ORDINANCE NO. 2022-360

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR, CALIFORNIA AMENDING SECTION 1-2-205 OF TITLE I OF THE WINDSOR MUNICIPAL CODE REGARDING BY-DISTRICT ELECTIONS, ADJUSTING THE BOUNDARIES OF TOWN COUNCIL ELECTION DISTRICTS AND CONFIRMING SUCH REVISED COUNCIL DISTRICT BOUNDARIES, AS REFLECTED IN THE ATTACHED MAP

WHEREAS, the United States Census Bureau is required by Article I, Section 2, of the United States Constitution to conduct an accurate count of the population every ten years; and

WHEREAS, California Elections Code Section 21601 requires that following each decennial federal census, and using that census as a basis, the Council shall, by ordinance or resolution, adjust the boundaries of any or all of the Town's Council election districts to be substantially equal in population as required by the United States Constitution, California Constitution, and the Federal Voting Rights Act. In establishing the boundaries of the districts, the Council must give consideration to the following factors in the following priority: (a) contiguity of districts, (b) communities of interest, (c) easy identification of districts through use of natural or artificial boundaries and (d) district compactness; and

WHEREAS, California Elections Code Section 21602 requires that the Council adopt an ordinance establishing Council districts by April 17, 2022; and

WHEREAS, on September 27, 2021, the Census Bureau sent 2020 Census data to the State of California with an official population estimate of 26,378 residents for the Town of Windsor; and

WHEREAS, the Town Council of the Town of Windsor ("Town Council") held four public hearings on September 27, 2021, October 25, 2021, January 24, 2022, and March 2, 2022, where the Council received briefings from the Town's demographic consultant relating to the redistricting process and state and federal redistricting criteria, including the California Elections Code, the Federal Voting Rights Act and the United States Constitution, heard public testimony, and directed staff and the Town's demographic consultant to prepare draft Council district maps for consideration; and

WHEREAS, in addition, Town staff conducted public outreach by way of print and digital advertisements, which led to public hearings with public comment on redistricting criteria and communities of interest; and

WHEREAS, at the January 24, 2022, and March 2, 2022 public hearings, the Council received a presentation of several draft maps prepared by the Town's demographic consultant for compliance with applicable laws and standards and reviewed additional maps submitted by the public; and

WHEREAS, at the March 2, 2022, public hearing, the Town Council agreed on Map Option No. 9, designating it as the preferred map and directed that it be presented to the Council for adoption by Ordinance; and

WHEREAS, at each of the public hearings on redistricting, the Council heard testimony relating to "communities of interest," which led the Council to reach the following determinations about communities of interest on the preferred map, as required under federal and state law:

(1) The election districts are geographically contiguous. The districts are arrayed in a simple and logical form without any islands and with minimal intrusions from the area of one district into another;

(2) To the extent practicable, the preferred map respects the geographic integrity of local neighborhoods and local communities of interest. The Council heard testimony about what constitutes communities of interest in the public's view.

(3) The election districts are easily identifiable and understandable by residents. The districts in the preferred map form a relatively simple pattern.

(4) To the extent practicable, the election districts are geographically compact. Their configurations for the most part are compact, simple shapes, with nearby populations included in the same districts.

(5) The election districts are balanced in terms of total population and voting age population. The districts are well within the one-person/one-vote deviations permitted under federal and state voting rights laws.

(6) Although the above criteria could not be met within any election district with a minority-majority district (i.e., a voting district where one distinct minority population is the majority population), the election districts do represent where possible an aggregation in single districts of substantial minority population blocs to enhance the potency of that minority voting voice; and

WHEREAS, all information in the staff reports, maps, presentations, Council debate and public testimony referenced above is hereby incorporated into this decision and serves as evidentiary basis for these findings and legislative decision.

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

SECTION 1. This Ordinance is adopted following four noticed Town Council public hearings as required by California Elections Code section 21607.1.

SECTION 2. Section 1-2-205 (District-Based Electoral System Requirements) of Chapter 2 (Mayor and Town Council) of Title I (General Provisions) of the Windsor Municipal Code is hereby amended as provided in attached Exhibit A.

SECTION 3. Town Council elections shall continue to be conducted "by districts" in four districts as set forth in Exhibit A, with a Mayor separately elected at-large. The term "by district" shall mean election of members of the legislative body by voters of the district alone, as provided in Government Code § 34871(d).

SECTION 4. All ordinances and resolutions, or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 5. The Town Manager is directed to take all necessary steps to give effect to this Ordinance. If necessary, to facilitate the implementation of this Ordinance, the Town Manager or his or her designee is authorized to make technical adjustments to the election district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The Town Manager shall consult with the Town Attorney concerning any technical adjustments deemed necessary and shall advise the Town Council of any such adjustments required in the implementation of the districts.

SECTION 6. 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 7. Compliance with California Environmental Quality Act. This activity is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines, (Cal. Code Regs., tit. 14, § 15000 et seq.) §§ 15061(b)(3), 15320, and 15378(b)(3). The redistricting process is an organizational and administrative activity of the Town, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).) In the event the transition process does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) None of the exceptions to the exemptions found in State CEQA Guidelines, § 15300.2 apply.

SECTION 8. Severability. If any section, subsection, subdivision, sentence, or 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 9. Effective Date. This Ordinance shall become effective immediately upon its adoption.

SECTION 10. 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 16th day of March 2022, by the following vote:

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

SAM SALMON, MAYOR

ATTEST:

IRENE WERBY-CAMACHO, TOWN CLERK

Attachment:

- **Exhibit A** - Amendment to Section 1-2-205

I, Irene Camacho-Werby, Town Clerk of the Town of Windsor, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Windsor held on the 2nd day of March, 2022, and was adopted at a regular meeting of the Town Council of the Town of Windsor on the 16 day of March, 2022.

ATTEST: _____
Irene Camacho-Werby, Town Clerk

EXHIBIT A

Amendment to Section 1-2-205

Section 1-2-205 (District-Based Electoral System Requirements) of Chapter 2 (Mayor and Town Council) of Title I (General Provisions) of the Windsor Municipal Code is hereby amended as follows:

"§ 1-2-205 DISTRICT-BASED ELECTORAL SYSTEM REQUIREMENTS.

a. Members of the Town Council shall be elected on a district-based electoral system, as defined in Section 1-2-200, from the four (4) Town Council districts as illustrated in Figure 1-2-200(A).

