



**The Municipal Corporation of the
Town of Fort Erie
BY-LAW NO. 185-2000**

BY-LAW No. 206-2000
Nov 27, 2000
DATE attached

**BEING A BY-LAW TO ESTABLISH A GAMING POLICY FOR THE
TOWN OF FORT ERIE AND TO DELEGATE THE
ADMINISTRATION TO THE COMMUNITY GAMING
DEVELOPMENT CORPORATION AND TO
REPEAL BY-LAW NO. 146-2000 (210101)**

AMENDED BY
BY-LAW No. 207-2002
Oct 29, 2002
DATE attached

WHEREAS Section (2) of the Gaming Policy for the Town of Fort Erie, annexed hereto, sets out the legislative authority for gaming initiatives and delegation of authority as well as the background of strengthening and improving the charitable gaming sector in Fort Erie, and

WHEREAS Report No. CAO-24-2000 was approved at the Council-in-Committee meeting of July 10, 2000 to adopt a new gaming policy, and

WHEREAS By-law No. 146-2000, being a by-law to establish a Gaming Policy for the Town of Fort Erie and to delegate the administration to the Interim Community Gaming Committee, was approved at the Regular meeting of Council held July 17th, 2000, and

WHEREAS following consultations with the Alcohol and Gaming Commission of Ontario it was determined that amendments to By-law No. 146-2000 were required and for ease of reference, it is deemed desirable to repeal By-law No. 146-2000, and

WHEREAS it is deemed desirable to adopt a new Gaming Policy for the Town of Fort Erie and to delegate the administration of the policy to the Community Gaming Development Corporation of Fort Erie;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Fort Erie hereby enacts as follows:

- (1) **THAT** the Gaming Policy for the Town of Fort Erie annexed hereto as Schedule "A" to this by-law be and it is hereby authorized, approved and adopted.
- (2) **THAT** the administration of the Gaming Policy be and it is hereby delegated by by-law to the Community Gaming Development Corporation of Fort Erie which has been registered in accordance with the laws of the Province of Ontario.

BY-LAW NO. 185-2000
PAGE TWO

- (3) **THAT** any delegated authority authorized by this by-law may be revoked by the Municipal Council of the Town of Fort Erie at any time, for any reason, including failure to adhere to the provisions of this by-law and amendments thereto or any Provincial gaming regulations and requirements.
- (4) **THAT** By-law No. 146-2000 be and it is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 10th DAY OF OCTOBER, 2000.



MAYOR



CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 2000 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of _____, 2000.

SCHEDULE "A" TO BY-LAW NO. 185 -2000



The **C**orporation of the **T**own of **F**ort **E**rie

Gaming Policy

Town of Fort Erie Gaming Policy

INDEX

<u><i>Section</i></u>		<u><i>Page</i></u>
1.0	Introduction	3
2.0	Legislative Authority and Background	3
3.0	Definitions	7
4.0	Community Gaming Development Corporation	8
5.0	Eligibility	8
6.0	Review Process	9
7.0	Application Process	11
8.0	Right to Appeal	13
9.0	Monitoring and Compliance	15
10.0	Financial Accountability	16
11.0	Break Open Tickets	17
12.0	Raffles/50-50 Draws/Bazaars	18
13.0	Bingo	18
14.0	Building and Capital Improvements Funds	18
15.0	Use of Proceeds	21
16.0	Fees	21
17.0	Terms of License	22
18.0	Records and Freedom of Information	22
19.0	Minutes	22

1.0 Introduction

1. The Town of Fort Erie recognizes the vital contribution of charitable organizations, service clubs and non-profit organizations in enhancing the quality of the life of the community. The Town of Fort Erie licenses and allocates gaming events in support of charitable organizations in a clear, transparent, respectful and accountable process to maximize the impact of gaming revenues in building a strong community.
2. One of the goals of the 1998-2000 Corporate Strategic Plan for the Town of Fort Erie is to co-ordinate, centralize, monitor and enhance gaming initiatives in the Town of Fort Erie.
3. Broad consultation with the community resulted in recommendations contained in the Woodburn/Korn Final Report entitled "Strengthening the Charity Bingo Sector in the Town of Fort Erie". (1999)
4. This policy establishes policies and procedures, terms and conditions beyond those of the Alcohol and Gaming Commission of Ontario for the conduct and management of lottery schemes in the Town of Fort Erie.

