



**Mayor Joanne D. Yepsen
Commissioner Michele Madigan
Commissioner Anthony Scirocco
Commissioner Christian Mathiesen
Commissioner John P. Franck**

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SARATOGA SPRINGS, N.Y.**

WHEREAS, on December 18, 2012 this City Council issued a resolution concerning casino gaming. That resolution is hereby revoked in its entirety. The intent of this resolution is to address, upon thorough consideration of all available facts and information, the issue of expanded casino gaming in the City of Saratoga Springs.

WHEREAS, on June 21, 2013 the New York State Legislature passed the Upstate New York Gaming Economic Development Act of 2013 ("the Act") that proposed amending the State Constitution and other State laws to allow private casino gaming in the State of New York, and the Act was signed into law by the Governor on July 30, 2013. The Act resulted in a statewide constitutional referendum that was passed by the public on November 5, 2013; and

WHEREAS, under the Act, the State Gaming Commission (the "Commission") oversees the selection and regulation of destination resort casinos. The Commission appoints a siting board of individuals (the "Board") which is required to issue a Request for Applications ("RFA") for a gaming facility license that shall include any information that the Board determines. Additionally, the Act authorizes up to four upstate destination resort casinos in three regions of the state: the Hudson Valley-Catskill area, the Capital District-Saratoga area, and the Central-Southern Tier area; and

WHEREAS, the Act's findings state that "the need for strict State controls extends to regulation of all persons, locations, practices and associations related to the operation of licensed enterprises and all related service industries", thereby introducing the possibility that many local laws, ordinances, and policies that may otherwise apply to commercial enterprises operating within the city may not be followed; and

WHEREAS, the Board is required to evaluate gaming facility license applications based on specific criteria set forth in the Act: 70 percent based on economic activity and business development factors; 20 percent based on impact mitigation, demonstration of local support, expression of public comment, and establishing partnerships with local businesses, and 10 percent based on workforce and problem gambling factors; and

WHEREAS, the City has long been home to two historic racetracks - the Saratoga Race Course for thoroughbred horse racing and the Saratoga Harness Track for harness racing. These tracks are the local foundation for the sport of horse racing which is critical to the regional economy and supplies a significant amount of jobs, tax revenue, financial activity and tourism. Additionally, racing and gaming generates New York Racing Association (NYRA) admissions tax and Video Lottery Terminal (VLT) Aid, which together comprise approximately 5.7% of the City's operating budget. VLT Aid is the lifeblood of the horsemen, trainers, and breeders industry, to which the City is deeply committed and enjoys acres of open space through horse farms; and

WHEREAS, the City is the proud home of a diverse community of cultural and historic assets that create the character of our community and help make the City of Saratoga Springs unique and successful. These assets include, but not limited to: the Saratoga Performing Arts Center, Saratoga Spa State Park, the National Museum of Dance And Hall Of Fame, National Museum of Racing And Hall Of Fame, Saratoga Auto Museum, New York State Military Museum and Veterans Research Center, Skidmore College's Tang Museum; and

WHEREAS, the City is home to the Saratoga Springs City Center, a unique conference complex known as "the little engine" of the City and the County, which hosts conferences and events almost 300 days of the year. In 2012 the City Center held over 150 events, greeted 142,400 guests, created approximately \$30 million in sales to local businesses and brought the City approximately \$2 million in sales tax revenue; and

WHEREAS, the City is home to 1,755 rooms in its variety of hotels, motels, and various lodging options which are important employers, accommodate thousands of people drawn to City entertainment and activities, and generate occupancy tax revenue for the City and City Center which is a substantial part of their operating budgets; and

WHEREAS, the City is home to an award winning downtown lined with restaurants, clubs, movie theatres and shops providing our citizens and our guests with ample opportunities for recreation, enjoyment, entertainment and employment. Furthermore, it is acknowledged that the downtown area enjoys the success it does today because of the hard work, dedication, pride, investment, and financial support of the City's citizens, businesses, public officials and guests over many years. Recently, downtown helped generate approximately \$10.6 million in sales tax revenue, an amount which comprises about 26.5% of the City's operating budget; and

WHEREAS, all the aforementioned venues are valuable City assets which are critical to the financial and economic health, safety, and welfare of the City and its people; and

WHEREAS, it is the duty and obligation of the City Council, as steward of those assets, to protect and ensure their continued viability; and

WHEREAS, the City Council will continue to monitor and evaluate this important issue by listening to the concerns and comments of its citizens, businesses, and key organizations, and by conducting a thorough review of the State's Request for Application (RFA) upon its release, and working with a collective voice diligently toward a solution that is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council expresses its opposition to the Upstate New York Gaming Economic Development Act as it relates to a destination resort casino being placed in the City of Saratoga Springs, due to the following concerns:

- That the City's vibrant downtown, the Saratoga Springs City Center as the current exclusive convention center in the City, and City's diverse package of cultural and economic assets could be adversely impacted without explicit, concrete details and required agreements and partnerships built with city businesses and city government;
- That the Act does not require conformance with the City's Comprehensive Plan;
- That the Act does not provide for "home rule" and introduces the possibility that local laws, ordinances, and policies regarding land use could effectively be overridden, thereby diminishing the ability of the City's citizens to duly and democratically shape the future of their own city;
- That insufficient protection and regulation exists with respect to the sale or transfer of a casino gaming license; and that furthermore absent significant modifications an unlimited and undesirable expansion of casino operations could supplant the economic activity which sustains our City's thriving downtown core; and
- That the horse racing industry, including but not limited to: trainers, breeders, horsemen, and fans are not given adequate protection to ensure that the sport of harness racing and the businesses that support it, can continue to operate successfully in our City; and
- That projected revenues provided to the City by the State would not be received at a sustained or guaranteed rate thereby resulting in considerable disruption to the City's budget, operations, and services on which our citizens rely.

RESOLVED, that the Clerk of the City of Saratoga Springs forward a certified copy of this Resolution to Governor Andrew M. Cuomo and the City's representatives in the New York State Senate and New York State Assembly.

Dated: March 4, 2014

Ayes: _____ Nays: _____