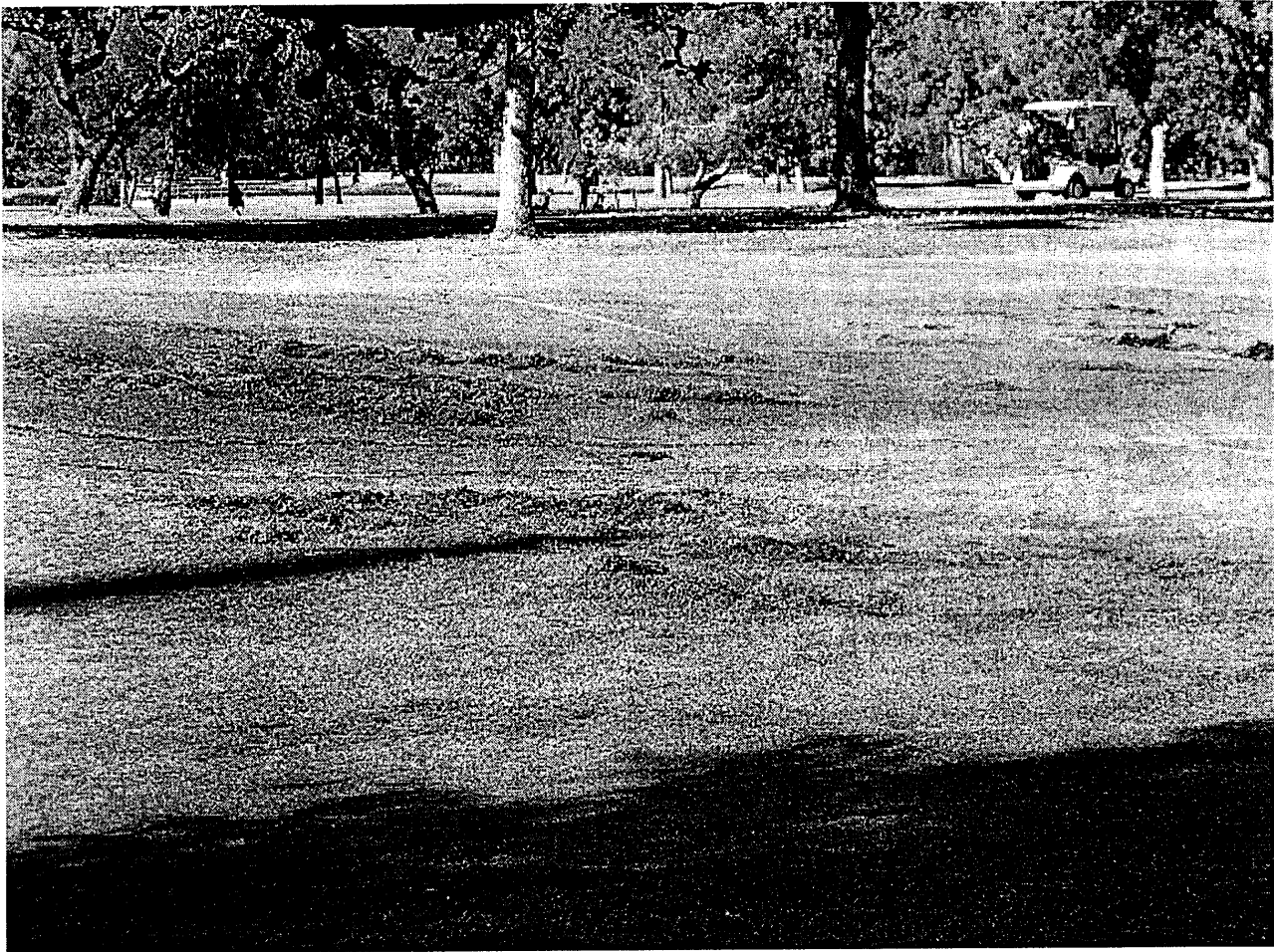




P1040847



P1040848



P1040849



P1040850



P1040851

## Jomsky, Mark

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**From:** Morales, Margo  
**Sent:** Monday, November 19, 2012 11:39 AM  
**To:** Jomsky, Mark  
**Subject:** FW: Letter to the Editor

For the record

*Margo Morales*  
*District 2 Field Representative*  
*(626) 744-4742*  
*(626) 744-3814 fax*

---

**From:** Trent Sanders [<mailto:trent@gonzowrite.com>]  
**Sent:** Sunday, November 18, 2012 9:12 AM  
**To:** [brian.charles@sqvn.com](mailto:brian.charles@sqvn.com)  
**Cc:** [joe.piasecki@latimes.com](mailto:joe.piasecki@latimes.com); Bogaard, Bill; McIntyre, Jacqueline; Morales, Margo; district1; Sullivan, Noreen; De La Cuba, Vannia; Madison, Steve; Tornek, Terry  
**Subject:** Letter to the Editor

To Pasadena Star News,  
[Brian, I couldn't find the Letter to the Editor link on the paper's site so I'm sending it to you....]