2.0 Legislative Authority and Background

1. Order-in-Council 2688-1993 governs the issuance of licenses for charitable and religious organizations, fairs and exhibitions, and public places for amusements to conduct and manage lottery schemes in Ontario. Under Section 10 of the Order-in-Council, a municipal council may impose additional terms and conditions. The Commission establishes policies and guidelines for the regulation of charitable gaming in the Province of Ontario.
2. By-law No. 228-93, as amended establishes a Charitable Gaming Policy for the Town of Fort Erie.
3. Resolution No. 15 was passed at the Council meeting of January 25, 1999 adopting in principle, the "Strengthening the Charity Bingo Sector in the Town of Fort Erie" report prepared by Woodburn and Korn.
4. Report No. CAO-1-99 was approved at the Council-in-Committee meeting of February 1, 1999 authorizing that the public consultation process associated with the final report on Strengthening the Charity Bingo Sector be administered by the Ad Hoc Gaming Services Policy Committee.

Legislative Authority and Background, continued

5. At the Council meeting of April 12, 1999 the Ad Hoc Gaming Services Policy Committee meeting minutes of March 31, 1999 were approved accepting the need for the establishment of a Transition Team with associated terms of reference.
6. By-law No. 109-99 establishes the Charitable Gaming Transition Team, the terms of reference and appointments thereto.
7. Resolution No. 15B was passed at the Council meeting of September 27, 1999, as follows:

WHEREAS under Council's Corporate Strategic Plan 1998 – 2000 as approved by By-law No. 80-98, Gaming Initiatives are listed as a Priority No. 1 with the goal of coordinating, centralizing, monitoring and enhancing gaming initiatives within the Town of Fort Erie, and

WHEREAS Council contracted with Woodburn Life Balance Associates Inc. to achieve the important goal of strengthening the charity bingo sector in the Town of Fort Erie by designing and facilitating a comprehensive public consultation process with all key stakeholders including charities, gaming operators, bingo associations, Council, staff and the public, and to report to Council on their findings, and

WHEREAS Council's approach has been to empower the community to take control of gaming in Fort Erie and the consultant's report provided the fabric for a new gaming by-law and policy to determine the allocation of bingo events and proceeds in Fort Erie, and

WHEREAS Council passed Resolution No. 15 on January 25, 1999, adopting, in principle the report prepared by Woodburn Life Balance Associates Inc. entitled "Strengthening the Charity Bingo Sector in the Town of Fort Erie", and

WHEREAS Council adopted By-law No. 109-99 on June 21, 1999 which establishes the Charitable Gaming Transition Team and its Terms of Reference, and

WHEREAS Council, at its July 14, 1999, Ad Hoc Gaming Services Policy Committee meeting requested the Charitable Gaming Transition Team to review Goal #3 of the Woodburn Report and provide a recommendation for Council's consideration, and

WHEREAS the Charitable Gaming Transition Team has met on five separate occasions and in a memorandum to Mayor and Council dated August 20, 1999, recommended to Council the establishment of a new arm's length entity delegated with the responsibility for the management of the Charity Bingo Framework consisting of:

Legislative Authority and Background, continued

- *An arms-length entity, with paid staff*
- *Entity must have the authority to deal directly with licencees*
- *Membership should consist of 8 Board of Directors plus one seat for Council*
- *Some type of 3 year rotation to the Board should be included*
- *The entity should be called the "Community Gaming Corporation"*

NOW THEREFORE be it resolved by the Municipal Council of the Town of Fort Erie that it does hereby approve, in principle, the establishment of a new arm's length entity, subject to the approval of the Alcohol and Gaming Commission of Ontario, to be known as the "Community Gaming Corporation", with delegated responsibility for the management of the Charity Bingo Framework and directs municipal staff to prepare a report for Council describing the preferred organizational structure and operating mechanisms, roles, and responsibilities. (CARRIED)

