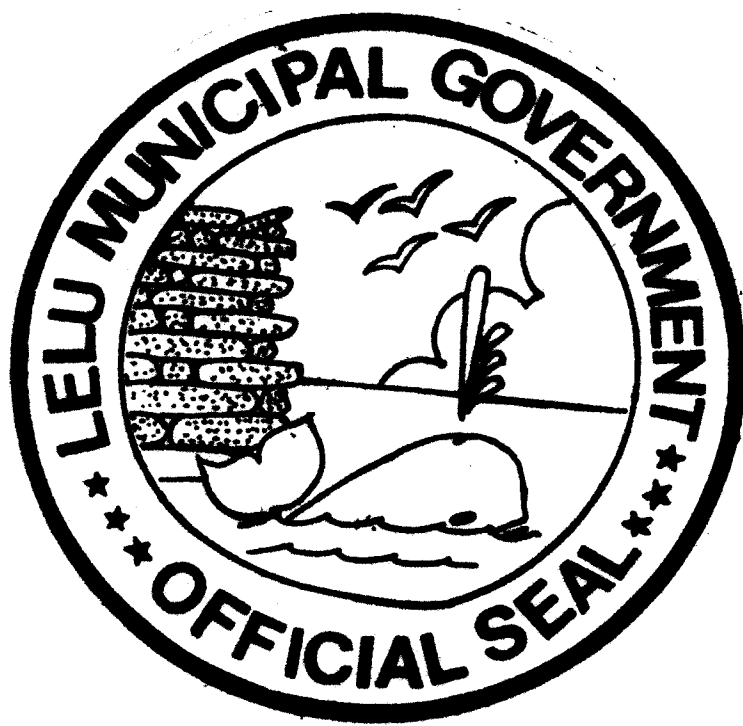


# LELU TOWN MUNICIPAL



# CHARTER

# LELU TOWN MUNICIPAL CHARTER

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## PREAMBLE

As a community, we the people of Lelu Town hold certain truths: we believe in God, we are loyal to our government, we are devoted to our families, and we desire to live in peaceful harmony under a government that represents our best interest.

We, the people of Lelu Town, affirm our belief in human rights, and in the equal rights of all men and women. We desire to live together in peace and harmony with one another and enhance the livelihood and general welfare of our people.

We, the people of Lelu Town, dedicate ourselves, moreover, to the protection of our island's natural beauty and our unique traditional way of life we cherish.

We, the people of Lelu Town, assert that Lelu is the seat of Kosrae's traditions and culture. The historical heritage and spirit of our ancestors is the source of inspiration and dedication we bring to the idea of establishing our Town Government under this Charter.

We, the people of Lelu Town, believe that with each passing day we are drawn further into the larger world of State and National events, with their inevitable associated impacts; thus we commit ourselves to be ever vigilant to strike a balance between the old and new so as to preserve our traditions and cultures, and with each passing day our revered traditions and unique culture become more and more precious to us.

We, the people of Lelu Town, through this Charter seek to protect all that is sacred to our people. We believe that our common goals may be reached through our participation in the democratic government we now institute to reflect the expressed will and common resolve of the Lelu Town people.

We, the people of Lelu Town, through the ever bountiful blessings of our omnipotent Creator, believe that Lelu Town will always protect and promote the general welfare of her people.

In attaining our common goals, therefore, desirous of living in peace and harmony, we, the people of Lelu Town, join together to embrace and uphold this Charter.

(Amended by Third Lelu Charter Comm.)

## ARTICLE I. SUPREMACY

Section 1. This Charter is the Supreme Law of the Lelu Town Government. Any act of this government in conflict with this Charter shall be considered invalid to the extent of conflict.

(Article I was added by Third Lelu Charter Comm.)

## ARTICLE II. GOVERNMENT

Section 1. The Municipality of Lelu shall also be called the Municipality of Lelu Town. The Government of Lelu Town shall also be called the Lelu Town Government.

