

**ORDINANCE NO. 1069**

**AN ORDINANCE OF THE CITY OF LOS BANOS  
AMENDING AND RENUMBERING TITLE 2,  
CHAPTER 2, ARTICLE 1 LOS BANOS AREA  
PARKS AND RECREATION COMMISSION,  
ARTICLE 2 LOS BANOS PLANNING  
COMMISSION, ARTICLE 3 LOS BANOS YOUTH  
ASSISTANCE COMMISSION, ARTICLE 5 LOS  
BANOS AIRPORT ADVISORY COMMISSION,  
ARTICLE 6 LOS BANOS CULTURAL HERITAGE  
COMMISSION**

WHEREAS, the City Council of the City of Los Banos recognizes the importance of City Commissions and Boards in City Government; and

WHEREAS, the City Council of the City of Los Banos recognizes the importance of a process that allows for all community members the opportunity to become involved in local government by serving on City Commissions and Boards; and

WHEREAS, the City Council of the City of Los Banos desires to recruit and appoint the best qualified candidates to serve on City Commissions and Boards; and

WHEREAS, to meet the above stated objectives, the City Council of the City of Los Banos believes it necessary to amend the current provisions of the Los Banos Municipal Code to provide for a more formal and inclusive selection process for the appointment of Commissioners to City Commissions and Boards; to shorten the length of terms of office; and to establish term limits.

THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

**Section 1.** Title 2, Chapter 2, Article 1 is amended by: amending Section 2-2.102; by renumbering Section 2-2.103 to 2-2.108; by amending and renumbering Section 2-2.104 to 2-2.103; by renumbering Sections 2-2.105 to 2-2.109, 2-2.106 to 2-2.110, 2-2.107 to 2-2.111, 2-2.108 to 2-2.112, 2-2.109 to 2-2.113, 2-2.111 to 2-2.114, 2-2.112 to 2-2.115, 2-2.113 to 2-2.116, 2-2.114 to 2-2.117, and 2-2.115 to 2-2.118; by adding Sections 2-2.104, 2-2.105, 2-2.106, and 2-2.107 to read in its entirety as follows:

Article 1. Los Banos Area Parks and Recreation Commission

Sec. 2-2.101 Established.

There is hereby established the Los Banos Area Parks and Recreation Commission.

Sec. 2-2.102 Members: Appointment and Qualifications.

The Los Banos Area Parks and Recreation Commission shall consist of seven members. Four of the seven members shall be appointed by the City Council as follows: candidate[s] for appointment shall be recommended to the City Council by the Mayor, with input from a Council Member, selected by the City Council on a rotating basis, and an appropriate Department Head as determined by the City Council, who shall form an ad hoc committee to review applications, interview applicants, and evaluate the candidates for recommendation by the Mayor to the City Council. Two of the seven members shall be appointed by the Merced County Board of Supervisors. One of the seven members shall be appointed by the Los Banos Unified School District Board of Education. At the time of appointment to the Commission and throughout his or her term each Commissioner shall be a resident of the City of Los Banos and a registered, qualified elector of the City.

Sec. 2-2.103 Members: Terms.

Each Commissioner shall serve a term of two years. Terms of office shall be staggered and not more than four Commissioners shall have terms that end in the same year. A member's term of office shall expire on December 31<sup>st</sup> of the second year of his or her respective term.

Sec. 2-2.104 Members: Reappointment and Vacancies.

A member of the Commission shall not automatically be reappointed to a successive term of office. A member desiring reappointment shall be required to make formal application. If a vacancy shall occur otherwise than by the expiration of a term (in one of the seats filled by the City Council), the vacancy shall be filled as set forth in Section 2-2.102, for the unexpired portion of the term. Appointment for an unexpired term shall not be considered a full term for the purposes of Section 2-2.105.

Sec. 2-2.105 Members: Term Limit.

A member who has served four full consecutive terms shall not be eligible for reappointment until one year has expired since the end of his or her fourth full term.