8. Report No. CAO-2-2000 was approved at the Council-in-Committee meeting of February 7, 2000, authorizing the C.A.O. by resolution to apply for incorporation of the Community Gaming Corporation and the establishment of an Interim Community Gaming Committee.
9. Resolution No. 18 was passed at the Council meeting of February 14, 2000, as follows:

WHEREAS in concert with Council's Mission Statement, which in part "is to create and maintain an environment which encourages public participation in community life", Council has decided to proceed with the establishment of two community development corporations, and

WHEREAS Council at its Committee meeting held January 10, 2000, approved Report No. F-2-2000, authorizing staff, in concert with the Museum Board, to proceed with the creation of a Community Development Corporation, and development of an agreement between the new Corporation and the Municipality for the management of Fort Erie's heritage assets, and

WHEREAS Council at its Committee meeting of February 7, 2000, Report No. CAO-2-2000 was approved, authorizing the CAO by resolution, to apply for incorporation of the Community Gaming Corporation and Museum/Heritage Corporation;

NOW THEREFORE be it resolved by Municipal Council of the Town of Fort Erie that pursuant to Section 112.2(3) of The Municipal Act, R.S.O. 1990, c.M.45, as amended, K.P. Zurby, Chief Administrative Officer, be and he is hereby appointed and directed to apply on behalf of The Corporation of the Town of Fort Erie for incorporation of the Community Gaming Corporation and the Museum/Heritage Corporation.

(CARRIED)

Legislative Authority and Background, continued

10. By-law No. 27-2000 passed February 14, 2000, authorizes the establishment of an Interim Community Gaming Committee.
11. By-law No. 34-2000 passed February 28, 2000, authorizing Interim Community Gaming Committee to assume the duties and responsibilities of the Gaming Services Committee under the Charitable Gaming Policy.
12. Report No. CAO-17-2000 was approved at the Council-in-Committee meeting of May 15, 2000, approving a public consultation period of 60 days for the draft by-law including circulation of the draft by-law to the charitable gaming stakeholders and upon conclusion of the public consultation period that a further report be submitted to Council-in-Committee recommending the approval of the second draft by-law.
13. Section 102.1 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides:
 - (1) *Delegation of administrative functions – The council of a municipality may, by law, delegate to a committee of council or to an employee of the municipality any powers, duties or functions that are administrative in nature.*
 - (2) *Conditions – The council may, in the by-law, impose conditions on the exercise or performance of the delegated powers, duties and functions.*
 - (3) *Non-administrative matters – Subsection (1) does not authorize the delegation of powers, duties, or functions that are legislative or otherwise non-administrative in nature, such as the power to pass by-laws, adopt estimates, levy, cancel, reduce or refund taxes, or appoint persons to and remove them from offices created by statute.*

3.0 Definitions

1. **“charitable organization”** means an organization which is incorporated as a non-profit corporation with charitable objects as defined by the Commission or registered as a charitable corporation under the Canada Income Tax Act.
2. **“Commission”** means the Alcohol and Gaming Commission of Ontario.
3. **“Corporation”** means the Community Gaming Development Corporation of Fort Erie which is an employee of the Corporation of the Town of Fort Erie.
4. **“Council”** means the Municipal Council of the Town of Fort Erie.
5. **“Director”** means the Director as appointed under the Gaming Control Act, S.O. 1992, Chapter 24, as amended.
6. **“gaming event”** means a single occasion at which a lottery scheme is conducted.
7. **“license”** means a license issued under the Criminal Code (Canada), by or under the authority of the Lieutenant Governor-in-Council, to conduct or manage a lottery scheme.
8. **“licensee”** means a person to whom a license is issued.
9. **“lottery scheme”** means a game or any proposal, scheme, plan, means, device, contrivance or operation described in any of paragraphs 206(1) to (g) of the Criminal Code (Canada).
10. **“Official”** means the Lottery Licensing Official of the Town appointed by By-law of the Council.
11. **“organization”** means a charitable or non-profit organization.
12. **“person”** means a corporation, organization, or charitable organization.
13. **“Policy”** means the Charitable Gaming Policy of the Town of Fort Erie.
14. **“proceeds or profits”** means the sum of monies remaining after the paying of expenses for the lottery and all proceeds or profits shall be used for a charitable object or purpose.
15. **“Regional Area”** means any Municipality within the Regional Municipality of Niagara.
16. **“Town”** means The Corporation of the Town of Fort Erie.

4.0 Key Functions of Community Gaming Development Corporation

The key functions of the Corporation are as follows:

1. To manage all aspects of the gaming licensing function including application process, review process, allocation of events, monitoring for compliance and outcomes evaluation.
2. To initiate the development of a Community Gaming Strategic Plan; submit the plan for Council's approval and implement the plan.
3. To facilitate and support the development of a Gaming Industry Business Plan including a Contingency Plan for community charitable organizations.
4. To implement an annual evaluation of the Corporation's activities, allocation and review process and make recommendations for improvement to Council.
5. To sponsor and facilitate training and workshops for community organizations.
6. To provide policy advice to Council.

5.0 Eligibility

1. To be eligible to receive a license, the applicant shall meet the following requirements in addition to those established by the Commission:
 - a) The organization shall be incorporated as a non-profit corporation with charitable objects as defined by the Commission or be registered as a charitable corporation under the Canada Income Tax Act.
 - b) The organization shall have been in existence for at least one year.
 - c) The organization shall have their operations located in the Niagara Regional Area.
 - d) The organization shall provide direct, community-based services to the residents of the Town.

6.0 Review Process

1. The review of all applications for the purpose of licensing, regulating and allocating gaming events shall be conducted in a clear, transparent and fair process that respects the autonomy and diversity of the applicant organizations.
2. Applications shall be reviewed through a comprehensive screening process. The screening process shall combine the professional assessment of applications using detailed technical research with the consultation of volunteers.
3. The Corporation shall determine the merits of applications using the following screens:
 - a) Ability of applicant to meet the Eligibility Requirements.
 - b) Ability of applicant to meet the Allocation Criteria.
 - c) Applicant's programs and activities that fall into the identified Priority Areas.
 - d) Review teams consisting of Corporation staff and members of the Board of Directors shall participate in making recommendations for the allocation of gaming events.
 - e) During regular Board meetings the Corporation's Board of Directors shall approve all final recommendations.

6.1 Allocation Criteria

1. Applicants must meet the Allocation Criteria. However, meeting the criteria does not in itself guarantee application approval. It is anticipated that all budget requests that meet the eligibility requirements and allocation criteria may not be approved due to market conditions of the gaming industry.

Review Process, continued

2. Applications shall be assessed on the ability to meet the following criteria:
 - a) **Strength of the Applicant**
 - i) The applicant has a clearly stated purpose/mission and the organizational capacity for carrying out their stated programs, activities and services.
 - ii) The applicant has an effective governance structure in place.
 - iii) The applicant practices sound financial management and complies with legal and regulatory licencing requirements.
 - iv) The applicant has a proven track record of success.
 - b) **Need for Dollars**
 - i) The applicant demonstrates a real need for dollars with realistic financial projections.
 - ii) The applicant demonstrates that the programs/ activities provide an identified benefit to the community.
 - c) **Community Support**
 - i) The applicant is partnering, collaborating and generally working together with others in the community.
 - ii) Volunteers play a significant role in the organization.
 - d) **Impact and Sustainability**
 - i) The applicant demonstrates that initiatives are sustainable and will result in a lasting positive impact on the community.
 - ii) The applicant is willing and able to respond to changes in the community.
 - e) **Capacity and Flexibility**
 - i) The applicant is flexible and actively promotes access to all programs/activities.
 - ii) The applicant focuses on the capacity of individuals and the community in carrying out their programs/activities.

