

ORDINANCE NO. 1078

**AN ORDINANCE OF THE CITY OF LOS BANOS
ADDING TITLE 2, CHAPTER 2, ARTICLE 7 LOS
BANOS COMMISSION FOR CULTURE AND THE
ARTS**

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 fostering an appreciation for the arts and artists, creating and promoting public programs in the arts, and helping children in their development of creative skills and talents; and

WHEREAS, the City Council of the City of Los Banos desires to provide and promote a diverse, lively, accessible arts environment that advances the cultural assets and enriches the quality of life of the community; and

WHEREAS, to meet the above stated objectives, the City Council of the City of Los Banos believes it necessary to establish a Commission for Culture and the Arts.

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

Section 1. Title 2, Chapter 2, Article 7 is added to read in its entirety as follows:

Title 2 ADMINISTRATION
Chapter 2 COMMISSIONS AND BOARDS
Article 7. Los Banos Commission for Culture and the Arts

Sec. 2-2.701 Established.

There is hereby created and established the Los Banos Commission for Culture and the Arts. The Commission is established to help foster an appreciation for the arts and artists, create and promote public programs in the arts, and to help children in their development of creative skills and talents.

Sec. 2-2.702 Members: Appointment and Qualifications.

The Commission for Culture and the Arts 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 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. 2-2.703 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 31st of the second year of his or her respective term.

Sec. 2-2.704 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 2-2.702, for the unexpired portion of the term. Appointment for an unexpired term shall not be considered a full term for the purposes of Section 2-2.705.

Sec. 2-2.705 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. 2-2.706 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. 2-2.707 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. 2-2.708 Compensation.

The members of the Commission for Culture and the Arts shall serve without compensation.

Sec. 2-2.709 Meetings.

The Commission for Culture and the Arts shall hold regular meetings on the second Wednesday of February, May, August and November at the Los Banos City Hall, Conference Room B at 10:00 A.M. A quorum shall consist of a majority of the seven (7) members of the Commission.

Sec. 2-2.710 Officers.

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

Sec. 2-2.711 Powers and Duties.

The mission of the Los Banos Commission for Culture and the Arts is to provide and promote a diverse, lively, accessible arts environment that advances the cultural assets and enriches the quality of life of the community. The Los Banos Cultural Heritage Commission shall have the duties and power to:

- (a) To act in an advisory capacity to the City Council in matters pertaining to arts in the community;
- (b) Make recommendations to the City Council concerning the resources and needs of the community on the subject of the arts, opportunities for participation of artists and performers in City-sponsored activities, and ways to encourage community involvement in the arts;
- (c) Work cooperatively with City boards and commissions and other public and private organizations in creating and promoting art and cultural programs and activities within the City;
- (d) Coordinate and strengthen existing organizations in the arts and develop cooperation with regional organizations;
- (e) Make recommendations to the City Council regarding the funding of community art projects, including the search for private and public grants, and regarding the disbursement of revenues consistent with the needs of the community;
- (f) Review and make recommendations to the City Council upon works of art to be acquired by the City, either by purchase, gift or otherwise, and exterior works of art installed in the City on public property;
- (g) Recommend to the City Council the adoption of such ordinances or policies as it may deem necessary for the administration and preservation of the arts and cultural development of the City.
- (h) To promote arts activities and education.
- (i) To recognize achievement in the arts.

- (j) To provide a forum or other means for public participation in the arts.
- (k) To advise the City Council on the need for inclusion of arts in economic development.
- (l) To support and assist existing organizations involved in the arts and/or culture in the City of Los Banos.
- (m) To reinforce the city's identity and civic pride through arts and culture.

Section 2. 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 3. 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.

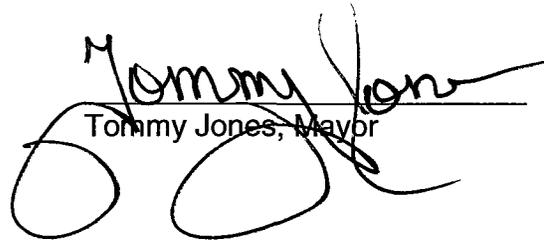
Section 4. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as 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 Faria and seconded by Council Member Brooks on the 6th day of August 2008.

Passed on the 20th day of August, 2008 by the following vote:

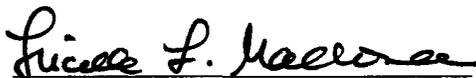
AYES: Council Members Faria, Brooks, Sousa, Villalta, Mayor Jones
 NOES: None
 ABSENT: None

APPROVED:



Tommy Jones, Mayor

ATTEST:



Lucille L. Mallonee, City Clerk