

CONSTITUTION OF EBON ATOLL

PART I. PRELIMINARY

Section 1. Name of the Municipal Government

The name of this Government is Ebon Atoll Municipal Government.

Section 2, Jurisdiction of the Government

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

Section 3. Capitol

The principal office of the local government shall be located at Ebon Islands, Ebon Atoll.

PART II. THE BILL OF RIGHTS

Section 4. The rights of every citizen of Ebon Atoll is guaranteed and secured by this Constitution and also is guaranteed by the Constitution of the Marshall Islands Bill of Rights, Article II, Section 1 through 18.

PART III. THE LEGISLATURE

Section 5. Establishment of the legislature

A legislature, to be known as the Ebon Atoll Council, is hereby recognized as the law making body of the municipal government of Ebon. And in accordance with Article IX, Section 2 of the Constitution of the Marshall Islands, the taxing and appropriation powers of the government are vested in it.

Section 6. Membership

1. The Council shall consist of 81 members
 - (a) the seventy nine alaps elected by consensus
 - (b) the two Iroijs having traditional rights
2. The first meeting of the Ebon Council shall be held on a date as soon as practicable after the effective date of this Constitution.

Section 7. Qualification

1. The qualifications of council members referred to in Section 6(1) (a) is that the person must be a recognized alab of Ebon Atoll.
2. The qualifications of council members referred to in Section 6(1) (b) is that the person must be an Iroijs having traditional rights in Ebon Atoll who is generally recognized by the citizens of Ebon.

Section 8. Term of Office

The term of a Council member is indefinite.

Section 9. Meetings

- 1. Meetings of the Council shall be held at least once in every month of the calendar year, on such days and at such times as are fixed by the Council, by resolution, or by request of the Mayor which must be approved by consent of /3 members of the Council, or by notice in accordance with the Rules of Procedure of the Council.**
- 2. Meetings of the Council shall be held in public.**
- 3. The quorum for a meeting of the Council is a majority of the total number of the membership of the Council.**
- 4. All questions before a meeting of the Council shall be approved in accordance with the majority of the votes of the members present and voting, but no question shall be decided on an evenly-divided vote.**
- 5. The Mayor shall preside at all meetings of the Council at which he is present and, subject to Section 14 and to the Rules of Procedure of the Council in his absence or during a vacancy in his office a member elected by the members present shall preside.**

Section 10. Procedures

- 1. The Council shall keep and publish a journal of its proceedings at the end of each month.**
- 2. The Council shall make Rules of Procedures not inconsistent with this Constitution or any local ordinance or the Municipal Government for the regulation and orderly conduct of its proceeding and the dispatch of its official business.**

3. **Subject to this Constitution and the Marshall Islands Constitution or any Ordinance of the Municipal Government the Council may regulate its own proceeding.**

Section 11. Committees

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

PART IV. THE EXECUTIVE BRANCH OF THE MUNICIPAL GOVERNMENT

Section 12. The Offices of the Executive of the Executive Branch of the Municipal Government shall consist of the following:

- a. **the office of the Mayor**
- b. **the office of the Secretary**
- c. **the office of the Treasury**
- d. **the office of the Public Safety**

Section 13. Qualification of the Mayor

- a. **The Mayor must be 25 years of age or older**
- b. **Not a convict of a felon crime**
- c. **Shall be elected through a popular contest and by an affirmative vote of the majority citizen of Ebon Atoll.**
- d. **Must be a citizen of Ebon**

- e. If at the end of that popular contest no candidate has received the majority vote, there shall be a run-off election to be followed 30 days after the first election.

Section 14. The Office of the Mayor

1. The office of the Mayor shall become vacant if,
 - a. he is impeached by 2/3 vote of the total membership of the Council.
 - b. He resigns his office by notice to the Municipal Government.
2. The term of the Mayor office shall not exceed four (4) years and at the termination his tenure a new election will be held.

Section 15. The office of the Secretary, Treasurer, and Head of the Public Safety shall be elected in like manner as describes in Section 13 and 14 of Part IV as it pertains to the office of the Mayor.

Section 16. Function of the Executive Branch its powers and duties and responsibilities are conferred or imposed on it by this Constitution or any Ordinance of the Municipal Government.

PART V. JUDICIARY

Section 17. The Judiciary Branch of the Municipal Government shall consist of an elected judge by the majority vote of all registered voters and a bona fide citizen of Ebon and a Clerk of Court to be appointed by the elected judge, subject to Article VI, Section 5(3) (c) of the Marshall Islands Constitution.

Section 18. Qualification of the Judge

- a. Shall be 25 years of age or older
- b. Shall not be a convict of a felon crime

Section 19. Term of the Office of the Judge

- a. The term of this office shall be indefinite provided he or she is not incapacitated by physical or mental illness.

PART VI. FINANCE

Section 20. The Executive Branch of Ebon Atoll Municipal Government shall be responsible for the keeping of accurate records of all funds received or expended by all three branches of the Municipal Government.

Section 21. Control of Revenue and Expenditure

1. No taxes shall be imposed and no other revenue shall be raised and no money of the Municipal Government shall be expended, unless authorized by Law (Appropriation Bill).
2. Subsection (1) does not apply to acceptance of grants from the Central Government. However, such grants – shall be expended in the same manner as described in Subsection (1).

PART VII. AMENDMENT

Section 22. Amendment of this Constitution may be recommended through a bill introduced in the Council and passed by a 2/3 votes of the entire Council members present and voting.

Section 23. Final amendment of this Constitution may be approved by a 2/3 votes of the registered voters of Ebon Atoll in a referendum to be conducted no later than 90 days after such amendment bill has been passed by the Council.

PART VIII. THE PREVAILING VERSION

Section 24. In case conflict arises between the English version and the Marshallese version of this Constitution, the English version shall prevail.