

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY
AMENDING SECTION 2.26.020 OF CHAPTER 2.26, “ARTS & CULTURE
COMMISSION,” OF THE UNION CITY MUNICIPAL CODE**

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens; and

WHEREAS, the City Council created the Arts & Culture Commission (the “Commission”) pursuant to Chapter 2.26 of the Union City Municipal Code (the “Code”); and

WHEREAS, section 2.26.020 of the Code currently provides that the Commission shall be comprised of five members; and

WHEREAS, the City’s Planning, Human Relations, Park and Recreation, and Senior Commissions all currently have alternate positions; and

WHEREAS, providing for alternates on the Commission will allow the Commission to continue to fulfill its duties in the event of unanticipated absence; and

WHEREAS, the City Council desires to amend the Code to provide for two alternates to serve on the Commission.

THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. CEQA. Approval of the amendments is exempt from environmental review in accordance with California Environmental Quality Act Guidelines section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Municipal Code Amendment will have a significant effect on the environment

SECTION 3. Municipal Code Amendment. Section 2.26.020, “Appointment—Qualifications of members—Officers and duties,” of Chapter 2.26 “Arts & Culture Commission,” of the Union City Municipal Code is hereby amended, with additions in underline, as follows:

2.26.020 Appointment—Qualifications of members—Officers and duties.

In order to further the public policy of the City, there is created and established an Arts & Culture Commission for the City of Union City, California consisting of five members plus two alternates, who shall be appointed by the Mayor and confirmed by the City Council.

Members of the Arts & Culture Commission shall either be a resident citizen at large or an artist.

The Commission shall elect one of its members to serve as Chair of the Commission, and another member as Vice Chair; officers shall be elected in December of each calendar year and shall serve one-year terms. On annual organization or upon vacancy of a Chairperson and/or a Vice-Chairperson, the Arts & Culture Commission shall elect a Chairperson and/or a Vice-Chairperson to serve at the pleasure of the Arts & Culture Commission. The duties of the Chair shall be to set meeting dates, times and locations for Commission meetings, conduct Commission meetings, and represent the Commission before the City Council and the general public. The duties of the Vice Chair shall be to assume the duties of Chair in the absence of the Chair.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.