CITY CHARTER
Goodyear, Arizona

Proposed by
the Board of Freeholders

Amended October 26, 2004
Original – 12/03/87

CHARTER

OF

THE CITY OF GOODYEAR

Amended by vote of the public on

September 07, 2004

Approved by Governor Janet Napolitano

On October 25,2004

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CHARTER

OF

THE CITY OF GOODYEAR, ARIZONA

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CHARTER

OF

THE CITY OF GOODYEAR, ARIZONA

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS OF CITY, BOUNDARIES

Section 1. Incorporation

The inhabitants of the City of Goodyear, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Goodyear, Arizona."

Section 2. Form of Government

The municipal government provided by this Charter shall be known as Council-Manager Government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, applicable laws of the State of Arizona and by this Charter, all powers of the City shall be vested in an elective Council, hereinafter referred to as "the Council," which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager and such other officers deemed necessary and proper for the orderly government and administration of the affairs of the City, as prescribed by the Constitution and laws of the State of Arizona, and ordinances hereafter adopted by the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if they be not prescribed, then in such manner as may be prescribed by ordinance.

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 inhabitants of said new development;

(3) 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 inhabitants, including all powers that cities may assume pursuant to State law and the State Constitution.

Section 4. Boundaries

The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

ARTICLE II. THE COUNCIL

Section 1. Powers of the Council

All powers of the City, not in conflict with the Constitution and applicable laws of the State of Arizona and subject to the limitations of this Charter, shall be vested in the Council, which shall enact appropriate legislation and do and perform any and all other acts which may be necessary and proper to carry out these powers or any of the provisions of this Charter.

Section 2. Number; Selection

The Council shall consist of a Mayor and six Council members elected from the City at large, except as provided in Section 7 of this Article.

Section 3. Elections

The first general election for the office of Mayor and Council shall be held on the third Tuesday in March of the first odd-numbered year following approval of the Charter by the Governor of Arizona.

Section 4. Qualifications

The Mayor and Council members shall be qualified electors of the City and shall hold no other elected public office, nor any incompatible appointed public office, and shall have resided in the City for not less than two (2) years preceding the date of such election or appointment. If the Mayor or a Council member shall cease to possess any of these qualifications or should any of the conditions set forth in Section 15(C) of this Article exist, the office shall immediately become vacant. City employees are not eligible to stand for election or serve as Mayor or as members of the City Council. No person shall be eligible for the office of Mayor who shall not have attained the age of 25 years and no person shall be eligible for the Council who shall not have attained the age of 21 years.

Section 5. Terms of Mayor

A. The Mayor shall be elected for a term of four years but shall not serve more than two (2) consecutive four-year terms. This shall not preclude a person from completing the unexpired remainder of a term of their predecessor. There shall be no limit of non-consecutive terms.

Section 6. Terms of Council Members

A. Council members serving on the effective date of this Charter shall continue in office until the end of their terms. In the first elections provided in Section 3 of this Article, three (3) Council members, each of whom shall be elected, qualified, and serve terms of four (4) years according to the provisions of this Charter. At the succeeding biennial municipal elections, the three (3) Council members to be elected shall be elected, qualified, and serve terms of four (4) years according to the provisions of this Charter.

B. No person shall be eligible to serve in the office of Council member for more than three (3) consecutive terms, but there shall be no limit on the number of non-consecutive terms.

Section 7. Electoral Districts; Establishment

A. When the population reaches 150,000 as certified by a Decennial Census or a special census conducted for the purpose of determining the population of the

City, the Mayor and Council shall divide the City into six (6) electoral districts not less than six (6) months after the certification of such census. Each electoral district shall be compact and contiguous, but shall be as nearly equal in population as possible.

B. At the next succeeding municipal elections, the three (3) Council members to be elected shall be for terms of two (2) years.

C. At the next succeeding elections following the elections provided in Section 7(B) above, six (6) Council members shall be elected as provided in Article IX, Section 9, of this Charter. The Council members for electoral districts 1, 3 and 5 shall serve transitional terms of two (2) years and council members for electoral districts 2, 4 and 6 shall serve full terms of four (4) years. At each succeeding election all council terms shall be for four (4) years as provided in this Charter.

D. Notwithstanding the division of the City into districts, the Mayor shall continue to be elected at large.

Section 8. Districts; Residency

At such time as the City is divided into electoral districts, a Council member elected for any such district shall have been a resident of such district for a period of not less than one hundred eighty (180) days next proceeding the date, for the primary election and shall continue to reside in such district as a qualification f o r election to and holding of such office.

Section 9. Duties of Mayor

The Mayor shall serve as Chair of the Council and shall preside over its deliberations. The Mayor shall have a voice and vote in all its proceedings, but shall not make or second motions without first temporarily relinquishing the presiding chair until the vote on the motion has been taken, or until disposition on the motion has been otherwise completed. The Mayor shall have no veto power. The Mayor shall be recognized as head of the City government for all purposes. The Mayor shall have no regular administrative duties, but shall, on behalf of the Council, confer and advise with the City Manager to insure that council programs and policies are being carried out in full. In addition thereto, the Mayor shall govern the City by proclamation during times of emergency.

