

OF THE

MAJURO ATOLL LOCAL GOVERNMENT

PART I. - PRELIMINARY

SECTION 1. Name of the Local Government.

The name of the local government is Majuro Atoll Local Government.

SECTION 2. Capitol.

The principal office of the local government shall be as agreed and declared by the Majuro Legislature, signified by resolution.

SECTION 3. Local Government Area.

The area of jurisdiction of the local government is all of Majuro Atoll and, in accordance with Article IX, Section 1(2) and (3) of the Constitution of the Marshall Islands, extends to the sea and the seabed of the internal waters of Majuro Atoll and to the surrounding sea and seabed to a distance of 5 miles from the baselines from which the territorial sea of Majuro is measured.

PART II. - WARDS

SECTION 4. Division of the Local Government Area into Wards.

(1) In accordance with Section 19 of the Local Government Act 1980, the local government area is divided into the following wards, as more particularly described in Schedule 1, each electing the number of representatives set out against its name: -

- (a) Jarej Ward, returning 2 representatives; and
- (b) Uliga Ward, returning 1 representative; and
- (c) Dalap Ward, returning 2 representatives; and
- (d) Rairok Ward, returning 1 representative; and
- (e) Ajeltake Ward, returning 1 representative; and
- (f) Woja Ward, returning 1 representative; and

- (g) Jeirok/Arrak Ward, returning 1 representative; and
- (h) Eolap Ward, returning 1 representative; and
- (i) Lobat Ward, returning 1 representative; and
- (j) Lomar Ward, returning 1 representative; and
- (k) Rongrong/Aenkan Ward, returning 1 representative.

(2) The representative so elected from each ward pursuant to Subsection (1) above shall be known and referred to as Councilman, however, the legislature may, by Resolution, declare alternative titles.

(3) The Legislature may, by Ordinance and on a 2/3 majority vote of its total membership, provide for the reapportionment of the wards and returning representatives as set out in Subsection (1) of this Section, to accord an equality of representation. Such reapportionment shall be made no more than once in every ten years and shall be based on the national voter's registry for the wards above mentioned, for the year immediately preceding that year in which the reapportionment is considered.

PART III. - LEGISLATURE

SECTION 5. Establishment of the Legislature.

A legislature, to be known as the Majuro Council, is hereby established for the local government, and in accordance with Section 13(1) of the Local Government Act 1980 the Ordinance - making, taxing and appropriation powers of the local government under Article IX, Section 2 of the Constitution of the Marshall Islands are visted in it.

SECTION 6. Membership and Elections.

- (1) The Council shall consist of 16 members, being: -
 - (a) the 13 members elected by the wards, as specified in Section 4; and
 - (b) 2 voting Iroi members; and
 - (c) 1 Mayor.

(2) The members referred to in Subsection (1) (a) shall be elected by ballot by the eligible voters of the ward from which each member is standing for election as provided for by Sections 13 and 23 of the Local Government Act 1980.

(3) The Iroi membership referred to in Subsection (1) (b) of this Section shall comprise of one member representing each of the two mona on Majuro Atoll and shall be appointed by the Mayor in accordance to the following: -

- (a) one Iroi to be nominated by the authority for Jebrik's side; and
- (b) the Iroi laplap for the other mona, or a person, who by reason of his family ties is entitled to sit on the Iroi laplap's behalf, nominated by him; and
- (c) the two Iroi members shall each serve a term of four years, said term to be deemed commencing from the date of official results of the elections pursuant to Subsection (2) of this Section.

(4) Failure to make a nomination in accordance with Subsection (3) of this Section shall not be construed so as to prevent the Council from convening.

(5) The first general election of members referred to in Subsection (1) (a) shall be held on a date as soon as practicable after the effective date of this Constitution, and thereafter as near practicable to the fourth anniversary of the date to the preceding general election, fixed by the Council.

SECTION 7. Qualifications.

(1) The qualifications for election as a member referred to in Section 6(1) (a) are as set out in Section 9(1) of the Elections and Referenda Act 1980.

SECTION 8. Term of office.

(1) The term of office of a member referred to in Section 6(1) (a), (b) and (c) is 4 years and -

- (a) commences on the day after the day on which his election or appointment is certified; and
- (b) terminates (unless the seat of the member becomes vacant earlier under Section 9) on the day before the new member takes office.

SECTION 9. Vacation of Seats.

(1) The seat of a member of the Council becomes vacant if, and only if -

- (a) his term of office terminates in accordance with Section 8; or
- (b) he ceases to possess the qualifications for election that he was required, under Section 7, to have at the time of his election or appointment; or
- (c) he dies; or
- (d) he resigns his seat by notice in writing to the local government; or
- (e) he is removed from office under Subsection (2).

