



Common Council

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February 23, 2011

Honorable Members
The Erie County Legislature
92 Franklin Street - 4th Floor
Buffalo, NY 14202

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Dear Honorable Members:

At the Common Council Meeting held on Tuesday, February 22, 2011, the following item was **ADOPTED** by the full Council:

(Item No. 90, Tuesday, February 22, 2011) "OPPOSING ANY ATTEMPT BY NYS TO CONSOLIDATE THE WESTERN REGIONAL OFF-TRACK BETTING CORPORATION".

Please review the enclosed item. For your information, the filing deadline for the next Common Council meeting is 2:00 PM on Thursday, March 3, 2011. If you would like to file a response, you can do so at the City Clerk's office, located at 1308 City Hall, Buffalo, NY 14202. If you have any questions or need further information, please contact me at 851-5105.

Your assistance is greatly appreciated.

Sincerely,

Brian C. Bray
Sr. Legislative Assistant

OPPOSING ANY ATTEMPT BY NYS TO
CONSOLIDATE THE WESTERN REGIONAL
OFF-TRACK BETTING CORPORATION

ADOPTED RESOLUTION

SPONSOR: RICHARD A. FONTANA

SUBJECT: OPPOSING ANY ATTEMPT BY NYS TO CONSOLIDATE THE WESTERN REGIONAL OFF-TRACK BETTING CORPORATION

WHEREAS: In September of 1973, the eleven western New York counties of Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben and Wayne, established the Western Regional Off-Track Betting (OTB) Corporation, as enabled by New York State law; and

WHEREAS: These municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS: The start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state confiscation of this purely local venture; and

WHEREAS: Since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four Western New York counties have joined them in the local control of such gaming activities that has since 1973 generated over \$200 million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS: Now, Governor Cuomo and both houses of the New York State Legislature are publically proposing a taking of Western OTB's business and its assets by a consolidation of all the regional off-track betting corporations in this state by some state-sponsored private or quasi-governmental interloper that threatens a loss of local revenue, independence and local oversight of gaming in our communities; and

WHEREAS: The participating municipalities of Western Regional Off-Track Betting Corporation, as its shareholders, have a pro-rata financial interest in the \$39 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS: The reality of such state-sponsored consolidation and takeover of the OTBs would rob Western Regional Off-Track Betting Corporation's communities of not only local control but their substantial re-investment of profits to acquire and maintain such money making assets.

NOW, THEREFORE, BE IT RESOLVED,

That the Common Council of the City of Buffalo, New York unalterably oppose such threatened "nationalizing" of Western Regional Off-Track Betting Corporation's business by New York State; and

BE IT FURTHER RESOLVED,

That the Common Council of the City of Buffalo, New York directs the City Clerk to forward a copy of this adopted resolution to the President & Chief Executive Officer of Western Regional Off-Track Betting Corporation, the City of Buffalo's elected representatives in New York State government, the Erie County Legislature, and the Erie County Executive.