Re: "the NFL idea"

-----  
Make no mistake, one of the Pasadena City Council's primary considerations in approving any NFL's use of the Rose Bowl will be the free tickets to games they'll undoubtedly receive and the opportunity to hobnob with sports celebrities. With that in mind, approval is a certainty.

Trent Sanders  
4727 Hampton Road  
La Canada, California  
91011  
818/ 790-2403



## **Jomsky, Mark**

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**From:** Morales, Margo  
**Sent:** Monday, November 19, 2012 1:20 PM  
**To:** 'Mary Lim'  
**Cc:** McAustin, Margaret; Jomsky, Mark  
**Subject:** RE: NFL and the Rose Bowl - tonight's vote URGENT

Thank you for your e-mail.

*Margo Morales  
District 2 Field Representative  
(626) 744-4742  
(626) 744-3814 fax*

---

**From:** Mary Lim [<mailto:couchoislim@yahoo.com>]  
**Sent:** Monday, November 19, 2012 1:18 PM  
**To:** Morales, Margo  
**Subject:** NFL and the Rose Bowl - tonight's vote URGENT

Dear Vice Mayor,

I am writing each Councilmember to PLEAD that each of you resist the lure of the NFL Scheme to solve your financial challenges. The protection of the Arroyo, the protection of our quality of life, the City of Pasadena's legacy, your legacy, the protection of interests of all residents should be paramount and not sidelined based on your councilmembers' frustrations.

Bringing the NFL to our backyard is not the solution.

You have the power to protect the Arroyo and honor Pasadena's heritage.

The strength of those who oppose this happening is mighty and united and we are ready to litigate. At a minimum, we can launch enough of a campaign to make the NFL think further about considering the Rose Bowl.

At best, we can hold up the process or stop this at great financial cost to the city.

If we cannot rely on you, our trusted elected officials, then we will have to be to united against your actions.

If we cannot rely on you, our trusted elected officials, we will do all we can to make sure you are not relected!

Please do the right thing!

Mary Couchois Lim  
Linda Vista, District 6



day one

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community activist  
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**carolina gozzolo-clark**  
director of prevention programs

**seema satourian**  
administrative/ project assistant

**shawntel phypps**  
administrative/ project assistant

November 16, 2012

Pasadena City Council  
100 N. Garfield Ave.  
Pasadena 91101

**RE: Public Comment for Rose Bowl EIR - Temporary Use by NFL**

Dear Mayor Bogaard and members of the Pasadena City Council,

As a Pasadena-based non-profit organization with over two decades of experience in the realm of public health education, policy and environmental prevention, Day One is actively interested in planning and land-use decisions that affect the health and well-being of residents of the City of Pasadena and greater San Gabriel Valley.

**The Central Arroyo as a Recreational Haven**

The Central Arroyo is Pasadena's preeminent recreational facility. Thanks to its pedestrian-friendly infrastructure, low volume of automobile traffic, and heavy usage by runners, joggers, walkers, soccer players, swimmers, cyclists and other users, the area has become popular as a safe space for residents to recreate at all hours. Recent improvements to the "Rose Bowl Loop" have further increased use in the past few years.

Given the singular nature of the Central Arroyo as a great park, any uses that limit public access to it, particularly ones that impose additional health burdens on our community, should be avoided, or at the very least minimized to the greatest extent possible. Indeed, with 19% of adults and 21% of children in Pasadena currently obese, resources like the Central Arroyo are of critical importance insofar as they provide first-rate recreational space where City residents can safely exercise with others at all hours.

**Impact on Proposed Use on Public Health/Safety**

Large, displacement events such as NFL game days constitute a unique public health and safety challenge to host communities. The following impact are of particular concern to the public health community:





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Increase in Binge Drinking - The correlation between NFL game days and rituals such as tailgating and binge drinking (consuming 5 or more alcoholic drinks in a row) is well documented.

Increase in Alcohol-Impaired Motorists on City streets - According to the EIR, over 90% of event attendees are expected to access the Rose Bowl via private automobile. Alcohol-use norms associated with football games unequivocally increase the number of impaired motorists on City streets.

Decrease in Emergency Services Response Time - Traffic flows associated with large events invariably result in congestion around the stadium, which in turn slows the response time of emergency service vehicles.

Decrease in Recreational Opportunities - 5 years of 25+ events at the Rose Bowl would generate an estimated 4-5 million additional game day users, and result in the loss of approximately 125 days of recreational use - as opposed to the current 60 - by members of the public.