Section 10. Vice-Mayor

The Council shall designate one of its members as Vice-Mayor, who shall serve in such capacity at the pleasure of the Council. The Vice-Mayor shall perform the duties of the Mayor during his absence or temporary disability subject to the provisions of Section 15(A) of this Article.

Section 11. Salaries of Mayor and Council Members

The compensation of the Mayor and Council members shall be fixed by ordinance adopted not less than 120 days preceding the first municipal general election under this Charter. Neither the Mayor nor any Council member shall be subject to any increase or decrease in salary during his current term of office, and any increase or decrease in salary shall be by ordinance adopted not less than 120 days prior to the next municipal general election and shall be effective only for terms of office beginning after such election.

Section 12. Council to be Judge of Qualifications of its Members

The Council shall be the judge of the election and qualifications of its members and for such purposes shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any such case shall be subject to review by the courts.

Section 13. Induction of Mayor and Council into Office

At the first regular meeting in April following the date of the general election, the Council shall hold a meeting for the purpose of inducting the newly-elected Mayor and Council members, and to elect a Vice-Mayor and to organize the Council.

Section 14. Absence to Terminate Membership

If any Council member shall be absent from more than three consecutive regular meetings, or a total of four regular meetings in any calendar year, without the consent of the Council duly recorded in the journal, he shall thereupon cease to hold office.

Section 15. Vacancies in the Office of Mayor and Council

A. In case of a vacancy in the office of the Mayor as defined in Section 15(C) of this Article, the Council shall call a special election for the purpose of choosing a Mayor to fill the unexpired term.

B. The City Council shall fill by appointment vacancies in the Council. If such vacancy occurs during the first year and one hundred and eighty days of a Council member's term of office, the appointment shall be until the next general election. The remainder of the term shall be filled by the regular election process of the City, except candidates to fill the remainder of the vacancy shall file nominating petitions for and be placed on the ballot as candidates for the short-term vacancy on the City Council.

C. A vacancy in the office of Mayor or the Council shall exist, except under the recall provisions of this Charter, when the respective elected official fails to qualify within thirty days after commencement of such term, dies, resigns, moves from the City,

absents himself or herself from the duties of such office without the consent of the Council as provided in the Charter, is convicted of intentionally violating any of the provisions of this Charter, or of a felony, or is judicially declared an incapacitated person as defined by statute.

D. Should the Council fail to fill any Council vacancy within thirty days following the recognition by the Council of such vacancy, and no other method of filling the vacancy is authorized by this Charter, the vacancy shall be filled by special election.

Section 16. Meetings of Council, Boards, Commissions and Committees

The Council shall meet regularly at such time and at such places as may be prescribed by ordinance, but not less frequently than two times each month. Notices and agendas of such meetings, including a short summary of items on the agenda, shall be posted pursuant to statute in such public places as the council may set by ordinance, and the places of such posting shall be kept on file with the City Clerk.

Section 17. Special Meetings

The Mayor may, or at the request of three members of the Council, by giving notice thereof to all members of the Council, or leaving notice at their usual place of abode, call a special meeting of the Council for a time not earlier than twenty-four hours after notice is given and posted pursuant to law. Special meetings of the Council may also be held at any time by the common consent of four members of the Council, provided notice is given and posted as in special meetings called by the Mayor. Items to be considered at a special meeting shall be included in the notice.

Section 18. Rules of Procedure; Journal

The Council shall by ordinance determine its own rules and order of business and agenda requirements subject to the provisions of this Charter. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

Section 19. Quorum; Ayes and Nays

A majority of the members of the Council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time until a quorum can be compelled. The vote on any question shall be by ayes and nays except as otherwise provided and shall be entered in the journal. At the request of any member of the Council, a roll call vote shall be taken. The vote may be taken by mechanical device.

Section 20. Failure to Vote

The Mayor and Council members shall not be excused from voting except upon matters involving the consideration of his own official conduct or in such matters as he

may have a conflict of interest as set forth by statute. In all other cases, a vote of aye or nay must be cast. Should the Mayor or Council member fail to vote, such vote shall be counted with the majority vote on the issue, and in case of a tie vote, such vote shall be counted as a nay vote.

Section 21. Consideration of Petitions

Any person may appear before the Council at any regular meeting and present a written petition. Such petitions shall be considered by the Council in the regular course of business within thirty days. Referral to the City Manager for staff consideration shall also constitute Council consideration hereunder.

