

## Title 5

### DISTRICT AND LOCAL GOVERNMENT

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#### Chapter 01

### DISTRICT GOVERNMENT

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#### **5.0101 Districts.**

For purposes of administration, the islands of Tutuila and Aunuu are divided into 2 districts, to be known as the Eastern District and the Western District. The 3 islands forming the Manu'a group shall constitute 1 district, to be known as the District of Manu'a. Swains Island may not be included in any of said 3 districts, but for the purposes of administration shall be directly under the Governor of American Samoa, and shall be governed as set forth in this Code.

**History:** 1962, PL 7-28.

#### **5.0102 Division of districts into counties.**

The 3 districts are divided into counties as follows:

(1) Eastern District.

Ituau County: that portion of the Island of Tutuila which includes the villages of Fagasa, Nu'uuli, Matu'u and Faganeanea;

Ma'oputasi County: that portion of the Island of Tutuila which includes the villages of Aua, Fagaalu, Fagatogo, Leloaloa (including the settlements of Aua, Atuu and Lepua), Pago Pago (including the settlements of Fatumafuti and Satala) and Utulei;

Sa'ole County: Aunu'u Island and that portion of the Island of Tutuila which includes the villages of Amouli, Utumea, Alofau (including the settlement of Auasi and a portion of the settlement of Pagai);

Sua County: that portion of the Island of Tutuila which includes the villages of Afono, Fagaitua, Falefa (including the settlements of Alega, Amaua, Auto, Avai'o and a portion of the settlement of Pagai), Lailii, Masefau, Masausi and Sailele;

Vaifanua County: that portion of the Island of Tutuila which includes the villages of Alao, Aoa, Onenoa, Tula and Vatia.

(2) Western District.

Lealataua County: that portion of the Island of Tutuila which includes the villages of

Afao (including the settlement of Atauloma), Amaluia, Amanave, Asili, Fagalii, Fagamalo, Agagulu and Failolo, Leone, Poloa, Nua and Seetaga;

Leasina County: that portion of the Island of Tutuila which includes the villages of Aitulagi, Aoloau and Asu;

Tualatai County: that portion of the Island of Tutuila which includes the villages of Futiga, Ituau, Taputimu and Vailoatai;

Tualauta County: that portion of the Island of Tutuila which includes the villages of Faleniu, Ili'ili, Mapusaga Fou, Pavaiai, Vaitogi and Tafuna.

(3) District of Manu'a.

Ta'u County: that portion of the Island of Ta'u which includes the villages of Luma and Si'ufaga (including the settlement of Amouli);

Faleasao County: that portion of the Island of Ta'u which includes the village of Faleasao;

Fitiuta County: that portion of the Island of Ta'u, which includes the villages of Leusoalii and Maia;

Ofu County: Ofu Island, including the village of Ofu;

Olosega County: Olosega Island, including the villages of Olosega and Sili.

**History:** 1962, PL 7-28.

#### **5.0103 District Governor—Appointment—Qualifications—Term.**

(a) There shall be in each district a District Governor, appointed by the Governor of American Samoa after the latter receives and considers the recommendations of the respective local district councils as to who should be appointed for their districts.

(b) To be eligible for appointment as a district governor, a person must be:

(1) a national of the United States; and

(2) a leading matai of the district for which he is to be appointed, who has maintained his monotaga and who is a bona fide resident of that district.

(c) The term of office of District Governors shall be 4 years, commencing on 1 January. Two months before the end of each term, the Governor of American Samoa shall circulate a notice among the villages of each district calling for nominations for the position of District Governor. Copies of such notice shall be delivered to the District Governors and the county chiefs of each district, and it shall be the duty of the District Governor to call and convene a district meeting for the purpose of discussing nominations, the welfare and good order of the people in his district, shall preside at the meetings of the district council, and shall communicate with the Governor and the Secretary of Samoan Affairs upon all matters pertaining to his duties.

**History:** 1962, PL 7-28; 1971, PL 12-19 § 1.

#### **5.0104 District Governor—Powers and duties.**

The District Governor shall be responsible for the welfare and good order of the people in his district, shall preside at the meetings of the district council, and shall communicate with the Governor and the Secretary of Samoan Affairs upon matters pertaining to his duties.

**History:** 1962, PL 7-28; 1971, PL 12-19 § 1.

#### **5.0105 District Governor—Removal from office.**

A District Governor may be removed from office by the Governor of American Samoa, either directly or upon request of a majority of the chiefs of his district, for misconduct, incompetence, or neglect of duty.