Recommendations - While no level of mitigation can offset the loss of the Central Arroyo's unique recreational opportunities on game days, more robust steps can be taken to alleviate the detrimental impacts of the proposed use. At a minimum, the RBOC and City should adopt higher standards for the proposed expansion of use to protect public health and safety. The following recommendations include evidence-based methods to reduce the negative impacts of game days and other large displacement events.

### 1) Reducing Drunk Driving

- **Institutionalize DUI checkpoints** - At least two DUI checkpoints should be set up along ingress/egress routes on all Game Days to dissuade attendees from drinking and driving.
- **Increase visibility of DUI enforcement** - The preventative effect of DUI enforcement activities is amplified by making them highly visible. Possible strategies include:
  - Placement of the City's DUI enforcement trailer prominently at venue ingress/egress points, entrances;
  - Posting of DUI Enforcement signage/notices on other venue vehicles (e.g., golf cars, event vehicles, police cars);
  - Announcement of enforcement efforts on stadium PA every game and on containers (e.g., beverage, concessions) served inside of stadium.



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- 2) **Promoting Use of Public Transportation** - Additional incentives to encourage the use of public transit should be added, such as:
  - o Inclusion of a Metro pass/discount with purchase of every game day ticket (also proposed by Farmer's Field);
  - o Addition of regular shuttles to Rose Bowl from Memorial Park to ease access for attendees using Metro Gold Line;
  - o Provision of bike valet services at stadium and Parsons lot.

- 3) **Developing Safer Tailgating** - In addition to the existing rules, the following tailgating "best practices" from other stadiums around the country should be employed to mitigate the increased risk to public safety and recreational facilities.

### Tailgating areas should:

- o Be limited to 4 hours prior to kickoff;
- o Be restricted to designated areas;
- o Be restricted to ticket holders only;
- o Be limited to beer and wine;
- o Include a designated alcohol-free tailgating area for families;
- o Include alcohol-free alternative activities for participants.

- 4) **Supporting Responsible Fan Behavior** - The Rose Bowl's vehicle tailgating policy website page urges members of the public to call if they experience any problems, yet fails to publish an actual number. The RBOC should urge event attendees to assist law enforcement and public safety officials by reporting all unruly fan behavior. To facilitate this effort, the following steps should be adopted:

- o Establish an easy-to-remember number to report problems by phone;
- o Establish a Text Messaging system for fans to report unruly behavior;
- o Publicize both numbers and tailgating policies on Rose Bowl website, printed materials (e.g., pamphlets handed out to attendees as they enter tailgating areas), and new signage in tailgating areas.

- 5) **Providing Safe Recreational Alternatives** - The loss of recreational opportunities in the Central Arroyo on event days, and damage associated with increased use by game day attendees, can be lessened by undertaking the following:

- o Improve lighting and security at adjacent parks on game days; publicize these alternatives via existing City communication channels.
- o Add energy-efficient lighting around Rose Bowl Loop to enhance safety of pedestrians after nightfall during displacement events.
- o Repair damage to trails and other infrastructure resulting from event attendees.



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administrative/ project assistant

## Conclusion

Unfortunately the Environmental Impact Report before you today understates the impact to public health and safety that the proposed use would entail, and thus fails to recommend appropriate mitigations to these impacts. The report also defends its findings by drawing upon statements from businesses such as event security firm Contemporary Services Corporation, which has a financial interest in the outcome of this process insofar as they currently provide security services for large events at the Rose Bowl. Relying upon such sources at the very least undermines the credibility of the report and its recommendations; at worst it jeopardizes the health and safety of Pasadena residents.

Given the Central Arroyo's growing role in improving the health of both City residents and visitors, Day One urges the Council to consider the many impacts of this proposed change carefully. If the Council ultimately decides to move forward with this process and amends the number of large events to accommodate the National Football League, Day One urges City leaders to reduce the negative impacts of all large "displacement" events at the Rose Bowl by adopting the aforementioned robust, evidence-based practices.

Best regards,

**Christy Zamani**  
Executive Director  
Day One, Inc.  
175 N. Euclid Ave.  
Pasadena 91101

## Jomsky, Mark

---

**From:** Morales, Margo  
**Sent:** Monday, November 19, 2012 11:38 AM  
**To:** Jomsky, Mark  
**Subject:** FW: Rose Bowl events and the NFL

For the record

*Margo Morales*  
*District 2 Field Representative*  
*(626) 744-4742*  
*(626) 744-3814 fax*

---

**From:** RAZ Video [<mailto:howie@razvideo.com>]  
**Sent:** Monday, November 19, 2012 1:08 AM  
**To:** Council Memembers , City of Pasadena  
**Cc:** Masuda, Gene  
**Subject:** Rose Bowl events and the NFL

The Rose Bowl is not a museum or park. It is a stadium and must be used for this purpose. I urge the Pasadena City council to allow at least 25 large events instead of the 12 allowed under the current city ordinance.