Section 22. Interference in Administrative Service

A. Except as otherwise provided in this Charter, neither the Mayor nor any Council member shall interfere with the execution by the City Manager of the powers and duties, or order, directly or indirectly, the appointment by the City Manager of any person to an office or employment or the removal there from. Except for purposes of inquiry, the Mayor and Council members shall deal with the administrative service under the City Manager solely through the City Manager, and neither the Mayor nor Council member shall give orders to any subordinate of the City Manager, either publicly or privately.

B. Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the City Manager anything pertaining to City affairs or the interest of the City.

Section 23. Conduct of Council as to Powers Authorized by Charter When No Procedure is Established by State Law

Whenever, by any provisions of this Charter, it is prescribed that any power, duty or procedure shall or may be exercised, performed or adopted in the manner established by any law of this State, and there be no procedure established by law therefore, then the Council shall by ordinance prescribe the procedure.

ARTICLE III. THE CITY MANAGER

Section 1. Appointment of City Manager

The Council shall appoint a City Manager who shall be an officer of the City and who shall have the powers and perform the duties provided in this Charter. No Council member shall receive such appointment during the term for which he or she shall have been elected nor within one year after the expiration of such term. The Council shall have the discretion of entering into a written employment contract with the City Manager, but in no event shall the term of such contract be for a period longer than twenty-four months, and all contracts with the City Manager shall expire, subject to renewal or renegotiation, on December 31 following a municipal general election.

Section 2. The City Manager; Qualifications

The City Manager shall be chosen by the Council solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth.

Section 3. City Manager; Powers and Duties

The City Manager shall be the chief administrative officer and head of the administrative branch of the City government and shall be responsible for the proper administration of all affairs of the City. To that end, subject to the provisions of this Charter, the City Manager shall have power and shall be required to:

(1) Devote full-time to the discharge of the official duties of the office;

(2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed;

(3) Appoint, promote, remove and demote for cause, subject to rights of appeal, and in compliance with applicable personnel rules and regulations, all officers and employees of the City except the City Attorney and City Municipal Judge, and as to these named officers, shall recommend appointment and removal;

(4) Prepare the annual budget estimates and submit them to the Council and be responsible for the administration of the budget after adoption;

(5) Keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs of the City;

(6) Have such other powers, duties and functions as this Charter may prescribe, and such powers, duties and functions consistent with this Charter as the Council may prescribe.

Section 4. Right of City Manager to Attend Council Meetings

The City Manager shall have the right to attend all Council meetings and take part in the discussions of all matters coming before the Council.

Section 5. Assistant City Manager; Qualifications and Duties

A. The City Manager shall have the authority to appoint an Assistant City Manager who shall be appointed solely on the basis of executive and administrative qualifications and shall, in general, possess the same qualifications as required of the City Manager according to Section 2 of this Article.

B. The Assistant City Manager shall exercise the powers and perform the duties of the Manager during temporary absence or disability of the Manager; provided, however, that during such absence or disability, the Council may revoke such authority at any time and appoint a new City Manager pursuant to this Article.

C. The Assistant City Manager shall have such powers, duties and authority as the City Manager may from time to time delegate. Any powers, duties and authority so delegated may be revoked from time to time by the City Manager.

Section 6. Removal of City Manager

A. The removal of the City Manager shall be by an affirmative vote of not less than five (5) members of the Council, including the Mayor.

B. Notwithstanding the provisions of this section, the City Manager shall not be removed from office, other than for misconduct in office, during or within a period of ninety days next succeeding any municipal general election held in the City at which election a member of the Council is elected.

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS, OFFICES AND EMPLOYEES

Section 1. Administrative Departments and Offices

A. The Council, 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, divisions, offices and agencies and for their consolidation, alteration or abolition.

B. The Council may assign additional functions or duties to offices, departments or agencies. Where the positions are not incompatible, the Council may combine in one person the powers and duties of two or more offices created or authorized by this Charter.

C. The Council shall provide for the number, title, qualifications, powers, duties and compensation of all officers of the City.

Section 2. City Clerk

The City Manager shall appoint an officer, who shall have the title of City Clerk, who shall be responsible to the City Manager, and who shall give notice of all Council meetings, keep the journal of the Council's proceedings authenticated by the Clerk's signature, and record in full in books kept for the purposes, all ordinances and resolutions, and perform such other duties as shall be required by this Charter or by ordinance. The Mayor and Council members may individually confer with the City Clerk.

Section 3. City Attorney

The Council shall, on recommendation of the City Manager, appoint the City Attorney, who shall be an attorney at law, duly licensed to practice in the State of Arizona, who shall be the chief legal advisor of all officers, departments and agencies and of all officers and employees in matters relating to their official powers and duties. The City Attorney shall work in cooperation with the City Manager and shall represent the City in all legal proceedings; provided, however, that the Council may employ other counsel as may be deemed by them to be necessary or appropriate. It shall be the duty of the City Attorney to perform all services incidental to his position as may be required by statute, by this Charter or by ordinance.

