

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

AN ORDINANCE

**APPROVING THE SECOND AMENDMENT OF THE AMENDMENT AND
RESTATEMENT OF MASTER INTERLOCAL AGREEMENT BETWEEN
CITY OF SAN ANTONIO AND BEXAR COUNTY, AND RATIFYING A
TEMPORARY AGREEMENT BETWEEN THE PARTIES, TO PROVIDE
FOR CITY COLLECTION OF THE COUNTY BINGO CASH PRIZE FEES
DUE AND OWING FOR THE FOURTH QUARTER OF 2019 AND
SUBSEQUENT QUARTERS.**

* * * * *

WHEREAS, the City and the County (sometimes hereafter referred to as the “Parties”) previously entered into a Master Interlocal Agreement dated as of September 11, 2018 which included Addenda A-1, A-2, A-3, A-4, A-5, A-6, and A-7, as such may have been subsequently modified from time to time (collectively, the “Master ILA”); and

WHEREAS, pursuant to Ordinance No. 2019-05-02-0461, passed and approved on May 2, 2019, the Parties on June 4, 2019 entered into an Amendment and Restatement of Master Interlocal Agreement which amended and replaced the Master ILA, by adding three (3) new addendums (i.e., A-8, A-9, and A-10), while retaining Addenda A-1, A-2, A-3, A-4, A-5, A-6, and A-7 without change (collectively, the “A&R Master ILA”); and

WHEREAS, pursuant to Ordinance No. 2019-11-07-0919, passed and approved on November 7, 2019, the Parties entered into the First Amendment to the Amendment and Restatement of Master Interlocal Agreement which revised the A&R Master ILA by amending an existing addendum (i.e., A-5) and adding one (1) new addendum (i.e., A-11) (collectively, the “First Amendment”); and

WHEREAS, during the Texas 86th Legislative Session (2019 Regular), the Texas Legislature passed, and the governor signed, House Bill 914 which amended portions of Chapter 2001, *Texas Occupations Code*, that generally pertains to the regulation of bingo games and now requires, pursuant to Section 2001.502(b)(1), *Texas Occupation Code*, bingo operators which are operating a bingo establishment within a particular Texas municipality or county to pay the requisite bingo cash prize fees (i.e., the “Cash Prize Fee”) directly to that particular municipality or county, provided that the governing body of such municipality and county voted to continue to impose the applicable Prize Fee identified in Section 2001.502(a)(1), *Texas Occupation Code*, before November 1, 2019 (the “New Bingo Law”); and

WHEREAS, the governing bodies of the City and the County each voted to continue to impose such a Cash Prize Fee before November 1, 2019; and

WHEREAS, City Staff has held discussions with Bexar County Staff about the City collecting the Cash Prize Fee for the County, similar to the manner in which County Hotel Occupancy Taxes are collected by the City pursuant to the A&R Master ILA, with collection of the Cash Prize Fees due and owing for the First Quarter of 2020; and

WHEREAS, those discussions resulted in the preparation of a Second Amendment to the Amended and Restated Interlocal Agreement between the City and the County (Second Amendment); and

WHEREAS, recently, both City Staff and County Staff learned that the Texas Lottery Commission (Commission, which administers Occupations Code Ch. 2001) has taken the position that the Bill also applies to collection of the Cash Prize Fees for the fourth quarter of 2019 (October, November and December); and

WHEREAS, as a result of the Commission's position, the City and the County are now also going to have to collect the Cash Prize Fees due and owing for the fourth quarter of 2019, which are due on January 25, 2020; and

WHEREAS, in order to provide for City collection of the County Cash Prize Fees due and owing for the fourth quarter of 2019, the Parties have entered into a Temporary Agreement that provides for City to collect the County Cash Prize Fees for the fourth quarter of 2019; and

WHEREAS, City Staff has recommended that the City Council approve the Second Amendment and ratify the Temporary Agreement, so that the City's collection of the County Cash Prize Fees can proceed; and

WHEREAS, the City Council, upon consideration of and deliberation on such recommendation, desires to accept City Staff's recommendation; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions of the Second Amendment are hereby approved. The City Manager, or his designee, or the Deputy Chief Financial Officer, or his designee, are each hereby authorized to enter into and execute the Second Amendment, under terms and conditions substantially in accordance with those set forth in **Attachment I** to this Ordinance.

SECTION 2. The terms and conditions of the Temporary Agreement are hereby ratified and confirmed in all things. Execution and delivery of the Temporary Agreement on behalf of the City, and all actions taken under the Temporary Agreement on behalf of the City, are hereby ratified and confirmed in all things. A copy of the Temporary Agreement is attached as **Attachment II** to this Ordinance.

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Item No.

SECTION 3: Funds generated by this ordinance will be deposited in Fund 11001000 and Internal Order 2070000000085.

SECTION 4: The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance is effective immediately, upon passage by eight (8) affirmative votes; otherwise, said effective date shall be ten (10) days from the passage hereof.

PASSED and APPROVED this the ____ day of _____, 2020.

MAYOR
RON NIRENBERG

ATTEST:

APPROVED AS TO FORM:

City Clerk

Andrew Segovia, City Attorney

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