

SECOND LEGISLATURE OF THE STATE OF TRUK

THIRD REGULAR SESSION, FIRST SPECIAL SESSION, NOVEMBER 1934 ACT NO.:2-115

AN ACT

To amend Truk State Law No. 4-82, the Mortlocks Development Authority, to reduce the area of service of the Authority, to make necessary revisions of the same, and for other purposes.

Be it enacted by the Legislature of Truk State.

Section 1. Amendment. Sections 1, 2 and 4 of Truk State Law No. 4-82, as amended, is hereby further amended to read as follows:

"Section 1. Establishment of Authority. The Mid-Mortlock Development Authority (MMDA) is hereby established as a public corporation under the laws of the State of Truk and the Federated States of Micronesia. The principal office of the Authority shall be at a location determined by the Board."

"Section 2. Area of Service. The Authority is to serve the following municipalities within the State of Truk:

- (1) Namoluk;
- (2) Ettal;
- (3) Moch; and
- (4) Kuttu."

"Section 4. Board of Directors.

(1) Establishment. There shall be a Board of Directors of the Mid-Mortlock Development Authority which shall have the general management and control over the Authority.

(2) Composition. The Board shall be composed of 12 members. Two from each of the municipalities named in Section 2 thereof, appointed by the municipal councils thereof; the state senators and national senator representing the area; and the Governor's representative, if any from the area served by the Authority, to serve as ex-officio member without the right to vote. The State and National Senators

shall serve on the Authority during their terms as senators. The present members of the Mortlocks Development Authority who are from the area served by the Mid-Mortlock Development Authority shall become members on the Mid-Mortlock Development Authority until their terms on the Mortlocks Development Authority are expired. If there is no Governor's representative for the area, the membership shall be 11.

(3) Terms of Office. Terms of office of municipal representatives shall be for a period of three years, except that initial terms of office and filling of vacancies shall be as provided in this act. The terms of office shall commence on the day of the first meeting of the Board.

(4) Organization Meeting. Not later than sixty days after the effective date of this act, the Board shall meet to select its officers and conduct such other business as it shall deem advisable. At the first such meeting, the members of the Board representing the municipalities shall determine by lot the length of their initial terms as follows:

- (a) two for one year;
- (b) three for two years; and
- (c) three for three years.

The first meeting of the Board shall be called by the Governor's representative, or if there be no such official, by the chairman of the Mortlock Advisory Council, who shall preside at such meeting until the officers named in Subsection (7) of this Section have been elected.

(5) Vacancies. Each vacancy on the Board shall be filled for the unexpired portion of the term in the same manner as originally filled. Upon a determination that a vacancy exists, the chairman, or in his absence, the presiding officer of the Board shall issue a notice of vacancy to all members of the Board and to the municipal government responsible for filling the vacancy.

(6) Removal.

(a) Members of the Board may be removed from the Board, for failure to attend three consecutive meetings of the Board, or for incompetence, neglect of duty, or malfeasance in office.

(b) Removal of a member shall be by a three-fourths (3/4) majority vote of all other members of the Board. Notification of intent to call for removal pursuant to this section shall be made at least thirty days in advance, by means which shall be described in the by-laws of the Authority, and shall include a summary of the basis of charge against the member and identification of the witnesses to be called and evidence to be used.

(c) The State Court of Truk shall have jurisdiction to hear claims for wrongful removal.

(7) Officers. The Board shall elect from among its members a chairman, vice-chairman, and Secretary-Treasurer. The chairman shall ordinarily preside at Board meetings. In his absence, the vice-chairman shall preside. In the absence of both, the Secretary-Treasurer shall preside. The by-laws shall designate the presiding officer in the absence of these officers.

(8) Regular Meeting. Regular meetings shall be held not less than once per calendar quarter, at such time and place as shall from time to time be determined by chairman upon notice as shall be provided in the by-laws.

(9) Special Meetings. Special meetings shall be called by the chairman on his own initiative, or by petition by one-third of the members, pursuant to notice as shall be provided in the by-laws.

(10) Quorum. A quorum for all regular and special meetings and business of the Board shall be seven members present.

(11) Executive Committee. The Board may, pursuant to its by-laws, establish an executive committee; determine the membership thereof, and assign its responsibilities.

(12) Record of Meetings. All meetings of the Board and Executive Committee shall be public except when confidential matters relating to personnel are discussed. The Secretary-Treasurer or in his absence another member designated by the by-laws shall keep full and accurate minutes of all meetings which, except for confidential matters relating to personnel, shall be available for public inspection at reasonable times and places, as provided by the by-laws."

Section 2. Repeal. Section 16 and 17 of Truk State Law No. 4-82, are hereby repealed in their entireties.

Section 3. Appropriation.

(1) The sum of \$25,000, or so much thereof as may be necessary, is appropriate from the General Fund of the State for the purpose of funding the operation of the Mid-Mortlock Authority during Fiscal Year 1985.

(2) The sum appropriated by Subsection (1) shall be administered by and is allotted to the Board of Directors of the Authority, which shall be responsible to the Governor, for ensuring that these funds are used only for the purposes specified in Subsection (1), and in accordance with the State Financial Management Act, and that no obligations are incurred in excess of the sum appropriated. Any part of this appropriation not obligated as of September 30, 1985, shall revert to the General Fund of the State.

(3) The Board of Directors of the Authority shall submit a report to the Legislature before April 15, 1985, which shall:

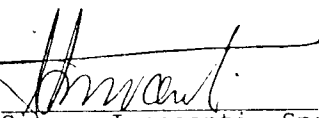
(a) provide for the full disclosure of the obligations incurred against the sum appropriated, and indicate the status of the funds as of April 1, 1985;

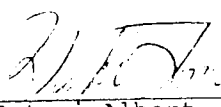
(b) indicate the planned use, during the

the remainder of the fiscal year of funds not obligated as of April 1, 1985, provided that a supplemental report covering the actual use and obligation of the funds shall be submitted to the Legislature or an appropriate committee thereof, within 20 days after the closing of the fiscal year; and

(c) present the fiscal requirements of the Authority for Fiscal Year 1985-1986.

Section 4. Effective Date. This act shall take effect upon approval by the Governor, or upon its becoming law without such approval.

Signed by: 
Simeon Innocenti, Speaker
Truk State Legislature

Attested to: 
Datasi Albert
Legislative Chief Clerk
Truk State Legislature

Date: December 18, 1984

Approved by: _____
Erhart Aten, Governor
Truk State Government

Date: _____