(2) The Council may, by the affirmative vote of not less than $\frac{3}{4}$ (75%) of its total membership, remove a member from office from cause.

SECTION 10. Casual Vacancies.

(1) If the seat of a member of the Council referred to in Section 6(1)(a) becomes vacant otherwise than by the termination of his term of office in accordance with Section 8, the vacancy shall be filled as soon as practicable by a special election in the ward that he represented.

(2) If the seat of a member referred to in Section 6(1) (b) becomes vacant otherwise than by the termination of his term of office, the vacancy shall be filled as soon as practicable by appointment by the Iroij and/or the

Authority representing such mona.

SECTION 11. Meetings.

(1) Meetings of the Majuro Council shall be held at least once in every three months of the calendar, on such days not to exceed 10 calendar days and at such times as are fixed by the Council by resolution, or in default, by the Mayor by notice in accordance with the Rules of Procedures of the Council.

(2) The Mayor shall, as soon as practicable after the certification of the results of the first general election for the Council, by notice to all members, call a meeting of the Council.

(3) The Mayor may at any time, and shall as soon as practicable after the receipt of a petition of a majority of the members of the Council stating the business to be dealt with, call a special meeting, by notice in accordance with the Rules of Procidures of the Council, stating the business to be dealt with.

(4) A special meeting shall deal only with the subject stated in the notice calling the meeting.

(5) Meetings of the Council shall be held in public.

(6) The quorum for a meeting of Council is a majority of the total number of its membership.

(7) The Mayor shall preside at all meetings at which he is present and, subject to Section 18 and to the Rules of Procedures of the Council, in his absence or during a vacancy in his office, a member of the Executive Committee appointed by him or the Executive Committee, shall preside.

(8) Except as otherwise provided by the Local Government Act 1980, all questions before a meeting of the Council shall be determined in accordance with the majority of the votes of the members present and voting, but no question shall be decided on an evenly-devided vote.

SECTION 12. Procudures.

(1) The Council shall keep and publish a journal of its proceedings.

(2) The Council shall make Rules of Procedures, not inconsistent

with any Central Government law, this Constitution or any ordinance of the Local Government, for the regulation and orderly conduct of its proceeding and the despatch of its official business.

(3) Subject to any Central Government law, this Constitution or any ordinance of the Local Government, the Council may regulate its own proceedings.

SECTION 13. Voting.

(1) Each member of the Council, as provided for under Section 4(1) and (2), shall each exercise one and only one deliberative vote on any single issue.

(2) The Mayor shall not have a vote on any matter before the Council, provided, however, that in the event of an evenly-divided vote, he shall exercise a casting vote.

SECTION 14. Committees.

The Council may establish standing and other committees to deal with any matter that can, in its opinion, more properly or more conveniently be dealt with by a committee.

PART IV. - THE HEAD OF THE LOCAL GOVERNMENT

SECTION 15. Office of the Head of the Local Government.

An office of the Head of the Local Government, who shall be known as the Mayor, is hereby established. The Mayor shall be an ex-officio member of the Council.

SECTION 16. Qualifications.

(1) The Mayor must be of good standing, have nor prior criminal record, and be at least 25 years old.

(2) The Mayor must have land rights on Majuro Atoll.

SECTION 17. Elections.

- (1) The Mayor shall be elected by the registered voters of Majuro Atoll.
- (2) The candidate who receives the greatest number of votes, provided that the votes received by such candidate constitutes a majority, shall be the Mayor. In the event such majority is not achieved, a run-off election shall be held between the two candidates who received the highest number of votes within 30 days.

SECTION 18. Vacation of Office.

- (1) The office of the Mayor becomes vacant if, and only if: -
 - (a) his seat becomes vacant under Section 8; or
 - (b) he ceases to possess the qualifications for election that he was required, under Section 16, to have at the time of his election or appointment; or
 - (c) he dies; or
 - (d) he resigns his seat by notice in writing to the Clerk of the Local Government; or
 - (e) his seat becomes vacant under Subsection (2).
- (2) The Council may, by the affirmative vote of 3/4 of its total membership, dismiss the Mayor from office for cause.

SECTION 19. Acting Head of the Local Government.

- (1) In the event of the absence or incapacity of the Mayor, his functions shall be performed by a member of the Executive Committee appointed by him or in default, the Executive Committee.
- (2) For the purpose of performing any function of the Mayor that a member of the Executive Committee is authorized to perform by virtue of Subsection (1), the member shall be deemed to be the Mayor, and any reference in any law or in the Rules of Procedures of the Council to the Mayor shall be read as including a reference to that member, accordingly.