Section 4. Merit System to be Established

A. The Council shall, by ordinance, provide for the establishment of a merit system through the adoption of personnel policies for the purpose of regulating and

controlling the appointments of officers and employees of the City except those elected by the people and also except the City Manager, City Attorney, and Municipal Judge.

B. The City Council shall have the right, by ordinance, to govern the process of setting employee wages, hours, benefits and working conditions with employees, employee groups or their representatives.

ARTICLE V. APPOINTIVE BOARDS AND COMMISSIONS

Section 1. Appointive Boards and Commissions

The Council may, by ordinance, resolutions or motions, create or abolish boards, commissions or committees as in its judgment are required, and may grant to them such power and duties as are consistent with the provisions of this Charter.

ARTICLE VI. FINANCE AND TAXATION

Section 1. Finance Director

The City Manager shall appoint an officer who shall have the title of Finance Director, who shall be responsible to the City Manager, and who shall receive and have custody of all the money of the City, and shall keep and save said money, and dispense with the same only as provided by the budget, or by resolution or ordinance of the Council, and who shall be bound by the Constitution and laws of the State of Arizona, Charter of the City, and resolutions and ordinances, and upon whom legal garnishments may be served.

Section 2. 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 3. Taxing Powers

A. The Council shall have the power to levy and collect ad valorem and excise taxes, including, but not limited to, a transaction privilege tax, a use tax, and a business license 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 maintain a sinking fund 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, and including the authority to issue bonds for such improvements, and to levy taxes 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 4. 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 5. Cash Basis Fund; Transfer of Sums from Cash Basis Fund to Other Funds

A. The Council may create and maintain a permanent revolving fund to be known as the Cash Basis Fund, for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose, the Council may provide that from the money collected from the annual property tax levy, and from the money received from other sources, a sum equal to not less than two and one-half cents on each one hundred dollars of the assessed valve of said property may be placed in such fund until the accumulated amount of such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

B. The Council shall have power to transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all monies so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Section 6. Depositories, Transfers and Investment of City Funds

A. 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.

B. 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 7. Independent Audit and Review

A. Prior to the end of each fiscal year, the Council shall designate qualified certified public accountants who, a6 of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the City government and shall submit their report to the Council and to the City Manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers. They shall not maintain any accounts or records of the City business, but within specifications approved by the Council, shall post-audit the books and documents kept by the City and any separate or subordinate accounts kept by any other office, department or agency of the City government.

B. Notwithstanding the provisions of Section 7(A) above, the Council may enter into a contract for auditing services as above described for a period in excess of one (1) year and not to exceed three (3) years upon a finding by the Council that a contract in excess of one (1) year would be in the best interests of the City.

ARTICLE VII. ORDINANCES AND RESOLUTIONS

Section 1. Council to Act by Motion, Resolution or Ordinance

The City Council shall act by motion, resolution or ordinance.

Section 2. Ayes and Nays to be Recorded

A roll call vote shall be taken on final action on ordinances and resolutions, but motions not affecting the passage or amendment of an ordinance or resolution may be acted upon by ayes and nays. All votes shall be recorded in the journal of proceedings of the City Council.

Section 3. Majority Vote Required

A majority vote of the members present, provided a quorum is present, shall be sufficient to pass motions, resolutions and ordinances.

Section 4. Enacting Style

A. The enacting clause of all ordinances passed by the City Council shall be as follows: "Be it ordained by the Mayor and Council of the City of Goodyear, Arizona."

B. The enacting clause of all resolutions passed by the City Council shall be as follows: "Be it resolved by the Mayor and Council of the City of Goodyear, Arizona."

Section 5. Actions to be Taken by Ordinance

The following actions by the City Council shall, unless specifically authorized or directed by State law, be taken only by ordinance:

(1) Providing for the levying of any tax or assessment;

(2) Providing for the appropriation of municipal funds; provided, however, that the annual budget may be adopted by resolution;

(3) Providing for the establishment or changing of building and zoning districts and regulations;

(4) Providing for the alteration of the municipal boundaries by annexation or otherwise;

(5) Providing for the establishment of fire zones and limits;

(6) Providing for a sanction or penalty for violation thereof.

Section 6. Reading and Passage of Ordinances and Resolutions; Effective Date

All proposed ordinances, and resolutions having the effect of ordinances, shall be subject to the following requirements for passage at any meeting of the City Council:

A. Copies of a proposed ordinance, or proposed resolution having the effect of an ordinance, shall be delivered to the Mayor and Council, or left at their usual place of abode, not less than twenty-four hours prior to the meeting at which action will be taken on the ordinance or resolution.

B. Copies of titles of a proposed ordinance, or resolution heretofore mentioned, shall be posted at the City Hall and such other places as the City Council may prescribe not less than twenty-four hours before the meeting at which action is taken thereon. During such period, copies of the entire ordinance, or resolution heretofore mentioned, shall be available for inspection by the public during the City's regular business hours. If the titles are not posted, or copies made available, as herein set forth, the matter shall not be brought before the City Council.