Section 2. There shall be three branches of the Lelu Town Government. The three branches shall be known as Executive, Legislative, and Judiciary.

(Section 2 amended by Third Lelu Charter Comm.)

Section 3. A flag, seal and anthem for Lelu Town Government shall be established by ordinance.

(Section 3 amended by Third Lelu Charter Comm.)

## ARTICLE III. EXECUTIVE

Section 1. The Chief Executive of the Lelu Town Government shall be the Mayor. He shall serve a four year term. The Mayor may not serve more than two consecutive terms or a total of eight years. In the event of a vacancy in the Office of the Mayor, a new Mayor shall be elected by a special election and he shall serve out the remaining portion of the Mayor he replaces. Unless the remaining term is less than one year, he shall be appointed by the Lelu

Town Council.

(Section 1 amended by Third Lelu Charter Comm.)

Section 2. It shall be the duty of the Mayor to execute and implement provisions of this Charter.

Section 3. The Mayor may not hold another public office or employment when he is holding the position of Mayor.

Section 4. A person is ineligible to become Mayor unless he is forty years of age, registered as a citizen of Lelu, residing in Lelu not less than five years before the election, a registered voter and has not been convicted of a felony without having received a pardon one year before election.

Section 5. It shall be provided by ordinance that the Mayor shall prepare and present a report on the improvements and needs of the government to the Council, Executive, Judiciary and the people of Lelu so that they may know of the assistance needed by the government.

Section 6. If the Office of the Mayor is vacant, or the Mayor is unable to perform his duties due to his illness or other reasons, he must appoint a member of the staff of the Office of the Mayor who is able and has the qualifications for mayorship to perform his duties until he is able to reassume his duties.

Section 7. In the event the Mayor dies, is seriously ill or disappears and/or cannot complete his term in office, and if the remaining portion of that term is less than one year, the Chairman of the Council shall nominate a new person to fill and to serve the remaining portion of the term with the approval of two-thirds of the members of the Council.

Section 8. The Mayor shall have the power to veto a bill enacted by the Sroasr

Masap which has been presented for his approval. The Mayor must inform the Council of his objections within twenty days after receiving the bill and he must return it to the Council no later than ten days after vetoing it with his objections. The Mayor shall have the power of a line item veto.

Section 9. The appointment of staff to work in the Office of the Mayor shall be accomplished by ordinance.

Section 10. The appointment of personnel to enforce the Charter and the ordinances of the Lelu Town Government shall be made by the Mayor with the approval of two-thirds of the members of the Council.

Section 11. The Mayor must keep accurate records and protect all property, including funds, of the Lelu Town Government.

Section 12. The salary of the Mayor shall be prescribed by ordinance. The salary of the Mayor may not be increased during his term of office. The salary of the Mayor may be decreased if so required.

Section 13. The Mayor of Lelu may be granted an authorization to borrow money for Lelu Town Government through legislative actions. The Lelu Town Council will enact ordinances to further regulate and control all Town Government borrowings.

(Section 13 amended by Third Lelu Charter Comm.)

#### ARTICLE IV. LEGISLATIVE

Section 1. Ordinances of the Lelu Town Government shall be enacted by the Lelu Town Council.

(Section 1 amended by Third Charter Comm.)

Section 2. The Lelu Town Council shall consist of seven members who shall be elected by vote of the registered voters of Lelu. The members of the Council shall serve a term of four years.

(Section 2 amended by Third Lelu Charter Comm.)

Section 3. All members of the Lelu Town Council shall serve in part-time positions.

Section 4. A person is ineligible to become a member of the Council unless he is thirty years of age, registered as a voter in Lelu, resided in Lelu not less than the five years prior to the election and not convicted of a felony without having received a pardon one year before the election.

Section 5. If a seat of the Council is vacant for a year or more, there shall be a special election to fill that seat. If the unexpired term is less than one year, it shall be filled by appointment by the Mayor.

