**RE: RESOLUTION CALLING UPON THE NEW YORK STATE COMPTROLLER TO AUDIT WESTERN NEW YORK OFF TRACK BETTING CORP (OTB) AND CALLING ON OTB TO HONOR FREEDOM OF INFORMATION LAW (FOIL) REQUESTS-LEGISLATURE**

WHEREAS, a top priority of the Schuyler County Legislature is to manage its government resources efficiently and effectively and ensure accountability for tax dollars spent to support government operations and the efficient collection of revenue; and

WHEREAS, the Legislature supports government transparency, including prompt compliance with the provisions of New York State Public Officers Law Art. 6 (“the Freedom of Information Law” or “FOIL”); and

WHEREAS, Western OTB was formed as a public benefit corporation in 1973 and its geographic area is comprised of 15 counties, including Schuyler County, and the Cities of Buffalo and Rochester, with the Board of Directors (Board) as the governing body; and

WHEREAS, the Board has 17 members, one from each of the participating municipalities, who are appointed by their respective governing bodies; and

WHEREAS, Western OTB offers off-track pari-mutuel wagering on horse racing for the objective of promoting the horse racing industry, as well as video gaming operations, providing revenues to State and local governments; and

WHEREAS, Western OTB collects revenue which must be distributed to various entities, including Schuyler County, according to statutes and contracts, based on formulas in the New York State Racing Law; and

WHEREAS, news reports have surfaced recently, alleging certain potential financial irregularities in the operations of Western OTB, including that: Western OTB was misusing suite tickets to Buffalo Bills games, Buffalo Sabers games, and other outings and events; Western OTB was not honoring Freedom of Information Law (FOIL) requests; and the Federal Bureau of Investigation (FBI) has interviewed multiple people connected to the Western OTB regarding contracts issued to several businesses with ties to corporation; and

WHEREAS, while any such reports are allegations and must be proven by competent evidence in a court of law, the County Legislature is mindful of its duty to the public purse and government accountability and to a full and fair investigation; and

WHEREAS, in accordance with the above, the Schuyler County representative to the Western OTB Board has recommended that an audit be performed of the Western OTB financial operations; and

WHEREAS, the New York State Comptroller oversees the fiscal affairs of local

governments and public entities statewide, including OTBs, as well as compliance with relevant statutes and observance of good business practices; and this fiscal oversight is accomplished, in part, through audits, which can identify opportunities for improving operations and board of directors’ governance, identify strategies to reduce costs and to strengthen controls intended to safeguard local government assets;

NOW, THEREFORE, BE IT RESOLVED that this Legislature calls upon the Office of the New York State Comptroller to commence an audit of Western OTB in order to assess the financial condition of Western OTB, its internal controls and compliance with contracts, laws and regulations and other operations as necessary, in order to ensure that Western OTB is using revenues and taxpayer money effectively and efficiently to promote the common good; and

BE IT FURTHER RESOLVED that this Legislature calls upon Western OTB to immediately take any and all steps necessary to comply with the statutory mandates of New York State Public Officers Law Art. 6; and

BE IT FURTHER RESOLVED that the Clerk of the Legislature shall forthwith transmit a true copy of this resolution to the following: Western OTB Board of Directors, New York State Comptroller Thomas P. DiNapoli, the New York State Committee on Open Government and the clerks of the legislative bodies of each of the member municipalities.