

ORDINANCE NO. 2428

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH A COMPETENT ATTORNEY FOR COLLECTION OF AD VALOREM TAXES FOR THE MESQUITE TAX FUND CONSISTING OF THE CITY OF MESQUITE AND MESQUITE INDEPENDENT SCHOOL DISTRICT AND PROVIDING FOR PAYMENT TO SAID FIRM THE SUM EQUAL TO 15% OF ALL CITY TAXES, PENALTY AND INTEREST COLLECTED AFTER THE EFFECTIVE DATE OF SAID CONTRACT ON CURRENT DELINQUENT TAXES AND AFTER JULY 1 OF 1987, AND SUBSEQUENT YEARS EXCLUDING THE SPECIAL PENALTY ENACTED HEREIN; BY PROVIDING THAT AN ADDITIONAL PENALTY IN THE AMOUNT OF FIFTEEN PER CENT (15%) OF ALL CITY AD VALOREM TAXES, PENALTY AND INTEREST DELINQUENT ON AND AFTER JULY 1 OF THE YEAR IN WHICH SAME BECAME DELINQUENT; BY PROVIDING FOR THE TERM OF SUCH CONTRACT AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:


SECTION 1. That the Mayor of the City of Mesquite is hereby authorized to execute a contract with a competent attorney for the collection of ad valorem taxes for the Mesquite Tax Fund composed of the Mesquite Independent School District and the City of Mesquite; said contract to obligate the City of Mesquite to compensate said attorney at the rate of fifteen per cent (15%) of all delinquent City ad valorem taxes, penalty and interest exclusive of the special fifteen per cent (15%) penalty herein imposed pursuant to Article 33.07, Texas Property Tax Code on all accounts delinquent on and after July 1 of 1987, and subsequent years in which accounts may become delinquent together with fifteen per cent (15%) of ad valorem taxes for current and past years delinquent after October 15, 1987, upon the condition that said attorney comply with the pre-requisites of Article 33.07, Texas property Tax Code and that Mesquite Independent School District adopt appropriate measures to secure the benefits of said Article and execute a similar agreement; provided however, that the percentage to be paid as compensation for collection shall be based upon sums actually collected and shall only be due upon collection thereof.

SECTION 2. That the term of said contract shall continue from year to year until terminated by one or both parties upon thirty (30) days written notice to the other party or until such time as the benefits of Article 33.07, Texas Property Tax Code shall become unavailable to one or both taxing entities, whichever shall be

SECTION 3. Pursuant to Article 33.07, Texas Property Tax Code, there is hereby levied an additional penalty of fifteen per cent (15%) over and above all other penalties and interest provided by law, for the purpose of defraying the cost of collection thereof, on all City ad valorem taxes, penalty and interest due and delinquent on and after July 1 of the year in which same shall become delinquent beginning with the year 1987 and it is further provided that a lien shall attach to the property upon which the tax accrues. All remedies available for the collection of ad valorem taxes, penalties, and interest under the law shall be available for the collection of said additional penalty, including any preferred claim status available under the law.


SECTION 4. The fact that the present ordinances of the City are inadequate to enable the City to effect prompt collection of its taxes creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of May, A.D., 1987.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary


Elizabeth A. Lunday
Assistant City Attorney