

JALUIT CONSTITUTION

ARTICLE I. NAME OF THE LOCAL GOVERNMENT

SECTION 1. This Constitution is the supreme law of Jaluit Atoll and is a part of law of the Marshall Islands.

SECTION 2. The name of the local government is Jaluit Local Government.

SECTION 3. The area of jurisdiction of the Jaluit Local Government is Jaluit Atoll and, in accordance with Article IX, Section 9 (2) and (3) of the Constitution of the Marshall Islands, extends to the sea and the seabed of the internal waters of Jaluit Atoll and to the surrounding sea and seabed to a distance of 5 miles from the baselines from which the territorial sea of Jaluit Atoll is measured, as more particularly described in Schedule 1.

SECTION 4. The principle place of business for the Municipal Council shall be Jabor, Jaluit, or at such other place in the local government area as the Council by resolution declares.

SECTION 5. Responsibility for any matter within the area of Jaluit Atoll is that of the Jaluit Council.

SECTION 6. Any authority exercised within Jaluit Atoll shall be exercised by ordinance.

ARTICLE II. WARDS

SECTION 1. The Municipal Council shall consist of the Mayor and fourteen members elected from the following wards, each electing the number of members set out against its name:

Jaluit	2
Jabor	2
Imiej	2
Imroj	2
Jitoken	2
Mejrirok & Ringlap	2
MEJRAE	2
Pinglap	2
	2

and one (1) alt member for each ward.

ARTICLE III. THE LEGISLATURE

SECTION 1. Legislative power vested in the Council.

1. The legislative power of the local government is vested in the Jaluit Council and shall be exercised in accordance with the law.

2. The powers vested by this section include the power to -

(a) amend or change any ordinance in effect on Jaluit; and

(b) exercise those powers set forth in Article IX, Sections 1 and 2 of the Constitution of the Marshall Islands; and

(c) exercise all legal powers not set forth in the Constitution of the Marshall Islands; and

(d) approve

SECTION 3. Candidates

1. A person must have reached the age of 25 years to be a candidate for Municipal Council.

2. To be a candidate for the Jaluit Council a person must have the qualifications set out in Article IV, Section 4 (1,3,5,6).

SECTION 4. Vacation of seat for the Jaluit Council.

1. A seat of a member of the Jaluit Council shall become vacant if-

(a) he ceases to possess the qualifications for election he was required to have at the time of his election; or

(b) he dies; or

(c) he resigns in writing to the Mayor; or

(d) he is absent from two consecutive Jaluit Council meetings for no good reason and is removed by the Mayor with the approval of a two-thirds majority vote of the Jaluit Council; or

(e) if two-thirds of the registered voters of the member's ward sign a petition submitted to the Mayor for the member's dismissal.

SECTION 5. Term of office for Jaluit Council Members.

1. The term of office for a member of the Jaluit Council shall be two years.

2. After general election, the previous council shall continue in office until the second Tuesday in January.

SECTION 6. Meetings.

1. Meetings of the Jaluit Council shall be held every three months.

2. The first meeting under this Constitution shall be held on the second Tuesday in January.

3. Meetings of the Jaluit Council shall be held for seven days.

4. Quorum for a meeting of the Jaluit Council shall be a majority of the total memberships of the Jaluit Council.

5. Matters before the Council shall be decided by the majority of votes of the members present and voting.

6. The Mayor shall call a special meeting when he feels it is necessary.

7. A special meeting shall not last longer than three days.

8. The Jaluit Council may request a special meeting by a petition signed by two-thirds of the members submitted to the Mayor.

4. When any member has a district individual pecuniary interest which he believes might disqualify him from voting on a question, he shall state that interest to the council.

5. Any member of the Council may request a roll-call vote upon any question before the council.

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7. Any ordinance or business before the council which could not be resolved by council shall lapse and shall not be brought up for reconsideration..

SECTION 8. Committees.

The Jaluit Council may establish standing committees to deal with its business.

ARTICLE IV. HEAD OF THE MUNICIPAL COUNCIL

SECTION 1. A Mayor who shall be the Chief Executive Officer of the local government, whose duties shall include:

1. Presiding as chairman of the Municipal Council and keeping record of its actions and announcing to the people ordinances of the Municipal Council.

2. Recommending to the Council or higher legislative authority legislation in the interests of the people of the local government area.

3. Appointing officers to the Executive Committee as authorized by the law.

4. Being responsible for the work of the officers of the Municipal Council and for convening special meetings of the Council.

5. Be responsible for speaking of the Senator on the concerns of the people of the local government area.

SECTION 2. The Mayor shall be elected by the eligible voters of this atoll.

SECTION 3. The Mayor must be elected by a majority vote.

SECTION 4. Qualifications

1. Must be one of the people of Jaluit.

2. Must be a resident of Jaluit Atoll for at least one year preceeding his election and must reside on Jaluit Atoll after his election for his term of office.

3. Must not have been declared mentally incompetent.

4. Must be 30 years of age or older.

5. Must pay the head tax to the Municipal Council.

6. Must not be under court sentence for a felony crime.

(b) a petition signed by 2/3 of the registered voters of Jaluit Atoll submitted to the Municipal Council; or

(c) his term of office expires; or

(d) he dies

SECTION 6(2). If the office of the Mayor becomes vacant in accordance with Article IV, Section 3(1)(a,b,c,d) of this constitution, the Executive Committee shall appoint one of its members, with the consent of the Municipal Council, to perform the functions of the Mayor until a special election for Mayor is held.

