ORDINANCE NO. 760

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 30.05 OF THE CODE OF THE TOWN OF PAYSON ALLOWING COUNCIL MEMBERS TO WAIVE A PORTION OR ALL OF THEIR COMPENSATION.

WHEREAS, the Town Code provides that the compensation of Town Council Members, including the Mayor, is set by resolution from time to time; and

WHEREAS, Town Council Members may wish to waive a portion or all of their compensation without adverse tax consequences; and

WHEREAS, it is the desire and intent of the Mayor and Common Council to amend Section 30.05 of the Code of the Town of Payson to allow such waivers,

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

Section 1. That Section 30.05 of the Code of the Town of Payson be and is hereby amended and as amended shall read as follows:

§ 30.05 COMPENSATION; OATH AND BOND.

(A) The compensation of elective officers of the town shall be fixed from time to time by resolution of the Council. Each elective officer of the Town may waive some or all of his/her compensation for his/her term of office by filing a written waiver with the Town Clerk prior to assuming office. Such waiver shall be irrevocable for that Term.

(B) Immediately prior to assumption of the duties of office, each Councilmember shall, in public, take and subscribe to the oath of office.

(C) Prior to taking office, every Councilmember shall execute and file an official bond, enforceable against the principal and his sureties, conditioned on the due and faithful performance of his official duties, payable to the state and to and for the use and benefit of the town or any person who may be injured or aggrieved by the wrongful act or default of the officer in his official capacity. A person so injured or aggrieved may bring suit on the bond under provisions identical to those contained in A.R.S. § 38-260. Bonds shall be in such sum as shall be provided by resolution, and the premium for bonds shall be paid by the town.

FIRST READING & Public HEARING APR 16 2009 G.2

Section 2. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 760 are hereby repealed to the extent of such conflict.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 760 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance Number 760. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 760 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2009, 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