

RESOLUTION NO. 2024-2427

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CALLING A SPECIAL ELECTION FOR MAY 20, 2025; PROVIDING NOTICE OF A SPECIAL ELECTION; DESIGNATING THE DATE THAT VOTER REGISTRATION CLOSES; DESIGNATING THE PLACE AND BEGINNING AND ENDING DATES TO ACCEPT ARGUMENTS FOR AND AGAINST THE QUESTIONS; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ENTER INTO ALL AGREEMENTS TO EFFECTUATE ELECTION SERVICES; AND ORDERING THE CITY CLERK TO PUBLISH THE NOTICE OF ELECTION.

WHEREAS, the Goodyear City Council has referred to the voters of the city two franchise agreements and changes to the City Charter;

WHEREAS, Arizona Revised Statutes §16-227 requires a Call of Election for a non-partisan Special Election; and

WHEREAS, dates have been established to comply with the requirements of a Special Election.

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

SECTION 1. DESIGNATION OF SPECIAL ELECTION DATE AND PURPOSE

The city of Goodyear shall hold a Special Election on May 20, 2025, for the purpose of submitting to the qualified voters two franchise agreements and changes to the City Charter. Ballot language is attached as Exhibit A.

SECTION 2. DESIGNATING VOTER REGISTRATION DEADLINE

Goodyear residents wishing to vote in the Special Election shall register with Maricopa County Elections no later than April 21, 2025.

SECTION 3. ARGUMENTS FOR AND AGAINST BALLOT QUESTIONS

Arguments supporting or opposing the questions shall be published in the publicity pamphlet and shall be filed with the City Clerk between December 1, 2024, and February 19, 2025, and will be in compliance with the conditions set forth in the attached Exhibit B.

SECTION 4. DESIGNATING ELECTION FORMAT

The Special Election shall be an All-Mail Ballot Election. Ballots will be mailed April 23, 2025. A ballot box for drop-off will be available beginning April 23, 2025, at Goodyear City Hall. A ballot replacement site will be established at Goodyear City Hall beginning May 12, 2025. There will be no polling places.

SECTION 5. PUBLICATION OF NOTICE OF ELECTION

The City Clerk shall publish Exhibit B – Notice of Election as required by statute.

SECTION 6. AUTHORIZATION AND DIRECTION

- A) The Election shall be held, conducted and canvassed in conformity with the provisions of the general election laws of the State of Arizona, except

as otherwise provided by law or City Charter, and only such persons shall be permitted to vote at the Election are qualified electors of the City.

- B) The City Manager, or designee, shall enter into any agreements to conduct the election or provide other services to effectuate the election and elements of the election.
- C) The City Attorney is hereby authorized to make non-substantive changes to the Resolutions, Ordinances or Exhibits needed to give effect to the referral of the offered franchises and City Charter amendments.
- D) The City Clerk is hereby further authorized to take all other necessary action to facilitate the Election.
- E) All expenditures as may be necessary to order, notice, hold and administer the Election are hereby authorized, which expenditures shall be paid from current operating funds of the City, with appropriate deposits and reimbursements made by the franchisees.

SECTION 7. EFFECTIVE DATE

Resolution 2024-2427 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 _____ vote, this _____ day of _____, 2024.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

RESOLUTION 2024-2427 - EXHIBIT A

BALLOT LANGUAGE – SPECIAL ELECTION MAY 20, 2025

QUESTION 1

PROPOSED GOODYEAR CHARTER AMENDMENT NO. 1.

Official Title

Amendment of Article I Incorporation, Form of Government, Powers of the City, Boundaries of the Charter of the City of Goodyear to specify the powers of the City in regards to land use planning and regulation.

Descriptive Title:

Article I Incorporation, Form of Government, Powers of the City, Boundaries, would be amended to specify that the City Council has the power by simple majority vote to establish land use and development regulations, zoning ordinances, architectural design, and site plan regulations and standards, that are consistent with the adopted General Plan.

Ballot Language

SHALL ARTICLE I OF THE CHARTER OF THE CITY OF GOODYEAR BE AMENDED TO STATE THE CITY COUNCIL BY SIMPLE MAJORITY VOTE HAS THE POWER TO ESTABLISH LAND USE AND DEVELOPMENT REGULATIONS CONSISTENT WITH ITS ADOPTED GENERAL PLAN, ZONING ORDINANCES, AND ARCHITECTURAL DESIGN REGULATIONS AND STANDARDS?

☐ **YES**

A **YES** vote shall have the effect of adopting the proposed amendment to the City Charter.

☐ **NO**

A **NO** vote shall have the effect of rejecting the proposed amendment to the City Charter.

QUESTION 2

PROPOSED GOODYEAR CHARTER AMENDMENT NO. 2.

Official Title

Amendment of Article II The Council, Section 11 Salaries, generally, Citizen's Compensation Committee on salaries for elected city officials of the Charter of the City of Goodyear to amend the procedure for adjustment to City Council salaries and benefits.

Descriptive Title:

Article II The Council, Section 11 Salaries, generally, Citizen's Compensation Committee on salaries for elected city officials would be amended to add Benefits to the title, and to amend the procedure and scope of recommendations of the Citizen's Compensation Committee to include both adjustments to salaries and benefits and provide that the City Council may only accept or reject that recommendation by simple majority vote.

Ballot Language

SHALL ARTICLE II, SECTION 11 OF THE CHARTER OF THE CITY OF GOODYEAR BE AMENDED TO INCLUDE BENEFITS IN THE TITLE AND TO AMEND THE PROCEDURE FOR THE CITIZEN'S COMPENSATION COMMITTEE RECOMMENDATIONS AND PROVIDE THAT THE CITY COUNCIL MAY ACCEPT OR REJECT THAT RECOMMENDATION BY SIMPLE MAJORITY VOTE?

☐ **YES**

A **YES** vote shall have the effect of adopting the proposed amendment to the City Charter.

☐ **NO**

A **NO** vote shall have the effect of rejecting the proposed amendment to the City Charter.

QUESTION 3

PROPOSED GOODYEAR CHARTER AMENDMENT NO. 3.

Official Title

Amendment of Article IV Administrative Departments, Officers and Employees of the Charter of the City of Goodyear to amend the administrative process for the organization of the various city departments.

Descriptive Title:

Article IV Administrative Departments, Officers and Employees would be amended to transfer the authority to create, consolidate, alter or abolish the various city departments from the City Council to the City Manager within the approved budget authority and employee counts as otherwise approved by the City Council.

Ballot Language

SHALL ARTICLE IV, OF THE CHARTER OF THE CITY OF GOODYEAR BE AMENDED TO TRANSFER THE AUTHORITY TO CREATE, CONSOLIDATE, ALTER OR ABOLISH THE VARIOUS CITY DEPARTMENTS FROM THE CITY COUNCIL TO THE CITY MANAGER WITHIN THE APPROVED BUDGETARY AND EMPLOYEE COUNTS OTHERWISE APPROVED BY THE CITY COUNCIL?

☐ **YES**

A **YES** vote shall have the effect of adopting the proposed amendment to the City Charter.

☐ **NO**

A **NO** vote shall have the effect of rejecting the proposed amendment to the City Charter.

QUESTION 4

PROPOSED GOODYEAR CHARTER AMENDMENT NO. 4.

Official Title

Amendment of Article VI Finance and Taxation of the Charter of the City of Goodyear to codify allowable transaction privilege tax categories and to codify currently existing rules related to bond approval and issuance.

Descriptive Title:

Article VI Finance and Taxation would be amended to codify allowable categories of municipal transaction privilege tax categories and to further codify existing rules regarding the procedure for bond approval and issuance.

Ballot Language

SHALL ARTICLE VI FINANCE AND TAXATION, OF THE CHARTER OF THE CITY OF GOODYEAR BE AMENDED TO CODIFY ALLOWABLE CATEGORIES OF MUNICIPAL TRANSACTION PRIVILEGE TAX CATEGORIES AND TO FURTHER CODIFY EXISTING RULES REGARDING THE PROCEDURE FOR BOND APPROVAL AND ISSUANCE?

☐ **YES**

A **YES** vote shall have the effect of adopting the proposed amendment to the City Charter.

☐ **NO**

A **NO** vote shall have the effect of rejecting the proposed amendment to the City Charter.

QUESTION 5

PROPOSED EPCOR WATER AND WASTEWATER UTILITY FRANCHISE

OFFICIAL TITLE

SHALL A FRANCHISE BE ENTERED INTO GRANTING TO EPCOR WATER ARIZONA INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AND FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE IN, OVER, UNDER, AND ACROSS THOSE PORTIONS OF PUBLIC RIGHTS-OF-WAY IN THE CITY OF GOODYEAR, ARIZONA, WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES FOR THE PURPOSE OF PROVIDING WATER DISTRIBUTION AND WASTEWATER COLLECTION SERVICES WITHIN THE CITY OF GOODYEAR AND FUTURE ADDITIONS THERETO?

DESCRIPTIVE TITLE

GRANTING A FRANCHISE TO EPCOR WATER ARIZONA INC., FOR THE PURPOSE OF PROVIDING WATER DISTRIBUTION AND WASTEWATER COLLECTION SERVICES WITHIN THE CITY OF GOODYEAR FOR WHICH THE CITY OF GOODYEAR WILL RECEIVE A FRANCHISE FEE.

A “for the franchise” vote shall have the effect of granting a franchise for water distribution and wastewater collection services to EPCOR Water Arizona Inc.

An “against the franchise” vote shall have the effect of denying a franchise for water distribution and wastewater collection services to EPCOR Water Arizona Inc.

FOR THE FRANCHISE	☐
AGAINST THE FRANCHISE	☐

QUESTION 6

PROPOSED LIBERTY WATER AND WASTEWATER UTILITY FRANCHISE

OFFICIAL TITLE

SHALL A FRANCHISE BE ENTERED INTO GRANTING TO LIBERTY UTILITIES (LITCHFIELD PARK WATER AND SEWER) CORP., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AND FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE IN, OVER, UNDER, AND ACROSS THOSE PORTIONS OF PUBLIC RIGHTS-OF-WAY IN THE CITY OF GOODYEAR, ARIZONA, WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES FOR THE PURPOSE OF PROVIDING WATER DISTRIBUTION AND WASTEWATER COLLECTION SERVICES WITHIN THE CITY OF GOODYEAR AND FUTURE ADDITIONS THERETO?

DESCRIPTIVE TITLE

GRANTING A FRANCHISE TO LIBERTY UTILITIES (LITCHFIELD PARK WATER AND SEWER) CORP., FOR THE PURPOSE OF PROVIDING WATER DISTRIBUTION AND WASTEWATER COLLECTION SERVICES WITHIN THE CITY OF GOODYEAR FOR WHICH THE CITY OF GOODYEAR WILL RECEIVE A FRANCHISE FEE.

A “for the franchise” vote shall have the effect of granting a franchise for water distribution and wastewater collection services to Liberty Utilities (Litchfield Park Water And Sewer) Corp.

An “against the franchise” vote shall have the effect of denying a franchise for water distribution and wastewater collection services to Liberty Utilities (Litchfield Park Water And Sewer) Corp.

FOR THE FRANCHISE	☐
AGAINST THE FRANCHISE	☐

EXHIBIT B

CALL OF ELECTION PUBLIC NOTICE OF THE CITY OF GOODYEAR

Notice is hereby given that the City of Goodyear, Arizona, will hold a Special Election as an All-Mail Ballot Election as follows:

Special Election May 20, 2025

Questions to be Determined:

Shall the city of Goodyear make changes to the City Charter, Article I?

Shall the city of Goodyear make changes to the City Charter, Article II, Section 11?

Shall the city of Goodyear make changes to the City Charter, Article IV?

Shall the city of Goodyear make changes to the City Charter, Article VI?

Shall the city of Goodyear enter into a Franchise Agreement with EPCOR Water and Wastewater Utilities?

Shall the city of Goodyear enter into a Franchise Agreement with Liberty Water and Wastewater Utilities?

Arguments for and against the Proposition: That arguments supporting or opposing the questions be published in the publicity pamphlet and shall be filed with the City Clerk on or before February 19, 2025. Each argument shall be submitted electronically to gyclerk@goodyearaz.gov and a fee of \$50 shall be paid for each argument. Each argument shall not exceed 300 words in length and shall contain the original, notarized signature of each person sponsoring it. If the argument is sponsored by an organization, it shall contain the sworn statement of two executive officers of the organization or if sponsored by a political committee it shall contain the sworn statement of the committee's chairman or treasurer. The names of persons and entities submitting written arguments shall be included in the publicity pamphlet. Persons signing the argument shall identify themselves by giving their residence address and telephone number, which may not appear in the publicity pamphlet, except that the person's city or town and state of residence shall appear in the pamphlet. Any argument that is submitted and that does not comply with this subdivision may not be included in the pamphlet.

Voter Registration Deadline: April 21, 2025

All-Mail Ballot Election: Ballots will be mailed to every Goodyear qualified voter on April 23, 2025.