

**RESOLUTION NO. 2024-2399**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, ESTABLISHING THE AD-HOC CHARTER REVIEW COMMITTEE; PROVIDING FOR A TERMINATION OF THE COMMITTEE; ESTABLISHING BY-LAWS; AUTHORIZING THE CITY MANAGER AND/OR HER DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO CARRY OUT THE INTENT OF THIS RESOLUTION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Charter for the city of Goodyear is the Constitution for the city; and

WHEREAS, the City Charter was last amended March 9, 2021; and

WHEREAS, the establishment of an Ad-Hoc Charter Review Committee ("Committee") comprised of Goodyear residents is essential to reviewing and making changes to the city's Constitution; and

WHEREAS, the number of members appointed to the Committee shall be no more than seven (7); and

WHEREAS, the terms of the Committee members shall be the duration of the Committee's existence; and

WHEREAS, the Committee is an advisory body to city staff and the City Council on matters relating to the review of, and recommended changes to, the Charter; and

WHEREAS, the Committee is charged with reviewing portions of the Charter and providing any recommendations to the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. A committee to be known as the Ad-Hoc Charter Review Committee is hereby established to advise city staff and the Mayor and Council on matters related to the review of the Charter.

SECTION 2. The Ad-Hoc Charter Review Committee shall cease to exist by December 31, 2024.

SECTION 3. The Mayor and Council of the city of Goodyear hereby approve and adopt the certain document titled "City of Goodyear Ad-Hoc Charter Review Committee By-Laws," a copy of which is attached hereto as Exhibit A, which shall govern the operations of the Ad-Hoc Charter Review Committee.

SECTION 4. The City Manager and/or her designee are hereby authorized to take all actions on behalf of the city as may be necessary to carry out the intent of this Resolution.

SECTION 5. Resolution 2024-2399 shall be effective upon the date of its adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a 7-0 vote, this 15<sup>th</sup> day of April, 2024.

Joe Pizzillo  
Joe Pizzillo, Mayor

Date: 4-15-2024

ATTEST:

Darcie McCracken  
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

Roric Massey  
Roric Massey, City Attorney



**CITY OF GOODYEAR  
AD-HOC CHARTER REVIEW COMMITTEE  
BY-LAWS**

**Article I – Name**

The Ad-Hoc Charter Review Committee, herein after referred to as the “Committee”, is an Ad-Hoc committee of the Goodyear City Council established by Resolution No. 2024-2399.

**Article II – Term of the Committee**

The Committee is an Ad-Hoc committee and shall be in existence to advise City staff and to make recommendations to the Council on potential changes to the City Charter no later than December 31, 2024. The Committee shall automatically cease to exist on December 31, 2024.

**Article III – Powers and Duties**

The Committee is an advisory body to City staff, and the City Council on matters relating to the City Charter. The Committee shall:

- A. Review the City Charter under the guidance of the City Attorney and City Clerk;
- B. Provide recommendations for changes to the City Charter;
- C. Participate in presentations to the City Council; and
- D. Any other actions consistent with the provisions of these By-Laws.

**Article IV – Membership**

Section 1: Number of Members. No more than seven (7) members shall be appointed to the Committee. All appointed members shall be voting members.

Section 2: Terms of Office. The terms of the Committee members shall be the duration of the Committee’s existence.

Section 3: Selection. All members of the Committee shall be selected by the Mayor and appointed by the City Council.

Section 4: Composition. The Committee shall consist of members who meet the qualifications set forth in the Citizen Appointment Process adopted by Council on August 29, 2022 and the composition of the Committee shall meet the following requirements:

- A. To the extent possible, reflect the geographic distribution and demographic characteristics of the population of Goodyear; and



Section 5. Qualifications. Members shall meet the following minimum qualifications upon appointment to the Committee. Committee members:

- A. shall be eighteen years of age or older;
- B. shall be a Goodyear resident for at least one year;
- C. shall be registered to vote in Arizona;
- D. shall not be an employee of the City, member of the City Council, or an immediate family member of such persons; and
- E. may be voting members on more than two boards, commissions or committees of the City due to the short duration of this committee.

