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**LAW NO. 2004-18 OF 22 JULY 2004 TO  
LAY DOWN RULES APPLICABLE TO  
COUNCILS**

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The National Assembly deliberated and adopted, the President of,  
The Republic enacts the law set out below:

## PART I

### GENERAL PROVISIONS

#### Article 1:

This law lays down the rules applicable to councils, in accordance with the provisions of the law on the orientation of decentralization.

#### Article 2:

- (1) The council shall be a basic decentralized local authority.
- (2) The council shall be set up by decree of the President of the Republic.
- (3) A decree to set up a council shall determine its name, its area of jurisdiction and its chief town.
- (4) A change of name, chief town or of the boundaries of a council may be effected by decree of the President of the Republic.

#### Article 3:

- (1) Councils shall have a general mission of promoting local development and improving the living conditions of their inhabitants.
- (2) Councils may, to supplement their own resources, request assistance from the population, civil society organizations, other regional and focal authorities, the State and international partners. in accordance with the laws and regulations in force.
- (3) Recourse to the forms of assistance referred to in the preceding Subsection shall be decided after deliberations by the council concerned and shall, as and when necessary take into account the relevant draft agreement.

#### Article 4:

- (1) The President of the Republic may, by decree, temporarily group a number of councils together, on the proposal of the Minister in charge of regional and local authorities..
- (2) A temporary grouping of councils may be consequent upon:
  - the adoption of identical draft agreement: by each council concerned. Such draft
  - agreement shall enter into force in accordance with the procedure stipulated in
  - the preceding Subsection;
  - a grouping plan drawn up by the Minister in charge of regional and local authorities. In
  - this case, the draft agreement may, as and when necessary, be submitted for ratification
  - to the council concerned.
- (3) The decree to institute the temporary, grouping of councils shall lay down the conditions of the reformation.

#### Article 5:

- (1) Property belonging to a council that is attached to another or to part of a council that has been raised to the status of an autonomous council shall become the property of the council of attachment or of the new council.
- (2) The decree to attach or split up councils shall define all other conditions, including the devolution of property.

#### Article 6:

The decree of the President of the Republic to attach or split councils shall be issued upon the recommendation of a committee appointed by order of the representative of the State to examine issues on the sharing of assets and liabilities between the State and the council of attachment or part of a council involved. The committee shall consist of representatives of deliberative organs of the councils concerned.

#### Article 7:

Where councils are grouped, councils and executives of the councils concerned shall remain in office until the expiry of their term.

#### Article 8:

Certain urban centres, because of their special nature, may be granted a special status, in accordance with the provisions of this law.

## PART II

# MANAGEMENT AND USE OF PRIVATE PROPERTY OF THE STATE, PUBLIC PROPERTY AND NATIONAL LAND

## Chapter I

### PRIVATE STATE LAND

#### Article 9:

- (1) The State may transfer to councils all or part of its movable or immovable private property, or enter into agreement with the said councils on the use of such property.
- (2) The transfer by the State of movable and immovable property provided for in the preceding subsection, may be effected, either on the initiative of such councils or of the State.

#### Article 10:

In accordance with the provisions of Section 12 of this law, the State may either facilitate the freehold by councils to all or part of the State's movable and immovable private property, or simply grant these regional and local authorities user rights over some of its movable and immovable property.

## Chapter II

# MANAGEMENT AND USE OF PUBLIC COAST-LANDS AND WATERWAYS

### Article 11:

- (1) The council shall be bound to seek the authorization of the regional council after deliberation for local projects initiated on public coast-lands and waterways.
- (2) The deliberation referred to in the preceding subsection shall be subject to approval by the representative of the State.

### Article 12:

- (1) In zones falling under public coast-lands and waterways for which special development plans have been approved by the State, management powers shall be delegated by the latter to the councils concerned, for areas thereof which have been devolved upon them in the above mentioned plans.
- (2) The royalties accruing there-from shall be paid to the councils concerned.
- (3) Management instruments issued by the mayor shall be submitted for approval by the representative of the State and then forwarded to the council for information.

## Chapter III

# NATIONAL LAND

### Article 13:

- (1) Projects or operations initiated by a council shall be executed in accordance with the land tenure laws and regulations in force.
- (2) For the projects or operations which it initiates on national land, the State shall take a decision after consultation with the council concerned, except where national defence or public policy requirements dictate otherwise.
- (3) The decision referred to in the preceding subsection shall be forwarded, for information, to the council concerned.

### Article 14:

Lands considered as national land may, as and when necessary, be registered in the name of the council, especially to serve as a basis for public utility projects.

## PART III

# POWERS DEVOLVED UPON COUNCILS

## Chapter I

### ECONOMIC DEVELOPMENT

#### Section I

#### ECONOMIC ACTION

##### Article 15:

The following powers shall be devolved upon councils:

- development of local agricultural, pastoral, handicraft and fish farming activities;
- development of local tourist attractions;
- building, equipment, management and maintenance of markets, bus stations and slaughter-houses;
- organization of local trade fairs;
- provision of support to income and job generating micro-projects.