Sec. 2-2.106 Members: Removal from office.

Any appointive member of the Commission may be removed from the Commission by a majority vote of the Council. Any member of the Commission who is absent from three consecutive regular meetings of the Commission without due cause shall be automatically removed. A member who has been removed from the Commission shall not be eligible for reappointment until one year has expired since his or her removal.

Sec. 2-2.107 Members: Resignations.

A member of the Commission may resign from the Commission by filing a written statement with the City Clerk stating that he or she resigns from the Commission. The resignation shall become effective at the time of filing such written statement, and such member shall thereupon cease to be a member of the Commission, and a vacancy shall

exist. A member who has resigned from the Commission shall not be eligible for reappointment until one year has expired since his or her resignation.

Sec. 2-2.108 Compensation.

The members of the Los Banos Area Parks and Recreation Commission shall serve without compensation.

Sec. 2-2.109 Organization.

The first meeting in January of each year shall be the organization meeting of the Los Banos Area Parks and Recreation Commission. Immediately after appointment and qualification, the Commission shall organize by electing one of its members as chairman and one as vice-chairman, who shall serve for one year. The Commission shall adopt rules and regulations for its own proceedings. The Commission may appoint a secretary who need not be a member of the Commission.

Sec. 2-2.110 Meetings.

Regular meetings of the Los Banos Area Parks and Recreation Commission shall be held on the third Tuesday of each month at 6:30 p.m. in the Council chamber located at 520 J Street in the City. Special meetings may be held upon the call of the chairperson or upon the written request of any four (4) members of the Commission.

Sec. 2-2.111 Quorum.

Four members of the Los Banos Area Parks and Recreation Commission shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

Sec. 2-2.112 Powers and duties.

The Los Banos Area Parks and Recreation Commission shall have the following powers and duties:

- (a) To promote and encourage and coordinate all matters of public recreation, whether specified in this article or not, in the City and in the territory of the Los Banos Unified School District;
- (b) To act in an advisory capacity to the Council and the Merced County Parks and Recreation Commission on the acquisition, development, operation, and maintenance of parks, playgrounds, and recreation centers and facilities for the public;
- (c) To plan, program, and encourage civic beautification by public agencies and private property owners when such activities relate to recreation and parks;
- (d) To make recommendations to the Council and Merced County Parks and Recreation Commission for changes and improvements in the areas set forth in this section;
- (e) To prepare and maintain on a current basis a ten (10) year master plan for the expenditure of capital outlay funds;
- (f) To advise the Council and obtain Council approval regarding any agreements the Commission may enter into with the County and/or the Los Banos Unified School District for the operation and maintenance of recreation programs and facilities, save and except those agreements involving County special recreation funds which shall not

require Council approval; however, when possible, such agreements affecting County special recreation funds will be referred to the Council for its recommendations;

(g) To consider the annual budget for recreation during the process of its preparation and make recommendations thereon to the Council and Merced County Parks and Recreation Commission by April 1 of each year;

(h) To assist in the planning of recreation programs for the community, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of the County, the Los Banos Unified School District, and other public and private agencies interested therein;

(i) To advise and recommend to the Council regarding the employment of recreation personnel and the construction, acquisition, and maintenance of recreational facilities; and

(j) To have all other powers granted to it by the provisions of Chapter 6 of Division 12 of the Education Code of the State.

#### Sec. 2-2.113 Recreation Director.

The Recreation Director, under the supervision of the City Manager, shall attend all meetings of the Los Banos Area Parks and Recreation Commission and shall make such reports to the Commission as required.

#### Sec. 2-2.114 Financial reports.

Any organization of persons which requests the support or sponsorship of the City through the Los Banos Area Parks and Recreation Commission, and such support involves the direct or indirect support or sponsorship with City facilities, services, or cash grants, shall provide a written report of the previous year's revenues and expenses, as well as its projected budget for the next year, by March 1 of each fiscal year. This information shall be furnished to the Commission prior to the time a request for sponsorship or support is presented to the Commission. The Commission shall establish rules and regulations for the submission of such financial information as it deems necessary and shall receive the financial information it deems necessary prior to its recommendations to the Council.