C. On motion duly adopted, a full reading of a proposed ordinance, or resolution having the effect of an ordinance, shall be ordered; otherwise an ordinance, or resolution having the effect of an ordinance, shall be read and considered by number and title only. The measure may be passed and adopted at any time after such reading.

D. In the event that an amendment of substantive nature is proposed during the action taken by the Council upon any ordinance or resolution as heretofore mentioned, such ordinance or resolution containing such proposed amendment shall not be adopted without following the provision set forth in subparagraph (C) of Section 6 of Article VII hereof. For the purpose of this subsection, the term "amendment of substantive nature" means an amendment which, either by addition, alteration, or deletion, alters the sense, meaning or effect of the proposed ordinance, but shall not be deemed to include the changing of capitalization for the purpose of uniformity, or the correction of manifest clerical typographical errors.

E. Ordinances shall become effective thirty (30) days after passage by the City Council except emergency measures.

Section 7. Emergency Measures; Effective Date

An emergency measure is one which is necessary for the immediate preservation of the peace, health or safety of the City and one which is passed by the affirmative vote of three-fourths of the members of the City Council. An emergency measure shall take effect immediately upon its passage, provided it states in a separate section the reason it is necessary that it should become immediately operative. An emergency provision may be added to a proposed ordinance or resolution upon its final passage at the same meeting it is introduced upon the affirmative vote of three-fourths of all the members of the City Council.

Section 8. Motions to Reconsider

When an ordinance, put on final passage, fails to pass, no motion to reconsider shall be considered within twenty-four (24) hours of the vote on the ordinance.

Section 9. Signing of Ordinances and Resolutions

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk within five (5) days after adoption, but failure to so sign and attest shall not affect the validity of such ordinance or resolution.

Section 10. Publication of Ordinances and Resolutions

All ordinances and resolutions having the effect of an ordinance, except emergency measures defined in Section 7 of this Article, shall be published at least two (2)

times in the official newspaper of the City before they become effective and operative. Emergency measures shall be published two (2) times, the first publication to be not less than fifteen (15) days after adoption.

Section 11. Method of Amending, Revising or Re-enacting of Ordinances

Ordinances shall not be revised or amended by title only, but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this Charter for the adoption of ordinances.

Section 12. Repealing or Suspending Ordinances

No ordinance or section thereof shall be repealed and suspended except by ordinance adopted in the same manner provided in this Charter; provided, however, that rules of procedure set forth in ordinance form may be suspended by majority vote of the Council.

Section 13. Procedure for Adoption by Reference

The City Council may enact the provisions of a code or public record theretofore in existence by reference without setting forth the provisions in full, but the adopting ordinance shall be published in full and not less than three (3) copies of the code or public record shall be in the office of the City Clerk and kept available for public use and inspection during regular business hours. A code or public record enacted by reference may be amended in the same manner.

Section 14. Filing, Recording and Certifying of Ordinances and Resolutions and Using Ordinances and Resolutions as Evidence

All ordinances and resolutions shall be filed and safely kept by the City Clerk and duly recorded and certified by the Clerk in books kept for that purpose marked "City Ordinances" and "City Resolutions," respectively; and record copies thereof certified by the City Clerk, or the originals thereof shall be prima facie evidence of the contents of such ordinances or resolutions and of the due passage and publication of the same, and shall be admissible in evidence in any court of this State, or in any proceeding where the contents of such ordinance or resolution, or any of them, is in question; provided, however, that nothing herein contained shall be construed to prevent the proof of the passage and publication of any ordinance or resolution in the manner otherwise prescribed by law.

Section 15. Recording of Certain Ordinances

Ordinances extending or changing the boundaries of the City, zoning territory, or establishing or vacating streets, alleys or subdivisions, in addition to publication,

shall be recorded in the office of the Maricopa County Recorder, and the same shall constitute public notice to all parties of the legal import thereof.

Section 16. Codification of Ordinances

A. Any and all ordinances of the City, which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance by the passage of any ordinance for such purpose.

B. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof.

C. Amendments to the Ordinance code shall be enacted in the same manner as ordinances.

ARTICLE VIII. CONTRACTS

Section 1. Preparation

All contracts shall be drawn or reviewed under the supervision of and approved as to form by the City Attorney. Such contracts shall be in writing, executed in the name of the City of Goodyear, Arizona, by the Mayor or City Manager, except as may be otherwise provided either by this Charter or by law, and must be attested by the City Clerk, who shall number and register the same.

Section 2. Contracts for Improvements, Services and Purchases

A. Any equipment, material or supplies to be purchased, or services to be obtained for or on behalf of the City, or contract to be awarded for any City improvements, shall be awarded under such rules, regulations and ordinances as the City Council may adopt.

