

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

Article I – Name

The Goodyear Water Conservation Committee, herein after referred to as the “Committee”, is an ad-hoc committee of the Goodyear City Council established by Resolution 16-1717.

Article II – Term of the Committee

The Committee is an ad-hoc committee and shall be in existence through June 2018 or twenty four months after its first meeting. The Committee shall automatically cease June 30, 2018.

Article III – Powers and Duties

The Committee is an advisory body to City staff and the City Council on matters relating to water efficiency, demand management. The Committee will review and provide recommendations for near term outdoor water conservation actions that support the future growth and sustainability of the city. The Committee will meet in a public environment addressing issues of concern relating to the potential for conservation in the City, specific measures that would lead to conservation of supplies, measures that would preserve supplies in the event of inadequate supply availability or deliverability, and the related 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. Become familiar with the regulatory requirements and water usage patterns which frame the potential and requirements for outdoor water conservation, using the City’s latest master water conservation plan as a resource.
- B. Review impact of staff-proposed future water conservation initiatives on stakeholders, residents, growth and development to ensure initiatives’ success.
- C. Prioritize and review the cost and return on investment of options to achieve significant reductions in outdoor water use by current customers as data permit.
- D. Recommend a prioritized set of conservation actions which may include changes to existing guidelines, ordinances, new programs and need for further study for the next five years to be forwarded to the City Council for review not later than July, 2018.

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 two (2) 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. Group 1: A majority of the members appointed to the Committee must be resident rate payers and must have resided in that location for at least one year prior to appointment;
 - a. The majority of this group will consist of City of Goodyear rate payers.
- C. Group 2: The remainder of the members appointed to the Committee may be non-residents (See qualifications in Section 5B).
- D. To the degree possible the Committee shall reflect the diversity of the City's outdoor water users and their future impact on overall water usage, to wit: a majority of the members shall represent householders; at least 1 shall represent interests of real estate, builders, management of large HOAs, or landscape-intensive property holders; at least 1 shall represent the landscape industry; 1 shall represent public entities holding non-residential large properties in the city; and the balance may represent other user constituencies or households.

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 or Goodyear's water and/or sewer service area, or 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; or
 - b. Own property within the City of Goodyear; or
 - c. Is a representative of a public entity that operates within the City of Goodyear.
- 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.

If a member serves on the Public Improvement Corporation (PIC) and the Industrial Development Authority (IDA), or the Public Safety Retirement Board (PSRB) for Police and Fire, they can serve on only one additional committee, commission or board.

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 membership, 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. Reviewing with staff department (Water Resources) 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.

Vice-Chair. The Committee shall elect a Vice-Chair at the time of the first meeting. The term of the 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 perform the duties of the Chair. In addition, the Vice-Chair shall perform any duties assigned by the Chair or that may evolve by virtue of the office of Vice-Chair.

- B. 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.
- C. Secretary. The Director of Public Works, or in his/her absence, the City Manager, shall appoint a staff member 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 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 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.
- D. 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 Public Works, 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 not more than one meeting per month and no more than ten meeting per year. Notices of meetings shall be duly posted in accordance with Arizona law and City Ordinances. In the event a regular meeting is cancelled, notice of

such cancelation shall be duly posted in accordance with Arizona 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 by 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 provided by A.R.S. § 38-501, et seq. and the Goodyear City Code.
- D. Proxy voting shall not be permitted. Telephonic participation by members of the Committee 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 created by the Committee; and minutes of meetings of the Committee 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 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 by 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 Ethic's 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. 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.