

**CITY OF GOODYEAR
WATER PLANNING COMMITTEE
BY-LAWS**

Article I – Name

The Goodyear Water Planning Committee, herein after referred to as the “Committee”, is an ad-hoc committee of the Goodyear City Council established by Resolution 14-1612.

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 and sewer utility 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 future growth and the water and sewer utility rate study. The Committee will review and provide recommendations for the expansion of the water system to support the future growth of the city. The Committee will meet in a public environment addressing issues of concern relating to the operation of the water and wastewater system, the impacts of growth on the system, and the related financial implications. 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 and make recommendations on various master plans, including but not limited to the City’s Integrated Water Master Plan (IWMP) update.
- B. Review future water needs to support growth and development.
- C. Make recommendations on water resources for growth and development.
- D. Review the City’s existing utility rate structure.
- E. Review and develop recommended draft utility rates to support operations, maintenance, capital improvements, existing debt service, and future water resource needs.
- F. Recommend a draft of the water needs analysis, utility structure, and rates to be forwarded to the City Council for review.
- G. Any other actions consistent with the provisions of these By-Laws.

Article IV – Membership

- Section 1: Number of Members. No more than fifteen (15) 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 appointed by the City Council. Public notice of all Committee openings will be given following the City of Goodyear Boards, Commissions and Committees Reference Handbook. Candidates shall submit a completed application to the City 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 Article IV, 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
 - B. At least 75% of the members appointed to the Committee must be Goodyear residents living within the City of Goodyear water and/or sewer service area and must have resided in Goodyear for at least one year prior to appointment; and
 - C. Up to 25% of the members appointed to the Committee may be non-residents of Goodyear that meet one of the requirements for non-residents set forth in Article IV, Section 5 below.
- 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 water and/or sewer service area, except for up to 25% 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 water and/or sewer service area; or
 - b. Own property within the City of Goodyear water and/or sewer service area; or
 - c. Representative of a public entity that operates within the City of Goodyear water and/or sewer service area.
- C. Be registered to vote in Arizona; and
 - D. Not be an employee, member of City Council, or an immediate family member of such persons; and
 - E. 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.

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

- A. Chair. The Committee shall elect a Chair at the time of the first Committee meeting. The term of the Chair shall be the term of the Committee 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. 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:
 - a. Establishing a regular meeting schedule; 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. Appointing board members to serve on sub-committees and ad-hoc committees of the Committee; and
 - e. Reviewing with staff department (Finance) agenda items for future Committee meetings; and

- f. 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 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 meeting 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 Director of Finance, or in his/her absence, the City Manager, shall appoint a staff member of Finance to serve as Secretary and staff to the Committee and any sub-committees or ad-hoc committees formed by the Committee. The duties of the Secretary shall include:
 - a. Preparing agendas for each meeting of the Committee and any sub-committee or ad-hoc committee formed by the Committee that includes the various matters of business to be considered; and
 - b. Insuring 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 and of all meetings of sub-committees and/or ad-hoc committees formed by 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 of any sub-committee and/or ad-hoc committees formed by the Committee; and
 - e. Advising on matters of parliamentary procedures when issues such issues arise during meetings of the Committee and

meetings of any sub-committee and/or ad-hoc committees formed by the Committee.

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

Section 7: Staff. The Director of Finance, or in his/her absence, the City Manager, 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 death or resignation; removal of a member by City Council; and/or member's circumstances change so he or she no longer meets 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, sells the property etc.). In the event of a vacancy, the Mayor shall, if available, appoint an alternate Committee member previously been approved by the City Council as a member of the Committee provided that the composition of the Committee with the appointed alternate meets the requirements set forth in Article IV, Section 4. If no alternate members approved by Council are available to fill the vacancy, and the Mayor concludes that the vacancy needs to be filled, the vacancy shall be filled by the Mayor. The Mayor shall appoint members from the pool of candidates who submitted completed applications to the City to be considered for an appointment to the Committee when it was formed but who were not appointed to the Committee. The Mayor, in his/her discretion shall determine whether to solicit additional candidates to fill a vacancy on the Committee. Qualified candidates may be interviewed by the Mayor.

Section 9: Attendance Policy. Two (2) successive unexcused or unexplained absences or four (4) 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.

Section 11: 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 cancelation shall be duly posted in accordance with State Law and City Ordinances. Regular meetings shall be held at the City of Goodyear Justice Facility, 14455 West Van Buren Street, Suite B101, 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 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.
- 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. 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 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 – Sub-Committees

The Committee shall be authorized to establish, by majority vote, such sub-committees and ad-hoc committees, as the Committee deems necessary and appropriate for carryout the Committee's business. Any such sub-committee and/or ad-hoc committee created report to the Committee solely in an advisory committee and shall exist only so long as necessary to fulfill the purposes for which they were created.

Section 1: Selection. Members of sub-committees and/or ad-hoc committees formed by the Committee shall be appointed by the Chair of the Committee. Except for members of the Committee who are appointed to sub-committees and/or ad-hoc committees formed by the Committee, members of sub-committees and/or ad-hoc committees may be appointed from the pool of candidates who submitted completed applications to the City to be considered for an appointment to the Committee but who were not appointed to the Committee, if the applicant is qualified, or may be appointed from the pool of candidates who submitted completed applications to the City to be considered for an appointment to the specific sub-committee and/or ad-hoc committee formed by the Committee. The Chair of the Committee, in his/her discretion shall determine whether to solicit candidates for a specific sub-committee and/or ad-hoc committee or

to draw on the pool of candidates who applied to be on the Committee. Qualified candidates may be interviewed by the Chair.