Section 6. Salaries of all persons working for the Lelu Town Government shall be prescribed by ordinance.

Section 7. Members of the Council shall receive a daily rate of compensation for each session day that a member attends and may not be increased by the Council, which shall be prescribed by ordinance.

(Section 7 amended by Third Lelu Charter Comm.)

Section 8. The Lelu Town Council shall choose their own Chairman and other officers by ordinance.

Section 9. The Mayor must sign all bills passed by the Lelu Town Council before they become ordinances of the Lelu Town Government, except if the Mayor fails to sign a bill within thirty days after receiving the bill it shall become an ordinance.



Section 10. The Lelu Town Council has the power to override a vetoed bill if approved by two-thirds of the members. The Council may reconsider a vetoed bill during a current session or at a subsequent regular or special session.

Section 11. All ordinances become effective if approved by four members of the Lelu Town Council.

Section 12. Two times each year during the months of February and August, the Lelu Town Council shall meet in regular sessions open to the public. Special sessions may be called by the Mayor, and shall be called by the Chairman when so requested by a petition signed by two-thirds of the members of the Council.

Section 13. All bills passed by the Council shall be signed by the Chairman and transmitted to the Mayor for approval.

#### ARTICLE V. JUDICIARY

Section 1. The Lelu Town Government may create a Town Court as provided by law.

Section 2. The Mayor may appoint a Judge with the advice and consent of two-thirds of the Lelu Town Council after the Lelu Town Court has been created. An additional Associate Judge may be added by ordinance.

Section 3. The Lelu Town Council may enact an ordinance to provide for the needs of the Town Court.

Section 4. Judges of the Town Court are at least thirty-five years of age, have never been convicted of a felony, and possess additional qualifications as may be

prescribed by ordinance. Judges shall also be learned in the law; which shall mean having at least five years experience in making, interpreting, enforcing or executing law, or advising or representing clients in legal matters.

Section 5. Judges may serve in a part-time capacity. Compensation of judges of the Town Court shall be prescribed by ordinance.

Section 6. The Town Court has original jurisdiction of all cases arising under Lelu Town law or ordinances. Decisions of the Town Court may be appealed to the Kosrae State Court.

#### ARTICLE VI. FINANCE

Section 1. A Treasury shall be created for the Lelu Town Government. To control and operate this Lelu Town Treasury, an office of the Treasury shall be established.

(Section 1 amended by Third Lelu Charter Comm.)

Section 2. The Mayor shall appoint a Treasurer with the advice and consent of two-thirds of the Council. Other employees working in the Treasury shall be hired in accordance with ordinance.

Section 3. Taxes and other methods by which the Treasury of Lelu Town receive money shall be prescribed by the Lelu Town Government.

(Section 3 amended by Third Lelu Charter Comm.)

Section 4. Any public money received by the Lelu Town Government shall be deposited in the Lelu Town Treasury. No funds may be withdrawn from the Lelu Town Treasury except in accordance with ordinance.

Section 5. Regular statements accounting for all public money received, obligated or expended shall be published by the Lelu Town Treasury as prescribed by ordinance.

Section 6. The Council may not appropriate or authorize funds in excess of estimated available or projected revenues of the Lelu Town Government. An ordinance shall be enacted to specify the duration of each project for which money is appropriated.

Section 7. No properties of the Lelu Town Government may be removed, transferred or used without justifiable reason for public purposes.

Section 8. The Mayor shall submit an annual budget to the Council no later than June 1 of each year. The budget shall be required to have a detailed plan of all expenditures and revenues, including an explanation of all expected expenditures and revenues. It shall be the duty of the Council to approve or disapprove the budget. The Council may alter the budget in any respect. The budget's expenditures shall be prescribed by ordinance.

Section 9. There shall be an audit of all expenditures of the Lelu Town Government as prescribed by ordinance.

Section 10. A public service system for Lelu Municipal Government employees shall be established by ordinance.