#### Section II

### ENVIRONMENTAL AND NATURAL RESOURCE MANAGEMENT

##### Article 16:

The following powers shall be devolved upon councils:

- drinking water supply;
- cleaning up of council streets, roads and public parks;
- monitoring and control of the management of industrial waste;
- reforestation and creation of council forests;
- combating insanitation, pollution and nuisances;
- protection of underground and surface water resources;
- preparation of council environmental action plans;
- creation maintenance and management of council lawns, parks and gardens;
- local management of household waste.

## Section III

### PLANNING, RURAL DEVELOPMENT, URBAN DEVELOPMENT AND HOUSING

#### Article 17:

The following powers shall be devolved upon councils:

- developing and managing public urban parks;
- drawing up and executing council investment plans;
- awarding, in association with the State or the region, contract-plans for the achievement of development objectives;
- preparing land tenure plans, town planning documents and concerted development. Urban rehabilitation and land consolidation plans;
- organizing and managing public urban transport;
- carrying out land development operations;
- issuing town planning certificates, authorizations to subdivide real estate, authorizations to settle, building and demolition permits;
- building and maintaining council roads and conducting similar activities;
- developing and servicing housing estates;
- lighting public highways;
- addressing and naming streets, public squares and edifices;
- constructing and maintaining unclassified rural roads and ferry-boats;
- setting up industrial zones;
- contributing to the electrification of areas inhabited by the poor;
- granting authorizations for temporary settlement and other works.

#### Article 18:

The council shall give its opinion on regional development plans before their approval, under conditions laid down by regulation.

## Chapter II

### HEALTH AND SOCIAL DEVELOPMENT

#### Single section

### HEALTH OF THE POPULATION AND SOCIAL ACTION

#### Article 19:

The following powers shall be devolved upon councils:

a) Health and population:

- civil status registration;
- setting up equipping managing and maintaining council health centres in keeping with the health map;

- assisting health and social centres; ensuring sanitary inspection in establishments that manufacture, package, store and distribute food products as well as in plants that treat solid and liquid waste produced by individuals or enterprise.

b) Social welfare:

- participating in the upkeep and management, where necessary, of social advancement and reintegration centres;
- constructing, maintaining and managing public cemeteries;
- organizing and coordinating relief operations for needy persons.

## Chapter III

# EDUCATIONAL, SPORTS AND CULTURAL DEVELOPMENT

## Section unique

### EDUCATION, LITERACY EDUCATION AND VOCATIONAL TRAINING

**Article 20:**

The following powers shall be devolved upon councils:

a) Education:

- in keeping with the school map, setting up, managing, equipping, tending and maintaining council nursery and primary schools and pre-school establishments;
- recruiting and managing back-up staff for the schools;
- participating in the procurement of school Supplies and equipment;
- participating in the management and administration of State high schools and colleges in the region through dialogue and consultation structures.

b) Literacy education:

- executing plans to eradicate illiteracy, in conjunction with the regional administration;
- participating in the setting up and management of educational infrastructure and equipment.

c) Technical and vocational training:

- preparing a local forward-looking plan for training and retraining;
- drawing up a council plan for vocational integration and reintegration;
- participating in the setting up, maintenance and management of training centres.

## Section II

### YOUTH, SPORTS AND LEISURE

**Article 21:**

The following powers shall be devolved upon councils:

- promoting and coordinating sports and youth activities;
- supporting sports associations;

- constructing and managing municipal stadia, sports centres and courses, swimming pools, playgrounds and arenas;
- identifying and participating in the equipment of sports associations;
- participating in the organization of competitions.

## Section III

### CULTURE AND DEVELOPMENT OF NATIONAL LANGUAGES

#### Article 22:

The following powers shall be devolved upon councils:

##### a) Culture:

- organizing cultural weeks, traditional cultural events and literary and artistic competitions at the local level;
- setting up at the local level, orchestras, traditional opera ensembles, ballet groups and theatre troops;
- setting up and managing socio-cultural centres and public libraries;
- providing support to cultural associations.

##### b) Development of national languages:

- participating in regional programmes for the development of national languages;
- participating in the setting up and maintenance of infrastructure and equipment.

## PART IV

### COUNCIL ORGANS

#### Article 23:

Councils shall have the following organs:

- the Council;
- the Council Executive.

## Chapter I

### COUNCIL

## Section I

### COMPOSITION

#### Article 24:

The council shall comprise elected councillors in accordance with the terms and conditions laid down by the law.



#### Article 25:

- (1) The number of councillors shall be fixed as follows:
- less than 50,000 (fifty thousand) inhabitants: 25 (twenty- five councillors);
  - from 50,000 (fifty thousand) to 100,000 (one hundred thousand) inhabitants: 31 (thirty-one) councillors;
  - from 100,001 (one hundred thousand and one) to 200,000 (two hundred thousand) inhabitants: ;35 (thirty-five) councillors;
  - from 200,001 (two hundred thousand and one) to 300,000 (three hundred thousand) inhabitants: 41 (forty-one) councillors;
  - over: 300,000 (three hundred thousand) inhabitants: 61 (sixty-one) councillors;
- (2) The official population census immediately preceding the municipal elections shall serve as the basis for determining the number of councillors per council area, pursuant to the provisions of the statutory instruments.

