

ORDINANCE SERIAL NO. 07-02

AN ORDINANCE ADOPTING A 2007 ALEUTIANS EAST BOROUGH ASSEMBLY APPORTIONMENT PLAN AND PLACING THE APPORTIONMENT PLAN ON THE BALLOT FOR BOROUGH VOTER APPROVAL

WHEREAS, in his Decisional Memorandum and Order dated November 13, 2006, Commissioner William C. Noll determined that the Aleutians East Borough Assembly was malapportioned pursuant to AS 29.20.060; and

WHEREAS, pursuant to the determination, that the Borough is malapportioned, the Aleutians East Borough Assembly began considering plans to correct the malapportionment pursuant to AS 29.20.090(d); and

WHEREAS, the Assembly has reviewed a substantial number of different reapportionment options including options prepared by Northern Economics, Inc. and the Concerned Citizens of Akutan; and

WHEREAS, AS 29.20.090(d) mandates that the Assembly adopt an ordinance providing for proper reapportionment of the Assembly within two (2) months after receipt of the Commissioner's Order; and

WHEREAS, AS 29.20.090(d) provides that once the Assembly has adopted an ordinance providing for reapportionment as mandated in AS 29.20.060, that the Assembly is mandated to submit the ordinance "to the voters at an election held within 60 days after the date of adoption of the reapportionment ordinance."

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE ALEUTIANS EAST BOROUGH:

Section 1. That the Assembly adopts two (2) borough assembly representation plans to be selected by Borough voters: Plan 1 includes seven (7) assembly seats voted for "at large by the voters throughout the Borough[.]" pursuant to AS 29.20.070(b)(1). In addition to the seven (7) elected assembly seats, Plan 1 shall also create advisory member seats for any community not represented by one of the seven (7) elected assembly seats pursuant to the intent of Borough Code Section 2.04.060, and Plan 2 includes seven (7) assembly seats split into two (2) districts, both of which are attached to and incorporated by reference into this ordinance as Attachment 1. In Plan 2, Assembly members would be elected by voters residing in the district the Assembly member represents and shall also create advisory member seats for any

community not represented by one of the seven (7) elected assembly seats pursuant to the intent of Borough Code Section 2.04.060.

Section 2. That the following proposition be placed on the ballot of the February 20, 2007 Special Borough Election which shall be conducted by mail pursuant to Borough Code Section 4.40.020, in substantially the following form:

PROPOSITION: CHOOSE ONE OF THE FOLLOWING PLANS FOR ALEUTIANS EAST BOROUGH ASSEMBLY REPRESENTATION:

- _____ PLAN 1: A seven (7) assembly seat election district where each seat is voted for “at large by the voters throughout the borough”.

- _____ PLAN 2: Seven (7) assembly seats split into two (2) districts:
 - Akutan, Sand Point 4 Assembly Seats

 - Cold Bay, False Pass, 3 Assembly Seats
King Cove, Nelson Lagoon
and remainder

DESCRIPTION OF APPORTIONMENT PLAN: State law requires that the Aleutians East Borough Assembly adopt an apportionment plan for borough assembly representation in compliance with AS 29.20.060.

Aleutians East Borough Ordinance Serial No. 07-02 meets this requirement by adopting and presenting to the voters for selection two (2) representation and apportionment options, both of which are different from the current plan. The plan receiving the most votes will be put into place after the election, conditional on Preclearance by the Department of Justice. Either plan will result in some or all of the current assembly terms and seats being abolished beginning with the regular borough election in October 2007. Upon approval and Preclearance of the plan, the Borough Clerk will publish a notification stating which seats have been abolished. The current assembly apportionment plan contains 4 districts with different numbers of assembly members elected from each district, determined by the overall population of each district.

The first option, Plan 1, would consist of seven (7) assembly seats in the borough. Each Assembly seat would be voted for “at large by the voters throughout the borough.” In addition to the seven (7) elected assembly seats, Plan 1 shall also create advisory member seats for any community not represented by one of the seven (7) elected assembly seats pursuant to the intent of Borough Code Section 2.04.060.

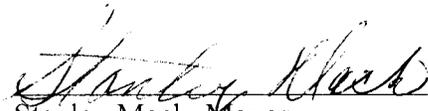
The second option, Plan 2 would consist of seven (7) assembly seats split into two (2) districts. In addition to the seven (7) elected assembly seats, Plan 2 shall also create advisory member seats for any community not represented by one of the seven (7) elected assembly seats pursuant to the intent of Borough Code Section 2.04.060.

Section 3. That the Assembly shall, after certification of the February 20, 2007 election, adopt or enact such ordinances or other actions that are necessary to provide for the composition of the Assembly in accordance with voter approval of the plan of representation and apportionment presented to the voters.

Section 4: **Effectiveness.** The effective date of this ordinance shall be the first regular election for members of the Assembly that is held more than 60 days after receipt by the Assembly of non-objection by the United States Department of Justice which date shall be October 2, 2007, pursuant to AS 29.20.110.

INTRODUCED: 12/15/06

ADOPTED: 1/10/07



Stanley Mack, Mayor

Date: 1/10/07

ATTEST:



CLERK

Date: 1/10/07

The approved ordinance provides for two different plans names Plan 1 and Plan 2. These are described below.

Plan 1

Plan 1 would maintain the current number of assembly seats at seven (7). Under this plan the population counts of the individual communities would not matter as the seven members would be elected from a single at-large district encompassing all of the communities of the Aleutian East Borough. During the initial election, when all seven seats would be open, voters would vote for their top seven candidates. The seven candidates with the highest vote totals would become the new assembly. The new assembly would have to take action to stagger the terms of assembly members.

Plan 2

Plan 2 would maintain the current number of assembly seats at seven (7), but would establish two voting district based on the 2000 U.S. Census population counts minus the 141 individuals at-sea that the census arbitrarily assigned to Akutan. The official population counts used in this plan are shown below in Table 1.

Table 1. 2000 U.S. Census Population Minus at the 141 At-Sea Individuals

Community	Population
Akutan	572
Cold Bay	88
Nelson Lagoon	83
Remainder	5
False Pass	64
King Cove	792
Sand Point	952
Total	2556
Number of Assembly Members	7
Optimal Population per Assembly Seat	365.0

The first voting district established by Plan 2 would contain Akutan and Sand Point. This district would be awarded four (4) assembly seats (see Table 2). The second voting district would contain the communities of Cold Bay, False Pass, King Cove, Nelson Lagoon, and the Remainder. This district would be awarded three (3) assembly seats. The overall deviation of this plan is 10.1 percent.

Table 2. Plan 2 Apportionment

	Assembly Seats	Population	Population per Seat	Overall Deviation
Akutan, Sand Point	4	1524	381	-4.4%
Cold Bay, Nelson Lagoon, False Pass, King Cove	3	1032	344	5.8%
Overall Deviation				10.1%