ORDINANCE NO. 1534

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 2: MAYOR, COUNCIL AND APPOINTED BOARDS AND COMMISSIONS, ARTICLE 2-9: PUBLIC ART COMMISSION, BY REPEALING AND REPLACING IN ITS ENTIRETY SECTION 2-9-2, MEMBERSHIP AND TERMS OF OFFICE; PROVIDING FOR SEVERABILITY AND REPEALING ANY CONFLICTING PROVISIONS.

WHEREAS, Chapter 2, Mayor, Council and Appointed Boards and Commissions, Article 2-9: Public Art Commission of the Apache Junction City Code ("A.J.C.C."), Volume I, was last updated by Ordinance No. 1520 on December 7, 2021; and

WHEREAS, on February 7, 2023, at a regular city council meeting, the council directed staff to make changes to the number and required technical expertise of commission members; and

WHEREAS, other minor clerical changes are needed to facilitate the above-noted changes.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I IN GENERAL

Existing Apache Junction City Code, Volume I, Chapter 2: Mayor, Council and Appointed Boards and Commissions, Article 2-9: Public Art Commission, Section 2-9-2, Membership and Terms of Office, is hereby repealed and replaced in its entirety, as follows:

ARTICLE 2-9-2: Membership and Terms of Office

- (A) The Art Commission shall consist of 5 members who shall be appointed and approved by the Mayor and City Council.
- (B) (1) Membership shall be comprised as follows:
 - (a) One member: practicing artist from the visual arts discipline;
 - (b) Four members: having a general interest in art;
 - (2) Out of the five members, at a minimum, 3 shall be Apache Junction city residents.
- (C) The appointments shall be staggered so that the terms of no more than 2 members will expire in any given year.
- (D) Upon expiration of the initial terms of office, all new appointments shall be made by the Council for full 3-year terms and all such terms shall expire on October 31 of succeeding years, except that in the event of the Board membership complement falling below the required quorum level set forth in § 2-9-5, the membership vacancies shall be

filled by the Council for the unexpired terms any time before the annual October appointment cycle using the then-existing talent bank applications. The term of all members shall extend until their successors are appointed.

(E) Art Commission members shall receive no salaries or other remuneration for their services in such capacity, and they shall not be entitled to personal expenses incurred by them in the discharge of their official duties, except to the extent that such expenses are authorized and approved in

advance by the City Manager or his or her designee.

SECTION II PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance, or any part of the code or regulation adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions thereof.

SECTION III REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

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R. JOEL STERN City Attorney