

ORDINANCE NUMBER 1028

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ELECTING TO RECEIVE A PORTION OF THE PROCEEDS FROM PARIMUTUEL WAGERS PLACED AT THE LAKE PERRIS SPORTS PAVILION (CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTIONS 19610.3 AND 19610.4)*

*WHEREAS*, the California Business and Professions Code §§ 19610.3 and 19610.4 were amended by Assembly Bill Number 304 (1195 Stats., c 959) to authorize horse racing associations to retain a portion of the local percent of the parimutuel pool equal to any payments required for possessory interest owed by the association; and

*WHEREAS*, in order to receive a distribution of the proceeds of parimutuel wagers from a racing association, the City is required to adopt an ordinance making an election to receive such a distribution.

*NOW, THEREFORE*, the City Council of the City of Perris does ordain as follows:

*Section 1.* Pursuant to the provisions of California Business and Professions Code §§ 19610.3 or 19610.4 the City of Perris elects to receive a distribution of the proceeds of parimutuel wagers made at the Lake Perris Sports Pavilion.

*Section 2.* At such time after 1 January 1996, as the City or County of Riverside elects to impose or imposes a license tax, possessory interest tax, excise tax, or fee as described in Business and Professions Code Section 19610.3 or 19610.4, then this ordinance shall no longer be operative until such time as the payment of possessory interest taxes assessed after 1 January 1996, on which the county has a right to levy as an escape assessment, are satisfied as provided in Section 19610.3 or 19610.4 of the California Business and Professions Code, and there are not other license taxes, excise taxes or fees assessed by the governmental entity receiving a distribution pursuant to California Business and Professions Code Section 19610.3 or 19610.4.

*Section 3.* This ordinance shall supersede and repeal, prospectively, any other ordinance and/or resolution adopted prior to 1 January 1996, for the purposes of Section 19610.3 or 19610.4 of the California Business and Professions Code and is expressly made retroactive to and its operative date shall be 28 September 1987, in order that its operative date shall coincide with Chapter 1274 of the Statutes of 1987 as amended by Chapter 959 of the Statutes of 1995.

*Section 4.* If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

*Section 5.* A copy of this ordinance shall be filed with the California Horse Racing Board (CHRB).

*Section 6.* The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty (30) days after its passage.

*ADOPTED, SIGNED and APPROVED* this 25th day of March, 1996.

\_\_\_\_\_  
MAYOR OF THE CITY OF PERRIS

Attest:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) ss  
CITY OF PERRIS            )

I, Beti An Hynes, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 1028 was introduced at a regular meeting thereof held on 11 March 1996, and adopted by the City Council of the City of Perris at a regular meeting thereof held on the 25th day of March 1996, by the following called vote:

Ayes:    Torres, Denney, Landers and Long  
Noes:    None  
Absent:  Baitinger

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City Clerk