#### Sec. 2-2.115 Council may levy taxes.

The Council may assess or levy taxes in the same manner they are levied for other public purposes to carry on a park and recreation program in the City. Any moneys not expended on one budget may be carried over to the following fiscal year.

#### Sec. 2-2.116 Injuring trees, plants, grass, plots, and the like.

Every person who shall willfully and unlawfully in any manner injure any tree, plant, shrub, grass plot, or grass growing in or upon any of the public parks or grounds, or who shall pluck flowers or fruit from any growing vine, bush, tree, plant, or shrub in any of the public parks or grounds in the City, shall be guilty of a misdemeanor.

#### Sec. 2-2.117 Driving motor vehicles on grass, plots, plants, and the like.

Every person who shall willfully and unlawfully by means of a motor or other vehicle of any kind whatsoever, or in any manner whatsoever, drive upon any grass plot, grass,

plant, or shrubbery growing in any of the public parks or grounds in the City, or in or upon any cultivated area or any ground prepared for the planting of grass, plants, trees, or shrubbery in any public park or grounds in the City, shall be guilty of a misdemeanor.

Sec. 2-2.118 Riding or driving animals or vehicles upon other than roadways.

Any person who shall willfully and unlawfully ride, or drive, or lead any animal or vehicle of any kind in any of the public parks of the City other than upon the roadways shall be guilty of a misdemeanor.

**Section 2.** Title 2, Chapter 2, Article 2 is amended by: amending Sections 2-2.202, 2-2.203, and 2-2.204; by renumbering and amending Section 2-2.205 to 2-2.206, 2-2.206 to 2-2.207; by renumbering 2-2.207 to 2-2.208, 2-2.208 to 2-2.209, 2-2.209 to 2-2.210; by adding 2-2.205 to read in its entirety as follows:

#### Article 2. Los Banos Planning Commission

Sec. 2-2.201 Established.

Pursuant to the provisions of Chapter 3 of Title 7 of the Government Code of the State, there is hereby established a Planning Commission for the City.

Sec. 2-2.202 Members: Appointment and Qualifications.

The Planning Commission shall consist of seven members. Candidate[s] for appointment shall be recommended to the City Council by the Mayor, with input from a Council Member, selected by the City Council on a rotating basis, and the Planning Director or other appropriate Department Head as determined by the City Council, who shall form an ad hoc committee to review applications, interview applicants, and evaluate the candidates for recommendation by the Mayor to the City Council. At the time of appointment to the Commission and throughout his or her term each Commissioner shall be a resident of the City of Los Banos and a registered, qualified elector of the City.

Sec. 2-2.203 Members: Terms.

Each Commissioner shall serve a term of two years. Terms of office shall be staggered and not more than four Commissioners shall have terms that end in the same year. A member's term of office shall expire on December 31<sup>st</sup> of the second year of his or her respective term.

Sec. 2-2.204 Members: Reappointment and Vacancies.

A member of the Commission shall not automatically be reappointed to a successive term of office. A member desiring reappointment shall be required to make formal application. If a vacancy shall occur otherwise than by the expiration of a term, the vacancy shall be filled as set forth in Section 2-2.202, for the unexpired portion of the term. Appointment for an unexpired term shall not be considered a full term for the purposes of Section 2-2.205.

Sec. 2-2.205 Members: Term Limit.

A member who has served four full consecutive terms shall not be eligible for reappointment until one year has expired since the end of his or her fourth full term.

Sec. 2-2.206 Members: Removal from office.

Any appointive member of the Commission may be removed from the Commission by a majority vote of the Council. Any member of the Commission who is absent from three consecutive regular meetings of the Commission without due cause shall be automatically removed. A member who has been removed from the Commission shall not be eligible for reappointment until one year has expired since his or her removal.

Sec. 2-2.207 Members: Resignations.