The Pasadena City council should welcome the NFL. A November 5 report by Barrett Sports Group the consulting firm Pasadena hired states that an NFL team could generate between \$5 million and \$10 million of annual net revenues for Pasadena. That could help offset the 170 million that was just spent to remodel the stadium. This could be a potential windfall for our tax base and local economy. Pasadena businesses, hotels and restaurant would benefit as well as our city coffers.

Any actions by the city council that does not address added events and revenue by the Rose Bowl could jeopardize any future funding this city asks us taxpayers to approve.

Thank You  
Harald Zechner  
Home owner, business owner, taxpayer and voter

## Jomsky, Mark

---

**From:** Peter Ahn <pahn@western-consolidated.com>  
**Sent:** Monday, November 19, 2012 2:12 PM  
**To:** Jomsky, Mark  
**Cc:** Bogaard, Bill  
**Subject:** Use of RoseBowl by an NFL Team

To Whom It May Concern:

My name is Peter S. Ahn, a resident on Linda Vista Avenue, Pasadena since 1981 over 30 years.

I am writing this letter for the purpose of opposing the proposal to use Rose Bowl by and NFL Team.

The claimed benefit, which is not certain and even assuming it would be true, the negative impacts for the residents will be so enormous.

The traffic congestion, the possible crimes from untamed attendance from alcohol and drug. The allowed current numbers of events should be more than enough to be justified.

Should the council would approve the use, we have to seriously consider the sale of our residence and to relocate ourselves to a different community.

Our 3 children were born here in Linda Vista Avenue and we love our area. **Please do not approve the use of RoseBowl by an NFL team.**

Thank you very much for pay attention to our side of story.

Sincerely,

Peter Ahn and Deokhee Ahn

LINDA VISTA-ANNANDALE ASSOCIATION  
P. O. Box 94364  
Pasadena, CA 91109

November 19, 2012

Mayor Bogaard and City Councilmembers  
City of Pasadena

Via email to City Clerk: [mjomsky@cityofpasadena.net](mailto:mjomsky@cityofpasadena.net)

Re: City Council Meeting, November 19, 2012; Agenda Item No. 11: PUBLIC HEARING:  
AMENDMENT TO ARTICLE 3 (CIVIC EVENTS AND FACILITIES) OF THE PASADENA  
MUNICIPAL CODE REGARDING THE NUMBER OF LARGE EVENTS HELD ANNUALLY AT  
THE ROSE BOWL STADIUM

Dear Mayor Bogaard and City Councilmembers:

This letter is to respond for purposes of the Administrative Record to the FEIR Responses to the Linda Vista-Annandale Association Draft EIR Comment Letter.

Response 8-3.

Given the extent of Tournament of Roses activities in the Central Arroyo during December of each year, and the amount of space required for NFL game activities, it does not appear feasible for the two activities to occupy the same space at the same time. From LVAA and community observation, the Tournament occupies all of the paved parking with tents and pavilions. The loss of 4,000 or more parking spaces is significant. This impasse will require more than "coordination."

Response 8-4.

With the number of tents, concessions, caterers and other vendors supporting the Press Box suites/premium seating, 35 truck trips to support \$500,000 worth of concession sales is not credible.

Response 8-9.

It is not possible that NFL game day traffic will improve access to any part of the Arroyo.

Response 8-10.

The Mitigation in 3-6.1 does not address the long-term damage to the Golf Courses and other grassy/turf areas in the Central Arroyo Only addressed: the short-term "24 hour" repairs.

Response 8-15.

Mitigation plans for displaced recreational users should include the appropriate City Commissions, and public outreach.

11/19/2012  
Item 11

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November 19, 2012

Response 8-16.

If the listed sites are not suitable as alternate recreational sites, why are they listed?

Response 8-19.

With the Tournament of Roses having exclusive use of the Central Arroyo for the month of December each year, how can the NFL have priority over all other events? This does not appear to be a matter solved by "coordination."

Response 8-21.

Mitigation 3.6-5 does not identify a source of funding to maintain the quality of the other parks.

Response 8-29.

The significant traffic impact is not limited to one hour before and after the game. Significant traffic occurs hours before and several hours after a football game. As announced and published by the Pasadena Police Department for the recent USC/UCLA game:

*The Rose Bowl Stadium will host UCLA's home game against USC on Saturday, November 17, as the largest expected fan attendance game of the season will be played for a Noon (PT) kick-off. Fans should anticipate heavy traffic with an early kick-off and it is strongly recommended that you arrive at the stadium by 9 a.m. to avoid delays. Please consider carpooling or shuttle buses as part of your planning to assist to alleviate your travel time.*

Response 8-35.