Section 11. A Financial Management Act shall be established by the Lelu Town Government by ordinance.

(Section 11 amended by Third Lelu Charter Comm.)

Section 12. The Lelu Town Government shall impose and collect taxes and fees not otherwise limited by the Constitutions and laws of the FSM and Kosrae State.

Section 13. Not less than ten percent of the projected revenues for each fiscal year shall be earmarked for municipal projects.

(Section 12 & 13 was added by Third Lelu Charter Comm.)

## ARTICLE VII. EDUCATION AND HEALTH

Section 1. The Lelu Town Government shall promote education and health.

Section 2. The Lelu Town Government shall be responsive to the needs and wishes of the people of Lelu.

(Section 2 amended by Third Lelu Charter Comm.)

Section 3. The Lelu Town Government shall by ordinance create a Division of Primary Health Care under the Mayor's Office.

Section 4. For the purpose of ensuring the full potential of growth and development in health, education, and social welfare, the Lelu Town Government through prescribed ordinance, will establish an age of consent that will be in line with the state laws.

Section 5. The Lelu Town Government will promote production and consumption of local food to ensure the improvement in the health and wellbeing of the people of Lelu and to reduce the burden of Non-Communicable diseases and their complications.

(Section 4&5 was added by Third Lelu Charter Comm.)

## ARTICLE VIII. ARCHIVE, CUSTOM AND HISTORIC PRESERVATION

Section 1. This charter upholds, respects, and protects the customs and traditions of the people of Lelu and Kosrae.

Section 2. The Lelu Town Government shall by ordinance establish an institution

to administer archives, customs and historic preservation.

Section 3. The Lelu Town Government shall respect and protect the customs and traditions of the people of Kosrae. Statutes or ordinances shall be enacted to uphold the customs and traditions. If such a statute or ordinance is challenged as violating the rights guaranteed by this Charter, it shall be upheld upon proof established for its protection, as determined by the Kosrae State Government.

Section 4. To strengthen and retain the good family relation in Lelu, as needed, this Charter recognizes and protects the responsibility and authority of parents over their children.

(Article VIII was added by Third Lelu Charter Comm.)

#### ARTICLE IX. LAND AND ENVIRONMENT

Section 1. The Municipality of Lelu Town shall be divided into separate hamlets.

The names and numbers of the hamlets shall be prescribed by ordinance.

(Section 1 amended by Third Lelu Charter Comm.)

Section 2. The Leadership of Lelu Town Government shall promulgate policies and enact ordinances to effectively sustain, manage, conserve and protect the environment and the natural resources within the political boundaries of Lelu Municipality.

(Section 2 amended by Third Lelu Charter Comm.)

Section 3. The term environment in this charter shall mean our surroundings which includes biotic and abiotic factors.

Section 4. The Mayor shall hold public meetings to discuss eco-friendly issues, including but not limited to the designation of a piece of land for public

cemetery, and other issues concerning environmental impact. When a consensus is obtained, the Mayor shall transmit to the Council who shall formulate pertinent policies in the form of ordinance, regulation, or other laws.

(Section 3 & 4 added by Third Lelu Charter Comm.)

## ARTICLE X. ELECTION AND REFERENDA

Section 1. Election for every office in the Lelu Town Government shall be conducted On an at-large basis. The following rules apply in the determination of any Election of the Lelu Town Government:

- (a) In the election for Mayor the candidate who receives a majority of the votes cast shall be declared he winner. In the event that no candidate receives a majority of the votes cast, a run-off election shall be held between the two candidates who receive the highest percentage of the votes cast. The winner of the run-off election shall be declared winner of the election.
- (b) In the election for the Lelu Town Council the seven candidates who receive the highest percentage of the votes cast shall be declared winner.
- (c) If there is a tie for the seventh place in the election for Council a run-off election shall be held between the candidates who are tied for the seventh place.

