

RESOLUTION NO. 2025-2449

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING THE AMENDED BY-LAWS OF THE CITIZEN WATER ADVISORY COMMITTEE; AUTHORIZING STAFF TO TAKE ALL ACTIONS NECESSARY TO CARRY OUT THE INTENT OF THE RESOLUTION AND BY-LAWS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Goodyear City Code § 2-4-11, the Goodyear City Council is empowered to create boards, committees, and commissions it deems necessary that are to exist at the pleasure of the council.

WHEREAS, in 2023, the Goodyear City Council adopted Resolution 2023-2312, which established the Citizen Water Advisory Committee; and

WHEREAS, the Citizen Water Advisory Committee's by-laws currently empower them to review rate and fee adjustments for water and wastewater services, however, they do not explicitly include stormwater; and

WHEREAS, given that the city is now embarking on a new rate study, it is important to address this omission; and

WHEREAS, stormwater management is an increasingly critical aspect of urban planning, and its inclusion within the Committee's purview will allow for a more comprehensive and integrated approach to water resource management; and

WHEREAS, by considering stormwater rates and fees alongside water and wastewater rates, the Committee can provide more holistic and informed recommendations to City Council, ensuring all aspects of the city's water infrastructure are adequately funded and maintained.

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

SECTION 1. BY-LAWS

The Mayor and City Council of the City of Goodyear hereby adopt the amended "City of Goodyear Citizen Water Advisory Committee By-Laws," a copy of which is attached hereto as Exhibit "A" (the "Citizen Water Advisory Committee By-Laws"), which shall govern the operations of the Citizen Water Advisory Committee.

SECTION 2. CITY MANAGER ACTION

The City Manager and/or appropriate City staff are hereby authorized to take all actions on behalf of the City as may be necessary to carry out the intent of this Resolution and the City of Goodyear Citizen Water Advisory Committee By- Laws.

SECTION 3. EFFECTIVE DATE

This Resolution shall become effective as prescribed by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this 24th day of February, 2025.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Jasmine Pernicano, Acting City Clerk

Roric Massey, City Attorney

EXHIBIT ‘A’

CITY OF GOODYEAR Citizens Water Advisory Committee BY-LAWS

Article I – Name

The Citizens Water Advisory Committee hereinafter referred to as the “Committee”, is an advisory committee of the Goodyear City Council established by Resolution No. 2023-2312.

Article II – Term of the Committee

The Committee is an advisory committee and shall be in existence until terminated by the City Council.

Article III – Powers and Duties

The purpose of the Committee is to advise the City Council on matters relating to water resource planning, water and wastewater system planning, water use and conservation, water, wastewater and stormwater rates and fees, with its primary functions including:

- A. Review the City’s long-term water resource needs and the capital needs of the City’s water system and wastewater system, utilizing City staff and other resources, and provide feedback to staff;
- B. Develop and recommend policies, procedures and programs that promote water conservation practices within the City that the Committee deems appropriate and responsible;
- C. Annually review the Department’s 5-10 year Capital Improvement Program, its 5-10 year Operations and Maintenance needs, and associated revenue requirements of the City’s water and wastewater systems;
- D. Review and recommend to the City Council water, wastewater, and stormwater rate and fee adjustments that are just and reasonable, consistent with adopted Mayor and City Council plans and policies on a 2-5 year cycle;
- E. Explore strategies to expand and diversify the City’s water resource portfolio;
- F. Review and make recommendations on policies affecting those water, wastewater, and stormwater issues the Committee deems appropriate.

Article IV – Membership

Section 1: Number of Members.

Number of Members. No more than 7 members shall be appointed to the Committee. All appointed members shall be voting members. In addition, a first alternate and a second alternate may be appointed to the Committee. Alternates may participate in all discussions of the Committee but shall not be voting members unless they are appointed to fill a vacancy.

Section 2: Terms of Office. Except for the appointment of the initial members to the Committee, Committee members shall be appointed for a two-year term and may be reappointed for one additional two-year term. At least 50% of the initial members appointed shall be appointed for a two-year term and may be reappointed for one additional two-year term and the remainder of the members shall be appointed for a three-year term and may be reappointed for one additional two-year term.

Section 3: Selection. All members of the Committee shall be appointed by the City Council. Public notice of all Committee openings will be given by the Goodyear City Clerk. Candidates shall submit a completed application to the Goodyear City Clerk in order to be considered for appointment. Qualified candidates may be interviewed by the Council Subcommittee for Boards, Commissions, and Committee Appointments.

