ORDINANCE NO. 770

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 REQUIRED 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, 2010 AND PROVIDING FOR IMMEDIATE OPERATION AND EFFECT OF THIS ORDINANCE (TAX LEVY).

WHEREAS, pursuant to A. R. S. § 42-17151, the ordinance levying taxes for the fiscal year 2009/2010 is required to be finally adopted no later than the third Monday in August of 2009; and

WHEREAS, the County of Gila is the assessing and collecting authority for the Town of Payson, and a certified copy of this Ordinance No. 770 will be transmitted 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 On 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 $0.22150 for the Fiscal Year ending the 30th day of June, 2010.

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 from 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, 2010.

Section 3. Failure of the county officials of Gila County, Arizona, to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings, shall not invalidate such proceedings or invalidate any title conveyed by 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

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validity of any assessment or levy of taxes or of 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 is 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. The Town Clerk is hereby directed to transmit a certified copy of this Ordinance No. 770 to the Gila County Assessor and the Board of Supervisors of the County of Gila, Arizona.

Section 6. All ordinances and parts of ordinances in conflict with the provisions in this Ordinance No. 770 are hereby repealed to the extent of such conflict.

Section 7. Whereas the establishment of a levy upon assessed valuation is administrative in nature, this Ordinance No. 770 shall be in full force and effect from and after its passage and adoption by the Mayor and Common Council of the Town of Payson; this Ordinance No. 770 shall be and is hereby made exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA this 6th day of August, 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