



MEMORANDUM

Date: March 25, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshner 
Acting County Administrator

Re: **Regulation and Operation of Horse Racing at Rillito Racetrack**

Recent horse fatalities at the Rillito Racetrack have resulted in inquiries regarding the County's ability to regulate the safety of horses at the County-owned facility.

Authority to Regulate Horse Racing

Statutory authority for horse and dog racing is found in Arizona Revised Statutes, Title 5, [Chapter 1](#). This authority includes, among other things, the establishment of a division of racing within the Arizona Gaming Department (AGD), formation of an Arizona Racing Commission and promulgation of rules that protect and promote the safety and welfare of animals. Such rules related to racing are further defined in the Arizona Administrative Code, [Title 19](#).

The County does not have the authority to regulate the safety of horses beyond the requirements imposed by Arizona Revised Statute and Arizona Administrative Code. The County is authorized, under A.R.S. § 11-932, to enter into agreements for the management and operation of County public parks. Under this authority, Pima County has an agreement with Rillito Racing, Inc. (RRI), an Arizona non-profit corporation, to operate and conduct horse racing at Rillito Racetrack during the Racing Season (January 1 to April 5).

The agreement with RRI includes the following provisions related adherence with applicable laws and Facility safety:

9.2.2. [Operator, either itself or through its on-site operating agent shall] Abide by all local, state, and federal laws, ordinances, statutes, rules, regulations, policies, and executive orders as applicable to horse racing at the Premises, including but not limited to all rules and regulations of ADOR;

(Note: In 2015, the Legislature transferred the responsibilities of the Arizona Department of Racing (ADOR) to the Department of Gaming.)

14.1. Repairs by Operator. Subject to County's obligations in Section 14.4, Operator shall, during the term of this Agreement, at Operator's sole cost and expense, keep

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the Facilities, including all landscaping located thereon, and all exterior, interior, structural and mechanical components thereof, in good, clean, safe condition and repair so as to keep the Facilities fit and safe for the purposes contained in this Agreement.

However, there has been no indication that operations are not adhering to these requirements. If the facilities were to cease being maintained in a safe condition or were not operated in accordance with State laws, rules, regulations, and policies, RRI could be subject to the provisions of Sections 22 and 23 of the agreement related to termination, default and remedies.

The County also has the ability to negotiate new and different terms for safety and operational requirements as part of any future renewal of the agreement. However, those requirements would need to be structured so as not to deprive the Commission of its authority to regulate matters within its jurisdiction. The term of the current agreement with RRI expires on June 30, 2023.

Summary of Recent Horse Fatalities

This year's racing season began on Saturday, February 26, 2022. There have been a total of eight racing days so far (February 26, February 27, March 5, March 6, March 12, March 13, March 19 and March 20). Through the first four race weekends, a total of 63 races have been run. There have been 456 horses that ran in these races; 71 horses were scratched or not allowed to participate due to pre-race evaluation. Sadly, there have been 7 fatalities/euthanasias.

Additional details are included in the attached letter from Rillito Park Foundation President, Ed Ackerley, along with a summary of the Foundation's Equine Wellness Program operated in conjunction with the University of Arizona. This program, which is complementary to the oversight role performed by the Arizona Gaming Department and Arizona Racing Commission, focuses on enhancing the health and safety of horses and jockeys that participate in race meets at Rillito Racetrack.

JKL

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Diane Frisch, Director, Attractions and Tourism
Robert Padilla, Deputy Director, Natural Resources Parks and Recreation

RILLITO PARK FOUNDATION



March 23, 2022

Mr. Robert Padilla, Deputy Director
Natural Resources, Parks and Recreation
Pima County
3500 E River Road
Tucson, AZ 85741

Dear Mr. Padilla:

On behalf of Rillito Park Foundation, below is the information you requested on 2022 season so far:

<u>Day</u>	<u>Date</u>	<u>Horse Entered</u>
Saturday	February 26	69
Sunday	February 27	68
Saturday	March 5	45
Sunday	March 6	45
Saturday	March 12	59
Sunday	March 13	54
Saturday	March 19	57
Sunday	March 20	59
TOTAL		456

1 Natural Accident; 1 Race Ride Collision; 5 Injured – Breakdown
RILLITO 2022 Percentage of Breakdown to Entry = **1.09%**

EQUINE WELLNESS PROGRAM

Horses at Rillito Racetrack are monitored all week during training, prior to racing on race day and immediately after racing. Track vets increased the protocol for assessment to include circle walking all horses prior to each race, observed by track vet and vet assistants. In conjunction with the University of Arizona, The Equine Wellness Program is in full force, implementing rigorous protocol, and has been successful in applying the system to insure the health and safety of both jockeys and horses. Jockeys have also been empowered to report issues detected before a race so vet can scratch if needed. The program received notice from the state and Dr. Gale (ADOR Vet) has suggested implementing the protocol in Phoenix and Prescott tracks.

Dr. Ed Ackerley, President
Rillito Park Foundation

Allen Russell True, Chairman
Rillito Park Foundation