Using transportation data from other cities without descriptions of the transportation infrastructure and geography makes such comparisons invalid. Including data from a non-existent stadium (Farmers' Field) has even less value.

Response 8-39.

As the LVAA DEIR Comment Letter states, "no public document exists." A document available to "police command personnel" confirms this point. This is not a responsive answer.

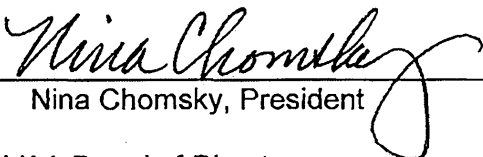
Response 8-41.

Comments from CSC are not considered valid or reliable, given their position as a major Rose Bowl contractor. These comments are contrary to the experiences of many NFL attendees.

Thank you for your consideration.

Sincerely,

LINDA VISTA-ANNANDALE ASSOCIATION,

By   
Nina Chomsky, President

cc: LVAA Board of Directors



## Jomsky, Mark

---

**From:** TEAMDENZEL@aol.com  
**Sent:** Monday, November 19, 2012 2:33 PM  
**To:** Jomsky, Mark  
**Cc:** Bogaard, Bill; Madison, Steve; Beck, Michael  
**Subject:** NFL in the Rose Bowl Hearing - November 19, 2012

As a long time Pasadena resident and user of the Arroyo recreational facilities I strongly oppose having an NFL team at the Rose Bowl!

I belong to the EO Nay Women's Golf Group and have just been advised the damage to the fairways last Saturday will still be under repair thru Tuesday. The City lost the golf course revenue for Saturday and when the course did not open on Sunday, Mr. Beck was quoted in the PSN paper as offering *free vouchers* to those players scheduled to play. That adds up to 3 days of lost golf course revenue for one UCLA game ... and these are "weekend rate" play days. When it rains the City not only loses the golf course revenue and the golf course parking revenue while destroying the adjacent neighborhoods with parking.

And, yes you guessed it. I am one of those neighborhood residents! We previously lived on Bellmore Way, where we experienced the City's first *Super Bowl* with pro football fans. It was a total nightmare with a motor home parked in front of our home for 3 days of partying. The City's response - *we have suspended overnight parking restrictions!* Now we are on the Linda Vista side and do not want a repeat performance!

Am also a pass holder at the Rose Bowl Aquatic Center and tired of being displaced totally or forced to swim during a short window to accommodate the new earlier shutdown of the Arroyo for football games. I swim for health reasons and really enjoy the wonderful facility. Why close out the many Pasadena residents and others who come from a distance to use the pools?

With all the emphasis on health these days why should the City shut down the Arroyo to golfers .... swimmers .... walkers ... joggers ... runners ... bicyclists in search of balancing the budget with the NFL?  
I am not aware of a City that has come out financially ahead in dealings with the NFL!

Keep the Arroyo for "non-professional" recreational users!

Martha Denzel  
1507 Arroyo View Drive  
Pasadena, CA 91103

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**From:** Joyce Dillard <dillardjoyce@yahoo.com>  
**Sent:** Monday, November 19, 2012 3:12 PM  
**To:** cityclerk  
**Subject:** Comments to Agenda No. 11-Rose Bowl Stadium and Final EIR 11.19.2012  
**Attachments:** NFLFranchiseRelocationRules.pdf

We are unable to attend the meeting tonight and would like to comment on the SUCCESSOR AGENCY to the PASADENA COMMUNITY DEVELOPMENT COMMISSION and the PASADENA PUBLIC FINANCING AUTHORITY Public Hearing on Agenda no.11-Rose Bowl Stadium and the Final Environmental Impact Report.

You state:

*This amendment would specifically be aimed at allowing the NFL to use the Rose Bowl for a period of up to five years beginning no sooner than the 2013-2014 season. The use of the Rose Bowl by the NFL would be temporary until a new NFL stadium is selected and built in the Los Angeles area, or until the completion of a five-year lease term, whichever comes first.*

Please refer to the NFL's *Policy and Procedures for Proposed Franchise Relocations*.

We question the use of the NFL being the lessor/renter of the Stadium. The Franchise Owner(s) of the Los Angeles team(s) would be the correct party(s). Two teams should be anticipated in the case of a Los Angeles franchise.

The FEIR has inadequately addresses the LAMS4 permit from the LA Regional Water Quality Board, its mitigation, monitoring and costs. This permit was approved last week with stringent compliance issues of the Clean Water Act. You are making the LA County property owners liable for the cost of mitigation and not addressing those needs for the Watershed Management Area.

You have singled out Public Transportation has an issue related to the Rose Bowl itself.

This is incorrect as this move would be a temporary venue for a long-term franchise location.

This temporary move has not been embraced properly as a use of the stadium in anticipation of a Transit-Oriented Development.

If in the City of Los Angeles, the football franchise would be that Transit-Oriented Development and the AEG entities have received favored CEQA streamlining status from the State Legislature (SB292). You have not addressed that critical aspect of fans behavior tied to the sell to the City of Los Angeles for an Event Center aka Farmers Field (football stadium). You need to embrace the use of public transportation including bundled ticket sales with existing public transportation such as Metrorail, Metro buses and Metrolink.

You need to address additional train stops, bus stops and local shuttle transportation needs and less parking needs. The walkability of the area should be addressed. Cycling, bike paths and bike storage as well as rentals should be addressed. Restrooms should be addressed.

Who pays for these costs.

VMT Vehicle Miles Traveled should be addressed as the project should reduce greenhouse gases and achieves a trip ratio that is no more than 90 percent of the trip ratio at any other stadium serving a team in the National Football League. A protocol should be developed in line with the SB292 requirements for the permanent stadium.

Air Quality should be properly addressed and reviewed by the South Coast Air Quality Management District. AQMD is not in compliance with the State Implementation Plan and the EPA.

Joyce Dillard  
P.O. Box 31377  
Los Angeles, CA 90031

Attachment:  
Policy and Procedures for Proposed Franchise Relocations

## **Policy and Procedures for Proposed Franchise Relocations**

Article 8.5 of the NFL Constitution and Bylaws vests in the Commissioner the authority to "interpret and from time to time establish policy and procedure in respect to the provisions of the Constitution and Bylaws and any enforcement thereof." Set forth below are policy and procedures to apply to future League consideration, pursuant to Section 4.3 of the Constitution and Bylaws, of any proposed transfer of a club's home territory.

Article 4.3 requires prior approval by the affirmative vote of three-fourths of the member clubs before a club may transfer its franchise or playing site to a different city either within or outside its existing home territory. Article 4.3 confirms that each club's primary obligation to the League and to all other member clubs is to advance the interests of the League in its home territory. This primary obligation includes, but is not limited to, maximizing fan support, including attendance, in its home territory. Article 4.3 also confirms that no club has an "entitlement" to relocate simply because it perceives an opportunity for enhanced club revenues in another location. Indeed, League traditions disfavor relocations if a club has been well-supported and financially successful and is expected to remain so. Relocation pursuant to Article 4.3 may be available, however, if a club's viability in its home territory is threatened by circumstances that cannot be remedied by diligent efforts of the club working, as appropriate, in conjunction with the League Office, or if compelling League interests warrant a franchise relocation.

Article 4.3 also reflects the League's collective judgment that unassigned franchise opportunities (including "second franchise" opportunities in the home territory of a member club) are owned by the League's members as a collective whole and, by definition, that no club has rights to more than a single "home territory." Such collective League opportunities may be acquired by an individual club only by an assignment reflecting the consent of the League and subject to its generally applicable voting requirements.

### **A. Negotiations Prior to League Consideration**

1. Because League policy favors stable team-community relations, clubs are obligated to work diligently and in good faith to obtain and to maintain suitable stadium facilities in their home territories, and to operate in a manner that maximizes fan support in their current home community. A club may not, however, grant exclusive negotiating rights to a community or potential stadium landlord other than one in its current home territory.
2. All clubs, at any time during their stadium negotiations, are free to seek the assistance of the League Office and the Stadium Committee, on either a formal or informal basis. If, having diligently engaged in good faith efforts, a club concludes that it cannot obtain a satisfactory resolution of its stadium needs, it may inform the League Office and the stadium landlord or other relevant public authorities that it has reached a stalemate in those negotiations. Upon such a declaration, the League may elect to become directly involved in the negotiations.

3. The League's policy and procedures on franchise relocation do not restrict any club's ability to discuss a possible relocation, or to negotiate a proposed lease or other arrangements, with a community outside its home territory. Nor do they restrict the ability of multiple clubs to negotiate terms of a proposed relocation with a single community.

In evaluating a proposed franchise relocation and making the business judgment inherent in such consideration, the membership is entitled to consider a wide range of appropriate factors. Each club should consider whether the League's collective interests (which include, for example, the League's television interests, the League's interest in strong and geographically distributed franchises, the League's interest in securing attractive stadium facilities in which to play its games, and the League's interest in having financially viable franchises) would be advanced or harmed by allowing a club to leave its assigned home territory to assume a League-owned opportunity in another community. These collective interests generally include having clubs in the country's most populous areas, taking into account competitive entertainment alternatives, stadium options, and other factors.

