

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 14R
Amend No. _____

Date Prepared: June 16, 2008

Council Meeting Date: July 1, 2008

TO: Carl Swenson, City Manager
FROM: Jeff Tyne, Budget Director *JT*
SUBJECT: Fiscal Year 2009 Tax Levy

RECOMMENDATION:

That the Mayor and City Council adopt Resolution 08-~~10~~ and Ordinance No. 08-~~23~~ adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for FY 2009.

SUMMARY:

During the FY 2009 budget deliberations, it was recommended the City's overall property tax rate be established at \$1.44 per \$100 of assessed valuation. For the upcoming year, the adopted tax rate will be decreased by \$.05 from the primary tax rate. Subsequently, the primary property tax rate is recommended to be set to \$.1900 per \$100 of assessed valuation, with the secondary tax rate at \$1.25 per \$100 of assessed valuation.

Given the proposed rate, the primary property tax levy is expected to generate \$2,849,397 in the next fiscal year. This represents a net decrease of 5.09% from the FY2008 levy. New development within the City limits will bring in an additional \$250,208 of this total.

The City's secondary property tax rate is used to retire outstanding debt on City-issued general obligation bonds. This will generate a secondary tax levy of \$24,932,399.

In compliance with Section 42-17104 and 42-17107, Arizona Revised Statutes, the City of Peoria notified property taxpayers through advertisements placed in the Peoria Times on June 6, 2008 and June 13, 2008 of our intention to set the City's primary property tax levy. A public hearing was held on June 17, 2008 for citizen input into the fiscal year 2009 budget which was adopted based upon these proposed levies. Additionally, a public hearing was held on June 17, 2008 for citizen input into the proposed tax levies.

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business

ORD. # 08-23 RES. # 08-110
LCON# _____ LIC. # _____
Action Date: _____

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Attachments:

1. Resolution 08-110
2. Property Tax Ordinance 08-23

RESOLUTION NO. 08-110

**A RESOLUTION OF THE MAYOR AND COUNCIL
OF THE CITY OF PEORIA, ARIZONA, APPROVING
ORDINANCE 08-23.**

WHEREAS, in accordance with the provisions of Title 42, Section 17253, A.R.S. the City Council shall by resolution levy the tax for the city, and

WHEREAS, in accordance with said sections of said Code, compute the tax rate per one hundred dollars of valuation to be levied for each separate fund for which taxes are to be levied and collected; and

WHEREAS, in accordance with said sections of said Code, deliver a certified duplicate of its tax levy to the county board of supervisors on or before the day on which the board of supervisors levies the county tax; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Peoria, as follows:

That said tax levies shown on the accompanying Ordinance 08-23, are hereby adopted for Fiscal Year 2009.

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 1st day of July, 2008.

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief
City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp
City Attorney

ORDINANCE NO. 08-23

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA, 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 REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2009, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona, as follows:

SECTION 1. There is hereby levied a primary property tax of \$2,849,397 for the fiscal year ending on the 30th day of June, 2009. The levy is based on each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria, except such property as may be by law exempt from taxation. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Maricopa is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

SECTION 2. In addition to the rate set in Section 1 hereof, there is hereby levied a secondary property tax of \$24,932,399, but not more than the actual general obligation bond debt service due during the year for the purpose of providing a bond interest and redemption fund for the City of Peoria for the fiscal year ending June 30, 2009. The levy is based on each One Hundred Dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Peoria, except such property as may be by law exempt from taxation.

SECTION 3. Failure by the County Officials of Maricopa 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 perform or to timely perform any of the duties assigned to him or them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto; the validity of the assessment or levy of taxes, or of the judgement of sale by which the collection of the same may be enforced, shall not effect the lien of the City of Peoria upon such property for delinquent taxed paid thereon; overcharge as to part of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of lien therefore, or a sale of property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Mayor and City Council.

SECTION 6. In conformance with A.R.S. § 42-17107, the City Council held a public hearing on June 17, 2008 to allow discussion on the City's intent to lower the primary tax levy.

SECTION 7. In order to preserve the peace, health and safety of the City of Peoria, an EMERGENCY is declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 1st day of July, 2008.

Bob Barrett, Mayor

Date Signed

ATTEST:

Mary Jo Kief, City Clerk

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APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times

Publication Dates: July 4 and 11, 2008

Effective Date: July 1, 2008