Review Process, continued

6.2 Priority Areas

1. The Town recognizes the importance of building a hopeful, caring and strong community that has an abundance of diverse activities and services. Priority areas shall be used in the review process to focus resources to areas that will result in the greatest benefit for building a strong community by supporting a variety of sectors.
2. Priorities shall be reviewed and updated from time to time through community consultation.
3. In keeping with community building philosophies that support cross-sector collaboration, the following priority areas shall be used for determining allocation of lottery events to applicants that:
 - a) Build a strong and diverse community
 - b) Foster community pride and a sense of belonging
 - c) Prevent community problems
 - d) Preserve the unique characteristics of the community
 - e) Embrace and protect the natural environment
 - f) Support community and personal safety
 - g) Strengthen families and children
 - h) Promote health and well-being
 - i) Make better use of existing community resources or facilities
 - j) Promote self-sufficiency and develop strong leaders

7.0 Application Process

1. The application process shall be transparent and treat all applicants in a fair and respectful manner.
2. An organization applying for a lottery license shall submit to the Corporation an application in Form 1, as prescribed by the Commission and Form 2 as prescribed by the Town, together with as many copies thereof as the Corporation requires.
3. The application(s) shall be signed by the Designated Member in Charge, that is the subject of the application or the authorized agent or solicitor of the Board of Directors of the applicant.

Application Process, continued

4. The Corporation shall note the date of receipt on each application and shall continuously number applications for each calendar year.
5. The Corporation may attach terms and conditions to the license.
6. The Corporation shall keep and maintain all approved applications pursuant to Section 19.1 herein.

7.1 Application Review Meetings

1. The Corporation shall schedule designated meetings to review applications for approval, renewal or amendment.
2. The Official shall, at least fifteen days before the date of a review meeting, request for written comments from any department, ministry or agency of the federal, provincial or municipal government, and any other local board, commission or person that the Corporation determines should receive notice.
3. Signed, written submissions that relate to an application shall be accepted by the Corporation before or during the meeting to review the application and shall be available to any interested person for inspection at the review meeting.
4. Where a review meeting is adjourned, the Corporation shall, at the time of the adjournment, fix a time and place for the further review of the application and the chair shall announce it to the persons present.

7.2 Renewal of License

1. Prior to the renewal of any license the organization shall file an application in the prescribed form within sixty (60) days prior to the organization's fiscal year end.
2. A license shall not be extended for any organization that attains their budgeted goal before their fiscal year end.

Application Process, continued

7.3 Notice of Decision

1. All applicants shall be informed, in writing, regarding decisions of license approval, renewal or amendment.
2. Every written notice of decision sent under this By-law shall specify the last date on which a notice of appeal may be filed as per Section 8.3.1.

8.0 Right to Appeal

1. Every organization applying for a gaming license has the right to appeal decisions made by the Corporation regarding eligibility, allocation of gaming events, and penalties invoked.
2. The following actions shall not be considered under the appeals process:
 - a) Policies of the Council
 - b) Expiration of a gaming license
 - c) Decisions of the Appeals Committee
3. The Appeals Committee is the final arbiter of appeals locally.
4. Applicants that are dissatisfied with the decisions of the Appeals Committee may file complaints with the Director.

8.1 Appeals Committee

1. An Appeals Committee shall be appointed by Council and shall be responsible for reviewing and deciding action in response to appeals from applicants.
2. The Appeals Committee shall be comprised of three members of Council.

Right to Appeal, continued

8.2 Appeal Process

1. The applicant shall file with the Corporation, a completed Request for Appeal Form within twenty days from the date of notification of a decision regarding a license.
2. The Corporation shall provide written reasons for the decision.
3. The Corporation shall forward the reasons for decision and all relevant materials regarding the appeal along with the Request for Appeal application to the Appeals Committee.
4. The Appeals Committee shall review the Request for Appeal application, the relevant materials from the Corporation and schedule a review hearing within ninety days of receiving the written Request for Appeal.

8.3 Appeal Hearing

1. The Appeals Committee, at least fifteen days before the date of a review meeting, may request written comments from any department, ministry or agency of the federal, provincial or municipal government, and any other local board, commission or person that the Appeals Committee determines should receive notice.
2. All parties shall be given fifteen days notice of the appeals hearing including date, time and place of the hearing and the nature of the appeal.
3. The Appeals Committee shall ensure that the applicant and the Corporation have equal opportunity to present information at the hearing.
4. The Appeals Committee shall deliberate on all relevant information provided at the review hearing and forward its decision and reasons for its decision, in writing, to the next meeting of the Corporation.
5. The Corporation shall notify the applicant, in writing, of the decision of the Appeals Committee.