Section 2: An election shall be held every four years with such special elections being held at other times as may be authorized by ordinance. A majority vote of those voting shall determine any question or contest put to electorate unless otherwise provided in this Charter or by ordinance.

(Section 2 amended by Third Lelu Charter Comm.)

Section 3. Voting shall be by secret ballot. All ballots cast shall be brought to the Lelu Town Office for counting.

Section 4. The Council shall establish rules for voter registration, filing for candidacy, vote counting, special election procedures, campaign practices and other matters necessary to ensure fair and honest elections. The Lelu Town Government may accept Kosrae State voter registration as valid for Lelu Town elections where the person wishing to vote is registered as a citizen of Lelu Town.

Section 5. Referenda shall be held on any question raised by petition which has been signed by at least one-tenth of the registered voters. Upon receipt of such petition by the Council or the Mayor, referendum shall be held. If the petition is received within six months of a regularly scheduled election, the question shall be included on the ballot at such election, unless the petition calls for an immediate vote of the people. A petition must propose a question that can be stated as a "Yes" or "No" proposition on the ballot.

Section 6. To be eligible to vote a person must be a citizen of the Federated States of Micronesia, reside in Kosrae, be registered as a citizen of Lelu, be at least eighteen years of age and must be able to cast a vote in every election in Lelu. If a person is mentally incompetent or has been convicted of a felony without having received a pardon that person shall not be able to vote.

Section 7. The term of office for the Council and the Mayor of the Lelu Town Government shall begin and end at noon on the second Thursday of January after the general election; those elected at a special election or appointed shall begin after the special election or after the approval of the appointment.

## ARTICLE XI. RECALL AND IMPEACHMENT

Section 1. Every person elected to a position in the Lelu Town Government can be removed from their office including a Judge. The procedure to remove an employee or appointee of the Lelu Town Government shall be provided by ordinance.

Section 2. An elected official of the Lelu Town Government including a Judge may be removed if he is found to have committed a felony or has not performed the duties of his office as prescribed by this Charter or by ordinance. To remove an elected official one-third of the registered voters of Lelu Town must sign a petition to remove the official. Upon receipt of such petition, the Council shall verify that one-third of the registered voters of Lelu Town have signed the petition and then must call a special meeting to determine the truth of the complaint in the petition. If the Council is satisfied with the contents of the petition and two-thirds of the Council approve, then a special election shall be held to elect a replacement. If the person removed is a Judge, the Mayor may appoint a replacement according to ordinance.

Section 3. Embezzlement or misuse of municipal funds shall be ground for a petition for recall or removal under this Article. All persons elected or appointed shall be subject to this provision.

(Section 3 amended by Third Lelu Charter Comm.)



## ARTICLE XII. GENERAL PROVISIONS

Section 1. No Lelu Town Government ordinance is valid nor may such be enforced to the extent it is in conflict with the Lelu Town Charter and/or the laws of the State or the National Government.

Section 2. The Lelu Town Government ordinance shall be enforced by State and Lelu Town Officers. The power of the State enforcement officers shall be recognized by the Lelu Town Government. The Mayor shall appoint Lelu Town Police with the advice and consent of two-thirds of the Lelu Town Council. The Lelu Town Police shall operate under the rules, regulations and standards established by the Lelu Town Government and the State Attorney General.

Section 3. Until the Lelu Town Government establishes its own Town Court, all fines and fees collected on judgments entered by the State Court for violations of Lelu Town Ordinances shall be deposited with the Lelu Town Treasury funds.

Section 4. Sunday shall be a day of rest. Only necessary work or other activities which shall be determined by ordinance may be performed.

Section 5. Legal holidays for the Lelu Town Government shall be prescribed by ordinance. State and National holidays shall be recognized by the Lelu Town Government.

Section 6. An affirmative vote of two-thirds of the ballots cast is necessary to approve this Charter.