Section 4: Composition. The Committee shall consist of members who meet the qualifications set forth in Section 5 below 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 shall:

A. be eighteen years of age or older; and

B. be a Goodyear resident for at least one year living within the City of Goodyear's water and wastewater service area, except that up to

three of the Committee members may be non-residents who meet one of the following criteria:

- a. own and operate, or represent a corporate entity that owns and operates, a business located within the City of Goodyear's water and wastewater service area; or
- b. own property, or represent a corporate entity that owns property within the City of Goodyear's water and wastewater service area;

and

- C. be registered to vote in Arizona unless the member is a representative of a corporate entity permitted by Section 5(B) above; and
- D. not be an employee of the City, member of the City Council, or an immediate family member of such persons; and
- E. not be voting members on more than two boards, commissions, or committees of the City (with the exception of members of the PIC/IDA Boards).

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

- A. Chair. The Members shall select from amongst themselves a Chair at the first meeting of the members of the Committee. The Chair shall be a Goodyear resident. 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, the member selected as the Chair shall serve as Chair for the duration of the member's tenure on the Committee. In the event the Chair's term of office expires, or 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 Members shall select another member of the Committee as Chair. The duties of the Chair shall include:
 - a. approve a regular meeting schedule provided by City staff; and
 - b. determining the agenda for meetings after consultation with City staff designated by the Council to assist the Committee with its work; and
 - c. presiding over Committee meetings, including deciding upon all points of order and/or procedure; and

- d. reviewing with department staff the agenda items for future Committee meetings; and
 - e. 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 Members shall select a Vice-Chair at the time of the first meeting of the members of the Committee. The Vice-Chair shall be a Goodyear resident. Unless the Vice-Chair resigns, becomes incapacitated, is removed, no longer meets the qualifications for members, and/or is unable to perform the duties of the office, the member selected as the Chair, the member selected as the Vice Chair shall serve as the Vice-Chair for the duration of the member's tenure on the Committee. In the event the Vice-Chair's term of office expires, or 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 members 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 meetings 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. Secretary. The City of Goodyear Director of Water Services or his/her designee (the "Water Services Director") shall appoint a staff member of the Water Services Department to serve as Secretary and staff to the Committee. The duties of the Secretary shall include:
- a. preparing agendas for each meeting of the Committee that include the various matters of business to be considered; and
 - b. ensuring that copies of agendas are duly posted in accordance with Arizona's open meeting laws, as they may be amended from time to time; and
 - c. taking all minutes of all meetings of the Committee, which minutes shall be in summary form; and
 - d. except for documents maintained by the City Clerk, maintaining all records and documentation of the Committee; and

- e. advising on matters of parliamentary procedures when such issues arise during meetings of the Committee.

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

Section 7: Staff. Water Services Director or designee, 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 vacancies, the first alternate shall assume the first vacant position and the second alternate shall assume the second vacant position. Upon any alternate assuming a vacant position on the Committee, the City Clerk shall pursue the appointment of a replacement alternate in accordance with the selection process described in Section 3 and the Citizen Appointment Process adopted by City Council on August 29, 2022. If no alternate members approved by Council are available to fill the vacancy, the City Clerk shall pursue the appointment of a new member in accordance with the selection process pursuant to the selection process described in Section 3 and the Citizen Appointment process adopted by City Council on August 29, 2022

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 regular or special 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, working in conjunction with City staff, shall establish a meeting schedule with no fewer than 6 meetings per year. The meeting schedule may be amended to add additional meetings as needed. Notices of meetings shall be duly posted in accordance with State Law and City Ordinances. In the event a regular meeting is canceled, a notice of such cancellation shall be duly posted in accordance with State Law and City Ordinances.
- 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, the names of any persons or entity on whose behalf he or she is appearing, and whether he or she or the person or entity on whose behalf he or she is appearing owns property within the City of Goodyear's water and/or wastewater service area. 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.
- D. If the Chair desires to make or second a motion, the Chair must first temporarily relinquish the presiding chair, until the vote on the motion has been taken or until disposition on the motion has been otherwise completed.

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. To the extent not in conflict with these By-Laws, 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 by an electronic device. 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 he or she consults the Secretary 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 Secretary, 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 and any amendments thereto; 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 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 publicly 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 Ethics 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. 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.