Like proposed transfers to a different home territory, a transfer of a club's playing site to a different location within its home territory may also raise issues of League-wide significance. Accordingly, while these procedures apply to any proposed move to a new home territory, the Commissioner may also require that some or all of these procedures be followed with respect to a proposed move within a club's existing home territory.

#### **A. Procedures Relating to Notice and Evaluation of the Proposed Transfer**

Before any club may transfer its franchise or playing site outside its current home territory, the club must submit a proposal for such transfer to the League on the following basis:

1. The club must give the Commissioner written notice of the proposed transfer, including the date on which the proposed relocation is to become effective, and publish the notice in newspapers of general circulation within the incumbent community. The notice must be filed no later than February 15 of the year in which the move is scheduled to occur. The League will provide copies of the notice to governmental and business representatives of both the incumbent community and the community to which the team proposes to move, as well as the stadium authority (if any) in the incumbent community (the "interested parties").
2. The notice must be accompanied by a "statement of reasons" in support of the proposed transfer. The statement must address each of the factors outlined in Part C below, and may also identify and discuss any other relevant business factors that the club believes support its request to move. The Statement must also include all of the material noted in Appendix One.
3. With the assistance of appropriate League committees, the Commissioner will evaluate the proposed transfer and report to the membership. The Commissioner may also convene a special committee to perform fact-finding or other functions with respect to any such proposed transfer.

4. Interested parties will have an opportunity to provide oral and/or written comments regarding the proposed transfer, including at a public hearing conducted by the League in the community from which the team seeks to relocate; written comments may be submitted within 15 days of the conclusion of such hearing.
5. Following the Commissioner's report on the proposed transfer, the proposal will be presented to the membership for action in accordance with the Constitution and Bylaws, either at a Special Meeting of the League held for that purpose or at the Annual Meeting.
6. After any League vote on a proposed relocation, the League will:
  - i. publish, within 30 days of any relocation decision, a written statement of reasons in newspapers of general circulation within the incumbent community setting forth the basis of its decision in light of the League's rules and procedures for evaluating franchise relocation; and
  - ii. deliver copies of its written statement of reasons to the local governments of the community from which the club seeks to relocate and any sports authority or similar entity with jurisdiction over the stadium or facility from which the club seeks to relocate.

### **C. Factors That May Be Considered In Evaluating The Proposed Transfer**

The League has analyzed many factors in making prior business judgments concerning proposed franchise relocations. Such business judgments may be informed through consideration of the factors listed below, as well as other appropriate factors that are considered relevant by the Commissioner or the membership.<sup>1</sup>

Any club proposing to transfer should, in its submission to the Commissioner, present the club's position as to the bearing of these factors on its proposed transfer, stating specifically why such a move would be justified with reference to these considerations. In reporting to the membership, the Commissioner will also address these factors.

In considering a proposed relocation, the Member Clubs are making a business judgment concerning how best to advance their collective interests. Guidelines and factors such as those identified below are useful ways to organize data and to inform that business judgment. They are intended to assist the clubs in making a decision based on their judgment and experience, and taking into account those factors deemed relevant to and appropriate with regard to each proposed move. Those factors include:

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<sup>1</sup> Most of the factors were contained in a bill reported by a Senate committee in 1984; they essentially restate matters that the League has considered important in connection with team location decisions in the past. Certain factors included in the Senate bill have been modified, and certain new factors have been added, to reflect changed circumstances and the League's historical experience since 1984. These factors are also contained in a "Statement of Principles" relating to franchise location developed by the League in consultation with the U.S. Conference of Mayors.

1. The extent to which the club has satisfied, particularly in the last four years, its principal obligation of effectively representing the NFL and serving the fans in its current community; whether the club has previously relocated and the circumstances of such prior relocation;
2. The extent to which fan loyalty to and support for the club has been demonstrated during the team's tenure in the current community;
3. The adequacy of the stadium in which the club played its home games in the previous season; the willingness of the stadium authority or the community to remedy any deficiencies in or to replace such facility, including whether there are legislative or referenda proposals pending to address these issues; and the characteristics of the stadium in the proposed new community;
4. The extent to which the club, directly or indirectly, received public financial support by means of any publicly financed playing facility, special tax treatment, or any other form of public financial support and the views of the stadium authority (if public) in the current community;
5. The club's financial performance, particularly whether the club has incurred net operating losses (on an accrual basis of accounting), exclusive of depreciation and amortization, sufficient to threaten the continued financial viability of the club, as well as the club's financial prospects in its current community;
6. The degree to which the club has engaged in good faith negotiations (and enlisted the League office to assist in such negotiations) with appropriate persons concerning terms and conditions under which the club would remain in its current home territory and afforded that community a reasonable amount of time to address pertinent proposals;
7. The degree to which the owners or managers of the club have contributed to circumstances which might demonstrate the need for such relocation;
8. Whether any other member club of the League is located in the community in which the club is currently located;
9. Whether the club proposes to relocate to a community or region in which no other member club of the League is located; and the demographics of the community to which the team proposes to move;
10. The degree to which the interests reflected in the League's collectively negotiated contracts and obligations (e.g., labor agreements, broadcast agreements) might be advanced or adversely affected by the proposed relocation, either standing alone or considered on a cumulative basis with other completed or proposed relocations;
11. The effect of the proposed relocation on NFL scheduling patterns, travel requirements, divisional alignments, traditional rivalries, and fan and public perceptions of the NFL and its member clubs; and