Right to Appeal, continued

8.4 Fees

1. An appeals application fee of \$100.00 is hereby established. This fee is **payable to the Town and** refundable if the applicant's appeal is successful.

9.0 Monitoring and Compliance

1. The Official may investigate, inquire into and report on any licensee and shall be responsible for the monitoring of all licenses under its jurisdiction, pursuant to the provincial and municipal gaming license regulations, terms and conditions.
2. Upon request, the licensee shall provide the Official with any and all information that the Official deems necessary in order to determine compliance with all municipal and provincial lottery regulations, terms and conditions.
3. The Official will communicate the findings of an investigation under subsection (1) to the Corporation. The Corporation may communicate the results of the investigation to the Town, the Commission and any other person, as the Corporation deems advisable.

9.1 Failure to Comply

1. If the Corporation concludes, after an investigation, that the conduct of the licensee is proved on clear and convincing evidence to be in violation of municipal and/or provincial regulations, the Official shall issue a written notice to the licensee stating any term or condition violated.
2. Any organization that fails to comply with the provincial and/or municipal regulations, terms and conditions of the license after the second written notice, the Official shall recommend to the Corporation a penalty pursuant to Section 9.3.
3. The Corporation shall deliberate and decide suspension, cancellation or refusal to issue a license in the form of a resolution as contained in the minutes of the Corporation.
4. The Official shall, by registered mail, notify the licensee of any penalty imposed by the Corporation.

Monitoring and Compliance, continued

9.2 Penalties

1. Upon a finding of any violation of any municipal and/or provincial lottery regulation, the Corporation may impose the following penalties:
 - a) First infraction: Suspension of license until compliance is achieved
 - b) Second infraction: 1 year license suspension with reinstatement conditional upon compliance
 - c) Third infraction: Cancellation of license

9.3 Criminal Offences

1. If a licensee is subject to any criminal investigation, the Corporation may suspend the license until a disposition of the said investigation and may then take whatever action the Corporation deems appropriate.

10.0 Financial Accountability

1. All applicants shall provide the Corporation with the necessary information to establish effective financial accountability in the management and operation of lottery events.

10.1 Financial Statements

1. The licensee shall submit to the Corporation an annual, verified copy of a financial statement. The financial statement shall be reviewed by an independent, public accountant in accordance with the CICA Handbook section 8100 (General Review Standards) and 8200 (Reviews of Financial Statements). The financial statement shall also provide a Compliance Report prepared in accordance with section 8600 (Review Engagement Report) with respect to the licensee's compliance with the terms and conditions of each license.
2. Organizations that require by law, audited financial statements shall provide a copy of those statements along with a copy of the management letter on an annual basis.

Financial Accountability, continued

10.2 Books and Records

1. The licensees shall open and maintain only one gaming trust account under the name of the licensee to administer the proceeds of the lottery scheme(s) licensed by the Corporation.

11.0 Break Open Tickets

1. All organizations operating break-open tickets in the Town of Fort Erie shall make application in the prescribed form to the Official for a license and shall comply with the Commission's terms and conditions of the license.

12.0 Raffles/ 50-50 Draws/Bazaars

1. All organizations operating raffles, draws and/or bazaars shall make application to the Official in the prescribed form for a license and shall comply with the Commission's terms and conditions of the license.
2. Any raffle application in excess of \$10,000 and less than \$50,000 shall be accompanied by an irrevocable Letter of Credit from a chartered bank of Canada or other registered financial institution payable to the Corporation.
3. The Letter of Credit shall be in the amount of the total value of the prizes to be awarded and shall remain in force and effect until 45 days after the conclusion of the event.
4. Where the licensee refuses or fails to pay out prizes to winners at a lottery event, the Corporation shall cause the amount submitted as security to be realized upon and shall use the proceeds to pay the prizes to the winners.