## Section II

### DUTIES

#### Article 26:

- (1) The council shall be the deliberative organ of the council area.
- (2) It shall settle council matters by deliberation.

#### Article 27:

The council shall decide on matters under the law on the orientation of decentralization as well as those under this law.

#### Article 28:

- (1) The council may delegate the exercise of part of its duties to the mayor, save for those mentioned in Section 41(1) below.
- (2) The decision to delegate duties shall be specified in a resolution setting out the extent of the duties so delegated.
- (3) At the expiry of the delegation, the council shall be informed thereof.

## Section III

### FUNCTIONING

#### Article 29:

- (1) The council shall hold its meetings in the council hall or in the building used as council premises. However, the mayor may, exceptionally, convene the council in any other appropriate venue situated within the council area, where circumstances so warrant. In such case. he shall inform the representative of the State and the councillors no less than 7 (seven) days before the date of the meeting.
- (2) The council shall be chaired by the mayor or, where he is unavoidably absent, by a deputy mayor in order of precedence.

#### Article 30:

- (1) The council shall meet in ordinary session once every quarter, for a period not exceeding 7 (seven) days.
- (2) During ordinary sessions, the council may deliberate only on matters falling within its ambit.

#### Article 31:

- (1) The mayor may convene an extraordinary session of the council whenever he deems it appropriate. He shall also be bound to convene such a session when a reasoned request is made by two-thirds of the current members of the council.
- (2) The representative of the State may request the mayor to convene an extraordinary session of the council.
- (3) Convening notices shall be signed by the mayor and shall include a specific agenda. The council shall not examine any other business outside the agenda.
- (4) Where the mayor fails to perform the duties set out in subsections (1) (2) and (3) above, after due notification, the representative of the state may sign the necessary convening notices for the holding of the council meeting.

#### Article 32:

The convening of the council shall be in writing addressed to the municipal councillors, entered in the record of proceedings posted at the town hall or council office, within 15 (fifteen) clear days before the meeting. In case of emergency, this period shall be reduced to 3 (three) days.

#### Article 33:

- (1) The council may validly conduct business only where 2/3 (two thirds) of its members are present.
- (2) Where the quorum is not met a 2 session has been duly convened, any decision taken after the convening of a second session. within a three-day interval shall be enforceable if half of the councillors are present.
- (3) Where the country is under general mobilization, the council shall validly conduct business at the first meeting where the majority of its non-mobilized members are in attendance.

#### Article 34:

- (1) Decisions shall be taken by a simple majority of votes.
- (2) A councillor who is unable to attend a meeting may give a legalized proxy to a peer of his choice to vote on his behalf. A councillor may hold only one proxy. Except in the case of duly ascertained illness, a proxy may not be used during more than 2 (two) consecutive sessions.
- (3) Voting shall be by open ballot. In case of a tie, the chairman shall have the casting vote.  
The full names of voters and their ballots shall be included in the minutes.
- (4) Notwithstanding subsection (3) above, voting by secret ballot shall apply at the behest of 1/3 (one-third) of the councillors present or in case of nomination or representation. In the latter case, and after two rounds of balloting, where no candidate scores an absolute majority, a third round shall be held and the election shall be won by a relative majority. In case of a tie, the eldest candidate shall be declared winner.

#### Article 35:

- (1) During sessions to examine the administrative account of the mayor, the council shall elect a protem chairman. In this case, the mayor may attend the proceedings but shall be bound to retire in case of elections,
- (2) The protem chairman shall directly forward the decision by way of a report to the representative of the State.

#### **Article 36:**

- (1) At the beginning of and throughout each session, the council shall appoint one or more members to assist the secretary general throughout the meeting in his secretarial duties.
- (2) The secretary general may also requisition support staff from the council personnel. Such support staff shall attend the proceedings without voting rights.
- (3) The representative of the State or his duly authorized representative shall attend sessions ex officio. He shall take the floor as and when necessary but may not vote or chair the council. His statements shall be recorded in the minutes.
- (4) The council may, if it so deems necessary, seek the authorization of the representative of the State to consult, in session, civil servants or State employees. It may also consult any other persons on account of their expertise, following the same procedure.

#### **Article 37:**

- (1) Sessions of the council shall be open. However, at the request of the mayor or 1/3 (one-third) of its members, the council may conduct business in camera.
- (2) The council shall meet in camera as of right where it is required to give its opinion on the following specific and general matters:  
On the following specific and general matters:
  - school grants;
  - free medical care;
  - assistance to elderly persons, families, poor persons and disaster victims; .
  - consideration of matters outlined in.

#### **Article 38:**

- (1) The protem chairman shall steer the meeting.
- (2) The conditions for the implementation of the preceding Subsection shall be defined in the rules of procedure.

#### **Article 39:**

Any contempt or insult to the mayor or protem chairman during the discharge of their duties shall be punishable under the Penal Code.

#### **Article 40:**

- (1) Extracts of proceedings of the session shall be posted at the town hall or council office within 8 (eight) days.
- (2) The mayor shall approve the posting of the proceedings and such approval shall be recorded in the record of proceedings.
- (3) Proceedings shall be recorded chronologically in a register numbered and signed by the representative of the State. They shall be signed by all councillors in attendance. Where some councillors abstain from signing, the records shall state the reasons therefore.

#### **Article 41:**

- (1) The council may, during the first annual session, set up committees to study matters falling within its powers. Each committee shall have a chairperson and secretary.
- (2) Committees may meet during and in between sessions. Membership of the committees shall be honorary. However, any cost incurred for their running shall be borne by the council budget.
- (3) Committees shall be convened by the chairperson within 8 (eight) days of their establishment.

During the first meeting, each committee shall designate a vice-chairperson who shall deputize if the chairperson is duly and unavoidably absent. Thereafter, they may be convened within a shorter time-frame at the request of the majority of their members.

- (4) The chairperson invite any person on account of his expertise to attend committee meetings in an advisory capacity. Such attendance may be remunerated by decision of the council.

#### **Article 42:**

- (1) The council may, at the request of the majority of its members, invite any person To attend proceedings on account of his expertise.
- (2) Persons invited to attend proceedings in an advisory capacity may be remunerated in keeping with Section 41 (4) above.

#### **Article 43:**

Councils may allocate allowances or special benefits to civil servants or State employees assigned to perform secondary activities in councils in accordance with the law on the orientation of decentralization.

#### **Article 44:**

Decisions by the council to grant council personnel wages and incidentals otherwise intended for personnel referred to in the preceding Section, for the purpose of granting to the said personnel a status better than that provided for by the regulations in force, shall be deemed illegal.

#### **Article 45:**

The provisions of the preceding Section shall be applicable to decisions taken by state-controlled bodies running a public utility under council supervision for their personnel.

## **Section IV**

### **SUSPENSION, DISSOLUTION, TERMINATION OF DUTIES AND REPLACEMENT OF THE COUNCIL**

#### **Article 46:**

- (1) The council may be suspended by reasoned order of the minister in charge of regional and local authorities where it:
- a) acts unconstitutionally;
  - b) undermines the security of the State or public law and order;
  - c) threatens the country's territorial integrity;
  - d) cannot sustainably perform its normal duties.
- (2) Suspension provided for under the preceding subsection may not exceed two months.

#### **Article 47:**

- a) The President of the republic may dissolve the council by decree under the following circumstances a) in any of the cases referred to in Section 46(1);
- b) where there is a persistent breakdown or inability to restore normalcy after the period set out in Section 46(2).

#### Article 48:

Any member of the council duly convened who, without just cause, has failed to attend three successive sessions may, after a request by the mayor to furnish explanations, be deemed upon the recommendation of the council to have resigned by the minister in charge of regional and local authorities.

- (1) above may not run for the council by or general council election immediately following such resignation.
- (2) The decision, which shall be notified to the member concerned and to the representative of the State, may be appealed before a competent court.
- (3) The councillor deemed to have resigned in accordance with the provisions of subsection

#### Article 49:

- (1) Employers shall be bound to allow their employees who are councillors the necessary time to attend plenary sessions of the council or of its committees.
- (2) Suspension from duty as provided in the preceding subsection shall not give rise to the termination of an employment contract by an employer under pain of damages and compensation paid to the employee.

#### Article 50:

- (1) Any member of the council who, without good grounds, fails to perform his duties defined under the rules and regulation in force, may, upon the recommendation of the Council, be deemed to have resigned by the minister in charge of regional and local authorities.
- (2) Failure to perform the duties referred to in the preceding subsection shall be ascertained either by a written notification addressed to the competent authority or made public by such member or persistent abstention after warning by the minister in charge of regional and local authorities.
- (3) The ensuing decision may be appealed before a competent court.

#### Article 51:

Resignations shall be sent by registered mail to the mayor with a copy to the representative of the State. Resignation shall be considered definitive with effect from the date of acknowledgement of receipt by the mayor or, failing that, within a maximum period of one month from the date of forwarding of a new resignation by registered mail.

#### Article 52:

- (1) In time of war, the President of the Republic may, by decree, suspend the activities of the council for the purpose of maintaining law and order or safeguarding the general interest until the end of hostilities.
- (2) The same decree shall appoint an ad hoc body empowered to take decisions on behalf of the council. It shall define the composition of the body, and appoint its chairman and his vice.

#### Article 53:

- (1) In case of dissolution of the council or resignation of all its current members and where a new council cannot be established, a special body shall perform its duties.
- (2) Within 8 (eight) days following the dissolution or acceptance of the resignation, such special body shall be appointed by order of the minister in charge of regional and local authorities who shall appoint the chairman and his vice.
- (3) The special body shall comprise 3 (three) members in councils with a population of no more than 50,000 inhabitants. The number may be increased to 7 (seven) in councils with a higher population.

#### Article 54:

- (1) The special body shall perform the duties of the council.
- (2) However, it shall not:
  - transfer or exchange council property;
  - increase budget provision;
  - set up public services;
  - vote loans ;

#### Article 55:

- (1) Where council elections are postponed on account of mobilization. The special delegation shall be empowered to take the same decisions as the council.
- (2) In case of dissolution of the council, or where, in pursuance of the provisions of Section 5:3(2) above, a special body is appointed, council re-elections shall be held within 6 (six) months as from the date of dissolution or of the last resignation.
- (3) The time frame referred to in the preceding subsection may be extended by decree of the President of the Republic for a period of 6 (six) months, renewable not more than 3 (three) times.

#### Article 56:

The reconstitution of the council shall automatically terminate the duties of the special body.

#### Article 57:

- (1) Pursuant to Section 53 above, the chairman shall perform the duties of mayor and the vice-chairman those of deputy mayor.
- (2) Their powers shall be terminated in accordance with the provisions of Section 56 above.

## Chapter II

### COUNCIL EXECUTIVE

#### Section I

#### REGULATIONS GOVERNING THE MAYOR, AND DEPUTY MAYOR

#### Article 58:

- (1) The mayor and his deputies shall be the executive organ of the council.
- (2) The mayor shall be the head of the council executive. He shall be assisted by deputy mayors in order of their election.
- (3) The mayor and deputy mayors shall reside within the council area.
- (4) Depending on the number of councillors, the number of deputy mayors shall be determined as follows:
  - Town with twenty five to thirty-one councillors: two deputies;
  - Town with thirty-five to forty-one councillors: four deputies;
  - Town with sixty-one councillors: six deputies.

#### Article 59:

- (1) Where any obstacle or remoteness makes it difficult hazardous or momentarily impossible to communicate between the chief town and a part of the council, the position of special deputy mayor may be instituted in the council by decision of the council which shall state the reasons therefore.
- (2) The special deputy provided for in the preceding subsection shall be elected from among the councillors resident in that part of the council. The special assistant:
  - shall act as civil status registrar;
  - may enforce policing laws and regulations in that part of the council area.
- (3) The duties of special deputy mayor shall cease as soon as the situation returns to normal. A decision of the council shall establish such cessation.
- (4) The decision referred to in subsection (1) above shall be subject to prior approval by the representative of the State.

#### Article 60:

- (1) The representative of the State shall convene the first session of the council on the second Tuesday following the date of proclamation of results of the council elections. The said session shall be devoted to the election of the mayor and deputy mayors. The distribution of positions of deputy mayors shall, as much as possible, reflect the configuration of the council .
- (2) The mayor shall be elected by majority vote under the double ballot single-candidate system. The election shall be won in case of absolute majority of the votes cast during the first ballot. Where an absolute majority is not obtained after the first ballot, a second ballot shall be conducted. The candidate who obtains a relative majority of the votes shall then be declared elected. In case of a tie, the eldest candidate shall be the winner of the election.
- (3) After the election of the mayor, the deputy mayors shall be elected by proportional representation under the list system following the principle of the highest average. Only ballot papers bearing a number of names corresponding to the number of candidates to be elected shall be valid.
- (4) The elections referred to in subsections (2) and (3) above shall be by secret ballot.

#### Article 61:

The council session devoted to the election of the mayor shall be chaired by the eldest member who shall be assisted by the youngest member.

#### Article 62:

The chairman of the said council session shall publish the list of elected candidates within a period not exceeding 24 (twenty-four) hours following the proclamation of results by posting it at the town hall or at the council office. The said list shall, within the same time frame, be forwarded to the representative of the State.

#### Article 63:

The mayor and deputy mayors shall be elected for a term of office corresponding to that of the council.

#### Article 64:

- (1) The election of the mayor and deputy mayors may be subject to an appeal for cancellation, in keeping with the laws in force governing the cancellation of elections of councillors.
- (2) In case of cancellation of the election or where for any other reason, the mayor or deputy mayors cease to discharge their duties, the council shall be convened to replace them within a maximum period of one month.

#### Article 65:

The office of mayor shall be incompatible with that of:

- member of government or persons ranking as such;
- member of parliament and senator;
- administrative authority
- ambassador or official of a diplomatic mission
- president of a law court or tribunal
- general manager or manager of a public establishment or public corporation;
- secretary-general of a ministry or persons ranking as such:
- director in the central administration;
- president of regional council;
- law enforcement officer;
- staff of the council concerned;
- finance official having to handle the finances or accounts of the council concerned.

#### Article 66:

- (1) The mayor, deputy mayor, councillor, chairman and member of the special body shall be entitled to a session allowance or to reimbursement of expenses incurred in the discharge of the duties assigned to them.
- (2) The allowance referred to in the preceding subsection shall be fixed by decision of the council and following modalities determined by order of the minister in charge of regional and local authorities.

#### Article 67:

- (1) Mayors and their deputies shall be entitled to a remuneration, duty and entertainment allowances the amounts of which shall be fixed following a scale determined by statutory instruments.
- (2) A deliberation of the council concerned, approved by the Minister in charge of regional and local authorities shall determine, for each council, the amounts of the remuneration and allowances referred to in subsection 1 above.
- (4) In case of dissolution of the council, the said allowances shall be paid to the chairman and vice-chairman of the special body, in the same proportions and under the same conditions as for the mayor and deputy mayor.

#### Article 68:

- (1) Payment of damages as a result of an accident in the performance of duty of mayor, deputy mayor, chairperson and vice-chairperson of the special body shall be borne by the council.
- (2) Councillors and members of the special body shall be entitled to the protection provided for in the preceding subsection, in the discharge of a special duty.

#### Article 69:

Mayors, deputy mayors chairperson and vice-chairman of special bodies shall be protected in accordance with the criminal and special laws in force against threats, contempt, violence, insults or defamation to which they may be subject in the discharge of their duties.

#### Article 70:

- (1) In the event of death, resignation or dismissal of a mayor or a deputy mayor, the council shall be convened to elect a new mayor or deputy mayor, within 60 ( sixty) days following such death, resignation or dismissal.
- (2) The council shall designate a deputy mayor, according to the order of precedence or failing that, one of the 5 (five) eldest councillors, to act during the interim period provided for in Subsection (1) above.



- (3) In case of vacancy of the position of deputy mayor, the deputy mayors in active service shall have a pre-emptive right over the replacement candidates, according to the order of precedence established during the previous election.

## Section II

### DUTIES OF THE MAYOR

#### Article 71:

- (1) The mayor shall represent the council in all civil matters and before the law courts. To that end, the mayor, under the supervision of the council, shall be responsible for:
- preserving, maintaining and administering council property and assets and safeguarding them;
  - managing council revenue and supervising council services and accounts;
  - issuing building or demolition permits and land tenure authorizations;
  - preparing and submitting the budget, authorizing expenditure, and prescribing revenue collection;
  - directing council projects;
  - ensuring the implementation of development programmes financed by the council or carried out in conjunction with the council;
  - taking measures concerning the municipal road network;
  - inviting tenders, concluding leases and awarding contracts for council works, in accordance with the regulations in force;
  - executing, according to the same rules, deeds for the sale, exchange, sharing,
  - acceptance of donations or legacies, for acquisition, transaction where such deed have been authorized by the council;
  - taking, in the absence of owners or holders of hunting permits notified before hand, all measures necessary for the destruction of animals declared harmful, in accordance with the laws and regulations in force, and, ultimately, requisitioning residents with the appropriate weapons and dogs for hunting such animals, to monitor and ensure implementation of such measures and to draw up a report thereon;
  - ensuring environmental protection and, accordingly, taking measures to prevent or eliminate pollution and nuisances, protecting public parks and helping to embellish the council;
  - filling council vacancies and, in general, implementing the decisions of the council.
- (2) The mayor shall be the authorizing officer for the council budget.

#### Article 72:

- (1) The mayor may, under his supervision, delegate by order part of his duties to his deputies and, where the latter are absent or unavailable, to council members.
- (2) The delegation of duties referred to in the preceding subsection shall remain effective until revoked. However, the said delegation shall cease, without having been expressly revoked, in the event of the mayor's death, suspension, dismissal or declared resignation.

#### Article 73:

Where the mayor's personal interests conflict with those of the council, the council shall designate another council member to represent the council, in particular, before the law courts or in any contractual transaction.

#### Article 74:

- (1) The mayor shall recruit, suspend or dismiss workers governed by labour laws and collective agreements.

(2) The mayor shall assign and manage staff placed under his authority.

#### **Article 75:**

- (1) A model list of council jobs taking into account the size of the various councils shall be enforceable by order of the minister in charge of regional and local authorities.
- (2) The amount and method of remuneration of council staff as well as any allowances to which they may be entitled shall be determined by regulation.

#### **Article 76:**

Under the authority of the representative of the State, the mayor shall be responsible in his council for:

- the publication and enforcement of laws, regulations and measures of a general character;
- implementing general security measures.

#### **Article 77:**

The mayor and deputy mayors shall be civil status registrars. In this capacity, they shall be bound to take an oath before the competent court.

#### **Article 78:**

- (1) During official ceremonies and solemn occasions, the mayor and deputy mayors shall in the exercise of their duties, wear sashes in national colours, with a gold fringed tassel for the mayor and silver fringed tassels for deputy mayors.
- (2) During the official ceremonies and occasions referred to in subsection municipal councillors shall wear insignia the characteristics of which shall be determined by statutory instruments;
- (3) Provision shall be made in the budget of the council concerned for the acquisition of the sashes and insignia referred to in subsections 1 and 2 above.

#### **Article 79 :**

The council executive: shall give its approval when required by the representative of the State or in accordance with the laws and regulations in force. It shall, in particular, be responsible for:

- drawing up the agenda for council sessions;
- implementing development activities and mass participation activities in particular;
- controlling the collection of council taxes, duties and levies; and shall propose, where necessary, measures to improve the collection of such taxes, duties and levies;
- following up the execution of council projects.

#### **Article 80:**

- (1) The Council Executive shall be assisted by a Secretary General.
- (2) The secretary general shall be the main coordinator of council administrative services. To this end, he shall have the delegation of signature for the smooth accomplishment of his duties.
- (3) The minister in charge of regional and local authorities shall, by order, appoint and dismiss secretaries general of councils.
- (4) The secretary general shall attend meetings of the council executive and shall provide secretarial services therefore.

#### **Article 81:**

- (1) The minister in charge of regional and local authorities shall, on the proposal of the representative of the State and after the approval of the mayor, set up special civil status registries by order within some councils. Such registries shall be attached to the main civil status registry at the council.

- (2) In the case provided for in subsection (1) above, the duties of civil status registrar shall be exercised by persons appointed by the minister in charge of regional and local authorities upon the recommendation of the representative of the State.
- (3) Copies of the orders setting up special civil status registries and those appointing the civil status registrars shall be forwarded to the president and the state counsel of the competent court in whose area of jurisdiction the council concerned is located.
- (4) The duty of civil status registrar in main registries shall be honorary. In special registries, civil status registrars shall be entitled to an allowance the conditions of payment and amounts of which shall be fixed by order of the minister in charge of regional and local authorities.

#### **Article 82:**

- (1) The mayor or deputy mayor shall legalize any signature signed in his presence by any of his known subjects or one that is accompanied by two known witnesses. He shall, at the request of the signatory, legalize any signature that is similar to the model left by the signatory in a special register kept in the council.
- (2) Finger prints cannot be legalized. However, the mayor or deputy mayor can certify that they were made before them.
- (3) The signatures given by councillors in the discharge of their duties shall be valid in all circumstances without having to be legalized so long as they have the council stamp affixed thereon.

#### **Article 83:**

- (1) The mayor or acting deputy mayor shall urgently ensure that any deceased person is dressed and buried decently without any discrimination based on ethnic, racial, political, philosophical or religious grounds.
- (2) Where the mayor fails to carry out his duty, the representative of the State shall take the necessary measures to provide the services referred to in the preceding subsection.

#### **Article 84:**

- (1) The mayor shall, by order:
  - take local measures concerning objects left under his care and authority by the laws in force;
  - ensure the implementation of laws and regulations to maintain order.
- (2) He shall ensure the respect of measures to maintain law and order taken by him.

#### **Article 85:**

- (1) All instruments issued by the mayor or the council shall be immediately forwarded to the representative of the State who shall control them in accordance with the law on the orientation of decentralization.
- (2) Such instruments shall become enforceable in accordance with the provisions of the law referred to in subsection (1) above and shall be registered on the date of issuance in a special register kept in the council.

#### **Article 86:**

- (1) Under the control of the representative of the State, the mayor shall be responsible for the municipal police and for the implementation of State instruments relating thereto.
- (2) The creation of a council police service shall be authorized by decision of the council which shall define its duties, logistics and functioning
- (3) The decision referred to in subsection (2) above shall be submitted for prior approval by the minister in charge of regional and local authorities.

#### Article 87:

- (1) Subject to the provisions of Section 92 below, the purpose of the council police shall be to ensure public order, safety, peace, security and sanitation.
- (2) Its duties shall include:
  - a) safe and convenient passage in public streets, wharfs, places and ways, that is, the cleaning, lighting, removal of obstructions, demolition or renovation of buildings falling in ruins, forbidding people from placing any objects on windows or on any part of the building that may cause damage or produce harmful exhalations;
  - b) the means of transportation of deceased persons, interment and exhumation, the maintenance of order and decency in graveyards without any body being authorized to make distinctions or write special prescriptions stating the circumstances of the death;
  - c) the inspection of apparatuses and/or instruments used in weighing or measuring foodstuffs and the sanitation of edible foodstuffs exposed for sale;
  - d) prevention through convenient precautions and intervention through the provision of the required assistance in case of accidents or disasters such as fires, floods or any other natural accidents, epidemic or contagious diseases, epizooties, the implementation of emergency measures as concerns security, assistance and aid, and if need be call for the intervention of the representative of the State to whom an account of the measures taken shall be given;
  - e) measures taken concerning the insane who may compromise public morality, the security of persons or the conservation of property;
  - f) intervention to prevent or remedy some unfortunate events that may be caused by stray animals;
  - g) the demolition of buildings without building permits.

#### Article 88:

The duties assigned to the mayor in case of the serious or imminent danger referred to in Section 87 above shall not obstruct the powers of the representative of the State to take any safety and security measures required by the circumstances within the administrative area of the council.

#### Article 89:

- (1) The mayor shall exercise policing powers on road traffic within his council area.
- (2) In return for the payment of levies fixed by the council, he may grant parking permits or authorizations for the temporary use of public roads, rivers, river ports and quays and other public places under the jurisdiction of the council on condition that such usage does not hinder traffic on the public road or waterway.
- (3) The mayor shall grant temporary and revocable permits for the use of public roads in accordance with the laws and regulations in force. Such permits shall notably have as objective the installation in the ground or on the public road of networks for the supply of water, electricity or telephone services.

#### Article 90:

The mayor may instruct beneficiaries of property or farmers or any other owners or users of property to build good fences round their wells and excavations that constitute a danger to public security as well as insalubrious lands that are dangerous to public health.

#### Article 91:

- (1) The powers vested in the mayor under Sections 86 to 90 above shall not bar the power of the representative of the State to take all measures relating to public order, security, sanitation, safety and peace for all the councils of a district or for one or more of them in cases where council authorities fail to act.

