

Monday, October 28, 2013

TO: Mayor and Members of Council

FROM: Joseph P. Pennachetti, City Manager
Roberto Rossini, Deputy City Manager and CFO

SUBJECT: Amendment to EX35.6 - Municipal Contribution Agreement for Ontario Lottery and Gaming Corporation (OLG) Gaming Site at Woodbine Racetrack

Following further review, Recommendation 2 in the report from the City Manager and the Deputy City Manager and Chief Financial Officer is not in order and should not be before the Executive Committee due to Council's recent decision to not expand gaming at Woodbine.

Recommendation 1 is an appropriate recommendation for the Executive Committee to consider related to the necessary authority to enter into the amended Municipal Contribution Agreement (the MCA) with OLG.

The intent of Recommendation 2 was to reinforce and ensure that OLG understands clearly that they cannot add table games to Woodbine without Council approval, and that Council approval of the MCA does not constitute approval of such table games at Woodbine despite reference in the MCA to possible table game revenue. The MCA is a standard form agreement which OLG has refused to change by deleting possible table game revenues.

In May, Council made a decision opposing any expansion of gaming, including table games, at Woodbine. Recommendation 2 was intended to ensure that Council's approval of the MCA could not be interpreted by the OLG as contrary to Council's May decision.

However, only Council can re-open a matter on which it has made a decision in the past 12 months. As Executive Committee cannot reopen such a decision, Recommendation 2 is problematic in that it could be amended, thereby effectively re-opening Council's recent decision on the expansion of gaming at Woodbine.

As a result, Recommendation 2 of the report must be rescinded.

Enclosed is a replacement report with applicable amendments from the City Manager and the Deputy City Manager and Chief Financial Officer for Executive Committee's consideration.

Our apologies for any confusion related to this report