

Council Districting in Orange Beach

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"I want to know who the [elected] representative for my area is," said Brett Holk, a 50-year resident of Orange Beach. "I went to school in Foley, riding the school bus from Orange Beach. I learned to swim on Terry Cove, and water ski on Cotton Bayou. Then I lived 30 years in this one house as an adult." He still does not know who is the elected official for his area.

Chairman of the Baldwin County Commission, Charles Gruber said a change of government to districting might depend on population.

Can we achieve more effective neighborhood governance by proposing districted council seats?

Originally founded in 1984 the city's council members serve at-large in Orange Beach, meaning each elected official is responsible for the whole city. This inefficiency is easy to see. Imagine your congressman representing all the people in the United States at the same time, instead of just his or her home district.

Districting is more practical. When a constituent has a problem he or she contacts their elected representative, not someone who is responsible for the whole city. The beach road has a much different set of problems than the back bays.

Elected officials chosen by district can propose legislative solutions for a geo-specific set of problems, like flood drainage in Bear Point (<http://altoday.com/archives/27111-rauf-bolden-flood-drainage-in-orange-beach>), or beach erosion on the Gulf. When officials serve at-large problems are deflected to the department heads. The downside is employees cannot bring bills to the floor. Districting council seats gives council members more legislative muscle, initiating effective options about expenditures to resolve problems like flood drainage.

Orange Beach is a municipality, defined by law, designating the Mayor as its chief election official. The city council must decide if they want a change to the city's form of government, enacting ordinances, and districting the city. The change of government from at-large to districts can only happen with the consent of the sitting council, according to David Brewer, Chief of Staff for the Alabama Secretary of State.

"The laws regulating the governance of municipalities can be found in Alabama Code Title 11, Section 11-43-63 addresses changes in government. The City of Orange Beach is a Class 8 municipality with a population of under 12,000 that operates under a mayor-council form of government," said Renee Eberly, Orange Beach's City Clerk in an email.

The statute is clear. "Any city or town council of this state not currently electing its members from single-member districts pursuant to state law may, not less than six months prior to the regular general municipal election, by ordinance adopted by a majority of the membership of the council, divide the municipality into single-member districts (wards) of

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not less than five nor more than seven districts (wards)," according to a report on the Justia US Law web site (<https://law.justia.com/codes/alabama/2013/title-11/title-2/section-11-43-63/>).

Poor geo-specific problem solving is the reason for petitioning council, changing our form of government. This idea will encounter headwinds from Mayor Kennon, but doing our how-to homework helps.

"I would recommend that the City hire an outside consultant or have their city attorney guide them through the step. The districting proposal must satisfy federal civil rights statutes, which will likely require population breakdowns by race in the various proposed districts. This will likely require detailed studies of the city's current demographics. While the statutes are fairly easy to comply with, it can take a great deal of time to gather the correct information needed to develop a valid districting proposal," said Ken Smith, Executive Director of the Alabama League of Municipalities in an email.

AL Code § 11-43-63 (2013) describes the process, "The ordinance establishing the districts shall describe the territory composing the district by metes and counts, or census tracts, and the municipal clerk, within five days after the adoption of the ordinance, shall file with the judge of probate of the county or counties in which the municipality lies a certified copy of such ordinance accompanied, by a map or plat of the city or town, showing the boundaries of all such districts," according to a report on the Justia US Law web site (<https://law.justia.com/codes/alabama/2013/title-11/title-2/section-11-43-63/>).

Council must be very careful drawing the district maps. An ethics violation would occur if redistricting were done for profit. "That issue [districting] involves laws outside the Ethics Act which is concerned with use of office for personal gain," said Thomas B. Albritton, Executive Director, Alabama Ethics Commission in an email.

The key issue is the will of the council. Obviously, petitioning for a referendum to change the form of government with a thousand signatures is paramount. Even then the chance of winning the day is very small.

"At the local level, citizens certainly have the right to make requests of the governing body, and the number of signatures on a petition has a practical political effect. In most cases, however, a council may deny a petitioner's request," said Renee Eberly, Orange Beach's City Clerk in an email.

"The City of Fairhope's vote for change in government failed. The way it was done and after an Attorney General's Opinion, it was for districts," said Lisa A. Hanks MMC, City Clerk for the City of Fairhope in an email.

Mayor Tony Kennon will fight against a vote changing the form of government with hammer and tongs, maintaining control over the policy and legislative apparatus he has built over the past ten years. You will see the strange case of a political machine, moving the goalposts to maintain the *status quo*, blocking the change that is needed to make government better for local people.

He will counter that we have done things at-large since 1984, and we are doing fine without the change. That's the thing about power. People who have it don't want to share. A petition for districting would require council members to live in their districts, serving their constituents, not the body politic.

"The ordinance [districting] shall provide that candidates for election for a place on the council, where the council has been divided into districts, shall reside within the boundaries of said district (ward) for which he or she seeks election, and shall continue to

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reside in the district he or she represents so long as he or she remains a member of said council and further that candidates for election to a place on the council shall have resided within the district from which he or she seeks election for a period of 90 days immediately preceding the date of the election," according to a report on the Justia US Law web site (<https://law.justia.com/codes/alabama/2013/title-11/title-2/section-11-43-63/>).

With districting you vote where you live, and you live where you vote, electing one member to serve, not five that you seldom see. "Only electors residing within a district shall be entitled to vote for candidates seeking election for said district," according to a report on the Justia US Law web site (<https://law.justia.com/codes/alabama/2013/title-11/title-2/section-11-43-63/>).

Power doesn't wake up and see their neighborhood flooded after a big storm, so the problem never gets fixed (<http://altoday.com/archives/27111-rauf-bolden-flood-drainage-in-orange-beach>). Power wakes up and sees noisy vacation rentals. That gets fixed.

We deserve real government, providing real solutions for real people.

ENDS.

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