13.0 Bingo

1. All organizations operating bingo shall make application in the prescribed form to the Official for a license and shall comply with the Commission's terms and conditions of the license.
2. Licensees shall file bingo reports with the Bingo Sponsors' Association upon the conclusion of each event, as determined by the Corporation.
3. The Bingo Sponsors' Association shall supply the Corporation with monthly reports along with copies of all requested attachments as determined by the Corporation.
4. Amendments to the prize board, games schedule and prices require the prior written approval of the Corporation.

14.0 Building and Capital Improvements Funds

1. The Town supports the use of gaming proceeds for the capital cost of construction, repair, leasehold improvements or purchase of real property including land, buildings, and major equipment provided charitable benefit can be shown and provided the property is owned by a non-profit or registered charitable organization.
2. The applicant must demonstrate the capacity to finance all construction to completion and maintenance of the property for a minimum period of five years thereafter.
3. The Town places priority on improving *existing* resources and facilities. Applications will be assessed using the allocation criteria and priority areas as described in Section 6.
4. All properties purchased using gaming funds shall have conditions registered on title detailing how the property is to be distributed upon sale or upon dissolution of the corporation/organization.
5. Property acquired or renovated through a building and capital fund comprising lottery proceeds may not be sold or mortgaged without the prior written approval of the Corporation.
6. The Corporation may place additional conditions on the approval of building and capital funds.

Building and Capital Improvements Funds, continued

14.1 Pre-qualification for Establishing Building/Capital Funds

1. Gaming proceeds may be used to establish a building/capital fund upon the written approval of the Corporation. Approval in writing must be received prior to the establishment of the building/capital fund. The following information must be submitted for review as a pre-qualification before a detailed plan will be reviewed:
 - a) An explanation for the use of the total facility that includes availability of building for public benefit and restrictions on the use of the building.
 - b) A feasibility study indicating ability of the organization and the community to sustain the capital project.
 - c) An architect's rendering of the proposed building.
 - d) A proposed budget for the project including all sources of anticipated revenues and expenses.

14.2 Building/Capital Project Review

1. Upon successful completion of the pre-qualification as per Section 14.1 the applicant shall submit the following information to the Corporation for approval:
 - a) A detailed budget for the proposed project, including all sources of projected revenue and all projected expenses.
 - b) A global organizational budget, indicating all expenses and all income for the current fiscal year.
 - c) A projected timeline including when and from whom necessary approvals, permits, environmental assessments and/or licenses will be obtained.
 - f) Demonstrate how the capital/building fund will impact and enhance the overall programs and activities of the organization.

Building and Capital Improvements Funds, continued

- g) A sustainability plan for the long-term (minimum five years) maintenance of the property including financial and marketing strategies.
- h) Indication of ownership of the building/property and how assets will be disbursed in the event of dissolution of the organization. If the property is leased, documentation detailing the lease agreement.

14.3 Implementation of Building/Capital Fund

1. Upon the successful completion of the Project Review as per Section 13.3, the applicant shall submit finalized project plans for final approval as follows:
 - a) Detailed architectural drawings by a licensed architect or engineer in the Province of Ontario, must be submitted for all new capital construction proposals and for extensive renovations, as determined by the Town's Chief Building Official.
 - b) A detailed budget for the proposed project, including all sources of projected revenue and all projected expenses. Copies of at least two written estimates including labour and material costs for the project must be included with the budget.
 - c) A global organizational budget, indicating all expenses and all income for the current fiscal year.
2. Once a capital/building fund has been approved, any alterations to the original plan or amendments to the proposed building fund budget must be approved in writing by the Corporation.
3. As required by the Commission, the value of the lottery proceeds applied to any capital/building fund must be documented and available for review by the Corporation and be kept for as long as the licensee owns the property.

15.0 Use of Proceeds

1. All licensees shall comply with the Commission's terms and conditions of the license in the use of proceeds.
2. Organizations are not permitted to donate lottery funds except to those organizations that have such activities defined in the objects and purposes contained in their constituting documents.
3. Organizations using lottery revenues for scholarship or bursary funds shall provide the Corporation with documentation that the scholarship or bursary fund is legally established as a charitable trust registered with Revenue Canada.

