

Introduced by: Navarre at Request of
Borough Clerk
Date: 01/23/01
Hearing: 02/20/01
Action: Enacted
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2001-02**

**AN ORDINANCE AMENDING KPB 22.30.020 TO COMPLY WITH STATUTORY
CHANGES REQUIRING THAT THE ASSEMBLY ADDRESS AND SUBMIT TO THE
VOTERS QUESTIONS CONCERNING ASSEMBLY REPRESENTATION AND
APPORTIONMENT AFTER ADOPTION OF A FINAL STATE REDISTRICTING
PLAN RATHER THAN THE OFFICIAL REPORT FROM THE FEDERAL
DECENNIAL CENSUS**

WHEREAS, Alaska Statute 29.20.070(b) was recently amended to provide that the assembly propose and submit to the voters of the borough one or more forms of assembly representation not later than the first regular election occurring after adoption of the state redistricting plan under Article VI, Section 10 of the constitution of the State of Alaska; and

WHEREAS, the borough code requires such a report be issued not later than two months after the official report of the federal decennial census which complies with the previous version of Alaska Statutes; and

WHEREAS, the legislature similarly amended AS 29.20.080(a) to require the assembly to determine apportionment issues not later than two months after adoption of the final state redistricting plan rather than the issuance of the federal decennial census; and

WHEREAS, the legislature further amended AS 29.20.080(b) to authorize the assembly to provide by ordinance for a change in the existing apportionment whenever the final state redistricting plan is changed as a result of federal or court action; and

WHEREAS, the borough code contains no similar provisions; and

WHEREAS, the borough's best interest would be served by amending the borough code to be consistent with the statutory provisions;

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

SECTION 1. KPB 22.30.020(A) and (B) is hereby amended as follows:

A. Not later than 2 months after adoption of a final state redistricting plan under Article VI, Section 10, Constitution of the State of Alaska [THE OFFICIAL REPORT OF A FEDERAL DECENNIAL CENSUS], the borough assembly shall determine and declare by resolution whether the existing apportionment of the borough meets the standards prescribed by Alaska Statutes.

B. The borough assembly shall provide, by ordinance, for a change in the existing apportionment of the assembly whenever it determines that the assembly is misapportioned. Not later than the first regular election occurring after the report of each adoption of a final state redistricting plan under Article VI, Section 10, Constitution of the State of Alaska [FEDERAL DECENNIAL CENSUS], the assembly shall propose and submit to the voters of the borough at that regular election or at a special election called for the purpose, 1 or more forms of borough assembly representation which includes the election of assembly members from election districts. Any plan for representation by districts shall include a plan for the apportionment of assembly seats.

C. The borough assembly shall, within 30 days of certification of the results of the election held on proposed form of representation, enact an ordinance providing for its composition, for the form of assembly representation, and for the apportionment of assembly seats, which correspond to the proposed form of representation receiving majority approval of the voters.

D. If the assembly is presented with a petition signed by not less than 50 registered voters who are residents of the borough, and requesting the assembly to determine whether the existing apportionment meets the standards prescribed by state statute and containing evidence that the existing assembly is misapportioned, then the assembly shall, within 2 months of receipt of the petition, make a determination of whether it is properly apportioned. If the assembly finds it is not properly apportioned, then it shall adopt an ordinance providing for reapportionment within 6 months of its determination and submit that ordinance to the voters for approval by a majority of the votes cast.

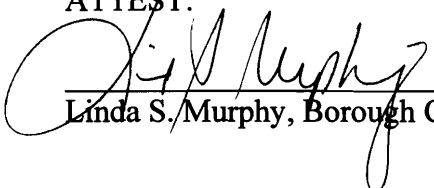
E. Whenever a final state redistricting plan is changed as a result of federal or court action, the borough assembly may provide by ordinance for a change in the existing apportionment and composition of the assembly. Within 6 months after a determination by the assembly that the current apportionment should be changed under this Section, the assembly shall adopt an ordinance providing for reapportionment and submit the ordinance to the voters.

SECTION 2. This ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF FEBRUARY, 2001.


Timothy Navarre, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

