

**CITY OF GOODYEAR  
CITIZEN RATE REVIEW COMMITTEE  
BY-LAWS**

**Article I - Name**

The Goodyear Citizen Rate Review Committee, herein after referred to as the "Committee," is an ad-hoc committee of the Goodyear City Council established by Resolution 2019-2011.

**Article II – Term of the Committee**

The Committee is an ad-hoc committee and shall be in existence for the duration of the Goodyear Utility Rate Study project. The Committee shall automatically cease upon adoption of the Goodyear water, sewer, storm water, and solid waste rate structure by the Goodyear City Council.

**Article III – Powers and Duties**

The Committee is an advisory body to City staff and the City Council on matters relating to the water, sewer, storm water and solid waste rate study. The Committee will review and provide recommendations related to operational costs and infrastructure capital needs for the water, wastewater, storm water and solid waste systems. Its powers are advisory only unless additional powers and authority are provided by Resolution, Ordinance or state or federal law or regulation. The powers and duties of the Committee shall include:

- A. Review the City's existing utility rate structure.
- B. Review and comment on staff's recommendations to support operations, maintenance, capital improvements, existing debt service, and future water resource needs.
- C. Recommend a draft of the rates to be forwarded to the City Council for review.
- D. Any other actions consistent with the provisions of these By-Laws.

**Article IV - Membership**

Section 1:       Number of Members. No more than eleven (11) members shall be appointed to the Committee. The total number of appointed members shall be an odd number. All appointed members shall be voting members. Up to three (3) alternates may be appointed to the Committee. Alternates may participate in all discussion of the Committee, but shall not be voting members unless they are appointed to fill a vacancy.

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 shall be recommended by staff and appointed by the City Council.

Section 4: Composition/Qualifications. Members shall meet the following minimum qualifications upon appointment to the Committee.

- A. The majority of the members appointed to the Committee must be Goodyear residents with an active City of Goodyear water, wastewater and solid waste service account who has resided in Goodyear for at least one year prior to appointment; and
- B. Be eighteen years of age or older; and
- C. Not be an employee of the City of Goodyear, member of the Goodyear City Council, or an immediate family member of such persons; and
- D. Not be voting members on two or more boards, commissions or committees of the City, excluding any sub-committee and/or ad-hoc committee formed by the Committee hereunder.
- E. Additional members appointed to the Committee may be non-residents of Goodyear that meet one of the requirements below:
  - 1. Owns and operates, or represents a corporate entity that owns and operates, a business located within the City of Goodyear water and/or wastewater service area; or
  - 2. Owns property within the City of Goodyear water and/or wastewater service area; or
  - 3. A representative of a public entity that operates within the City of Goodyear water and/or wastewater service area; or
  - 4. Represents a significant stakeholder group of the city's water, wastewater or solid waste service.

Section 5: Officers. The Committee shall include the following officers:

- A. Chair. The Committee shall elect a Chair at the time of the first meeting. The term of the Chair shall be the term of the Committee. 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 Committee shall elect another member of the Committee as Chair. The duties of the Chair shall include:
  - 1. Establishing a regular meeting schedule; and
  - 2. Determining the agenda for meetings after consultation with City staff designated by the Council to assist the Committee with its work; and
  - 3. Presiding over Committee meetings, including deciding upon all points of order and/or procedure; and
  - 4. Reviewing agenda items for future Committee meetings with the Public Works and/or Finance Departments; and

5. 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 Committee shall elect a Vice-Chair at the time of the first meeting. The term of the Chair and 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 Committee shall elect another member of the Committee as Vice-Chair. In the absence of the Chair, the Vice-Chair shall preside over Committee meetings and shall perform the duties 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 his designee, shall provide legal representation and advice to the Committee as necessary.

Section 6: Staff. The Public Works Director, or in his absence, the City Manager, may designate additional City staff and/or outside consultants to assist the Committee in its work.

Section 7: Attendance Policy. Members are expected to attend all meetings. Two consecutive absences will result in removal from the Committee.

Section 8: 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.

Section 9: Meetings.

- A. The Committee shall hold at least one regular meeting each month, unless it is determined by the Chair that there is no business to transact. Notices of meetings shall be duly posted in accordance with State Law and City Ordinances. In the event a regular meeting is cancelled, notice of such cancellation shall be duly posted in accordance with State Law and City Ordinances. Regular meetings shall be held at City of Goodyear City Hall, 190 N Litchfield Road, Goodyear, Arizona, unless otherwise advertised.
- 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 City Clerk's Office 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 address 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 10: 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 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 Chair to arrange facilities for such recording prior to the commencement of the meeting, and such recording will not otherwise disrupt the proceedings.

Section 11: 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 Chair, 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 participation may be permitted at the discretion of the Chair provided there is technology available to allow the public participation by telephone, i.e. a speaker phone is available.

**Article V – 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 VI – 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 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 VII – 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 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 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 their Chair. Committee members, including alternates, may be removed with or without cause by a majority vote of the City Council or as a result of not meeting attendance requirements.
- Section 6: Agenda Items. The Mayor may direct the Chair to include certain items on a Committee meeting agenda. Any member may propose items to be included on an agenda, which shall be included at the discretion of the Chair.