Section 6: Officers. The Committee shall include the following officers:

- A. Chair. The Mayor shall select a member to serve as Chair. The term of the Chair shall be the term of the Committee unless the Chair resigns, becomes incapacitated, is removed, no longer meets the qualifications for members, and/or is unable to perform the duties of the office. In the event the Chair resigns, becomes incapacitated, is removed from the Committee, no longer meets the qualifications for membership on the Committee and/or is unable to perform the duties of the office, the Mayor shall select another member of the Committee as Chair. The duties of the Chair shall include:
  - a. Presiding over Committee meetings, including deciding upon all points of order and/or procedure;
  - b. Reviewing with the City Attorney and/or City Clerk the agenda items for future Committee meetings; and
  - c. Considering other such matters and concerns of the Committee as set forth in these By-Laws or as otherwise directed by the City Council.
- B. Vice-Chair. The Mayor shall select a Vice-Chair. The term of the Vice Chair shall be the term of the Committee. In the event the Vice-Chair resigns, becomes incapacitated, is removed from the Committee, no longer meets the qualifications for membership on the Committee and/or is unable to perform the duties of the office, the Mayor shall appoint another member of the Committee as Vice-Chair. In addition to such other duties, if any, as may evolve upon the Vice-Chair by virtue of the office, or as assigned by the Chair, the Vice-Chair shall preside over meeting of the Committee and shall perform the duties of the Chair in the absence of the Chair.
- C. Temporary Chair. In the absence of the Chair and Vice-Chair, the Committee shall appoint a member of the Committee to serve as Chair for the meeting by majority vote.

- D. Legal Representation. The City Attorney, or designee, shall provide legal representation and advice to the Committee as necessary.

Section 7: Staff. The City Clerk, or her designee, shall:

- A. Prepare agendas and minutes;
- B. Ensure all requirements are met for Open Meeting Law including the proper posting of the agenda and minutes;
- C. Maintain all records for the Committee; and
- D. May designate additional City staff and/or outside consultants to assist the Committee in its work.

Section 8: Vacancies. A vacancy on the Committee shall be deemed to have occurred upon the following events: member's incapacitation or resignation; removal of a member by City Council; and/or member's circumstances change so he/she no longer meets the qualifications for membership (for example, a member who met the residency requirements at the time of appointment, moves outside the City; a non-resident member who was appointed because he or she owned property within the City, but sells the property etc.). In the event of a vacancy, if the Membership should drop below 5, the Mayor shall, if available, appoint an alternate Committee. The Mayor shall appoint members from the pool of candidates who submitted completed applications to the City to be considered for an appointment to any Committee. The Mayor, in his discretion, shall determine whether to solicit additional candidates to fill a vacancy on the Committee. Qualified candidates may be interviewed by the Mayor, or his designee.

Section 9: Attendance Policy. Two successive unexcused or unexplained absences or four total absences (excused or otherwise) by a member of the Committee from any Committee meeting shall be grounds for removal of a member by the City Council without the necessity of a hearing or notice. The Chair shall notify City Council in writing of such a situation and action, if pursued, shall be taken at a City Council meeting. Such action shall be final.

Section 10: Quorum. A majority of the voting members of the Committee shall constitute a quorum for transacting business at a meeting. In the absence of a quorum, the Committee is prohibited from discussing or taking any action on any items from the agenda and the meeting shall be rescheduled. In the event a quorum is lost after a meeting begins, no further discussions or actions shall be taken on any items from the agenda once the quorum is lost and the meeting shall be continued or rescheduled. A majority vote is required for the adoption or passage of any action or recommendation.

Section 11: Meetings.