16.0 Fees

1. All license fees are payable to the Town and are due at the time of application. The license fee shall not be refunded if the Corporation revokes a license due to contravention of any regulations, terms or conditions.
2. The following license fees shall apply:

Bingo	3% of prize board to a maximum prize board of \$5,500.00
Break-Open Tickets	3% of prizes per box
Media Bingo	3% of prizes
Raffle	3% of prizes with a minimum of \$10.00
Bazaar	3% of prizes/\$10.00 per wheel

17.0 Terms of License

1. A license issued under this by-law shall continue in force during the period specified on the license, is not transferable and may be revoked by the Official subject to the review and approval of the Corporation.

18.0 Records and Freedom of Information

1. The records of the Corporation shall be maintained, retained and disposed of in accordance with the Corporation's Records Management Policies and Retention Schedules as approved by the Town Clerk, Town Solicitor and Auditor.
2. The Corporation shall be subject to the provisions of the Municipal Freedom of Information and Protection and Privacy Act. Under Ontario Regulation 306/94, Community Development Corporations are designated as separate institutions from the Municipality and are responsible for and subject to the provisions of the said Act.

19.0 Minutes

1. Minutes of all Corporation meetings shall be delivered after each meeting to the Clerk of the Town for inclusion on the Regular Council Agenda, for information purposes.



**TOWN OF FORT ERIE
LOTTERY LICENSE APPLICATION
FORM 2**

This application is required in addition to Form 1 "*Gaming Control Commission Application To Manage and Conduct a Bingo Lottery*" for first time applicants or the "*Lottery Licensing Budget Approval Form*" for those renewing their lottery license.

Please keep responses to the following questions between 3-4 pages in total. In addition please be sure to supply all of the required attachments listed below. To ensure comprehensive analysis of the application, we may contact you for additional information or clarification. In some cases, we may contact you to set up a site visit to discuss the application in greater detail.

APPLICATION

ID # _____

- 1. Date**
- 2. Name of Organization**
- 3. Current contact information:**
 - Address
 - Phone, fax, e-mail
 - Contact person for application
 - Name and title of senior staff person
- 4. What is the total amount you are requesting for this license and what is the proposed use of these dollars?**
(Please attach a detailed budget for the use of lottery dollars and any written explanations.)
- 5. What is your purpose or mission statement?**
- 6. Please provide a brief description of your initiative/programs.**
(Summarize for which programs/activities your organization will use the lottery funds.)

7. How does your board of directors ensure that the organization is accountable?

Please include information such as:

- List of policies your board currently uses
- Volunteer/staff training initiatives undertaken
- Long term or strategic plans

8. How does your organization work with others in the community?

- Any current formal or informal partnerships, collaborations or networks that are of benefit to your organization
- Membership affiliations (national, provincial, regional or local)
- Number of volunteers and how they participate in the organization

9. What is the overall outcome that you hope to achieve through your initiative?

(Tell us how the community will be better as a result of your program(s).)

10. Who benefits from your activities and how many people receive services?

(Please describe any special characteristics about the people who participate in your programs/activities. If your program is a regional program, specify the number of clients served by geographic area using municipal boundaries.)

11. Does your organization strive to be flexible and accessible in responding to community changes? If yes, describe how:

- Your organization actively reaches out to new members or isolated people of the community
- Responds to changes in trends affecting the community or your programs directly
- Your organization ensures that your priorities are relevant to the community

12. How will you evaluate your activities to know that you have been successful?

- Describe any measurement tools used to evaluate programs/activities such as statistical data, questionnaires, interviews, outstanding achievements, etc.

ATTACHMENTS

Please provide copies of the original documentation where applicable.

- 1) **Cover letter signed by the Board Chairperson.**
- 2) **Current list of Board of Directors and outline of board terms of reference.**
 - Names and office of members
 - Terms of office and number of successive terms
 - Number of meetings in past year (and attendance if available)
- 3) **A detailed organizational budget for the next 12 months approved by your Board of Directors.** (Please include all sources of revenue and all proposed expenses. Sample budgets are available for your assistance.)
- 4) **Most recent financial statements**