A member of the Commission may resign from the Commission by filing a written statement with the City Clerk stating that he or she resigns from the Commission. The resignation shall become effective at the time of filing such written statement, and such member shall thereupon cease to be a member of the Commission, and a vacancy shall exist. A member who has resigned from the Commission shall not be eligible for reappointment until one year has expired since his or her resignation.

Sec. 2-2.208 Compensation.

The members of the Planning Commission shall serve without compensation.

Sec. 2-2.209 Powers and duties.

Except as otherwise provided in this article, the provisions of Chapter 3 of Title 7 of the Government Code of the State relating to the powers and duties of members of Planning Commissions, and of Planning Commissions as bodies, and the rules of procedure and other provisions in said Chapter 3 shall govern and control the Planning Commission of the City.

Sec. 2-2.210 Meetings.

The meetings of the Planning Commission shall be held on the second and fourth Wednesdays of each calendar month at seven p.m. If any meeting day is a holiday, the meeting shall be held on the following day at seven p.m. All meetings shall be held in the Council Chamber located at 520 "J" Street in the City.

**Section 3.** Title 2, Chapter 2, Article 3 is amended by: amending Section 2-2.302; by renumbering Sections 2-2.303 to 2-2.308, 2-2.304 to 2-2.309, 2-2.305 to 2-2.310, 2-2.306 to 2-2.311; by adding Sections 2-2.303, 2-2.304, 2-2.305, 2-2.306, 2-2.307 to read in its entirety as follows:

Article 3. Los Banos Youth Assistance Commission\*

Sec. 2-2.301 Established.

There is hereby created and established the Los Banos Youth Assistance Commission.

Sec. 2-2.302 Members: Appointment and Qualifications.

The Youth Assistance Commission shall consist of seven members. Candidate[s] for appointment shall be recommended to the City Council by the Mayor, with input from a Council Member, selected by the City Council on a rotating basis, and an appropriate Department Head as determined by the City Council, who shall form an ad hoc committee to review applications, interview applicants, and evaluate the candidates for recommendation by the Mayor to the City Council. At the time of appointment to the Commission and throughout his or her term each Commissioner shall be a resident of the City of Los Banos and a registered, qualified elector of the City.

Sec. 2-2.303 Members: Terms.

Each Commissioner shall serve a term of two years. Terms of office shall be staggered and not more than four Commissioners shall have terms that end in the same year. A member's term of office shall expire on December 31<sup>st</sup> of the second year of his or her respective term.

Sec. 2-2.304 Members: Reappointment: Vacancies.

A member of the Commission shall not automatically be reappointed to a successive term of office. A member desiring reappointment shall be required to make formal application. If a vacancy shall occur otherwise than by the expiration of a term, the vacancy shall be filled as set forth in Section 2-2.302, for the unexpired portion of the term. Appointment for an unexpired term shall not be considered a full term for the purposes of Section 2-2.305.

Sec. 2-2.305 Members: Term Limit.

A member who has served four full consecutive terms shall not be eligible for reappointment until one year has expired since the end of his or her fourth full term.

Sec. 2-2.306 Members: Removal from office.

Any appointive member of the Commission may be removed from the Commission by a majority vote of the City Council. Any member of the Commission who is absent from three consecutive regular meetings of the Commission without due cause shall be automatically removed. A member who has been removed from the Commission shall not be eligible for reappointment until one year has expired since his or her removal.

Sec. 2-2.307 Members: Resignations.

A member of the Commission may resign from the Commission by filing a written statement with the City Clerk stating that he or she resigns from the Commission. The resignation shall become effective at the time of filing such written statement, and such member shall thereupon cease to be a member of the Commission, and a vacancy shall exist. A member who has resigned from the Commission shall not be eligible for reappointment until one year has expired since his or her resignation.

Sec. 2-2.308 Compensation.

All of the members of the Los Banos Youth Assistance Commission shall serve without compensation.

Sec. 2-2.309 Officers: Committees.

