

TOWN OF WINDSOR AGENDA REPORT

Town Council Meeting Date: September 4, 2019

To: Mayor and Town Council
From: Jose M. Sanchez, Town Attorney
Subject: Second Reading of Ordinance Amending Town Council District 2 to Incorporate Newly Annexed Territory

Recommendation to Council:

Hold second reading, by title only, and adopt an ordinance amending Windsor Municipal Code Figure 1-2-200(A) of Title I, Chapter 2, Article 2 “District Elections,” to incorporate newly annexed territory into Windsor Town Council District 2.

Discussion:

On April 3, 2019, the Town Council adopted Ordinance No. 2019-334, which officially established a District-Based Election System and the Town’s four Town Council districts. As part of this process, the Town engaged in a significant amount of public outreach and community engagement to ensure diversity and inclusion were considered and reflected in the adopted Town Council districts.

After the adoption of Ordinance No. 2019-334, the Local Agency Formation Commission of Sonoma County annexed approximately 16 parcels to the Town. These parcels are generally located along Los Amigos Road, north of Arata lane, east of U.S. Highway 101, and south of Sotoyome Creek (Annexed Territory).

The Town engaged its consultant demographer, who also assisted the Town in creating the Town Council Districts, and the Town Attorney to evaluate which Town Council District(s) the Annexed Territory could lawfully be incorporated into. The demographer confirmed the legal process of incorporating the new territory and analyzed the impacts the proposed incorporation would have on the Town’s designated Council Member Districts. After analyzing the statistical information and legal requirements for voting districts, it was determined that the Annexed Territory should be incorporated into Town Council District 2. Additionally, incorporating the Annexed Territory into Town Council District 2 is a logical fit since all of the Annexed Territory borders the current north boundary of Town Council District 2.

At its August 21, 2019 regular meeting, following the opportunity for public comment, the Council introduced and held a first reading, by title only, an ordinance amending Windsor Municipal Code Figure 1-2-200(A) of Title I, Chapter 2, Article 2 “District Elections,” to incorporate newly annexed territory into Windsor Town Council District 2. Adoption of the ordinance is before Council at tonight’s meeting.

Fiscal Impact:

The recommended action would have no direct fiscal impact on the general fund.

Environmental Review:

The proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) and is not a project within the meaning of CEQA Guidelines (14 Cal. Code. Reg. sections 15000 et seq.). Therefore, no environmental review is required.

Attachment:

1. Ordinance

Prepared by:

Jose M. Sanchez
Town Attorney

Reviewed by:

Maria De La O
Town Clerk

Recommended by:

Ken MacNab
Town Manager

ORDINANCE NO.

**AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING WINDSOR
MUNICIPAL CODE FIGURE 1-2-200(A) OF TITLE I, CHAPTER 2, ARTICLE 2
“DISTRICT ELECTIONS,” TO INCORPORATE NEWLY ANNEXED TERRITORY
INTO WINDSOR TOWN COUNCIL DISTRICT 2**

WHEREAS, by Ordinance No. 2019-332, the Town of Windsor (Town) established a District-Based Electoral System for its municipal elections to elect its four (4) Town Council Members and Mayor, beginning with the 2020 general election; and

WHEREAS, as part of the Town’s District-Based Electoral System, the Town created four electoral districts through multiple public hearings and meetings, based upon historical demographic data and professional analysis (District-Based Transition); and

WHEREAS, on April 3, 2019, the Local Agency Formation Commission of the County of Sonoma, approved Reorganization No. 2017-27, which annexed territory north of Arata Lane from Sonoma County Service Area No. 41 into the Town (Annexed Territory); and

WHEREAS, the Annexed Territory consists of sixteen (16) parcels generally located along Los Amigos Road, north of Arata Lane, east of U.S. Highway 101, and south of Sotoyome Creek; and

WHEREAS, the Town has consulted with an expert demographer and the Town Attorney to ensure that incorporation of the Annexed Territory will not detrimentally impact Town Council District 2’s deviation from the district ideal population established in the District-Based Transition and complies with state laws; and

WHEREAS, the Town desires the Annexed Territory to be incorporated into Town Council District 2, which is the district immediately adjacent to the Annexed Territory.

