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# Board of Supervisors Memorandum

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December 1, 2020

## **Consolidation of Natural Resources, Parks and Recreation Advisory Commission and the Pima County Fair Horse Racing Commission**

### **Introduction**

Two Departments, Attractions and Tourism (A&T) and Pima County Natural Resources, Parks and Recreation (NRPR), have some responsibility for the oversight of horse racing at Rillito Park and each has a separate Commission that provides community oversight and input about the various aspects of the Park and horse racing. This bifurcated responsibility can be both cumbersome and confusing. It is proposed, therefore, that management and oversight of all amenities and programs at Rillito Park be the responsibility of NRPR and that the work of the NRPR Advisory Commission and the Pima County Fair Horse Racing Commission be merged and conducted by the NRPR Advisory Commission.

### **Transfer of contract oversight to Natural Resources, Parks and Recreation**

NRPR is responsible for the operation, scheduling and maintenance of the 78 acre at Rillito Regional Park and all of its amenities including ramadas and the pavilion, shaded playgrounds, 11 rectangular sports fields, horse track, grandstand, and clubhouse complex. A host of community events occur within the Park each year and must be scheduled appropriately to sustain the Board-adopted vision of keeping Rillito Park a multi-purpose park.

Rillito Racing, a nonprofit corporation and wholly-owned subsidiary of the Rillito Park Foundation, oversees the non-exclusive right to operate horse racing on the racetrack, which includes the use of various supporting facilities at the park including the grandstand and clubhouse area of the property, as well as the barns and other track support during the approved racing season, presently contractually defined as January 1- April 5. Specific horse racing dates are established by the Arizona Racing Commission in advance of each racing season. During the defined racing period, NRPR retains scheduling and major oversight responsibilities for the track and racing area, while Rillito Racing is responsible for any racing facility related routine or periodic maintenance and desired upgrades, if approved by Pima County, and business operations within the track, clubhouse, grandstands, and barns. A&T presently administers the contract and receives revenues based on paid attendance and number of racing days in return for marketing assistance but has no maintenance or repair responsibility for the property. NRPR manages and receives only reimbursement revenues associated with utilities used during racing season for operation of the racing venue and facilities.

Contract compliance and accountability should be with the County Department that is responsible for the overall property and its safe operations. Effective January 1, 2021 all responsibility for the management of the racing contract at Rillito Park will be transferred to NRPR. A&T is available to assist with the marketing and promotion of racing, as requested by NRPR.

### **Natural Resources, Parks and Recreation Advisory Commission**

As an advisory body to the Board of Supervisors and the NRPR Department authorized under A.R.S. Title 11, Chapter 7, Article 2, the Natural Resources, Parks and Recreation Advisory Commission (NRPR Advisory Commission) exists to establish broad-range policies and long-range programs for the acquisition, planning, development, maintenance and operations of the County park system.

The Honorable Chairman and Members, Pima County Board of Supervisors  
Re: Consolidation of Natural resources, Parks and recreation Advisory Commission and the Pima county Fair Horse Racing Commission  
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NRPRAC is comprised of 10 members, each serving six year terms, with each Board of Supervisor District represented by appointing 2 members. Staff support and reporting for the periodic PRCAC Meetings is provided by the NRPR Department.

The primary responsibility of the Pima County Fair Horse Racing Commission (PCFHRC), as provided in A.R.S. Title 5, Chapter 1, Article 1, is to advise the Board on issues pertaining to Pima County Fair Horse Racing meetings and perform other duties in furtherance of horse racing in Pima County. Those other duties include applying for racing days from the Arizona Racing Commission and licensing those dates to whomever is managing the track (in today's case, Rillito Racing). PCFHRC has no real authority over Rillito Park, or the operations of the track, but serves as a citizen's advisory panel on horse racing to the Board of Supervisors. PCFHRC consists of 5 members, each serving two year terms, with one member appointed by each Board of Supervisor District. Staff support has been provided by A&T Department.

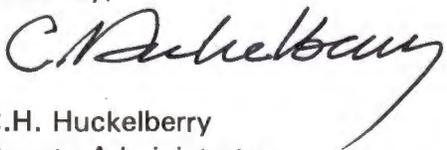
It should be noted that currently PCFHRC owns the liquor license used during the racing season for the property. In the past, under previous PCFHRC leadership, the track operator was authorized to use the license as needed for the season in return for an annual licensing fees. Should it so desire, Pima County has the right to obtain its own liquor license for Rillito and was authorized to pursue such action by the Board of Supervisors in 2015. (BOS Resolution 2015-95.) That action was not previously pursued due to the ability of the event proponents at Rillito Park to utilize the PCFHRC license.

Given the consolidation of responsibility for the management of all Rillito Park operations under NRPR, including the management of the horse racing contract, the dissolution of the PCFHRC and absorption of their responsibilities by the NRPR Advisory Commission seems reasonable and prudent. This will ensure that public oversight of Rillito Park is provided on all aspects of the Park through one advisory body.

**Recommendation**

I, therefore, recommend that, effective January 1, 2021, Resolution No. 1987-224 be rescinded and advice and counsel related to the conduct of horse racing at Rillito Park, including those duties provided for under A.R.S. Title 5, Chapter 1, Article 1, shall be provided by the NRPR Advisory Commission.

Sincerely,



C.H. Huckelberry  
County Administrator

CHH/sp – November 3, 2020

- c: Jan Leshar, Chief Deputy County Administrator
- Carmine DeBonis, Deputy County Administrator for Public Works
- Diane Frisch, Director, Attractions and Tourism
- Chris Cawein, Director, Natural Resources, Parks and Recreation

RESOLUTION NO. 2020-\_\_\_\_\_

**A RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS, REPEALING RESOLUTION NO. 1987-227 AND DESIGNATING THE PIMA COUNTY NATURAL RESOURCES, PARKS & RECREATION ADVISORY COMMISSION AS THE "COUNTY FAIR RACING ASSOCIATION" FOR ALL PURPOSES SET FORTH IN A.R.S. TITLE 5, CHAPTER 1, ARTICLE 1**

**The Board of Supervisors of Pima County, Arizona finds:**

1. Rillito Park is a 78-acre regional park that includes various common park amenities, as well as a horse track, grandstand, and clubhouse complex at which commercial horse racing and county fair horse racing is conducted.
2. In order to conduct county fair horse racing, the Board of Supervisors is required to designate a "county fair racing association" to conduct various statutory responsibilities for the benefit of the county, including applying to the Arizona Racing Commission for race meeting dates and managing county fair horse races. The association may consist of any "body of persons, corporations, partnerships or associations, united and acting together without a charter from the state for the prosecution of some common enterprise." A.R.S. § 5-101(5), (10).
3. In Resolution No. 1987-224, the Board of Supervisors established the Pima County Fair Horse Racing Commission ("PCFHRC") and assigned it those duties provided for in A.R.S. Title 5, Chapter 1, Article 1. The PCFHRC currently consists of five members, one appointed from each supervisorial district.
4. The Board of Supervisors has also created, as authorized by A.R.S. Title 11, Chapter 7, Article 2, the Pima County Natural Resources, Parks & Recreation ("NRPR") Advisory Commission ("NRPR Advisory Commission"). See Pima County Resolution No. 2019-74. The NRPR Advisory Commission currently consists of ten members, two appointed from each supervisorial district.
5. The PCFHRC conducts county fair horse racing by applying to the Arizona Racing Commission for meeting dates and then licensing those meeting dates to Rillito Racing, Inc., a nonprofit corporation that is a subsidiary of the Rillito Foundation. Rillito Racing is responsible for actual management of the racing events.
6. To lessen inefficiency and confusion caused by bifurcated responsibility, Pima County is making all management and oversight of amenities and programs at Rillito Park the responsibility of NRPR. Consistent with this consolidation of management and oversight responsibility, the NRPR Advisory Commission should assume the statutory responsibilities of the PCFHRC.

NOW, THEREFORE, BE IT RESOLVED:

1. The Pima County Fair Horse Racing Commission is no longer the “county fair horse racing association” for Pima County, and therefore no longer authorized to carry out the statutory responsibilities of that association.
2. The Pima County Natural Resources, Parks & Recreation Advisory Commission is hereby designated Pima County’s “county fair racing association” and is authorized to carry out the responsibilities of that association as provided in A.R.S. Title 5, Chapter 1, Article 1.
3. Resolution No. 1987-227 is hereby repealed.
4. This Resolution is effective immediately.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Ramón Valadez  
Chairman, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney