



**City Council Work Session**  
City Hall - Canyon Trails 1 & 2  
1900 N. Civic Square  
Goodyear, AZ 85395  
**Monday, September 16, 2024**  
**5:00 PM**

Mayor  
Joe Pizzillo

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Vice Mayor  
Laura Kaino

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Councilmember  
Sheri Lauritano

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Councilmember  
Wally Campbell

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Councilmember  
Bill Stipp

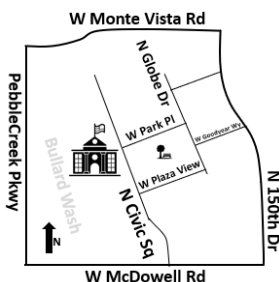
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Councilmember  
Brannon Hampton

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Councilmember  
Vicki Gillis

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**PROCEDURES**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Goodyear City Council and to the general public that the Council of the city of Goodyear will hold a meeting open to the public. Public body members of the city of Goodyear will attend either in person or by telephone conference call and/or video communication. The Goodyear City Council may vote to go into Executive Session, pursuant to A.R.S. § 38-431.03(A)(3), which will not be open to the public, to discuss certain matters. Meetings are conducted in accordance with the City Council Meetings Council Rules of Procedure adopted by Resolution No. 2018-1879.

THE CITY OF GOODYEAR ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48-hour advance notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (623) 882-7830 or Arizona Relay (TDD) 7-1-1 to request an accommodation to participate in this public meeting.

Si necesita asistencia o traducción en español, favor de llamar al menos 48 horas antes de la reunión al (623) 882-7830.



City Clerk's Office: 1900 N. Civic Square, Goodyear, AZ 85395 (623) 882-7830  
[www.goodyearaz.gov/cityclerk](http://www.goodyearaz.gov/cityclerk)  
City Council Meeting Live Broadcast: <https://www.facebook.com/goodyearazgov/videos>

**CALL TO ORDER**

**ROLL CALL**

**AGENDA ITEMS FOR DISCUSSION**

ALL ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN NOR WILL BE TAKEN.

**1. GOODYEAR CITY CHARTER COMMITTEE RECOMMENDATIONS**

**Summary**

City Council will receive and review the recommendations from the Charter Review Committee and provide direction to staff. (Roric Massey, City Attorney)

**ADJOURNMENT**

**POSTING VERIFICATION**

This agenda was posted on 09/11/2024 at 4:45 p.m. by VM.

ITEM #: 1.  
DATE: 09/16/2024  
AI #:2119



## **CITY COUNCIL ACTION REPORT**

**SUBJECT: GOODYEAR CITY CHARTER COMMITTEE RECOMMENDATIONS**

**STAFF PRESENTER(S):** Roric Massey, City Attorney

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### **OTHER PRESENTER(S):**

John Cox, Chairman of Charter Review Committee

### **Summary**

City Council will receive and review the recommendations from the Charter Review Committee and provide direction to staff. (Roric Massey, City Attorney)

### **FISCAL IMPACT**

There are no direct fiscal impacts of this item, and the anticipated costs associated with the Committee's recommendations are minimal. Changes to the City Charter require an election that will require future action of the City Council to place on the ballot. Costs associated with a potential election have been included as a part of the fiscal year 2025 budget.

### **BACKGROUND AND PREVIOUS ACTIONS**

The Arizona Constitution grants specific authority for cities with population of more than 3,500 to adopt a city charter. This State provision recognizes the authority of locally elected decision-makers to make local decisions, and the ability of the level of government closest to the citizens to respond to specific needs in their communities. A City Charter serves as the foundational document for governance in the City. In essence, the City Charter serves as the "constitution" of the city.

The original City Charter was adopted in 1987. It has been amended multiple times, including a comprehensive review and update in 2021. On April 29, 2024 City Council created the Ad-Hoc City Charter Review Committee (Committee) and directed the Committee to review the current City Charter. The Committee was charged with completing a more limited review of certain provisions of the City Charter.

The Committee comprised of seven Goodyear residents: John Cox (Chair), Susan Schmelzer (Vice Chair), Fran Fee, David Halm, Jason Kish, Robert Paine and Rodie Purcell. The Committee met three times in May and June of 2024.

After extensive discussion, the Committee is recommending four amendments to the City Charter amending Articles I, II, IV, & VI. The proposed amendments are summarized as follows:

Article I. The proposed amendment describes with more specificity the City's reserved powers and preserves local control in relation to land use planning and regulation to preserve local control over those matters. The amendment details that the City Council has the authority by simple majority vote to regulate land use and development regulations, zoning ordinances and architectural design and site plan regulations.

Article II. The proposed amendment to Article II recommends changes to how adjustments are made to compensation and benefits for the City Council. The amendment preserves the role of the Citizen's Compensation Committee on salaries, but adds benefits as areas the committee may make recommendations on. The proposed amendment further specifies that the Committee's recommendations on adjustments to salaries or benefits for the City Council may only be accepted or rejected by the City Council and any adjustments become effective the following budget year.

Article IV. This proposed amendment would shift the authority to create, delete, or reorganize the various city departments from the City Council to the City Manager. This authority would be limited by the approved budget authority and would need to remain within the approved employee counts approved by the City Council.

Article VI. The proposed amendment preserves local control and clarifies that the City Council has the authority by simple majority vote to levy certain taxes including for retail, food for home consumption, online, restaurant and bar, utilities and communications, commercial real property rental, residential real property rental, hotel and construction sales tax among others not otherwise prohibited by Federal or State Constitutions. The amendment further preserves the city's bonding and debt issuance authority under current legal requirements.

## **STAFF ANALYSIS**

Any proposed changes to the City Charter require approval by a vote of Goodyear citizens. As a result, should the City Council move forward with the Committee recommendations or any other charter amendments, the City staff and Attorney would begin the process to place the proposed amendments on a future election ballot.

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## **Attachments**

Redlines of Proposed Charter Amendments

Presentation

## Proposed Article 1 Amendment

### ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS OF CITY, BOUNDARIES

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#### Section 3. Powers of the City

A. The City shall have all the powers, functions, rights, privileges and immunities possible under the Constitution and general laws of Arizona as fully as though they were specifically enumerated in this Charter, and all of the powers, functions, rights, privileges and immunities granted or to be granted, either expressly or by implication, to charter cities and to cities and towns incorporated under the provisions of Title 9, Arizona Revised Statutes, not in conflict herewith, and in addition, the City shall have the power to:

- (1) acquire property within or without its corporate limits for any City purposes in fee simple or lesser interest or estate by purchase, gift, devise, lease or condemnation. The City may lease, sell, convey and otherwise dispose of any real or personal property owned by the City in the manner, for such consideration, and upon such conditions as may be determined by the Council;
- (2) require all persons, firms, or corporations responsible for new physical development within the City to provide for or furnish, or pay a fee for furnishing: (a) public utility easements; (b) water production, storage and transmission; (c) sewage collection, treatment and disposal; (d) park land and development; (e) school sites; (f) dedication and improvement of public rights-of-way; (g) bike paths and other necessary transportation; (h) drainage; (i) flood control; and (j) other public facilities necessary to maintain satisfactory levels of service for said new development, as provided by ordinance which shall include definite standards basing the foregoing requirements on the needs of the residents of said new development;
- (3) The City Council in order to conserve and promote the public health, safety and general welfare, shall have the power, by simple majority vote, to establish land use and development regulations consistent with its adopted General Plan, zoning ordinances, and architectural design and site plan regulations and standards.
- (4) Require architectural and site plan review and approval prior to the development, construction, or conversion of any building.

B. In this Charter mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The Charter shall be liberally construed to

the end that the City shall have all powers necessary or convenient for the conduct of its municipal affairs, and for the health, safety, and general welfare of its residents, including all powers that cities may assume pursuant to State law and the State Constitution.