The Los Banos Youth Assistance Commission shall elect from among its members a chairman and may appoint a secretary, who need not be a member of the Commission. The Commission may also create such committees as it deems necessary to the performance of its duties and may delegate to such committees such investigations, studies, and other administrative duties as the Commission deems advisable.

Sec. 2-2.310 Meetings.

The Los Banos Youth Assistance Commission shall hold one regular meeting each month, on a date and at an hour to be fixed by the Commission, and shall hold adjourned regular meetings and special meetings at such times as circumstances shall require. A quorum shall consist of a majority of the seven (7) members of the Commission.

Sec. 2-2.311 Powers and Duties.

The Los Banos Youth Assistance Commission shall have the power to:

- (a) See that counseling and youth service programs are coordinated and constructively encouraged in the City;
- (b) Advise the Council on any agreement it may enter into with the County and/or any other political entity and/or other entity with respect to the operation and maintenance of counseling and youth service programs and facilities;
- (c) Consider the annual budget for the Los Banos Youth Assistance Commission during the process of its preparation by the Counselor/Coordinator and present such budget, along with recommendations thereon, to the Council;
- (d) Sustain the premise of the Youth Assistance Program as a community cooperative effort, accepting referrals from the police, schools, parents, churches, and students themselves;
- (e) See that the functions of the Youth Assistance Program are carried out, including counseling and guidance, exploring alternatives to meet a variety of practical youth and family needs and a concerted program of community education to include parenting skills, guidance, and communication skills;
- (f) Assist in the planning of a Youth Assistance Program for the community, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of the City, County, Los Banos Unified School District, and other public and private agencies interested therein; and
- (g) Recommend for approval by the Council the acquisition and maintenance of appropriate facilities to house the Youth Assistance Program.

**Section 4.** Title 2, Chapter 2, Article 5 is amended by: amending Section 2-2.502; by repealing Section 2-2.503; by renumbering Sections 2-2.504 to 2-2.508, 2-2.505 to 2-2.509, 2-2.506 to 2-2.510, 2-2.507 to 2-2.511, 2-2.508 to 2-2.512; by adding Sections 2.2.503, 2-2.504, 2-2.505, 2-2.506, 2-2.507 to read in its entirety as follows:

Article 5. Los Banos Airport Advisory Commission

Sec. 2-2.501 Established.

There is hereby established an Airport Advisory Commission for the City.

Sec. 2-2.502 Members: Appointment and Qualifications.

The Airport Advisory Commission shall consist of five members. Candidate[s] for appointment shall be recommended to the City Council by the Mayor, with input from a Council Member, selected by the City Council on a rotating basis, and the Public Works Director or other appropriate Department Head as determined by the City Council, who shall form an ad hoc committee to review applications, interview applicants, and evaluate the candidates for recommendation by the Mayor to the City Council. At the time of appointment to the Commission and throughout his or her term each Commissioner shall be a resident of the City of Los Banos and a registered, qualified elector of the City.

Sec. 2-2.503 Members: Terms.

Each Commissioner shall serve a term of two years. Terms of office shall be staggered and not more than three commissioners shall have terms that end in the same year. A member's term of office shall expire on December 31<sup>st</sup> of the second year of his or her respective term.

Sec. 2-2.504 Members: Reappointment and Vacancies.

A member of the Commission shall not automatically be reappointed to a successive term of office. A member desiring reappointment shall be required to make formal application. If a vacancy shall occur otherwise than by the expiration of a term, the vacancy shall be filled as set forth in Section 2-2.502, for the unexpired portion of the term. Appointment for an unexpired term shall not be considered a full term for the purposes of Section 2-2.505.

Sec. 2-2.505 Members: Term Limit.

A member who has served four full consecutive terms shall not be eligible for reappointment until one year has expired since the end of his or her fourth full term.

Sec. 2-2.506 Members: Removal from office.

Any appointive member of the Commission may be removed from the Commission by a majority vote of the Council. Any member of the Commission who is absent from three (3) consecutive regular meetings of the Commission without due cause shall be automatically removed. A member who has been removed from the Commission shall not be eligible for reappointment until one year has expired since his or her removal.