12. Whether the proposed relocation, for example, from a larger to a smaller television market, would adversely affect a current or anticipated League revenue or expense stream (for example, network television) and, if so, the extent to which the club proposing to transfer is prepared to remedy that adverse effect.

#### **D. Existing Leases**

1. No request to relocate shall be unconditionally approved, nor shall a relocation be allowed to take effect, if it would result in a breach of the club's current stadium lease. This provision shall not apply if the club and its landlord agree to terminate the lease or if there is a final court order terminating the lease or concluding that the lease does not preclude a relocation.
2. A decision by the League conditionally or unconditionally authorizing a member club to relocate shall not affect the enforceability under state law of a stadium lease to which that member club is a party.

#### **E. Payments Associated with an Approved Transfer**

If a club's proposal to relocate to a new home territory is approved, the relocating club will ordinarily be expected to pay a transfer fee to the League. The transfer fee will compensate other member clubs of the League for the loss of the opportunity appropriated by the relocating club and/or the enhancement (if any) in the value of the franchise resulting from the move.

The Commissioner may recommend a transfer fee to the membership and Finance Committee for consideration in connection with any proposed transfer that he recommends be approved. Among the factors to be considered in the recommendation of such fee will be:

1. The income streams available to the club in its new location and the likelihood that they will be realized (which may be affected by community or business guarantees or similar undertakings);
2. The income streams historically available to the club in its previous location, and the incremental income streams (if any) that could reasonably be expected to be made available to the club in its old location;
3. The expenses to be borne by the club in its current and proposed locations;
4. The expenses that could reasonably be expected to be assumed by parties other than the club if the relocation does not take place;
5. The desirability of the club's current and proposed stadia as locations for professional football games;
6. The club's current status under any revenue sharing plans then in effect and its anticipated status if the move were approved;

7. The effect of the proposed relocation on current or anticipated League-level revenue and expense streams; and
8. The demographics of the club's old and new markets.

The Commissioner's recommendation of a transfer fee will not be based on any effect that the proposed move would have on any salary cap or similar player-employment arrangements.

The membership will determine the transfer fee (or, in the alternative, a recommended, binding method for determining the transfer fee), if any, at the time it approves any proposed club relocation. The terms on which the transfer fee will be paid will be set forth in the resolution itself, and will be reflected in appropriate documentation acceptable to the Commissioner and the Finance Committee.

In addition, in certain circumstances, the League's collective interests may depend upon the maintenance of quality franchises in specific geographic areas. If a team proposes to relocate into, or to relocate from, such an area, in evaluating the proposed relocation, the Commissioner will and the membership may take into account, in determining the appropriate transfer fee (if any), the League's interest in encouraging the proposed relocation, discouraging the proposed relocation, or permitting the relocation on terms that would permit the League to restore a meaningful presence in the area being vacated by the relocating club.

Finally, if League-level revenue or expense streams or visiting team shares are projected to be adversely affected by a proposed relocation, on either a short-term or long-term basis, based upon a recommendation by the Commissioner and Finance Committee the relocating club will be required to indemnify other members of the League for adverse effects that could result from the proposed relocation. If such recommendation is included by the membership in the resolution authorizing the move, the Commissioner will, in consultation with the Finance Committee, negotiate with the relocating club appropriate indemnification arrangements, including the extent to which the relocating club may participate in League revenue sharing pools, to be reflected in documentation acceptable to the Commissioner and the Finance Committee.

## Jomsky, Mark

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**From:** wesleyreutimann@gmail.com on behalf of Wes @ Day One <wesley@dayonepasadena.org>  
**Sent:** Monday, November 19, 2012 3:52 PM  
**To:** Jomsky, Mark  
**Subject:** Additional Public Comment for Agenda Item 11  
**Attachments:** USC-UCLA Envi Scan - 11.17.12 - Sample Pictures.pdf

Good afternoon Mr. Chomsky,

On behalf of Day One, I would like to submit the attached document regarding Agenda Item 11 on tonight's agenda.

If possible, a member of Day One staff would like to walk the Council through the attached presentation/photos as part of their public comment this evening.

Thank you for your time and assistance,

-Wes

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