

RESOLUTION 1996- 18

**A RESOLUTION ESTABLISHING THE PRO RATA
COST OF THE NOVEMBER 7, 1995 REFERENDUM TO
BE PAID BY APPLICANTS FOR A RIVERBOAT
OWNER'S LICENSE IN CLARK AND FLOYD COUNTIES**

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The following factors have been considered by the Commission:

1. Pursuant to IC 4-33-6-19, IC 4-33-6-20, Public Law 1993-277 (ss), SECTIONS 133 and 134, the Commission may issue a license only to those counties and cities upon the approval of the voters in the respective counties and cities.
2. Pursuant to Public Law 277-1993, (ss), SECTIONS 133 and 134, a special election was held in November of 1995 since "an applicant for a riverboat license under 4-33-6 [paid] in advance of the election the cost of the expenses to hold the special election, as determined by the election board".
3. On November 7, 1995, referenda were held in the counties of Clark and Floyd on the Ohio River.
4. The results of the November 7, 1995, referenda have been certified to the Commission stating that the referenda failed to pass in the counties of Clark and Floyd on the Ohio River.
5. Ogden Riverboat Associates, L.P. was the sole applicant for a Riverboat Owner's License to be located in Clark County as of November 7, 1995; and
6. Riverside Riverboat L.L.C. was the sole applicant for a Riverboat Owner's License to be located in Floyd County as of November 7, 1995.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING
COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

SECTION 1. SCOPE.

This resolution applies to the applicants for a Riverboat Owner's License in the counties of Clark and Floyd on the Ohio River.

SECTION 2. DEFINITIONS.

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution.

SECTION 3. PROCEDURE UTILIZED FOR PAYMENT OF ESTIMATED ELECTION COSTS.

Pursuant to RESOLUTION 1994-16, an applicant that presented the county auditor with a copy of the application filed with the Commission, and the appropriate statement indicating that the application had been filed with the Commission, the location of the home dock site, and that the application fee had been paid, was to pay the amount of the cost of the special election as previously determined by the Clark and Floyd County election boards.

The respective county election board, at a duly convened meeting, determined the cost of the special election held in November of 1995. The Commission has been advised of this information as set forth specifically below through the State Election Board. The Clark and Floyd County Auditors, through the State Election Board, have advised the Commission of the actual cost of holding the election as well as which applicant tendered this amount pursuant to RESOLUTION 1994-16. The respective County Auditor, in accordance with the procedure prescribed by the Indiana State Board of Accounts, under the State Examiner's Memorandum of August 31, 1993, is authorized to refund excess estimated special election costs.

SECTION 4. PROCEDURE AND ORDER FOR PAYMENT OF PRO RATA SHARE OF ELECTION COSTS, AND REFUND OF EXCESS PAYMENT OF ELECTION COSTS IN CLARK COUNTY.

The Commission finds as follows with respect to Clark County:

Ogden Riverboat Associates, L.P. applied for a Riverboat Owner's License to be located in Clark County, Indiana.

Estimated election costs: Sixty-one Thousand Nine Hundred and Fifteen Dollars (\$61,915.00). Ogden Riverboat Associates, L.P. paid the cost of the special election which was held on November 7, 1995, in Clark County.

Actual cost to Clark County of the special election held in Clark County was Fifty-nine Thousand Three Hundred Thirty-nine Dollars and Thirty-six Cents (\$59,339.36).

The estimated cost exceeded the actual cost of the November 7, 1995 election by Two Thousand Five Hundred Seventy-five Dollars and Sixty-four Cents (\$2,575.64).

Based on these findings, the Commission hereby ORDERS with respect to Clark County:

The Clark County Auditor is authorized to refund the amount of Two Thousand Five Hundred Seventy-five Dollars and Sixty-four Cents (\$2,575.64), as an excess payment of estimated election costs to Ogden Riverboat Associates, L.P. at the following address: 2 Pennsylvania Plaza, New York, NY 10121, attention T.J. Matthews.

SECTION 5. PROCEDURE AND ORDER FOR PAYMENT OF PRO RATA SHARE OF ELECTION COSTS, AND REFUND OF EXCESS PAYMENT OF ELECTION COSTS IN FLOYD COUNTY.

The commission finds as follows with respect to Floyd County:

Riverside Riverboat L.L.C. applied for a Riverboat Owner's License to be located in Floyd County, Indiana.

Estimated election costs: Fifteen Thousand Dollars (\$15,000.00). Riverside Riverboat L.L.C. paid the cost of the special election which was held on November 7, 1995, in Floyd County.

Actual cost to Floyd County of the special election held in Floyd County was Twelve Thousand Nine Hundred Twenty-four Dollars and Eighty Cents (\$12,924.80).

The estimated cost exceeded the actual cost of the November 7, 1995 election by Two Thousand Seventy-five Dollars and Twenty Cents (\$2,075.20).

Based on these findings, the commission hereby ORDERS with respect to Floyd County:

The Floyd County Auditor is authorized to refund the amount of Two Thousand Seventy-five Dollars and Twenty Cents (\$2,075.20), as an excess payment of estimated election costs to Riverside Riverboat L.L.C. at the following address: c/o Riverside Recycling, 1001 W. Floyd Street, New Albany, IN 47150, attention Tim Janson.

SECTION 6. EFFECTIVE DATE.

This RESOLUTION is effective immediately.

ADOPTED, THIS THE 20TH DAY OF MARCH, 1996:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Donald R. Vowels, Secretary