Sec. 2-2.507 Members: Resignations.

A member of the Commission may resign from the Commission by filing a written statement with the City Clerk stating that he or she resigns from the Commission. The resignation shall become effective at the time of filing such written statement, and such member shall thereupon cease to be a member of the Commission, and a vacancy shall exist. A member who has resigned from the Commission shall not be eligible for reappointment until one year has expired since his or her resignation.

Sec. 2-2.508 Officers.

The Los Banos Airport Advisory Commission shall elect from among its members a chairman, who shall be charged with the orderly conduct of the Los Banos Airport Advisory Commission meetings, and a vice-chairman to assume such duties in the absence of the chairman.

Sec. 2-2.509 Secretary and ex officio members.

The City Manager, or his designee, shall be an ex officio member of the Los Banos Airport Advisory Commission and shall serve as secretary to the Commission.

Sec. 2-2.510 Compensation.

The members of the Airport Advisory Commission shall serve without compensation.

Sec. 2-2.511 Powers and duties.

The Los Banos Airport Advisory Commission shall have the duties and power to:

- (a) Study, consider, and develop long-range plans for the ultimate development of the Los Banos Municipal Airport, giving due regard to any Master Plan adopted by the City, and to Federal and State regulations;
- (b) Ascertain the type of service to be rendered and keep abreast of developments in the aviation industry so as to be able to inform the Council on all pertinent matters concerning airports, airport law, and aviation generally;
- (c) Study and recommend on matters relating to airport improvements, including methods of financing and lease arrangements;
- (d) Review and recommend on special permits and proposals, as required, that deviate from the airport development plan;
- (e) Submit to the Council such plans as may seem desirable for the present and future operation of the Los Banos Municipal Airport;
- (f) At least once each year report activities to the Council and make information available to other commissions and officials of the City as required;
- (g) Coordinate planned activities with other agencies not under the jurisdiction of the City; and
- (h) Perform other related duties as directed by the Council.

Sec. 2-2.512 Meetings.

The meetings of the Planning Commission shall be held on the third Tuesday of each calendar month at five p.m. If any meeting day is a holiday, the meeting shall be held on the following day at five p.m. All meetings shall be held in the Council Chamber located at 520 "J" Street in the City.

**Section 5.** Title 2, Chapter 2, Article 6 is amended by: amending Section 2-2.602; by renumbering Sections 2-2.603 to 2-2.608, 2-2.604 to 2-2.609, 2-2.605 to 2-2.610, 2-2.606 to 2-2.611, 2-2.607 to 2-2.612; by adding Sections 2-2.603, 2-2.604, 2-2.605, 2-2.606, 2-2.607 to read in its entirety as follows:

Article 6. Los Banos Cultural Heritage Commission

Sec. 2-2.601 Established.

There is hereby created and established the Los Banos Cultural Heritage Commission.

Sec. 2-2.602 Members: Appointment and Qualifications.

The Cultural Heritage Commission shall consist of five members. Candidate[s] for appointment shall be recommended to the City Council by the Mayor, with input from a Council Member, selected by the City Council on a rotating basis, and an appropriate Department Head as determined by the City Council, who shall form an ad hoc committee to review applications, interview applicants, and evaluate the candidates for recommendation by the Mayor to the City Council. At the time of appointment to the Commission and throughout his or her term each Commissioner shall be a resident of the City of Los Banos and a registered, qualified elector of the City.

Sec. 2-2.603 Members: Terms.

Each Commissioner shall serve a term of two years. Terms of office shall be staggered and not more than three commissioners shall have terms that end in the same year. A member's term of office shall expire on December 31<sup>st</sup> of the second year of his or her respective term.

Sec. 2-2.604 Members: Reappointment and Vacancies.