## Proposed Article II Amendments

### Article II

#### The Council

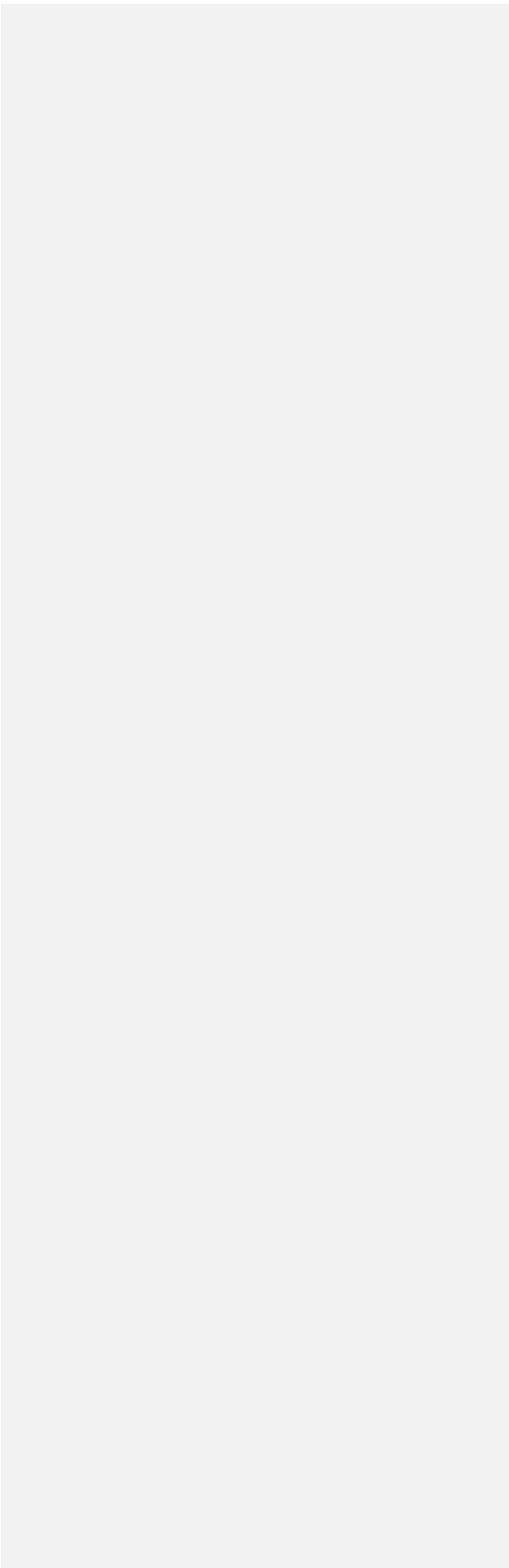
#### Section 11. Salaries, generally; citizens Council Compensation Committee on salaries and benefits for elected city officials

- A. There is established a Council Compensation Committee on salaries for elected city officials. The committee shall be comprised of a chairman plus four (4) members who shall be appointed from residents. The terms shall be staggered in the manner provided by Council. The members of the committee shall serve without compensation but shall be reimbursed for actual expenses.
- B. In odd numbered years, tThe committee shall conduct a review of the compensation and benefits provided to elected city officials. Such review shall be made for the purpose of recommending adjustments to pay levels.
- C. In odd number years, the committee shall submit to the City Clerk, a copy of their review and their recommendations. Any change to compensation shall be consistent with the committee recommendation. The City Council shall accept or reject the recommendation of the committee. Any change shall become effective the following budget year.~~The recommendations of the committee shall be accepted or rejected by the City Council.~~
- ~~D. The committee may also review and make recommendations regarding City Council benefits. As with compensation, benefits shall be competitive with comparable Arizona cities in size and complexity and consistent with those offered to the general employees of the city. The City Council may accept or reject the committee recommendations by majority vote of the City Council, and any change shall be effective the following budget year. In the event that the committee recommends a change, including a reduction, in the salaries for elected officials of an amount less than five and one tenth percent (5.1%) than the existing salary for elected officials, then no question shall be submitted to the qualified electors. Such change shall become effective for the Mayor and all Councilmembers on July 1<sup>st</sup> of even years.—~~
- E.D. In the event that the committee recommends a change, including a reduction, in the salaries for elected officials of an amount greater than five and one tenth percent (5.1%) than the existing salary for elected officials, then the question shall be submitted to the qualified electors at a regular election. If approved, such change shall become effective for the Mayor and all Councilmembers upon the canvas of the election.—

~~F. Upon the effective date of the 2021 City Charter revision, the current City Councilmembers shall be compensated consistent with the provisions of city ordinance 2018-1404 and subsequent salary adjustments shall be based on that established salary.~~

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## **Proposed Revision to Article IV**

### **Article IV**

#### **Administrative Departments, Offices and Employees**

- A. The ~~Council~~City Manager, ~~by ordinance not inconsistent with this Charter~~, shall provide for the organization, conduct and operation of the several offices and departments of the City ~~as established by this Charter~~, for the creation of additional departments for their consolidation, alteration or abolition within such budgetary authority and overall approved employee counts as otherwise approved by the City Council.

## Proposed Amendment to Article VI

### ARTICLE VI. FINANCE AND TAXATION

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#### Section 1. Fiscal

The powers of the City concerning budget, taxation, financial and fiscal powers shall be limited only by the provisions of the Constitution and laws of the State and this Charter.

#### Section 2. Taxing Powers

A. The Council, by simple majority vote, shall have the power to levy and collect ad valorem and excise taxes, including, but not limited to, a transaction privilege tax on categories such as retail, food for home consumption, online, restaurant and bar, utilities and communications, commercial real property rental, residential real property rental, and construction among other; , a use tax, ~~and~~ a business license; property tax, and all other taxes not prohibited by Federal or State Constitution, for any or all of the following purposes:

- (1) To pay the interest and to repay the bonded indebtedness of the City;
- (2) For the general expenses incurred in the operation of City government;
- (3) Establish special taxing districts to provide for improvements within specified areas of the City, including the authority to issue bonds for such improvements, and to levy taxes and assessments therefore within such specified area or areas; and
- (4) For any other lawful municipal purpose.