SECTION 20. Function of the Mayor.

The Mayor has such powers, functions, duties and responsibilities as are conferred or imposed on him by a Central Government law, this Constitution, an ordinance of the local government or the Rules of Procedures of the Council.

SECTION 21. Salary and Compensation.

The salary and compensation for the Mayor, Executive Committee members, and Councilmen shall be set by Ordinance.

PART V. - THE EXECUTIVE

SECTION 22. Establishment of the Executive.

(1) An executive branch of the Local Government, to be known as the Executive Committee, is hereby established, which shall, in accordance with Section 14(1) of the Local Government Act 1980, be the principal executive arm of the Local Government.

(2) The Executive Committee is collectively responsible for the local government area, for the performance of the functions of the Executive Committee by members under a Central Government law, this Constitution or an enforcement of any ordinance of the Local Government.

SECTION 23. Composition.

(1) The Executive Committee shall consist of -

(a) the Mayor; and

(b) three not to exceed five members of the Council appointed by the Mayor and confirmed by the Council, signified by resolution; and

(c) one non-voting member from the Majuro Nitijela delegation nominated by the Majuro delegation to the Nitijela.

(2) The quorum for a meeting of the Executive Committee is four.

SECTION 24. Vacation of Office.

(1) The office of the Mayor becomes vacant in accordance with Section 18.

- (2) The office of an Executive Member becomes vacant if, and only if -
- (a) his seat in the Council becomes vacant under Section 9; or
 - (b) the office of the Mayor becomes vacant under Section 18(2); or
 - (c) his dismissed from office under Subsection (3); or
 - (d) he resigns his office by notice in writing to the Mayor.

(3) The Mayor may at any time, with cause, dismiss an Executive member from office.

(4) If the office of the Mayor becomes vacant otherwise than by reason of his dismissal under Section 18(2), the Executive Members shall continue to perform their functions (including the function of appointing under Section 19 a member of the Executive Committee to perform the function of the Mayor).

(5) If the office of an Executive Member becomes vacant by reason of the termination of the term of his office as a member of the Council under Section 8, he may continue to perform the functions of an Executive member until a new Mayor is elected, but unless he becomes again a member of the Council, he shall not vote or take part in its deliberations.

SECTION 25. Acting Appointment.

In the event of the absence or incapacity of an Executive Member, the Mayor may: -

- (a) appoint another Executive Member to perform some or all of his functions; or
- (b) appoint a member of the Council to act as an Executive Member, or both, during the absence or incapacity.

SECTION 26. Allocation of Responsibilities to Executive Members.

(1) Subject to any Central Government law, this Constitution and any ordinance of the Local Government, the Mayor may from time to time allocate to an Executive Member the responsibility for matters within the competence of the Executive Committee (including responsibility for the administration of the legislation of the local government).

(2) The Mayor is responsible for any matter of responsibility for which is not for the time being allocated under Subsection (1).

(3) Nothing in this section affects the collective responsibility of the Executive Committee under Section 22(2).

SECTION 27. Functions of the Executive Committee.

The Executive Committee has such powers, functions duties and responsibilities as are conferred or imposed on it by this Consitution, a legislation of the Local Government or a Central Government law.

SECTION 28. Advice to the Council, etc., of certain matters

(1) The Mayor shall promptly notify the Council and the Minister of the Government of the Marshall Islnads responsible for local government matter of -

- (a) the appointment, dismissal or resignation of a member of the Executive Committee; or
- (b) the appointment, or the termination of the appointment, of a member of the Council to act as an Executive Member under Section 25(b); or
- (c) the appointment by him of a member of the Executive Committee to perform the functions of the Mayor under Section 19(1); or
- (d) the allocation under Section 26(1) of responsibilities to Executive Members and the appointment under Section 25(a) of an Executive Member to perform functions of another Executive Member.

(2) The Executive Committee shall promptly notify the Council and the Minster of the Government of the Marshall Islands responsible for local government matters of the appointment by it of a member of the Executive Committee to perform the functions of the Mayor under Section 19(1).

(3) The Clerk of the local government shall promptly notify the Council and the Minister of the Marshall Islands Government responsible for local government matters of the resignation of the Mayor.

PART VI. - FINANCE

SECTION 29. Control of Revenue and Expenditures.

(1) No taxes shall be imposed and no revenues shall be raised, and no money of the government shall be expended, unless authorized by law.

(2) All money received by the government shall be deposited or paid into a general fund or account established in accordance with such and Ordinance.

SECTION 30. Treasury.

There is hereby established a Treasury office of the Majuro Atoll Local Government, whereby records of revenues realized and collected pursuant to legislation and such other laws shall be accounted or appropriation purposes.

