ORDINANCE NO. 747

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE TOWN OF PAYSON, SUBJECT TO TAXATION, A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS ($100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQURIED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTION FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS; AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENDITURES, ALL FOR THE FISCAL YEAR ENDING JUNE 30, 2009 AND PROVIDING FOR IMMEDIATE OPERATION AND EFFECT OF THIS ORDINANCE.

WHEREAS, by provisions of State law, the ordinance levying taxes for the Fiscal Year 2008/09 is required to be finally adopted no later than the third Monday in August; and

WHEREAS, the County of Gila is the assessing and collecting authority for the Town of Payson, and the Town Clerk is hereby directed to transmit a certified copy of this ordinance to the Gila County Assessor and the Board of Supervisors of the County of Gila, Arizona,

NOW THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. There is hereby levied on each One Hundred Dollars ($100.00) of the assessed valuation of all property, both real and personal, within the corporate limits of the Town of Payson, except such property as may be by law exempt from taxation, a primary tax rate of $0.2230 for the Fiscal Year ending the 30th day of June 2009.

Section 2. In addition to the rate set in Section 1 hereof, there is hereby levied on each One Hundred Dollars ($100.00) of the assessed valuation of all property, both real and personal, within the corporate limits of the Town of Payson, except such property as may be by law exempt form taxation, a secondary property tax rate sufficient to raise the sum of One Hundred Fifty Thousand Dollars ($150,000.00) and not more than the actual general bond debt service due during the year for the purpose of providing a bond and redemption fund for the Town of Payson for the Fiscal Year ending June 30, 2009.

Section 3. Failure of the county officials of Gila County, Arizona, to properly return the delinquent list, any irregularity in assessments for omissions in the same, or any irregularity in any proceedings, shall not invalidate such proceedings or invalidate any title conveyed by the any tax deed; failure or neglect of any officer or officers to timely perform any of the duties assigned to him or to them shall not invalidate any proceedings or any deed or sale pursuant thereto, the validity of any assessment or levy of taxes or of

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the judgment of sale by which the collections of the same may be enforced shall not affect the lien of the Town of Payson upon such property for the delinquent taxes unpaid thereon, and no overcharge as to part of the taxes or of costs shall invalidate any proceedings for the collections of taxes or the foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

Section 4. If the sum or rate set forth in Section 1 or the sum set forth in Section 2 exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Gila is hereby authorized to reduce the levy to the maximum amount allowed by law after notice to the Town of Payson.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6. WHEREAS the establishment of a levy upon assessed valuation is administrative in nature, this ordinance shall be in full force and effect and after its passage by the Mayor and Common Council of the Town of Payson; it shall be and is hereby made exempt form the referendum provisions of the Constitution and Laws of the State of Arizona.

PASSED AND ADOPTED BY THE MAJOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 7th day of August, 2008, by the following vote:

AYES_____NOES_____ABSTENTIONS_____ABSENT

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith
Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman
Town Attorney