B. The enumeration herein of the types of taxes and the purposes for which such taxes may be levied and collected shall not be deemed to limit in any way the taxing powers of the City.

#### Section 3. Claims Against the City

The City Council shall prescribe the manner in which claims against the City shall be presented, audited and paid, including the time period in which such claims, including negligence claims, may be submitted to the City.

#### Section 4. Depositories, Transfers and Investment of City Funds

A. The City shall establish an accounting system that follows generally accepted accounting principles as set forth by the Governmental Accounting Standards Board.

- B. The Council may cause City monies to be deposited or invested in any depository or other investment so long as such deposit or investment is not contrary to the laws of the State.
- C. Whenever there shall not be sufficient monies, in any of the interest funds for the bonded indebtedness of the City to pay the interest on such bonded indebtedness when due, the Council shall direct the transfer from the general or other fund having monies therein to such interest funds the necessary amounts of money to pay the interest on said bonded indebtedness, and the amount so transferred shall be returned to the respective funds from which such transfer was made whenever sufficient monies shall accrue in said bonded indebtedness funds, from the regular tax levied therefore.

#### **Section 5. Independent Audit and Review**

An independent audit of the city's financial transactions shall be conducted as required by Arizona state statute. Independent audits shall follow generally accepted accounting principles as set forth by the Governmental Accounting Standards Board.

#### **Section 6. Debt Authorization**

- A. The City Council shall have the authority to submit questions on debt authorization to a public vote at a regular or special election when an election is required. Debt authorization shall be decided by simple majority of all votes cast on the question of debt authorization.
- B. The City Council shall have the authority to issue municipal indebtedness for any lawful purposes, with such City Council approval to be by simple majority of a quorum of the City Council.

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# Charter Review Committee Recommendations





# CHARTER PURPOSE

- Purpose
- History
- Originally Adopted by Voters in 1987
- Amended: 2004, 2019 and 2021

## CHARTER

of the

CITY OF  
GOODYEAR,  
ARIZONA



Amended March 12, 2019  
Amended October 26, 2004  
Original - 12/03/87

- 1 -

# CHARTER COMMITTEE

## MEMBERS

- John Cox- Chair
- Susan Schmelzer- Vice-Chair
- Fran Fee
- David Halm
- Jason Kish
- Robert Paine
- Rodie Purcell

## MEETINGS

- **May 7, 2024**
- **May 14, 2024**
- **June 11, 2024**



# CHARTER AMENDMENTS

## Previous Action

- City Undertook Extensive Charter Review in 2020.
- Voters Approved 10 Charter Amendments at March 9, 2021 Election.



# CHARTER PROPOSED AMENDMENTS

## Major Changes

### 2024 Charter Committee Reviewed:

- City Manager Administrative Authority
- City Finance and Taxing Authority
- City Land Use and Planning Authority
- City Council Compensation



# CHARTER PROPOSED AMENDMENTS

## City Manager Administrative Authority

- Amendment would grant City Manager the authority to create, consolidate, alter, or abolish City Departments and Divisions rather than the City Council.
- The authority must be exercised within City Council approved budget authority and approved employee counts.



# CHARTER PROPOSED AMENDMENTS

## City Finance and Taxing Authority Amendment-Tax

➤ Reserves taxing authority to City Council by simple majority vote

Specifies City may impose transaction privilege taxes on various categories

- Retail
- Food for Home Consumption
- Online
- Restaurant and Bar
- Utilities and Communications
- Commercial Real Property Rental
- Residential Real Property Rental
- Hotel
- Construction



# CHARTER PROPOSED AMENDMENTS

## City Finance and Taxing Authority

- Future Bond Elections decided by simple majority vote of residents.
- Grants City Council the authority to issue Municipal Indebtedness by simple majority vote.



