

Introduced by: Murphy, Smith  
Date: 07/05/11  
Hearing: 08/02/11  
Action: Enacted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2011-25**

**AN ORDINANCE ADOPTING THE 2011 KENAI PENINSULA BOROUGH ASSEMBLY  
AND BOARD OF EDUCATION APPORTIONMENT PLANS AND PLACING THE  
APPORTIONMENT PLANS ON THE BALLOT FOR BOROUGH VOTER SELECTION**

**WHEREAS**, in Resolution 2011-045 the Borough Assembly determined that it is currently malapportioned based upon the 2010 population figures from the U. S. Census Bureau; and

**WHEREAS**, pursuant to that resolution, the assembly president appointed a reapportionment committee to consider and propose plans to correct the malapportionment; and

**WHEREAS**, the committee has referred two alternative Borough Assembly and Board of Education representation plans for assembly selection including single member districts of either nine or eleven districts; and

**WHEREAS**, the committee recommends that the assembly submit both plans to the voters; and

**WHEREAS**, Alaska Statute 29.20.070(c) requires the assembly to submit to the voters proposed forms of representation, and Alaska Statute 29.20.080(e) requires that the assembly by ordinance adopt an ordinance providing for reapportionment and submit it to the voters within six months of the determination of malapportionment;

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

**SECTION 1.** That the assembly adopts two Borough Assembly and Board of Education representation plans to be selected by borough voters: Plan 1 includes 9 single member districts, and Plan 2 includes 11 single member districts, both of which are described in the 2011 Kenai Peninsula Borough Assembly Reapportionment Plan, attached to and incorporated by reference into this ordinance as Attachment 1. In both plans, assembly members would be elected by voters residing in the district the assembly member represents.

**SECTION 2.** That the following proposition be placed on the ballot of the October 4, 2011 regular borough election:

PROPOSITION: CHOOSE ONE OF THE FOLLOWING PLANS FOR KENAI PENINSULA BOROUGH ASSEMBLY AND BOARD OF EDUCATION REPRESENTATION:

\_\_\_\_\_ Plan 1: 9 single member districts

\_\_\_\_\_ Plan 2: 11 single member districts

DESCRIPTION OF APPORTIONMENT PLAN: State law requires that the Kenai Peninsula Borough Assembly adopt an apportionment plan for borough assembly representation, after the 2010 federal census.

Kenai Peninsula Borough Ordinance 2011-25 meets this requirement by adopting and presenting to the voters for selection two representation and apportionment options, one of which is different from the current plan. The plan receiving the most votes will be put into place after the election. Either plan will result in some or all of the current assembly and board of education terms and seats being abolished beginning with the regular borough election in October 2012. Assembly and Board of Education members elected in 2012 will serve staggered terms of one, two and three years. The current assembly apportionment plan contains 9 districts with one member elected from each district.

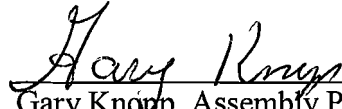
The first option, Plan 1, would consist of 9 districts in the borough. Each district would have one assembly member and one board of education member, elected by the voters of that district.

The second option, Plan 2, would consist of 11 districts in the borough. Each district would have one assembly member and one board of education member, elected by the voters of that district.

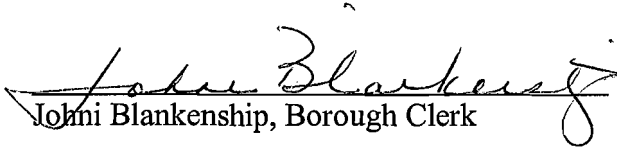
**SECTION 3.** That the assembly shall, after certification of the October 4, 2011 election, adopt or enact such ordinances or other actions that are necessary to provide for the composition of the assembly and board of education in accordance with the plan of representation and apportionment that receives the most votes.

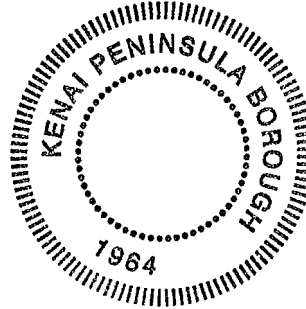
**SECTION 4.** That section 2 of this ordinance shall take effect immediately upon its enactment. Sections 1 and 3 of this ordinance shall take effect upon the date the October 4, 2011 election is certified by the borough assembly if the proposition in Section 2 above is approved by a majority of the qualified voters voting on the issue in that election, and either 60 days after the Department of Justice has received the borough's request for preclearance, when the borough receives Department of Justice preclearance under the Voting Rights Act of 1965, or the date any objection imposed by the U.S. Department of Justice is resolved, whichever is earlier.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF AUGUST, 2011.**

  
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Gary Knopp, Assembly President

ATTEST:

  
\_\_\_\_\_  
John Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp  
No: None  
Absent: None