

**Ordinance approving the continued receipt of bingo prize fees; authorizing notification of the Texas Lottery Commission of such approval; and amending the Corpus Christi Code to add Section Sec. 17-43 Bingo Prize Fee**

**WHEREAS**, on October 19<sup>th</sup>, 1983, City Council passed City Ordinance 17894 imposing and levying a gross receipts tax on the conduct of bingo games within the city limits of the City of Corpus Christi, Texas;

**WHEREAS**, Texas Occupational Code § 2001.503 (b) & (c) provides "(b) Except as provided by Subsection (c), a municipality that imposed a gross receipts tax on the conduct of bingo as of January 1st, 1993, is entitled to, subject to Section 2001.507(i), 50 percent of the fee collected under Section 2001.502 on a prize awarded at a game conducted in the municipality. (c) If a county and municipality are both entitled to a share of the fee imposed by Section 2001.502:(1) the county is entitled to, subject to Section 2001.507(i), 25 percent of the fee on a prize awarded at a game conducted in the county; and (2) the municipality is entitled to, subject to Section 2001.507(i), 25 percent of the fee on a prize awarded at a game conducted in the municipality.";

**WHEREAS**, Texas House Bill 914 ("HB914"), repeals Texas Occupational Code § 2001.503 effective January 1st, 2020;

**WHEREAS**, the City of Corpus Christi ("City") was, and continues to be, entitled to receive a portion of bingo prize fees as of January 1st, 2019, in accordance with Chapter 2001, Occupations Code ("Code");

**WHEREAS**, the Texas Legislature, pursuant to House Bill 914 ("HB914"), recently amended provisions of the Code relating to the City's share of bingo prize fees;

**WHEREAS**, HB914 requires the City Council, by majority vote, to expressly approve imposing a bingo prize fee, which will continue the City's receipt of a portion of bingo prize fee proceeds, and to notify the Texas Lottery Commission prior to November 1st, 2019, and each licensed authorized organization subject to the fee, of the same prior to January 1st, 2020; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens and community to impose a bingo prize fee and continue imposition and receipt by the City of a portion of bingo prize fee proceeds.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:**

**Section 1.** The City Council finds the preceding preamble language stated in this ordinance to be true and correct and expressly incorporates the preamble into this ordinance by reference.

**Section 2.** The City Council approves the continued receipt of funds under Texas Occupation Codes §2001.502. Prize Fee, Texas Occupational Code Chapter 2001, and REGULATION OF BINGO GAMES, 2019 Tex. Sess. Law Serv. Ch. 1051 (H.B. 914) (VERNON'S) by a majority vote of its members.

**Section 3.** The City Manager or his designee ("City Manager") is authorized to notify the Texas Lottery Commission of the City's entitlement to receive a share of a bingo prize fee as of

January 1st, 2019; and the City Council's approval of the continued receipt of the share of bingo prize fee funds by a majority vote.

**Section 4.** The City Manager is directed to notify the Texas Lottery Commission of the City Council's decision before November 1st, 2019. Additionally, the City Manager is directed to notify each licensed authorized organization within the City's jurisdiction of the imposition of the bingo prize fee before January 1st, 2020.

**Section 5.** Corpus Christi Code of Ordinances, Chapter 17 is amended by adding the following section as delineated below:

**Sec. 17-43 Bingo Prize Fee**

The City of Corpus Christi imposes a Bingo Prize fee in accordance with Texas Occupational Code §2001.502, Texas Occupational Code Chapter 2001, and REGULATION OF BINGO GAMES, 2019 Tex. Sess. Law Serv. Ch. 1051 (H.B. 914) (VERNON'S).

**Section 6.** Publication shall be made in the official publication of the City of Corpus Christi as required by City Charter of the City of Corpus Christi.

**Section 7.** Severability. It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would not have been acted by the City without the incorporation into this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**Section 8.** Effective date. This ordinance is effective upon final passage.

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

Joe McComb \_\_\_\_\_  
Roland Barrera \_\_\_\_\_  
Rudy Garza \_\_\_\_\_  
Paulette M. Guajardo \_\_\_\_\_  
Gil Hernandez \_\_\_\_\_

Michael Hunter \_\_\_\_\_  
Ben Molina \_\_\_\_\_  
Everett Roy \_\_\_\_\_  
Greg Smith \_\_\_\_\_

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_ 2019, by the following vote:

Joe McComb \_\_\_\_\_  
Roland Barrera \_\_\_\_\_  
Rudy Garza \_\_\_\_\_  
Paulette M. Guajardo \_\_\_\_\_  
Gil Hernandez \_\_\_\_\_

Michael Hunter \_\_\_\_\_  
Ben Molina \_\_\_\_\_  
Everett Roy \_\_\_\_\_  
Greg Smith \_\_\_\_\_

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

\_\_\_\_\_  
Joe McComb  
Mayor