SECTION 31. Appropriations.

(1) The Majuro Atoll Local Government shall not expend any money, except by appropriations authorized pursuant to an Appropriation Ordinance and only upon passage of such a ordinance by 3/4 votes of the members of the Majuro Council in or during a formal meeting.

SECTION 32. Anticipated Indebtedness.

(1) There shall be no loan(s) raised or charged against the future revenues of the Majuro Atoll Local Government without an ordinance enacted by the Government specifying the principle sum to be borrowed, the interest to be paid, the term and conditions of repayments and the purpose of the loan(s).

(2) Only fifteen percent (15%) of the total local revenues collected in the previous financial year shall be available for the raising of loans if such has been authorized as prescribed by Subsection (1).

SECTION 33. Fiscal Accountability.

(1) On or before December 31st of each financial year, the Treasurer shall submitted to the Cabinet and the Auditor-General, an accounting of all financial transactions that occurred during the prior financial year.

(2) The Auditor-General or anyone appointed or designated by him to him to act on his behalf shall audit the accounts and records of the

Majuro Atoll Local Government. A copy of the audit report shall be made available to the Council.

(3) The general public shall have the right to examine any and all audit reports.

PART VII. - MEMBERS AND STAFF

SECTION 34. Employment of Staff.

(1) The Mayor, on behalf of the local government, and upon approval of the Council, may appoint a Clerk and Treasurer of the Local Government: -

(a) the Clerk shall be responsible directly to the Mayor and the Executive Committee and shall announce the time and place of council meetings, keep a record or journal of the council meetings, arrange for publication of notices, ordinances and resolutions, keep the Local Government Ordinances on file, open to the public, and other such duties that may be assigned by the Mayor or Executive Committee; and

(b) the Treasurer shall be responsible directly to the Mayor and the Executive Committee, and shall head the Treasury Office and be responsible for the performance of all duties imposed upon the office as prescribed in Section 29 of this Constitution and/or any other duties which the mayor or the Council may bestow upon him.

(2) The Mayor may appoint such other officers and employees as he considers necessary for the effective operation of the Local Government insofar as funding has been provided for such officers and/or employees in the Appropriation Ordinance.

(3) The terms and conditions of appointment and employment of the Clerk and the Treasurer shall be determined by or under Ordinance of the Local Government.

(4) The terms and conditions of appointment and employment of officers and employees of the Local Government, other than the Clerk and the Treasurer, shall be determined by regulations issued by the Executive Committee.

(5) The Local Government is the employer of the Clerk and the Treasurer, and other officers and employees.

SECTION 35. Salaries of Members and Staff.

(1) The salaries and compensations of members and staff of the Majuro Atoll Local Government shall be made by an ordinance; and shall be included in the Appropriation Ordinance introduced before the Council.

PART VIII. - AMENDMENT OF THE CONSTITUTION

SECTION 36. Method of amendment.

(1) This Constitution may be amended by Ordinance of the local government approved by a two-thirds majority of the total membership of the Council and approved by the voters of Majuro Atoll in a referendum.

(2) If the Minister of the Government of the Marshall Islands responsible for local government matters recommends to the local government amendments to this Constitution, the Council shall consider those amendments, but need not adopt them, without modification.

PART IX. - MISCELLANEOUS

SECTION 37. Central Government Recommendations as to Ordinance, etc.

If the Minister of the Marshall Islands responsible for local government matters recommends to the local government that an Ordinance be made, amended or repealed, the Mayor shall cause the recommendation to be presented to the Council together with the comments of the Executive Committee on it.

SECTION 38. Advice as to Validity of Ordinance, etc.

(1) The Mayor may, and shall if so directed by the Council request the Minister of the Government of the Marshall Islands responsible for local

government matters for a report by the Attorney-General on the validity of an Ordinance or proposed Ordinance of the local government, or of any action by the local government.

(2) If the Minister furnishes a report as requested in accordance with Subsection (1), the Mayor shall present the report to the Council.

SECTION 39. Vacancies.

The validity of any thing done by the Council or the Executive Committee or, subject to any Ordinance of the local government and to the Rules of Procedure of the Council, of a committee of the Council is not affected by any vacancy in its membership, provided that the number necessary to form a quorum for a meeting remains.

SECTION 40. Service.

Where any document or thing is to be given to, served on or communicated to a local government at a time when -

- (a) there is a vacancy in the office of the Mayor or the Mayor is absent or incapacitated; and
- (b) there is no person appointed under Section 19, it is sufficient if it is addressed to the Clerk of the local government.

SECTION 41. Effective Date.

This Constitution shall be effective on a date fixed by the Minister of the Government of the Marshall Islands responsible for local government matters.