B. The City Council, at its discretion, may reject any and all bids.

Section 3. Transfer and Sale of Property

The City Manager may transfer to or between offices, departments and agencies, or sell at public auction, surplus or obsolete supplies, materials and equipment, subject to such regulations as the Council may prescribe.

Section 4. Contracts for Official Advertising

A. The City Manager shall award contracts annually for official advertising for the ensuing fiscal year. For this purpose, the City Manager shall submit to each legal newspaper circulated in the City, a notice describing the contemplated advertising and asking for sealed proposals. The proposals shall specify the type and spacing to be used at the rate or rates named in the bid. The City Manager shall award the contracts for such official advertising to the lowest qualified bidder circulating a newspaper of general circulation in the City; provided that such bid shall not exceed the newspaper's published open rates; provided further, that any and all bids may be rejected at the sole discretion of the City Manager who shall then proceed to secure new bids in the manner provided herein.

B. The newspaper to which the award for such advertising is made shall be known and designated as the official newspaper.

Section 5. Fraud and Collusion

Any member of the Council or any officer or employee of the City who shall aid or assist a bidder in securing a contract to furnish labor, materials, equipment, supplies, or services at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the labor, material, equipment, supplies or services called for or the conditions under which the proposed work is to be done, or who shall knowingly accept materials, supplies or equipment of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor or service performed than has been actually performed or to receipt of a greater amount or different kind of material, supplies or equipment than has been actually received, shall be guilty of a misdemeanor and, upon conviction thereof, shall be removed from office.

Section 6. Avoidance of Fraudulent Contracts

If at any time it shall be found that the person or entity to whom a contract has been awarded, or any agent thereof, colluded with any party for the purpose of procuring the contract or preventing the award of the contract to another, the contract shall be null and void and the City Manager shall advertise for new bids thereon; provided, however, that in the

case of public works or improvements, the Council may provide for the work to be performed by the City under the direction of the City Manager.

ARTICLE IX. ELECTIONS

Section 1. Types of Elections

Municipal elections to be held in the City shall be either primary, general or special.

A. Primary elections shall be held for the purposes of making nominations for the general elections and electing officers as hereinafter provided, and for such other purposes as the Council may prescribe.

B. General elections shall be held for the purpose of electing officers of the City and such other purposes as the Council may prescribe.

C. The Council may, by resolution or ordinance, order special or advisory elections, and shall provide the time, manner and means of holding any such elections.

Section 2. Application of State Law

The provisions of the laws of this State relating to and governing the nomination of elective officers, and the conduct of elections, with all amendments thereto, shall apply and govern, as far as practical, the nomination of elective officers and the conduct of elections, except as otherwise provided in this Charter. The City Council shall have the power to make additional provisions relating to nominations and elections not contrary to the provisions of this Charter.

Section 3. Qualifications of Electors; Registration

A. The qualifications of electors shall be residency within the City, and as required by the Constitution and laws of this State for County electors.

B. Registration of voters shall be as required by the laws of this State and the register of qualified voters shall be compiled from the general County register.

Section 4. Arrangement of Names on Ballot

The names of the candidates for each office shall be arranged as provided by law and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Section 5. Time of Holding Primary and General Elections

Primary elections shall be held on the second Tuesday in March of odd-numbered years preceding the General election on the third Tuesday in May of odd-numbered years.

Section 6. Majority to Elect in Primary

At the primary election, any candidate who shall receive a majority of all the votes cast at such election shall be declared elected to the office for which he is a candidate, and no further election shall be held as to said candidate. If more candidates receive a majority vote than vacancies to be filled, those receiving the highest number of votes shall be declared elected, equal to the number of vacancies.

Section 7. Nomination for General Election

A. If at any Primary election there be any office or offices to which no candidate therefore was elected, then, said election shall be considered to be a Primary election for the nomination of candidates for such office or offices, and a second or General election shall be held to vote for candidates to fill such office or offices.

B. The candidates, not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, and who received the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election; provided, that if there be any person who under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefore, then all such persons receiving said equal number of votes shall likewise become candidates for such office.

Section 8. Candidates Receiving Most Votes to be Elected

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at said General election, shall be declared elected to such office.

Section 9. Nomination by District; Election At Large

A. From and after such time as the City is divided into districts, the Council members shall be nominated by vote of the electors in the primary election in the district in which the candidate resides, and shall be elected in the general election by the electors of the city at large.

B. For the purposes of paragraph A of this section, each district shall nominate no more than two (2) candidates for the general election and no more than one (1) candidate from each district shall be elected.

Section 10. Special Elections

The Council shall provide the time, manner and means of holding any special election. All special elections shall be conducted in the same manner and under the same provisions as are provided for the holding of General elections.

ARTICLE X. INITIATIVE, REFERENDUM AND RECALL

Section 1. Initiative, Referendum and Recall

There is hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of the elective officers. The provisions of the Constitution and general laws of the State of Arizona, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of elective officers, shall apply to the use thereof in the City so far as such provisions are not in conflict with the provisions of this Charter.

