

**ORDINANCE NO. 2022-363**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR, CALIFORNIA AMENDING SECTION 1-2-210, "DISTRICT ELECTION SCHEDULE," OF TITLE I, CHAPTER 2 OF THE WINDSOR MUNICIPAL CODE, AND DECLARING, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 34906, THAT THE COUNCIL SEAT FOR DISTRICT 2, SUBJECT TO ELECTION AT THE NOVEMBER 2022 GENERAL MUNICIPAL ELECTION, SHALL SERVE A TWO-YEAR TERM IN ORDER TO EVENLY STAGGER TOWN COUNCIL SEATS SUBJECT TO ELECTION IN THE FUTURE**

**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 Councilmembers from districts and a directly elected at-large Mayor, beginning with the 2020 General Municipal Election; and

**WHEREAS**, as part of the Town's District-Based Electoral System, the Town created four (4) electoral districts through multiple public hearings and meetings, based upon historical demographic data and professional analysis; and

**WHEREAS**, Ordinance No. 2019-332 amended the Town's Municipal Code, adding sections related to District Elections, including a section setting out the schedule for the transitioning of at-large Council seats to district seats; and

**WHEREAS**, Windsor Municipal Code section 1-2-210 sets the following schedule for transitioning to district seats and an at-large Mayor:

"1-2-210. District Election Schedule.

A Member of the Town Council shall be elected from Town Council District 3 at the November 2020 general municipal election, and every four (4) years thereafter. Members of the Town Council shall be elected from Town Council Districts 1, 2, and 4 at the November 2022 general municipal election, and every four (4) years thereafter. The Mayor shall be elected at-large, beginning at the 2020 general municipal election, and every two (2) years thereafter."

; and

**WHEREAS**, there were two (2) Council seats that were scheduled to be up for election in the November 2020 General Municipal Election. The Council decided to have one (1) of the seats up for election in 2020 transition to the Mayoral seat and the other seat transition to the Councilmember elected from District 3; and

**WHEREAS**, the Councilmember election schedule and the Council's decision to have the at-large Mayor seat only serving two (2) years will result in three (3) Councilmembers and the at-large Mayor being up for election in 2022. This schedule created an uneven staggering of

Councilmember elections, with the Mayor and one (1) Councilmember being up for election in one election and three (3) Councilmembers and the Mayor being up for election in the next. This pattern would subsequently repeat itself; and

**WHEREAS**, California Government Code section 34906 sets forth the procedure to realign Town Council seats in this situation so that they are evenly staggered, meaning that voters vote on two (2) Council seats and the Mayoral seat every two (2) years; and

**WHEREAS**, Government Code section 34906, read as follows:

“Notwithstanding Section 36503, if a city has an elected mayor and the election of the remaining members of the city council for four-year terms is not evenly staggered, the city council may, on a one-time basis only and prior to the first day for circulating nomination papers for the general municipal election, designate one of the city council offices appearing on the general municipal ballot, other than the office of the mayor, to serve a two-year term, or may provide that of the city council offices appearing on the general municipal ballot, other than the office of the mayor, the one which receives the least votes of those elected (or if there is a tie for such a position, as decided by lot) shall serve a two-year term. At all subsequent general municipal elections, each member of the city council elected at such election, other than the mayor if the mayor has a two-year term, shall be elected to serve a four-year term.”

**WHEREAS**, the process under Government Code section 34906 would result in one (1) of the three (3) Council candidates elected in the November 2022 election only serving a two-year term. That Council seat would be up for election again in 2024, where it will go back to being a four (4) year term; and

**WHEREAS**, this would achieve the desired result of having two (2) Council seats on the ballot at every regular municipal election, along with the Mayoral seat; and

**WHEREAS**, the Council must select what district seat would only receive a two (2) year term in this upcoming November 2022 election by July 18, 2022; and

**WHEREAS**, this Ordinance amends the Town Municipal Code to reflect the Council’s decision to have the seat for District 2 only receive a two (2) year term for the 2022 General Municipal Election in order to realign Council seat elections so that two (2) Council seats are up for election every two (2) years.

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

**SECTION 1.** Section 1-2-210, “District Election Schedule,” of Title 1, “General Provisions, Chapter 2, “Mayor and Town Council,” Article 1, “Municipal Elections,” of the Windsor Municipal Code is hereby amended to read as follows:

“1-2-210. District Election Schedule.

A Member of the Town Council shall be elected from Town Council District 3 at the November 2020 general municipal election, and every four (4) years thereafter. Members of the Town Council shall be elected from Town Council Districts 1, and 4 at the November 2022 general municipal election, and every four (4) years thereafter. A Member of the Town Council shall be elected from Town Council District 2 at the November 2022 general municipal election for a two (2) year term and again at the November 2024 general municipal election, and every four (4) years thereafter. The Mayor shall be elected at-large, beginning at the 2020 general municipal election, and every two (2) years thereafter.”

**SECTION 2.** In accordance with Government Code section 34906, the Town Council hereby declares that the Town Council seat for District 2 appearing on the November 8, 2022 General Municipal ballot shall serve a two (2) year term. The Council seat for District 2 shall be up for election again at the November 2024 General Municipal Election, and every four (4) years thereafter.

**SECTION 3.** The Town Clerk is hereby directed to take all necessary steps to give effect to this Ordinance and to prepare all necessary election documents, including subsequent Town Council Resolutions calling for the General Municipal Election, incorporating this designation.

**SECTION 4.** The Town Clerk is hereby directed to provide a certified copy of this Ordinance to the Sonoma County Registrar of Voters for use in subsequent Windsor Town Council Elections.

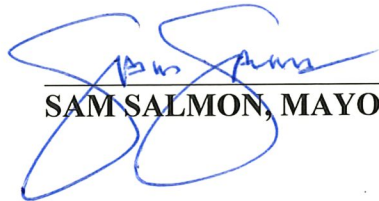
**SECTION 5.** Severability. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The Town Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

**SECTION 6.** Effective Date. This Ordinance shall become effective immediately upon its adoption.

**SECTION 7.** Publication. The Town Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the Town of Windsor, pursuant to all legal requirements.

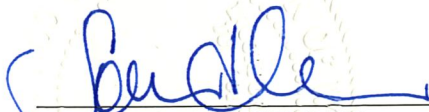
**PASSED, APPROVED, AND ADOPTED this 15th day of June 2022, by the following vote:**

**AYES: COUNCILMEMBERS REYNOZA, WALL  
AND MAYOR SALMON**  
**NOES: NONE**  
**ABSTAIN: NONE**  
**ABSENT: COUNCILMEMBER FUDGE AND VICE MAYOR LEMUS**



**SAM SALMON, MAYOR**

**ATTEST:**



**SOMMER HAGEMAN  
DEPUTY TOWN CLERK**

