ORD. NO. 10-037

AN ORDINANCE

ESTABLISHING AND ADOPTING FOR THE PURPOSE OF TAXATION; THE CALENDAR YEAR; LEVYING A TAX FOR MAINTENANCE AND OPERATION FUND ON ALL PROPERTY SUBJECT TO TAXATION AND SITUATED IN THE CITY OF LEON VALLEY, TEXAS, ON THE FIRST DAY OF JANUARY 2010; ESTABLISHING THE RATE OF SAID LEVY; DETERMINING THAT TAXES FOR THE CALENDAR YEAR 2010 SHALL BECOME DUE AND PAYABLE OCTOBER 1, 2010, AND DELINQUENT ON FEBRUARY 1, 2011; DETERMINING THAT ALL DELINQUENT TAXES SHALL BEAR INTEREST AT THE RATE OF ONE PERCENT (1%) FOR EACH MONTH OR PART OF A MONTH FROM THE DATE OF THEIR DELINQUENCIES; DETERMINING THAT IF ANY PERSON FAILS TO PAY THE TAXES IMPOSED BY THE CITY OF LEON VALLEY, TEXAS, UPON HIS OR HER PROPERTY ON OR BEFORE THE 31ST DAY OF JANUARY 2011, THEN A PENALTY FOR EACH SUCCESSIVE MONTH SUCH TAXES REMAIN UNPAID (OR ANY PART OF SUCH MONTH) SHALL BE PAID UPON SUCH TAXES; AND DETERMINING AND ENACTING OTHER MATTERS PERTINENT, NECESSARY, AND INCIDENT TO THE SUBJECT, AND PROVIDING A SAVINGS CLAUSE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

1. A tax is hereby levied on all persons and property, real and personal, within the City of Leon Valley, Texas, subject to taxation by the laws of this State, and situated within the City on the 1st day of January 2010 and the rate of said tax is hereby fixed and determined to be at the rate of **$.464029** on the $100 valuation, said tax being hereby levied for the calendar year beginning January 1, 2010 and ending December 31, 2010 for expenditure during the fiscal year beginning October 1, 2010 and ending September 30, 2011.

2. It is hereby determined that the taxes above levied shall become due and payable on October 1, 2010, and all such taxes not paid on or before January 31, 2011, shall be and become delinquent on February 1, 2011.

3. That if any person shall fail to pay to the City of Leon Valley, Texas, all the taxes levied and imposed by the City upon his or her property for the year 2010 on or before the 31st day of January 2011, then the following penalty and interest shall be payable on such delinquent taxes as follows:

   A. A delinquent tax incurs a penalty of six (6) percent of the amount of the tax for the first calendar month it is delinquent plus one (1) percent for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent. However, a tax delinquent on July 1 incurs a total penalty of twelve (12) percent of the amount of the delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax continues to

incur the penalty provided by this section as long as the tax remains unpaid, regardless of whether a judgement for the delinquent tax has been rendered.

B. If a person who exercises the split-payment option provided by Section 31.03 of the Texas Property Tax Code fails to make the second payment before July 1, the second payment is delinquent and incurs a penalty of twelve (12) percent of the amount of the unpaid tax.

C. A delinquent tax accrues interest at a rate of one (1) percent for each month or portion of a month the tax remains unpaid.

4. That all costs that may be allowed and imposed by law shall be and the same are hereby imposed in addition to penalties and interest accruing under the provisions hereof against any property upon which taxes are delinquent.

5. That on any list prepared showing delinquent taxes for the City of Leon Valley, Texas, it shall not be necessary for the assessor and collector of taxes to show on any such list the penalties, interest and costs accrued against any land, lot and/or property delinquent in taxes, but in each and every instance all such penalties, interest and costs shall be and remain a charge imposed hereby, with the same force and effect as if listed on any such list of delinquent taxes, and the said assessor and collector shall calculate and charge all such penalties, interest and costs on all delinquent tax statements, or delinquent tax reports issued by him.

6. The tax hereby levied is levied for the purpose specified in and authorized by Vernon's Tax Code, Title 3, Chapter 302, Section 302.001(a), and none other, to-wit: For current expenses, and for the construction or purchase of public buildings, water works, sewers, and other permanent improvements within the limits of the City and the construction and improvement of the roads, bridges and streets of the City within its limits.

7. That the provisions of this ordinance are severable in the event any provision hereof shall be declared invalid by a Court of competent jurisdiction of this State, and it is hereby declared that the remaining provisions hereof would have been enacted notwithstanding such judicial determination and all remaining valid provisions hereof shall continue to be and remain in full force and effect.

PASSED and **APPROVED** this the 7th day of September, 2010, more than two-thirds of the Councilmembers of the City of Leon Valley, Texas, concurring.

Chris Riley
Mayor

ATTEST:
Janie Williams
City Secretary

APPROVED AS TO FORM:
William M. McKamie
City Attorney

CITY OF LEON VALLEY TEXAS

MAYOR AND COUNCIL COMMUNICATION

DATE: September 7, 2010
M&C **# 09-06-10**

TO: MAYOR AND CITY COUNCIL

SUBJECT: AN ORDINANCE SETTING THE 2010 TAX RATE FOR THE MAINTENANCE AND OPERATION PORTION OF THE TAX RATE AT $.464029 FOR A TOTAL TAX RATE OF $.527400.

PURPOSE

Each year the Council must adopt the new fiscal year budget and set the tax rate to support the approved budget. The attached ordinance sets the tax rate for the Fiscal Year 2011Budget for the Maintenance and Operation portion of the tax rate.

The following tax rate is required to support the Fiscal Year 2011 Budget for Maintenance and Operation of the General Fund:

Maintenance and Operation Tax Rate $.464029

1. The vote on the ordinances setting the tax rate must be a record vote.

APPROVE: ✓ _____ **DISAPPROVE:** _____

APPROVE WITH THE FOLLOWING COMMENTS: _____

_____

ATTEST:

Janie Willman, City Secretary