

Introduced by: Local Affairs Committee  
Date: December 4, 1979  
Hearing: January 8, 1979  
Vote: 47 "Yes" to 74 "no"  
Action: Failed to be set for hearing

KENAI PENINSULA BOROUGH

ORDINANCE 79-77  
(REVISED)

PROVIDING FOR REAPPORTIONMENT OF THE ASSEMBLY AND ESTABLISHING DISTRICTS FOR THE ELECTION OF ASSEMBLY MEMBERS WITHIN THE DISTRICTS: SUBJECT TO THE APPROVAL OF A MAJORITY OF THE VOTERS INSIDE AND OUTSIDE CITIES AT A SPECIAL BOROUGH ELECTION ON FEBRUARY 12, 1980, AND REPEALING SECTIONS 2.12.020, 2.12.030, 2.12.040, AND SECTION 4.16.010 (B) OF THE BOROUGH CODE.

WHEREAS, results of an official census by the Census Bureau indicate that the population of the Borough has shifted since the last apportionment of assembly seats, altering the per capita representation on the assembly; and

WHEREAS, the Assembly is required by law to reapportion representation to comply with the one man, one vote requirements established by the courts in interpreting the U. S. Constitution; and

WHEREAS, the Assembly by Resolution 79-95, declared itself misapportioned; and

WHEREAS, the Assembly finds the establishment of election districts by aggregation of existing election precincts can achieve a reapportionment plan for proper representation in accordance with the requirements of the U. S. Constitution and Alaska law;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

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2. The Southern District shall elect four (4) representatives to the Assembly for designated seats 1, 2, 3, and 4.

3. The Northeastern District shall elect two (2) representatives to the Assembly for designated seats I, and II.

Section 3. The terms of existing assemblymen shall not be affected by this ordinance. The existing assembly members will draw lots to determine their designated seats for the remainder of their terms. In order to comply with this reapportionment plan at the regular election of 1980, the assembly members from the Central District whose terms expire in 1980, will draw lots to determine which assembly seat will be assigned to the Southern District.

Section 4. The vote on this ordinance shall be tabulated in two separate classifications. One classification shall consist of all votes cast in the first class and the home rule cities of the borough. The other classification shall consist of all votes cast in the remaining areas of the borough. In order for the ordinance to be approved, it must receive majority approval in each classification.

Section 5. A special Borough election is declared to be held on February 12, 1980. The Borough Clerk shall place this ballot proposition before the voters inside and outside cities:

Proposition:

Shall Ordinance 79-77 be approved to provide for a Borough Assembly consisting of 16 members serving three years terms, who shall each have one vote, and who shall reside in and be elected to designated seats within each district, the apportionment to be: Central District (Soldotna Precinct, Kalifonsky Precinct, Ridgeway Precinct, Sterling Precinct, Tustumena Precinct, Kenai Precinct No. 1, Kenai Precinct No. 2, Kenai Precinct No. 3, Nikiski Precinct No. 1, Nikiski Precinct No. 2 and Tyonek Precinct) shall elect ten (10) representatives to the Assembly for designated seats A, B, C, D, E, F, G, H, I and J.

Southern District (Homer Precinct, Ninilchik Precinct, Seldovia Precinct, Anchor Point Precinct, Diamond Ridge Precinct, Fritz Creek Precinct, Halibut Cove Precinct, English Bay Precinct, and Port Graham Precinct) shall elect four (4) representatives to the Assembly for designated seats 1, 2, 3, and 4.

Section 1. That the Borough Code of ordinances is amended by enacting a new Section 2.12.020 to read:

22.12.020 Election Districts. A. For the purpose of electing assembly members, three (3) election districts are established from existing voting precincts as follows:

1. The Central District shall be composed of the Soldotna Precinct, the Kalifonsky Precinct, the Ridgeway Precinct, the Sterling Precinct, the Tustumena Precinct, the Kenai Precinct No. 1, the Kenai Precinct No. 2, the Kenai Precinct No. 3, the Nikiski Precinct No. 1, the Nikiski Precinct No. 2 and the Tyonek Precinct.

2. The Southern District shall be composed of the Homer Precinct, the Ninilchik Precinct, the Seldovia Precinct, the Anchor Point Precinct, the Diamond Ridge Precinct, the Fritz Creek Precinct, the Halibut Cove Precinct, the English Bay Precinct, and the Port Graham Precinct.

3. The Northeastern District shall be composed of the Seward Precinct No. 1, the Seward Precinct No. 2, the Bear Creek Precinct, the Cooper Landing Precinct, the Moose Pass Precinct and the Hope Precinct.

B. Assembly representatives shall be residents of the district who are qualified to vote, and shall be elected to designated seats within the district.

Section 2. That the Borough Code of ordinances is amended by enacting a new Section 2.12.030 to read:

2.12.030 Apportionment of Members and Votes Designated.

A. The assembly shall consist of 16 members, who shall each have one vote, and who shall be elected for a term of three (3) years.

B. Representation in the Assembly shall be apportioned among districts as follows:

1. The Central District shall elect ten (10) representatives to the Assembly for designated seats A, B, C, D, E, F, G, H, I and J.

Northeastern District (Seward Precinct No. 1, Seward Precinct No. 2, Bear Creek Precinct, Cooper Landing Precinct, Moose Pass Precinct, and Hope Precinct) shall elect two (2) representatives to the Assembly for designated seats I and II.

This reapportionment shall not affect any existing terms of elected assembly members who shall draw lots to determine their designated seats for the remainder of their terms.

In order to comply with this reapportionment plan at the regular election of 1980, the assembly members from the Central District whose terms expire in 1980, will draw lots to determine which assembly seat will be assigned to the Southern District.

YES ☐

NO ☐

Section 6. That present Sections 2.12.020, 2.12.030, 2.12.040, and 4.16.010 (B) of the Borough Code of ordinances are repealed.

Section 7. This ordinance is enacted pursuant to authority of AS 29.13.100(3) and of Chapter 29.23 and supersedes all municipal ordinances providing for the composition and election of the Borough Assembly.

Section 8. This ordinance takes effect on the day after certification by the Borough Clerk that a majority of voters voting on the question inside and outside cities have approved the ordinance, at a special Borough election to be held on February 12, 1980, and present Section 2.12.020 of the Borough Code of ordinances will be repealed by this ordinance.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1979.

\_\_\_\_\_  
JoAnn Elson, Assembly President

ATTEST:

\_\_\_\_\_  
Borough Clerk