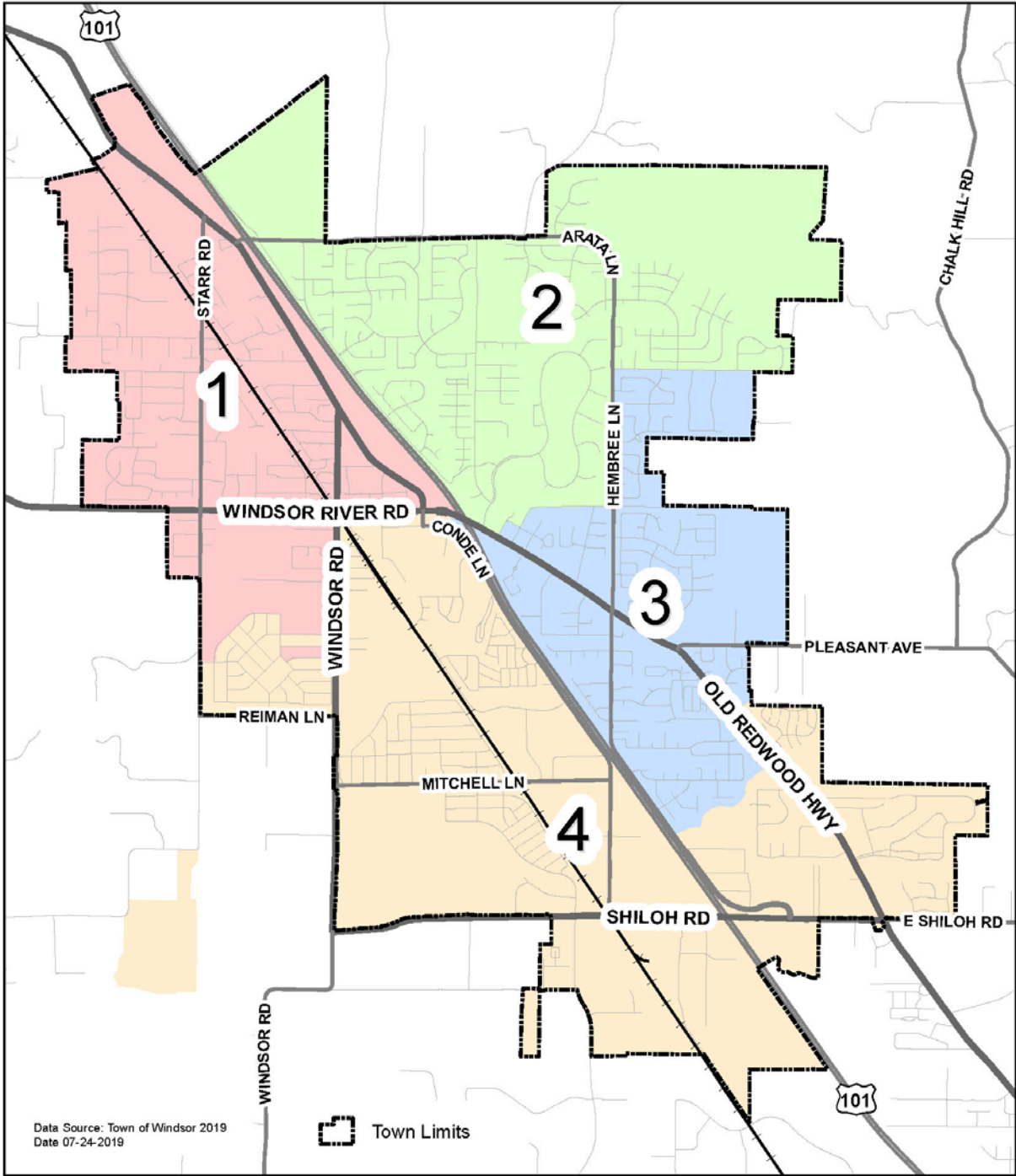
**NOW, THEREFORE THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Recitals.

The above recitals are hereby declared to be true and correct.

SECTION 2. Amendments.

Figure 1-2-200(A) of Article 2 “District Elections,” Chapter 2, Title I is hereby amended to read as follows:



SECTION 3. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The Town Council of the Town of Windsor 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 4. Compliance with the California Environmental Quality Act.

Approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code sections 21000 *et seq.*, CEQA, and 14 Cal. Code Reg. sections 15000 *et seq.*, CEQA Guidelines). This action is not a project within the meaning of the CEQA Guidelines, Sections 15378 and 15061(b)(3), as it is an organizational structure change that will not result in any direct or indirect physical change in the environment. Therefore, pursuant to CEQA Guidelines Section 15060(c)(2), CEQA analysis is not required.

SECTION 5. Effective Date.

This Ordinance relates to an election and shall take effect immediately upon adoption in accordance with Government Code section 36937.

SECTION 6. Publication or Posting.

The Town Clerk of the Town of Windsor shall cause this Ordinance to be published and/or posted after its adoption in accordance with California Government Code section 36933.

PASSED, APPROVED AND ADOPTED this 4th day of September 2019, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

DOMINIC FOPPOLI, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK