

Introduced by: Martin
 Date: Jan. 22, 1980
 Hearing: Feb. 19, 1980
 Vote:
 Action: Failed Setting for Hearing
 1-22-80

KENAI PENINSULA BOROUGH

ORDINANCE 80-5

PROVIDING FOR REAPPORTIONMENT OF THE BOROUGH ASSEMBLY THROUGH THE ESTABLISHMENT OF DESIGNATED AT LARGE ASSEMBLY SEATS.

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

WHEREAS, the Borough is required to reapportion itself in accordance with the one man, one vote standards contained in the United States and State of Alaska Constitutions; and

WHEREAS, the Assembly finds that it is desirable to provide reapportionment by the establishment of designated Assembly seats where each candidate for election files for a particular seat, to be elected at large by all the voters of the Borough;

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

Section 1. That Section 2.12.020 of the Borough Code of ordinances is amended to read:

2.12.020 Apportionment of Members--Designated Seats. The Assembly shall consist of sixteen members [HAVING TOTAL VOTES OF 86. MEMBERS AND THEIR VOTES SHALL BE AS FOLLOWS:

| <u>CITY</u> | <u>ASSEMBLYMEN</u> | <u>VOTES</u> | <u>TOTAL</u> |
|----------------|--------------------|--------------|--------------|
| Homer | 1 | 7 | 7 |
| Kenai | 3 | 5 | 15 |
| Seldovia | 1 | 2 | 2 |
| Seward | 2 | 3 | 6 |
| Soldotna | 1 | 8 | 8 |
| Outside Cities | 8 | 6 | 48 |
| | <u>16</u> | | <u>86</u> |

Each member shall hold a designated seat, which shall be numbered Seats A through P. Each Assembly member shall have one vote and shall be elected at large by all voters of the Borough without regard to the boundaries of any city within the Borough.

Section 2. That Section 2.12.030 of the Borough Code of ordinances is amended to read:

2.12.030 Term of Election [OR APPOINTMENT]. A. Members of the Assembly [REPRESENTING THE AREA OUTSIDE FIRST CLASS CITIES] are elected at large for staggered terms of three years. [MEMBERS OF THE ASSEMBLY REPRESENTING FIRST CLASS CITIES ARE APPOINTED BY AND FROM THE CITY COUNCILS FOR TERMS OF 3 YEARS; PROVIDED, HOWEVER, THAT ANY CITY BY ORDINANCE MAY ELECT TO HAVE THE MEMBER OR MEMBERS OF THE ASSEMBLY REPRESENTING SAID CITY ELECTED TO THE ASSEMBLY BY THE CITY ELECTORATE, AND IF THE CITY IS ENTITLED TO MORE THAN ONE REPRESENTATIVE ON THE ASSEMBLY, THE CITY MAY ELECT TO HAVE ONE OR MORE OF ITS REPRESENTATIVES ELECTED, AND IF MORE THAN ONE REPRESENTATIVE IS ELECTED THEN SAID REPRESENTATIVES MAY EITHER BE ELECTED AT LARGE OR FROM DISTRICTS WITHIN THE CITY AS MAY BE PROVIDED BY SAID ORDINANCE OF THE CITY.] Persons standing for election shall file for the particular designated seat for which they wish to stand election and shall not file for more than one seat during the particular election.

B. All Assembly members serving on the Borough Assembly by appointment from a city council as of the date that this ordinance is enacted shall stand for election during the regular election scheduled for October, 1980, and their seats shall be designated A through D. The Assembly seats occupied as of the effective date of this ordinance by elected incumbents whose terms will expire in October, 1980, shall be designated seats E through G and elections for those seats designated A through G during the October, 1980, election shall be made in a manner designated by Section 1 of this ordinance.

C. Those Assembly seats whose members' elected terms will expire in October, 1981, are designated seats H through L and all elections to those seats in October, 1981, and thereafter shall be made in accordance with the procedure set forth in Section 2.12.030 as amended by this ordinance.

D. All Assembly seats whose members' elected term will expire in October, 1982, are designated seats M through P and elections to those seats in October, 1982, and thereafter shall be made in accordance with the criteria contained in KPB 2.12.020 as amended by this ordinance.

E. Beginning with the October, 1980 election, no member of the Assembly shall be elected to more than two consecutive terms on the Assembly, provided, however, that such Assemblymember is eligible for reelection in the year following the end of his second consecutive term.

Section 3. That Section 2.12.040 of the Borough Code of ordinances is repealed.

Section 4. That Title 2 of the Borough Code of ordinances is amended by adding a new section, to be numbered 2.12.040, which shall read:

2.12.040 Voting--Applicability--Effective Date.

A. Effective on the date following certification of the results of the October, 1980, regular Assembly election, each Assembly member shall be considered to be an at large member who shall be entitled to one vote in all matters before the Assembly.

B. Designation of Assembly seats as seats A through P, and elections to such seats, shall become effective in the manner and during the election set forth in Section 2.12.030 of this Code, as amended by this ordinance.

Section 5. That a special Borough election is declared to be held on March 25, 1980. The Borough Clerk shall place this ballot proposition before the voters inside and outside cities:

Proposition:

Shall Ordinance 80-5 be approved to provide for a Borough Assembly consisting of 16 members serving 3 year terms, each of whom shall have one vote, and who shall file for specific designated seats A through P and providing for the staggered election of Assembly members to the designated seats?

Yes / /

No / /

Section 6. 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 March 25, 1980.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS _____ DAY OF _____, 1980.

JoAnn Elson, Assembly President

ATTEST:

Borough Clerk