cooke**  
City Manager