



**City of Kingston
Report to Council
Report Number 15-027**

To: Mayor and Members of Council
From: Gerard Hunt, Chief Administrative Officer
Resource Staff: Cynthia Beach, Commissioner of Corporate and Strategic Initiatives
Date of Meeting: December 16, 2014
Subject: Question on the Ballot – Locating a Casino in Kingston - Results

Executive Summary:

On April 29, 2014 Council enacted and passed By-Law Number 2014-73, being a By-Law to submit to the electors of the City of Kingston, a question pursuant to the **Municipal Elections Act, 1996** with respect to locating a casino in the City of Kingston. As part of the by-law, the City Clerk was authorized and directed to place the following question on the ballot for the 2014 Municipal Election in the City of Kingston pursuant to the requirements of the **Municipal Elections Act, 1996**:

Are you in favour of a casino being located in the City of Kingston? Yes. No,

On October 27, 2014, the aforementioned question appeared on the ballot. The legal requirement to seek the input of the public in this manner is set out in section 2(2)(3)(i) of Ont. Reg. 81/12 passed pursuant to the **Ontario Lottery and Gaming Corporation Act, 1999** which states:

3. In the case of a proposed gaming site to be established at premises in a municipality or on a reserve,
 - i. the municipal council or the council of the band, as the case may be, seeks public input into the establishment of the proposed gaming site and gives the Corporation, in writing, a description of the steps it took to do so and a summary of the public input it received...

In accordance with Section 8.2(1) of the **Municipal Elections Act, 1996** “the results of a question authorized by a by-law under clause 8 (1) (b) are binding on the municipality which passed the by-law if,

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- (a) at least 50 per cent of the eligible electors in the municipality vote on the question;
and
- (b) more than 50 per cent of the votes on the question are in favour of those results. “

The results of the vote in this case were not binding. The number of eligible voters was 90,179; 35,187 electors voted on the question, resulting in a turnout of 39.02%. The results of the vote which were cast on the question were 23,607 electors or 67.09% voting No; 11,580 electors or 32.91% voting Yes. The results of the vote provide insufficient indication that the public is in favour of the placement of a gaming site in Kingston.

Notice has been provided that if there was a binding Yes vote, the municipal council would advise the Ontario Lottery and Gaming Corporation (OLG) that it had consulted with the public and that the public were in favour of a casino being located in Kingston, and pass and provide the OLG with a resolution supporting the establishment of a casino. Alternatively, if there was a binding No vote, the municipal council would advise the OLG that the public were not in favour of a casino being located in Kingston and pass and provide the OLG with a resolution that it did not support the establishment of a casino. As there was no binding vote one way or the other, neither of these communications to the OLG can be provided. In this report the input of the public is summarized.

The purpose of this report is to report back to Council on the results of the question with respect its final disposition.

Recommendation:

That the Ontario Lottery and Gaming Corporation be advised that:

- the City of Kingston has consulted with the public through inclusion of a question on the ballot in the 2014 municipal election with respect to placement of a gaming site in Kingston;
- the results of the vote on the question were 23,607 electors or 67.09% voting No; 11,580 electors or 32.91% voting Yes;
- the number of eligible voters was 90,179; 35,187 electors voted on the question, resulting in a turnout of 39.02%; and
- as a result, the public input received through the ballot question does not support a placement of a gaming site in Kingston. The results of the vote provide insufficient indication that the public is in favour of the placement of a gaming site in Kingston. This is due to both (i) the lack of a 50% or greater vote on the question and (ii) the opposition of 67.09% of votes cast to the concept.

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Authorizing Signatures:

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Cynthia Beach, Commissioner, Corporate & Strategic Initiatives

Lanie Hurdle, Commissioner, Community Services Not required

Denis Leger, Commissioner, Transportation, Facilities & Emergency Services Not required

Jim Keech, President and CEO, Utilities Kingston Not required

Desiree Kennedy, Chief Financial Officer & City Treasurer Not required

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Options/Discussion:

See Executive Summary.

Existing Policy/By-Law:

Municipal Elections Act, 1996

Ont. Reg. 81/12 passed pursuant to the Ontario Lottery and Gaming Corporation Act, 1999

Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Contacts:

Cynthia Beach, Commissioner, Corporate & Strategic Initiatives, 613-546-4290, Extension 1150

Other City of Kingston Staff Consulted:

John Bolognone, City Clerk

Alan McLeod, Senior Legal Counsel

Exhibits Attached:

Not applicable