

RESOLUTION NO. 2024-2430

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, REFERRING QUESTIONS TO BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF GOODYEAR WITH RESPECT TO AMENDMENTS TO THE GOODYEAR CITY CHARTER, SAID QUESTIONS TO BE SUBMITTED TO THE VOTERS AT A CITY SPECIAL ELECTION TO BE HELD ON MAY 20, 2025.

WHEREAS, Arizona Revised Statutes § 9-283(C) requires all charter amendments be referred to the voters of the city; and

WHEREAS, the Ad-Hoc Charter Review Committee has made recommendations to the City Council for changes in the charter; and

WHEREAS, the City Council has referred recommendations to the voters for approval through this Resolution; and

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

SECTION 1. PROPOSED AMENDMENTS

The proposed amendments to the Goodyear City Charter in legislative format are attached hereto as Exhibit 1.

SECTION 2. OFFICIAL BALLOT

The Official Ballot for the Election shall be substantially in the form attached hereto as Exhibit 2.

SECTION 3. AUTHORIZATION AND DIRECTION

The City Attorney is authorized to make non-substantive changes to the Resolution or Exhibits needed to give effect to the referral of the offered amendments.

SECTION 6. Resolution 2024-2430 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

EXHIBIT “1”

Proposed Amendments to Goodyear City Charter

(on the following pages)

PROPOSED AMENDMENTS TO ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS OF CITY, BOUNDARIES

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. ~~require architectural and site plan review and approval prior to the development, construction, reconstruction, 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 AMENDMENTS TO 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, The 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-numbered years, t~~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 VOTES OF THE CITY COUNCIL AND ANY CHANGE SHALL BECOME 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 1st of even years.~~

E. ~~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 canvass 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.

PROPOSED AMENDMENTS TO ARTICLE IV. ADMINISTRATIVE DEPARTMENTS, OFFICES AND EMPLOYEES

Section 1. Administrative Departments and Offices

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 EMPLOYEE COUNTS AS OTHERWISE APPROVED BY THE CITY COUNCIL.

B. The City Manager may assign additional functions or duties to offices, departments or agencies.

PROPOSED AMENDMENTS TO ARTICLE VI. FINANCE AND TAXATION

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 tax; 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 COUNCIL APPROVAL TO BE BY SIMPLE MAJORITY VOTE OF A QUORUM OF THE CITY COUNCIL.

EXHIBIT “2”

Official Ballot Language for Special Election

(on the following pages)

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.

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.

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.

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.