- A. The Committee shall meet as necessary to complete the tasks of the Committee. The Committee may require multiple meetings within one month.
- B. Meetings of the Committee shall be open to the public and the minutes of the meetings and other official actions shall be filed in the office of the City Clerk as a public record. For any matter under



consideration, any person may submit written comments and, if attending in person, may speak to the issue upon being recognized by the Chair and stating his or her name and the names of any persons on whose behalf he or she is appearing. The Chair may institute time limits for speakers in the interest of meeting management.

- C. Meetings shall, to the extent not in conflict with these By-Laws, be conducted according to the latest edition of Roberts Rules of Order, except that the Chair shall be permitted to vote on any motion.

Section 12: Order of Business:

- A. The Chair shall call the meeting to order and minutes shall record the members present or absent. The Chair may call each matter of business in the order of the approved agenda.
- B. The Chair shall conduct all meetings generally in accordance with Robert's Rules of Order and may invoke such rules when making formal recommendations.
- C. All meetings of the Committee may be recorded. Any person desiring to have a meeting recorded by an electronic device or by a stenographic reporter, at his or her own expense, may do so, provided that they consult the City Clerk to arrange facilities for such recording prior to the commencement of the meeting, and such recording will not otherwise disrupt the proceedings.

Section 13: Voting and Recommendations.

- A. Any formal recommendations to be forwarded to the City Council for review or approval shall require a majority vote of a quorum of the Committee. Each member attending shall be entitled to one vote.
- B. Voting shall be done by voice vote. If the results of a voice vote are not readily discernable by the City Clerk, or designee, a roll call vote shall be taken. Any member of the Committee may call for a roll call vote in lieu of a voice vote.
- C. A member shall disqualify himself or herself and abstain from voting whenever he or she has, or may have, a conflict of interest in a case under consideration, as described and provided by the Arizona Revised Statutes (ARS §38-501, et, seq.) and the Goodyear City Code.
- D. Proxy voting shall not be permitted. Telephonic or other virtual participation may be permitted at the discretion of the Chair provided there is technology available to allow the public participation by telephone or other virtual means (i.e. a speaker phone is available).

#### **Article V – Sub-Committees**

The Committee shall not be authorized to establish sub-committees.

#### **Article VI – Official Records**

The official records of the Committee shall include these By-Laws; agendas of the Committee; and minutes of meetings of the Committee. The official records of the Committee shall be deposited with the City Clerk and shall be available for public inspection during regular office hours.

#### **Article VII – Amendments**

These By-Laws may be amended by a majority vote of the City Council. The Committee may request an amendment to the By-Laws by a three-fourths majority vote of the members present at any meeting of the Committee at which a quorum is present provided such amendment(s) is proposed at a preceding meeting, or is submitted in writing at a prior regular meeting of the Committee and is recorded in the minutes of such meeting. Such amendment(s) shall be subject to ratification by a majority vote of the City Council, and if so approved, shall become effective at the next regular meeting of the Committee after ratification.

## ARTICLE VIII -- Miscellaneous

- Section 1: Open Meetings. The Committee shall comply with the requirements of Arizona's Open Meeting Laws, A.R.S. §§ 38-431 *et. seq.* Except for Executive Sessions authorized under A.R.S. § 38-431.03, all meetings of the Committee shall be open to the public.
- Section 2: Public Records. The Committee shall comply with the requirements of Arizona's Public Records Laws, A.R.S. §§ 39-101 *et. seq.*
- Section 3: Conflict of Interest. Any member of the Committee who has a substantial interest, as defined in A.R.S. § 38-502 in the outcome of any matter brought before them shall publically disclose that interest before the matter is discussed and shall refrain from voting or in any way participating in that matter. The meeting minutes shall reflect the member's disclosure of the substantial interest and the nature of the substantial interest.
- Section 4: City Ethic's Policy. All members of the Committee shall read, sign, and adhere to the City Ethics Policy.
- Section 5: Resignation and Removal. Members of the Committee may resign at any time by delivering written notice of such resignation to the Chair or City Clerk. Committee members, including alternates, may be removed with or without cause by a majority vote of the City Council.
- Section 6: Agenda Items. Staff may, at the direction of Council, place items on a Committee agenda for discussion and determination.