Section 2. Submission of Measures to Electors

The Mayor and Council may submit to the electors, at any election, any ordinance, resolution, or measure that the Mayor and Council or the qualified electors have the authority to enact under this Charter and the Constitution and laws of the State.

ARTICLE XI. MUNICIPAL COURT

Section 1. City Court As A Separate And Independent Branch Of City Government: When To Be Open Or Available.

The City Court system shall be a separate and independent branch of the government of the City of Goodyear which shall be open to the public during business hours, except legal holidays, and as otherwise necessary, to transact business within its jurisdiction.

Section 2. Jurisdiction Generally

Said court shall, within the territorial limits of said City, have and exercise jurisdiction as follows:

A. The Municipal Court shall have exclusive original jurisdiction of all cases arising under the ordinances of the City, and shall have concurrent jurisdiction with justices of the peace of precincts within the City of violations of the laws of the State committed within the City.

B. The Municipal Court shall have jurisdiction over all actions of the City of a civil nature for the recovery of a penalty or forfeiture provided by any ordinance of the City.

C. The Municipal Court shall, in addition, have and exercise such jurisdiction as is now or may hereafter be granted by the laws of the State for inferior courts.

Section 3. Procedure Generally

Procedure in the Municipal Court shall be similar to that provided f o r inferior courts generally by the laws of the State and Rules of the Supreme Court of Arizona.

Section 4. Presiding Officer; Appointment; Term

A. The presiding officer of the Municipal Court shall be a Municipal Judge, who shall be appointed by the Council. He shall be a graduate of a law school and must be admitted to practice law in the State of Arizona. He shall serve a term of two (2) years and may be re-appointed. There shall be no limit on the number of terms he may serve.

B. The Mayor and Council shall have the authority to appoint such additional municipal judges as may be necessary from time to time. Such additional municipal judges shall have the same qualifications, powers and duties as the Municipal Judge.

C. The presiding Judge shall have the authority to appoint hearing officers for civil traffic matters who need not meet the qualifications set for the Municipal Judge. Hearing officers shall be appointed on a case by case basis only.

Section 5. Disposition of Fines, Penalties and Fees

All fines, penalties and fees collected by the Municipal Judge shall be paid to the properly designated officer of the City authorized to receive them.

Section 6. Writs and Processes; Execution and Service; Records

A. A Municipal Judge shall be entitled and authorized to issue and cause to be served, any and all writs and processes, and shall have full authority to hear and determine all matters properly coming before the Court within the jurisdiction herein specified.

B. The Court may authorize and direct any person to serve any writ or process issued from the Court, and proper return shall be made in the same form and manner as is required of constables and sheriffs in the service and execution of similar papers; provided, however, that any method for the service of writs and processes that may be from time to time authorized by the laws of the State of Arizona shall be valid.

C. The Municipal Judge shall have the power to take the oath or affirmation of any witness or as may be necessary or incident to the performance of the duties of the office of Municipal Judge.

D. The Court shall retain a proper record of all writs and processes issued from the Court, and the returns thereon, and shall record all actions taken in any matter coming before the Court.

Section 7. Ordinances to Give Effect

The Council shall pass all ordinances necessary to give effect to the provisions of this Article, not otherwise herein provided.

ARTICLE XII. FRANCHISE AND PUBLIC UTILITIES

Section 1. Approval of Franchises

No franchise shall be granted, extended or renewed except by majority vote of all members of the City Council and approval by the electors of the City. The Council may submit the question of granting extension or renewal to the electors of the City at any primary or general election or at a special election called for that purpose pursuant to the provisions for special elections in this Charter. In the event of special election, the Council shall first estimate the costs of the special election which sum shall be deposited by the applicants with the City Clerk prior to the special election.

Section 2. Establishment of Municipally-Owned and Operated Utilities

The City shall have the power to own and operate any public utility, to construct and install all facilities that are reasonably needed, and to lease or purchase any existing utility properties used or useful to public service. The City may also furnish service to adjacent and nearby territories which may be conveniently and economically served by the

municipally-owned and operated utility, subject to the limitations of the provisions of the general laws of this State. The council may provide by ordinance for the establishment of such utility and provide for its regulation and control and the fixing of rates to be charged. The Council may by ordinance provide for the extension, enlargement or improvement of existing utilities, and provide reasonable reserves for such purpose.

ARTICLE XIII. GENERAL PROVISIONS

Section 1. Official Bonds

The City Council shall provide by ordinance for the bonding of city officials, conditioned on faithful performance payable to the City of Goodyear, Arizona, in a principal amount to be established by the Council. The premium on such bonds shall be paid by the City.

Section 2. Oath of Office

Every officer of the City, whether elected or appointed under the provisions of this Charter, or under any ordinance of the City, shall, before entering upon the duties of his office, take and subscribe an oath of office, in the form of the official oath required by State law.

Section 3. Liability Insurance

The Council shall provide liability coverage for the City and its officers, agents, employees, and members of boards and commissions while engaged in governmental or proprietary capacities. The premiums on such coverage shall be paid by the City.

Section 4. Short Title

This Charter, adopted by the people of the City of Goodyear, shall be known and may be cited as the GOODYEAR CITY CHARTER.

Section 5. Severability Clause

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any persons or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 6. Violations of Charter and City Ordinances; Imprisonment of Violators

The violation of any provisions of this Charter, or any ordinance of the City, shall be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the

name of the State of Arizona, or may be redressed by civil action. Any person sentenced to imprisonment for violation of a provision of this Charter, or any ordinance, may be imprisoned in a jail as the Council, by ordinance, shall prescribe.

Section 7. Plenary and Implied Powers of the Council

The Council shall have plenary power to enact and make all proper and necessary ordinances, resolutions and orders to carry out and give effect to the express, as well as the implied powers granted in this Charter, to the end that a complete, harmonious and effective municipal government may be initiated, installed, operated and maintained in the City, and thereby protect and safeguard the rights, interests, health, safety and welfare of the City and its inhabitants.

ARTICLE XIV. DEFINITIONS

Section 1. Definitions

A. Wherever the term "City" is used in this Charter, it shall mean and refer to the City of Goodyear, Arizona.

B. Wherever the context of the Charter requires, words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word person includes a corporation, company, partnership, association, or society as well as a natural person.

C. Wherever the word "State" is used in this Charter, it shall mean and refer to the State of Arizona.

ARTICLE XV. SUCCESSION IN GOVERNMENT

Section 1. Rights of Officers and Employees Preserved

Nothing in this Charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department or agency existing at the time when this Charter shall take effect or any provision of law in force at the time when this Charter shall take effect and not inconsistent with the provisions of this Charter, in relation to the personnel, appointment, rank, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the City or any office, department or agency.

Section 2. Continuance of Present Officers

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office.

Section 3. Continuance of Present Offices, Departments or Agencies

A. Any office, department or agency provided for in this Charter to be named or with powers and duties the same or substantially the same as those heretofore existing, shall be deemed a continuation of such office, department or agency and shall have powers to continue any business proceedings or other matters within the scope of the powers and duties prescribed by this Charter. Any office, department or agency, not provided for in this Charter, heretofore existing, shall continue to exercise powers and duties as the same were heretofore exercised and shall have the power to continue any business proceedings or other matters within the scope of its regular powers and duties until such office, department or agency shall be changed or abolished by the Council as heretofore provided in this Charter.

B. The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of this State shall, if such office, department or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the Council, unless otherwise provided herein.

Section 4. Continuance of Appointive Boards and Commissions

All appointive boards and commissions, heretofore existing, shall continue and shall exercise such powers and duties as were granted them until such boards and commissions shall be changed or abolished by the council as heretofore provided in this Charter.

Section 5. Transfer of Records and Property

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this Charter, or under its authority, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

Section 6. Continuance of Contracts

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect.

Section 7. Pending Actions and Proceedings

The adoption of this Charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes full effect, brought by or against the City or any office, department, agency or officer thereof.

Section 8. Ordinances to Remain in Force

All ordinances, resolutions and regulations of the City, in force at the time this Charter takes effect, and not inconsistent with the provisions hereof, are hereby continued in force until the same shall be duly amended or repealed.

Section 9. Inauguration of Government under this Charter

If a majority of the qualified electors of the City, voting on the question, vote to ratify this Charter, the provisions of this Charter shall go into effect for all purposes immediately upon the approval of the Governor as provided by the Constitution of this State.

ARTICLE XVI. AMENDMENTS

Section 1. Method of Amendment

This Charter, or any part or article or section thereof, may be amended in the manner provided by the Constitution of this State.

Dated in Goodyear, Maricopa County, Arizona, this 8th day of December , 1987, and respectfully submitted.

BOARD OF FREEHOLDERS

Eddie W. Zuleger, Chairman	Stephanie Richmond, Vice-Chair
Bonnie L. Amator, Secretary	William 0. Arnold
Guy L. Farris	Ilo Gregory
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Elaine D. Nesvig	Arthur M. Pariga
Mary F. Sain	Betty E. Slater
Arden Wooton	Vincent R. Yohe

Charter Amendments made with approval of the voters on September 7, 2004 and approval by Governor Janet Napolitano on October 25, 2004.

Dated in Goodyear, Maricopa County, Arizona, this 25th day of October, 2004 by members of the Charter Amendment Committee.

Ken Porter, Chairman	**Lucas Schlosser, Vice Chairman**
Ed Curran	**Jenifer De La Garza**
Brenda Holland	**Andrea Jasaitis**
Stephanie Richmond	**Shawn Watt**
Linda Wemple	**Steve Yamamori**