

1 KILI/BIKINI/EJIT LOCAL COUNCIL
2 KILI/BIKINI/EJIT LOCAL GOVERNMENT RESOLUTION # 6-2009
3
4

5 A Resolution
6

7 WHEREAS, Kataejar Jibas, the duly elected Mayor of
8 Kili/Bikini/Ejit, died in late 2008;
9

10 WHEREAS, a question has arisen concerning the procedure to
11 be used to fill the vacancy in the office of the Mayor;
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13 WHEREAS, the Council has been made aware of several
14 different versions of the Kili Bikini Constitution;
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16 WHEREAS, the Council has been made aware of several
17 different attempts at amending the Kili Bikini
18 Constitution;
19

20 WHEREAS, the Council is unable to determine with certainty
21 which of the versions of the Kili Bikini Constitution or
22 the amendments have been approved and are in effect;
23

24 WHEREAS, the Council believes that a certain version of the
25 Kili Bikini Constitution has been recently relied on;
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27 WHEREAS, this version of the Kili Bikini Constitution
28 provides for two different procedures to be utilized when
29 the Mayor's seat becomes vacant;
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31 WHEREAS, Section 16(3) of this Constitution provides that
32 if the office of the Mayor becomes vacant the vacancy shall
33 be filled by a special election;
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35 WHEREAS, Section 17(3) of this Constitution provides that
36 if the office of the Mayor becomes vacant the office shall
37 be filled for the remainder of the term by appointment of a
38 qualified person by the Council;
39

40 WHEREAS, the provision of the two different procedures in
41 this Constitution appear to allow an election of which
42 procedure to use when a vacancy occurs in the office of the
43 Mayor.
44

45 WHEREAS, Eldon Note has sued the Bikini Council in Civil
46 Action No. 2008-233 for the purpose of demanding an
47 election to determine the replacement for Mayor Jibas;
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1 WHEREAS, in 1993 Minus Samuel asked the Ministry of
2 Internal and Outer Island Affairs ("IA") to provide him
3 with a copy of the official Bikini Constitution;
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5 WHEREAS, IA found two constitutions -- one with the Mayor
6 as head of government and one with the Governor as head of
7 government;
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9 WHEREAS, the constitution with the Mayor as head of
10 government provided that the Council elects the Mayor from
11 among the Council; and the constitution with the Governor
12 as head of government allows the election of the Governor
13 by the registered voters;
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15 WHEREAS, Because Justin deBrum, Wilbur Allen, and Danny
16 Jack believed that the Mayor constitution prevailed and
17 Tomaki Juda of Bikini believed that the Governor
18 constitution prevailed, Methan Edwin of IA wrote to
19 James H. Plasman ("Plasman") in March, 1993, and asked if
20 he knew anything about any amendments to the constitution
21 since Plasman used to work at IA.
22

23 WHEREAS, In April, 1993, Plasman informed Methan Edwin that
24 (1) he had not worked with Bikini and had no personal
25 knowledge of any amendments to its constitution; (2) he
26 talked with certain unnamed officials of the Bikini
27 government who told him that there had been a resolution
28 amending the original default constitution which provided
29 for a direct election of the registered voters of a
30 Governor.
31

32 WHEREAS, Associate Justice Plasman has asked if the Bikini
33 Council has any objection to him hearing the case of Note
34 v. Bikini.
35

36 THEREFORE, IT IS HEREBY RESOLVED THAT:
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38 The Council has no objection to Associate Justice James H.
39 Plasman continuing to hear and determine Eldon Note v. Carl
40 Alik and the Clerk of the KBE Council; Civil Action No.
41 2008-233.
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47 _____
48 Alson Kelen, Acting Mayor
Kili/Bikini/Ejit Local Government Council

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48 Frederick Aitap, Clerk
Kili/Bikini/Ejit Local Government Council

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Shirley M. ...

Councilman

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