ARTICLE V. THE EXECUTIVE COMMITTEE

SECTION 1. Establishment of the Executive Committee

1. An Executive Committee of the Municipal Council is established which has the responsibility of enforcing the laws of the Municipal Council.

2. The Executive Committee is responsible to the Municipal Council for the performance of its functions under this Constitution.

3. Powers of the Executive Committee shall be established by ordinance of the Council.

SECTION 2. Composition of the Executive Committee

1. The Executive Committee shall consist of -

(a) the Mayor; and

(b) four council members appointed by the Mayor with the consent of the Municipal Council.

SECTION 3. Vacation of Office

1. The office of an Executive Member shall become vacant if -

(a) his term of office expires; or

(b) he resigns by notice in writing to the Mayor; or

(c) the Mayor dismisses him for cause.

SECTION 3(2). If the office of an Executive Member becomes vacant by reason of the termination of his term of office as a member of the Municipal Council, he may continue to perform the functions and work of an Executive Member.

SECTION 4. 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 Municipal Council to act as an Execu-

SECTION 6. Advice to the Municipal Council, etc. of certain matters.

1. The Mayor shall promptly notify the Municipal Council and the Minister of:

- (a) the appointment, dismissal or resignation of a member of the Executive Committee; or
- (b) the appointment of a member under Section 4(b) of this Article;
- or
- (c) the duties and responsibilities of an Executive Member.

2. The Executive Committee shall promptly notify the Municipal Council and the Secretary of Internal Affairs of the appointment by it of a member of the Executive Committee to perform the functions of Mayor.

3. The Executive Committee of the Municipal Council shall promptly notify the Municipal Council and the Secretary of Internal Affairs of the vacation of the office of the Mayor under Article IV Section 6(1)(a),(b),(c), or (d).

ARTICLE VI. FINANCE

SECTION 1. Council control of revenue

1. No tax shall be levied on the people, businesses or otherwise unless authorized by law.

2. All taxes must be authorized by the Council in an ordinance.

3. All revenues raised by the Council shall be placed in a Jaluit General Fund in accordance with Article V, Section 3 of this constitution.

SECTION 2. The Executive Committee shall be responsible for the budget.

1. The Executive Committee shall prepare a budget estimate for the Jaluit Council.

2. There shall be no appropriation ordinance without the consent of the Executive Committee.

3. Appropriations shall lapse at the end of the financial year to which they apply.

SECTION 3. General Fund

1. There shall be a fund called the Jaluit General Fund.

2. All taxes, revenues, money given to the council, and money collected by the council shall be deposited into the Jaluit General Fund.

3. The Jaluit General Fund shall be put in a bank decided on by the Jaluit Council.

4. All money not spent in a financial year shall revert to the General Fund.

SECTION 4. Expenditure of money from the Jaluit General Fund.

SECTION 6. The Executive Committee shall be responsible for keeping records and accounts.

1. It shall be the responsibility of the Executive Committee to keep full and proper records and accounts of the Jaluit General Fund and of the Trust Fund.

2. The Executive Committee shall be responsible to the Auditor General for the accounts and records as provided in Article VIII, Section 15 of the Constitution of the Marshall Islands.

3. The Executive Committee shall every year submit a report to the Council on the financial records and accounts and how the Municipal Council has used its money in that year.

4. The records and accounts shall be open for public inspection.

ARTICLE VII. STAFF

SECTION 1. Workers

1. The Mayor, on behalf of the Municipal Council, appoint any workers for the municipal council.

2. The duties and responsibilities of the workers shall be established by ordinance of the Municipal Council.

SECTION 2. Compensation

Compensation for the Mayor, the Executive Committee, the Municipal Council and staff of the Municipal Council shall be established by ordinance.

ARTICLE VIII. CUSTOM AND TRADITIONAL RIGHTS

SECTION 1. Traditional Rights to be preserved.

1. Nothing in Article VIII shall operate to invalidate traditional rights.

2. Traditional rights for this Article includes the three rights, Iroi jlaplap, Alap and Dri Jerbal.

3. There shall be no ordinance to change the present traditional rights.

SECTION 2. There shall be no sale or lease of land or other land transaction without the approval of the Iroi jlaplap, Alap and Dri Jerbal of the land.

ARTICLE IX. AMENDMENT TO THE CONSTITUTION

SECTION 1. Amendment of the Constitution

1. Every amendment to this constitution shall be made in accordance ..

ARTICLE X

OF THE LOCAL GOVERNMENT

This Constitution shall be effective on a date fixed by the Minister of Internal Affairs of the Government of the Marshall Islands.

Section 1. The local government of the atoll shall be established in accordance with the provisions of this Constitution and the laws of the Government of the Marshall Islands, and shall have jurisdiction over the atoll and the waters of the atoll and to the surrounding sea and beach to a distance of 5 miles from the base line from which the territorial sea of the atoll is measured.

Section 2. The Minister of Internal Affairs of the Government of the Marshall Islands shall be the authority for the local government of the atoll.

Section 3. The local government of the atoll shall be established in accordance with the provisions of this Constitution and the laws of the Government of the Marshall Islands.

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