# CHARTER PROPOSED AMENDMENTS

## City Land Use and Planning Authority

- Reserves the Authority by the City Council by Simple Majority Vote to Establish:
  - Land Use and Development Regulations
  - Zoning Ordinances
  - Architectural Design
  - Site Plan Regulations and Standards

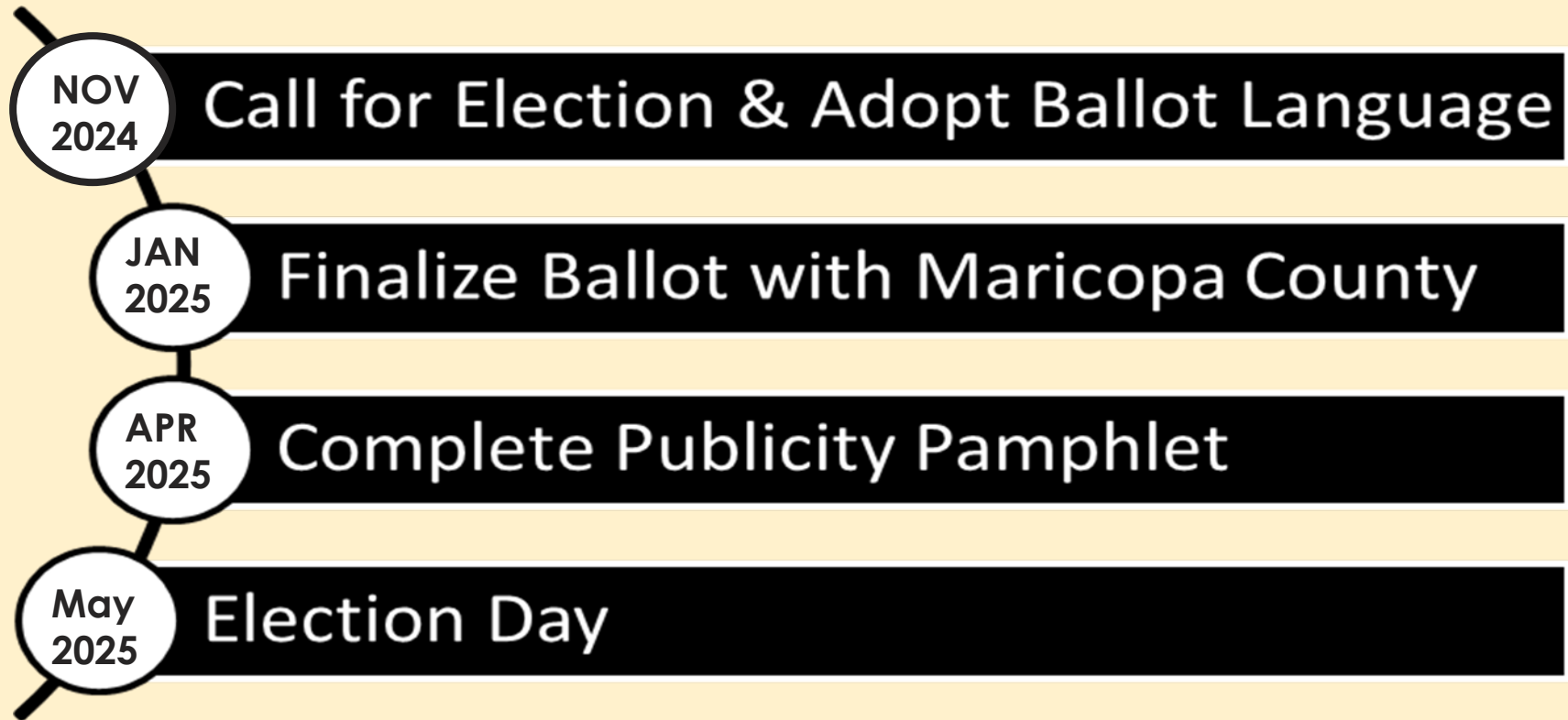


# CHARTER PROPOSED AMENDMENTS

## City Council Compensation

- Retains Citizen's City Council Compensations Committee Process
- Under proposed amendment Committee Recommendation shall be based on compensation and benefits of comparable Cities.
- City Council accepts or rejects Committee recommendation to be effective following budget year.

# SPECIAL ELECTION TIMELINE





# SPECIAL ELECTION

## Ballot Pamphlet Arguments

The public is invited to submit arguments in favor of or in opposition to the proposed changes.

- Mailed to each household with a registered voter in advance of the election (approximately 35,000 households)
- Arguments can be submitted online at [www.goodyearaz.gov](http://www.goodyearaz.gov)
- Cost of \$50 per submission to cover printing costs
- Deadline to submit is February 19, 2025



# PUBLIC OUTREACH

## Education Plan



# InFocus





# More Election Information

**[www.goodyearaz.gov/elections](http://www.goodyearaz.gov/elections)**

**[gyclerk@goodyearaz.gov](mailto:gyclerk@goodyearaz.gov)**



# CHARTER REVIEW COMMITTEE

# QUESTIONS?