**History:** 1962, PL 7-28.

**5.0106 District Governor—Vacancy— Temporary incapacity.**

(a) The Governor may, by appointment, fill any vacancy occurring through death, resignation, removal, or otherwise, in any office of District Governor. In doing so, he shall follow the procedures set forth in 5.0103, and any District Governor so appointed shall serve for the remainder of his predecessor's unexpired term.

(b) In the case of temporary incapacity of a District Governor, the Governor may appoint a temporary District Governor to act during the period of incapacity.

**History:** 1962, PL 7-28; 1971, PL 12-19 § 1.

**5.0107 District Councils—Duties.**

A District Council shall be chosen in each district in accordance with Samoan custom, and shall be charged especially with the supervision of the cleanliness of the district, the planting of the lands by the people, the making and clearing of roads, and all matters of a local nature concerning the districts.

**History:** 1962, PL 7-28; 1971, PL 12-49 § 1.

**5.0104 District Governor—Powers and duties.**

The District Governor shall be responsible for the welfare and good order of the people in his district, shall preside at the meetings of the District Council, and shall communicate with the Governor and the Secretary of Samoan Affairs upon all matters pertaining to his duties.

**History:** 1962, PL 7-28; 7, PL 12-19 § 1.

**5.0108 District Clerk—Duties.**

(a) There shall be in each district a District Clerk, who shall be appointed by the Governor of American Samoa upon the recommendation of the District Governor and who shall hold office during the pleasure of the Governor.

(b) The District Clerk shall assist the District Governor in the preparation of correspondence and official reports, and the maintenance of the files and records of the Office of the District Governor, shall act as secretary at all meetings of the district council and record the minutes thereof, and shall perform generally all duties pertaining to the office of clerk and all other duties required of him by the District Governor.

**History:** 1962, PL 7-28.

## **Chapter 02**

### **COUNTY GOVERNMENT**

#### **Sections:**

- 5.0201 County Chiefs—Duties.**
- 5.0202 County Chiefs—Removal.**
- 5.0203 County Chiefs—Vacancies.**
- 5.0204 County Councils.**

**5.0201 County Chiefs—Duties.**

(a) There shall be in each county a County Chief, appointed by the Governor of American Samoa after he considers the recommendations of the appropriate County Council and District Governor as to who should be appointed. The County Chief shall serve a 4-year term, to commence on 1 January.

(b) The County Chief shall preside at the meetings of the County Council, act under the District governor of the district and communicate with him upon all matters concerning his county, be responsible for the welfare and good order of the people of his county, and report all meetings of the County Council to the District Governor.

**History:** 1962, PL 7-28.

**5.0202 County Chiefs—Removal.**

A County Chief may be removed from office by the Governor, either directly or upon request of a majority of the chiefs of his county, for misconduct, incompetence, or neglect of duty.

**History:** 1962, PL 7-28.

**5.0203 County Chiefs—Vacancies.**

In the event of the removal, death or resignation of a County Chief, the Governor shall appoint a successor to serve the balance of the term.

**History:** 1962, PL 7-28.

**5.0204 County Councils.**

County Councils shall be chosen in accordance with Samoan custom, and shall be charged especially with the supervision of the cleanliness of the county, planting of the lands, making and clearing of roads, and all matters of a local nature concerning the county.

**History:** 1962, PL 7-28.

**Chapter 03**

**VILLAGE GOVERNMENT**

**Sections:**

- 5.0301 Appointment of pulenuu.**
- 5.0302 Duties of pulenuu.**
- 5.0303 Village council—Compensation—Time of meetings.**
- 5.0304 Village Council meetings—Rules.**
- 5.0305 Village regulations—Penalties—Enforcement.**
- 5.0306 Village police.**

**5.0307 Village records and reports.**

**5.0308 Village boundaries.**

**5.0301 Appointment of pulenuu.**

(a) Biennially, on or before 31 December of each even-numbered year, the Governor shall appoint from the ranks of chiefs resident in each village a chief to be known as the pulenuu, to serve a 2-year term commencing 1 January.

(b) In making such appointment, the Governor shall take into consideration any nominations made by the Village Council, and the recommendations of the District Governor and the County Chief. Nomination by the Village Council shall be referred to the County Chief and the District Governor, who shall submit the same to the Governor together with their recommendations.

**History:** 1962, PL 7-28; amd 1973, PL 13-30.

**Amendments:** 1973 Subsection (a): provided for biennial term.

**5.0302 Duties of pulenuu.**

The pulenuu shall:

- (1) be responsible for the welfare and good order of the people of his village;
- (2) preside at the Village Council meetings and report all proceedings to the County Chief within 10 days after each meeting;
- (3) report to the County Chief as to the order of the people of his village, the sanitary condition of the village, the state of the roads, and all matters to which the Village Council is required to attend, when requested to do so by the county chief;
- (4) convene the Village Council;
- (5) be responsible for the enforcement of all village regulations; and
- (6) keep the records required by law.