Section 2: Terms of Office. The terms of the sub-committee and/or ad-hoc committee members shall be the duration of the sub-committee's and/or ad-hoc committee's existence.

Section 3: Qualifications and Composition. Sub-committees and/or ad-hoc committees shall consist of members who meet the qualifications for membership on the Committee set forth in Article IV, Section 5 above and the composition of the of the Committee shall meet the following requirements:

- A. At least 75% of the members appointed must be Goodyear residents living within the City of Goodyear water and/or sewer service area and must have resided in Goodyear for at least one year prior to appointment; and
- B. Up to 25% of the members appointed may be non-residents of Goodyear that meet one of the requirements for non-residents set forth in Article IV, Section 5 above.
- C. The number of Committee members appointed to serve on a sub-committee and/or ad-hoc committee created by the Committee shall be less than a quorum of the Committee.

Section 4: Officers. The Chair of the Committee shall appoint a Chair and Vice-Chair for each sub-committee and/or ad-hoc committee formed by the Committee. The term of the Chair and Vice-Chair shall be for the term of the sub-committee and/or ad-hoc committee unless the Chair or 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. In the event the Chair and/or Vice-Chair resigns, becomes incapacitated, is removed, no longer meets the qualifications for membership and/or is unable to perform the duties of the office, the Chair of the Committee shall appoint another Chair or Vice Chair. The Chair of each sub-committee and/or ad-hoc committee shall perform the same duties for the sub-committee and/or ad-hoc committee as the Chair performs for the Committee. The Vice-Chair of each sub-committee and/or ad-hoc committee shall perform the same duties for the sub-committee and/or ad-hoc committee as the Vice-Chair performs for the Committee. In the absence of the Chair and Vice-Chair the sub-committee and/or ad-hoc committees shall, by majority vote, appoint a member of the sub-committee and/or ad-hoc committee to serve as Chair for the meeting.

Section 5: Vacancies. A vacancy on a sub-committee and/or ad-hoc committee shall be deemed to have occurred upon the following events: member's death or resignation; removal of a member by the Chair of the Committee; and/or

member's circumstances change so he or she no longer meets 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, sells the property etc.). In filling vacancies, the Chair of the Committee shall appoint members from the pool of candidates who submitted completed applications to the City to be considered for an appointment to the Committee when it was formed but who were not appointed to the Committee and/or who submitted completed applications to the City to be considered for an appointment to a sub-committee and/or ad-hoc committee. The Chair of the Committee, in his/her discretion shall determine whether to solicit additional candidates to fill a vacancy. Qualified candidates may be interviewed by the Chair of the Committee.

Section 6: Attendance Policy. One (1) unexcused or unexplained absence or two (2) total excused absences by a member of a sub-committee and/or ad-hoc committee from any regular or special meeting shall be grounds for removal of the Chair of the Committee. The removal of a member of a sub-committee and/or an ad-hoc committee by the Chair of the Committee shall be final.

Section 7: Quorum. A majority of the voting members of the sub-committee and/or ad-hoc committee shall constitute a quorum for transacting business at a meeting of the sub-committee and/or ad-hoc committee. In the absence of a quorum, the sub-committee and/or ad-hoc 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 8: Meetings. Sub-committees and ad-hoc committees formed by the Committee shall hold meetings as the Chair of the sub-committee and/or ad-hoc committees deems necessary.

- A. All meetings shall be held at the City of Goodyear Justice Facility, 14455 West Van Buren Street, Suite B101, Goodyear, Arizona, unless otherwise advertised.
- B. Notices of meetings shall be duly posted in accordance with State Law and City Ordinances.
- C. Meetings of sub-committees and/or ad-hoc committees shall be open to the public and the minutes of the meetings and other official actions shall be filed in the City Clerk as a public record.

- D. 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.
- E. The Order of Business for meetings of sub-committees and ad-hoc committees shall be the same as for meetings of the Committee as set forth in Article IV, Section 12 above.
- F. 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
- G. 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 9: Voting and Recommendations.

- A. All appointed members of sub-committees and/or ad-hoc committees established by the Committee shall be voting members. Any formal recommendations to be forwarded to the Committee for review or approval shall require a majority vote of a quorum of the sub-committee and/or ad-hoc 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 sub-committee and/or ad-hoc 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 VI – Official Records

The official records of the Committee shall include these By-Laws; agendas of the Committee and of any sub-committee and/or ad-hoc committee created by the Committee; and minutes of meetings of the Committee and of any sub-committee and/or ad-hoc committee created by 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 and all sub-committees and ad-hoc committees formed by 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 and any sub-committees and/or ad-hoc committees formed by the Committee shall be open to the public.

Section 2: Public Records. The Committee and all sub-committees and ad-hoc committees formed by 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 and any member of any sub-committee and/or ad-hoc committee formed by 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 Ethic's Policy. All members of the Committee and all members of any sub-committee and/or ad-hoc committee formed by the Committee shall read, sign, and adhere to the City Ethics Policy.

Section 5: Resignation and Removal. Members of the Committee and members of any sub-committee or ad-hoc committee formed by 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. Members of any sub-committee and/or ad-hoc committee formed by the Committee may be removed with or without cause by the Chair of the Committee.

Section 6: Agenda Items. The Mayor may direct the Chair of Committee to include certain items on a Committee meeting agenda. The Chair of the Committee may direct the Chair of any sub-committee and/or ad-hoc committee formed by the Committee to include certain items on a meeting agenda. Any member may propose items to be included on an agenda for the committee the member serves, which shall be included at the discretion of the Chair of such committee.