A member of the Commission shall not automatically be reappointed to a successive term of office. A member desiring reappointment shall be required to make formal application. If a vacancy shall occur otherwise than by the expiration of a term, the vacancy shall be filled as set forth in Section 2-2.602, for the unexpired portion of the term. Appointment for an unexpired term shall not be considered a full term for the purposes of Section 2-2.605.

Sec. 2-2.605 Members: Term Limit.

A member who has served four full consecutive terms shall not be eligible for reappointment until one year has expired since the end of his or her fourth full term.

Sec. 2-2.606 Members: Removal from office.

Any appointive member of the Commission may be removed from the Commission by a majority vote of the Council. Any member of the Commission who is absent from three consecutive regular meetings of the Commission without due cause shall be automatically removed. A member who has been removed from the Commission shall not be eligible for reappointment until one year has expired since his or her removal.

Sec. 2-2.607 Members: Resignations.

A member of the Commission may resign from the Commission by filing a written statement with the City Clerk stating that he or she resigns from the Commission. The resignation shall become effective at the time of filing such written statement, and such member shall thereupon cease to be a member of the Commission, and a vacancy shall

exist. A member who has resigned from the Commission shall not be eligible for reappointment until one year has expired since his or her resignation.

Sec. 2-2.608 Officers.

The Los Banos Cultural Heritage Commission shall elect from among its members a chairman, who shall be charged with the orderly conduct of the Los Banos Cultural Heritage Commission meetings, and a vice-chair-man to assume such duties in the absence of the chairman.

Sec. 2-2.609 Secretary and ex officio members.

The City Manager, or his designee, shall be an ex officio member of the Los Banos Cultural Heritage Commission and shall serve as secretary to the Commission.

Sec. 2-2.610 Compensation.

All of the members of the Los Banos Cultural Heritage Commission shall serve without compensation.

Sec. 2-2.611 Meetings.

The Los Banos Cultural Heritage Commission shall hold one regular meeting every two (2) months, on a date and at an hour to be fixed by the Commission, and shall hold special meetings upon the call of the chairman or upon the written request of any three (3) members of the Commission. A quorum shall consist of three (3) members.

Sec. 2-2.612 Duties and powers.

The Los Banos Cultural Heritage Commission shall have the duties and power to:

- (a) Act in an advisory capacity to the Council on the development, operation, and maintenance of the archaeological site located on City-owned property at the wastewater treatment facility;
  - (b) Prepare and maintain on a current basis a five (5) year master plan for archaeological exploration and reconstruction of the Indian Village;
  - (c) Develop a procedure for processing and approving applications for archaeological explorations and the reconstruction of the site. All work at the site shall be through the Los Banos Campus of Merced College;
  - (d) Advise the Council and obtain Council approval regarding any agreements the Commission may wish entered into with schools, colleges, universities, or other organizations or individuals;
  - (e) Explore sources of funds for the proper excavation, development, protection, and redevelopment of the Indian Village and the acquisition of contiguous property containing house pits and artifacts;
  - (f) Consider and make recommendations on an annual budget, donations, grants, or other funds, labor, or materials which may become available, regardless of the source;
  - (g) Review and approve any written articles, books, papers, or manuscripts, et al which are offered for publication concerning the site, artifacts, or burials;
  - (h) Promote and stimulate public interest in the site and solicit to the fullest extent possible the cooperation of other public and private agencies interested in archaeology;
- and

(i) Assist in preserving, evaluating, cataloging, and keeping track of any and all artifacts removed from the site.

**Section 6.** To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior city ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

**Section 7.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

**Section 8.** This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member Villalta and seconded by Council Member Faria on the 20<sup>th</sup> day of February, 2008.

Passed on the 5<sup>th</sup> day of March, 2008, by the following roll call vote:

AYES: Council Members Faria, Sousa, Villalta, Mayor Jones  
NOES: Council Member Brooks  
ABSENT: None

APPROVED:

/s/ Tommy Jones  
Tommy Jones, Mayor

ATTEST:

/s/ Lucille L. Mallonee  
Lucille L. Mallonee, City Clerk