Section 7. The Lelu Town Government shall, by ordinance, organize and hold a number of Municipal Fairs each year. The purpose of the Fairs is to provide an opportunity for the citizens of Lelu to buy and sell goods in an atmosphere of community and harmony. The Lelu Town Government shall not levy license fees, taxes or any other charges on vendors participating in Municipal Fairs by reason of that participation.

Section 8. The Council shall hold public meetings to discuss forthcoming decisions or activities, including but not limited to proposed ordinances, the initiation of major public works or proposed development projects, which significantly affect the people of Lelu. Such meetings shall be held prior to the finalization of said decisions or the commencement of said activities. The Council has a duty to properly consider all views and opinions expressed at such meetings.

Section 9. The Mayor has a duty to initiate public discussions regarding the continued practice of any custom or tradition which he believes may have a negative social impact, or may place an undue economic burden, on the people of Lelu.

Section 10. The Lelu Town Government will recognize the equality of all people regardless of their race, gender, age, social status, and religion. All people will be treated with equity without discrimination in all aspects of Government Services, and given equal opportunity.

(Section 10 was added by Third Lelu Charter Comm.)

### ARTICLE XIII. AMENDMENT

Section 1. The Lelu Town Charter may be amended if two-thirds of the Council approve the amendment and if two-thirds of the voters who vote on such a proposal approve the amendment.

Section 2. The Lelu Town Charter may also be amended if one-third of the registered voters of Lelu Town sign a petition proposing an amendment and if two-thirds of the voters who vote on the petition approve the petition.

Section 3. Every ten (10) years, the Council shall submit to the voters the question: Shall there be a commission to amend the Lelu Town Municipal Charter? If a majority of the votes cast upon the question is affirmative, delegates to the charter commission shall be appointed by the Mayor within ninety (90) days. Amendments proposed by the charter commission shall be placed on the ballot for the next general or special election and shall be effective immediately upon approval by the registered voters of Lelu Municipality. A proposed amendment to this charter shall take effect only if two-thirds of the voters who vote on the amendment approve the amendment.

### ARTICLE XIV. LANGUAGE

Section 1. The Lelu Town Charter shall be published in both the Kosraean and English languages. In the event of a conflict in the two versions, the Kosraean language version shall take precedence.

Section 2. All Lelu Town ordinances must be published in both the Kosraean and

English languages. A copy of all ordinance must be sent to the Office of the Governor, the Office of the Speaker, the Office of the Chief Justice, and a copy of all ordinances must be placed in a public place so that all citizens of Lelu Town may be informed of its contents.

#### ARTICLE XV. OATH OF OFFICE

Section 1. All elected and appointed officials of the Lelu Town Government must take an oath of office prior to beginning their duties. The oath of office shall be:

“I, \_\_\_\_\_, swear I will honor and uphold the Charter and ordinances of Lelu Town, the Constitution and laws of the State of Kosrae, and I declare myself to perform my public duties faithfully in the public interest to the best of my abilities. So help me God.”

#### ARTICLE XVI. TRANSITION

Section 1. The Charter of Lelu Town shall take effect on the second Tuesday of January, 1989, except the first election under this Charter shall be held on the Tuesday after the first Monday of November, 1988. Persons elected at this election shall take office at noon on the second Tuesday of January, 1989.

Section 2. All Lelu Municipal Government ordinance in effect on the effective date of this Charter continue in effect, except, to the extent they are inconsistent

with this Charter, until amended, repealed or they expire by their limitation.

Section 3. Except as otherwise provided by this Charter, all rights, titles, actions, suits, contracts, liabilities, writs, proceedings, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, defenses, claims, and demands continue unaffected.

Section 4. The Government created by this Charter succeeds to all rights acquired by the Lelu Municipal Government and may assume obligations and liabilities incurred by the Lelu Municipal Government.

Section 5. Officers and employees of the Lelu Municipal Government remain as employees of the Lelu Town Government, except, as otherwise provided by this Charter or by ordinance.

(Amended in March, 2019 by the 3<sup>rd</sup> Lelu Town Charter Commission)