ORDINANCE NO. 2023-385

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING TITLE I, CHAPTER 5, ARTICLE 1, "PLANNING COMMISSION," OF THE TOWN OF WINDSOR CODE, ESTABLISHING REQUIREMENTS RELATED TO THE TOWN'S PLANNING COMMISSION

THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES ORDAIN AS FOLLOWS:

Section 1. Amendment.

Title I, Chapter 5, Article 1, "Planning Commission," is hereby amended to read as follows:

"Article – Planning Commission

1-5-100 - Planning Agency Established.

Pursuant to Government Code Sections 65000 et seq. (the Planning and Zoning Law), there is hereby established a planning agency consisting of a Planning Commission.

1-5-105 - Planning Commission; Appointments; Term.

The Planning Commission shall consist of five (5) members. Pursuant to California Government Code section 40605, the Mayor shall make all appointments to the Planning Commission, with the approval of the Council. Each Councilmember shall recommend the appointment of one Planning Commissioner for a term coinciding with the term of the Councilmember making the recommendation. Appointees shall reside within the Town limits. Terms or remainder of a term shall begin on the date of the Commission's first meeting after appointment.

1-5-110 - Removal From Office and Vacancies.

a. Although a Planning Commission member shall be appointed for a term, they may be removed by the Council by a majority vote.

b. A Commissioner who fails, without permission, to attend three (3) successive meetings of the Commission is subject to removal.

c. A Commissioner who moves their residence outside of the Town limits shall automatically vacate his or her office.

d. A Commissioner's seat shall also automatically vacate in the event their recommending Councilmember vacates their Council seat before their term expires. In this situation, the Commissioner shall serve until a new Commissioner is selected to complete the term pursuant to Section 1-5-105 of this Article.

1-5-115 - Filling of Vacancies.

Vacancies on the Planning Commission shall be filled pursuant to Section 1-5-105 of this Article. The Commissioner appointed to fill a vacancy will serve the term remaining on the vacated seat.

1-5-120 - Expenses.

Planning Commission Members shall be entitled to reimbursement for expenses as the Town Council may approve.

1-5-125 - Chairperson; Rules; Records and Meetings.

The Commission shall elect a Chairperson and Vice Chairperson from its membership annually. In the absence or disability of either the Chairperson or Vice Chairperson, the Commission may designate a temporary Chairperson. The Commission shall hold at least one regular meeting each month and such other meetings as may be necessary. The Commission shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings, and determinations. The rules shall provide that not less than three affirmative votes shall be required to recommend matters to the Town Council for adoption. The Commission shall have a secretary to the commission. The Town Manager or their designee shall serve as secretary to the commission.

1-5-130 - Functions.

The Planning Commission shall perform those functions described by the Planning and Zoning Law, including those functions specified in Government Code section 65103."

Section 2. 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 3. Effective Date.

This Ordinance shall take effect and be in force 30 days following its adoption.

Section 4. **Publication and Posting.**

The Town Clerk of the Town of Windsor shall cause this Ordinance to be posted in at least three (3) public places in the Town of Windsor in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 20th day of December 2023, by the following vote:

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

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK