

DRAFT  
3/8/23  
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Boards and Commissions, Article 2-9: Public Art Commission, Section 2-9-2, Membership and Terms of Office, is hereby repealed and replaced in its entirety, as follows: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 ~~7~~ **5** members who shall be appointed and approved by the Mayor and City Council.

(B) (1) Membership shall be comprised as follows:

(a) ~~Two members~~ **One member**: practicing artists ~~(either resident or not)~~ from the visual, ~~public, and performing~~ arts discipline);

(b) ~~Two~~ **Four** members: **having a general interest in art**; ~~a person (either resident or not) with an interest in visual, performing arts, architecture or urban design;~~

~~(c) One member: practicing professional (either resident or not) from the field of design, or architecture. Should an eligible applicant not apply, an additional practicing artist shall fill this seat;~~

~~\_\_\_\_\_ (d) \_\_\_\_\_ One member: a person (either resident or not) with an interest in the history of Apache Junction, the State of Arizona, and/or the surrounding area; and~~

~~\_\_\_\_\_ (e) \_\_\_\_\_ One member: a regional business representative from an organization that supports the arts and culture.~~

(2) ~~Out of the five members, The Commission shall have, at a minimum, 4~~ 3 shall be Apache Junction city residents. ~~represented. In the event a practicing profession or a person with an interest in history does not apply for the Commission, an additional practicing artist shall be considered.~~

(C) The appointments shall be staggered so that the terms of no more than 3 2 members will expire in any given year. ~~The initial appointments for 3 members shall be terms beginning on November 1, 2019, and expiring on October 31, 2022 and for 4 members with terms beginning on November 1, 2019 and expiring on October 31, 2023.~~

(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 qualified.

(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.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
WALTER "CHIP" WILSON  
Mayor

ATTEST:

\_\_\_\_\_  
JENNIFER PENA  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
R. JOEL STERN  
City Attorney