**History:** 1962, PL 7-28.

**5.0303 Village council—Composition—Time of meetings.**

The Village Council shall consist of all chiefs and heads of families resident in the village, and shall meet once each month on a day chosen by it, and at the call of the pulenuu.

**History:** 1962, PL 7-28.

**5.0304 Village Council meetings—Rules.**

The following rules shall apply at Village Council meetings:

- (a) All present at the meeting may speak before the council.
- (b) If any person causes any trouble in the meeting, or if there is any dispute as to who shall speak first, then the presiding chief shall direct and name the one who may speak first, and he shall point out the times when his counselors may speak.
- (c) All persons attending the meeting must obey the presiding chief in matters concerning the council. If anyone is disobedient and is not orderly at the meetings, or does not show respect to the rulings of the presiding chief, or is turbulent or obstinate, the presiding chief may order the disturber to leave the council meeting. If he refuses to leave, the presiding chief shall call a policeman to take the offender from the council

meeting, and shall report him to the police for punishment in accordance with law.

**History:** 1962, PL 7-28.

**5.0305 Village regulations—Penalties— Enforcement.**

(a) The village council of each village may enact village regulations concerning the cleanliness of the village, planting of the lands, making and cleaning of roads, and any other matters of a strictly local nature.

(b) Regulations enacted by a village council may not take effect until they have been approved by the Department of Samoan Affairs and have been proclaimed publicly and posted in writing by the pulenuu.

(c) The village council shall provide in the regulations the penalty to be imposed upon persons found guilty of violating the regulations. Penalties shall be limited to reasonable village work not to exceed 25 hours, or fines of money or property not to exceed \$25 in amount or value, or both.

(d) No village regulation may conflict with the Constitution or laws of the United States or with the Constitution or laws of American Samoa.

(e) Neither the pulenuu or the village council may inflict punishment upon any offender. Any offender shall be taken before the proper court, and tried and punished in accordance with the law.

**History:** 1962, PL 7-28; 1969, PL 11-59.

**5.0306 Village police.**

The Governor may appoint one or more suitable persons in each village to act as village police officers. The Governor shall take into consideration any recommendations made by the Village Council, the County Chief and the District Governor. The village police shall be under the immediate supervision of the pulenuu.

**History:** 1962, PL 7-28.

**5.0307 Village records and reports.**

The pulenuu shall record in a book all matters discussed by the village council in all meetings. Each pulenuu shall report the resolutions passed at meetings, and also his general work, to the county chief, who shall transmit them to the Governor through the Office of Samoan Affairs. Such reports shall be made at the beginning of each month.

**History:** 1962, PL 7-28.

**5.0308 Village boundaries.**

A village includes the lands adjoining it.

**History:** 1962, PL 7-28.

**Chapter 04**

**SWAINS ISLAND**

**Sections:**

- 5.0401 Local government established.**
- 5.0402 Government representative—Duties.**
- 5.0403 Government representative—Powers.**

**5.0401 Local government established.**

(a) There shall be a local government for Swains Island, which shall consist of a government representative, a village council, a pulenuu, and village policemen.

(b) The government bodies and officials shall have the same rights and duties and be subject to the same qualifications as comparable officials of other villages of American Samoa, except that the village council shall consist of all resident male persons over 24 years of age and of sound mind.

(c) Neither the proprietor of Swains Island, or any person employed by him, is eligible to appointment as government representative.

**History:** 1962, PL 7-28.

**5.0402 Government representative—Duties.**

It is the duty of the government representative to:

- (1) act as the representative of the Governor on Swains Island;
- (2) mediate disputes between employees and their employer;
- (3) enforce laws of the United States, and American Samoa applicable on Swains Island;
- (4) enforce village regulations;
- (5) keep the Governor advised as to the state of affairs on Swains Island, particularly as to the health, education, safety, and welfare of the people thereon;
- (6) insure that the people of Swains Island continue to enjoy the rights, privileges and immunities accorded to them by the laws of the United States and American Samoa; and
- (7) insure that the proprietary rights of the proprietor are respected.

**History:** 1962, PL 7-28.

**5.0403 Government representative—Powers.**

The government representative has the power to:

- (1) make arrests;
- (2) quell breaches of the peace;
- (3) call meetings of the village council to consider special subjects; and
- (4) take such action as may be reasonably necessary to implement and render effective his duties.

**History:** 1962, PL 7-28.