- (2) The powers referred to in the preceding subsection may be used by the representative of the State in a council only after a warning unheeded to by the mayor where the council concerned has a police service.

#### **Article 92:**

- (1) Where there is no council police service, the mayor may set up a sanitation service which will be responsible for sanitary inspection in the council area.
- (2) The official in charge of the service provided for in subsection (1) above shall take oath before the competent court.

#### **Article 93:**

Concerning the council police, the council may express its wishes and opinion but shall not in any case give orders to the mayor.

## **Section III**

### **SUSPENSION, TERMINATION OF DUTIES AND REPLACEMENT OF THE COUNCIL EXECUTIVE**

#### **Article 94:**

- (1) In case of infringement of the laws and regulations in force or of serious misconduct, mayors and deputy mayors may be suspended by order of the minister in charge of regional and local authorities for a maximum period of three months after hearing them or requesting them to furnish written explanations on the acts for which they are accused. After such period they shall either be rehabilitated or dismissed.
- (2) The dismissal referred to in the preceding subsection shall be by decree of the President of the Republic.
- (3) The suspension orders and dismissal decrees shall give reasons therefore.
- (4) The suspended or dismissed mayors and deputy mayors shall maintain their status as councillors.

#### **Article 95:**

- (1) In case of embezzlement or an infringement leading to a penalty together with the serious deficiency or serious misconduct in the discharge of their duties, the mayor and deputy mayors shall be dismissed by decree of the President of the Republic under the conditions provided for in.
- (2) After being heard, they may also be suspended by decision of the council during an extraordinary session on the initiative of the representative of the State or by a 2/3 majority of the councillors. Such decision shall automatically suspend the mayor or deputy mayors as soon as it is adopted. It shall be enforceable by order of the minister in charge of regional and local authorities.

#### **Article 96:**

- (1) Where the mayor fails or refuses to perform acts required of him by the laws and regulations in force, the minister in charge of regional and local authorities shall order the performance of the acts when informed by the representative of the State after formally notifying the mayor.
- (2) Where a measure involves several councils, the Minister in charge of regional and local authorities shall act in place of the mayors of the councils concerned when informed by the representative of the State.

#### Article 97:

- (1) The notification referred to in Section 96 above shall be forwarded to the mayor concerned through any means with written trace.
- (2) It shall indicate the time-limit granted to the mayor to submit his reply to the representative of the State.
- (3) Where no reply is given at the expiry of the time-limit set out in Subsection (2) above, such silence shall be deemed to be a refusal.

#### Article 98:

- (1) The mayor or deputy mayor who, for some reason after his election, no longer fulfils the conditions required to be mayor or deputy mayor or who finds himself in one of the cases of incompatibility referred to in Section 65 above, shall immediately stop performing his duties.
- (2) Where the minister in charge of regional and local authorities is informed by the representative of the State, he shall order the mayor or deputy mayor to immediately hand over service to his replacement appointed in accordance with the provisions of Section 103 below, without waiting for the installation of his successor. Where the mayor or deputy mayor refuses to resign, the minister in charge of regional and local authorities shall suspend him by order, for a period determined by the said minister. His duties shall be terminated by decree of the President of the Republic.

#### Article 99:

- (1) Where a mayor is appointed to a post that is incompatible with his status, he shall be bound to make a choice within a time-limit of 30 (thirty) days. After this time-limit, the minister in charge of regional and local authorities, informed by the representative of the State, shall call on the relinquish of the posts.
- (2) Where the mayor refuses or after a maximum period of 15 (fifteen days) following the notification referred to in the preceding subsection, the mayor shall be declared to have resigned by order of the minister in charge of regional and local authorities.

#### Article 100:

- (1) Resignations of mayors and deputy mayors shall be addressed to the minister in charge of regional and local authorities by registered mail, with acknowledgement of receipt. They shall become final with effect from the date of their acceptance by the minister in charge of regional and local authorities or, where applicable, after a maximum period of one month from the date of dispatch of a new registered mail.
- (2) Mayors and deputy mayors who have resigned shall, subject to the provisions of Section 103 below, continue to discharge their duties until their successors have been installed.
- (3) However, in case of complete renewal, the duties of mayors and deputy mayors shall, with effect from the installation of the new council and until the election of the mayor and deputy mayors, be discharged by the councillors according to the order of election.

#### Article 101:

The criminal law provisions in force shall be applicable to any mayor who resigns with the intent of hindering or suspending either the administration of justice, or the performance of any duty whatsoever.

#### Article 102:

Dismissal shall as of right entail ineligibility for the post of mayor or deputy mayor till the end of the term of office, with effect from the date of publication of the decree of dismissal.

#### Article 103:

- (1) In case of dismissal, suspension, absence or any other hindrance and, subject to the provisions of Section 95 above, the mayor shall be temporarily replaced by a deputy following the order of election and, where there is no deputy, by a councillor chosen according to the order of the list.
- (2) In the latter case, the council shall, within a maximum period of 8 (eight) days, appoint one of its members to deputize.

#### Article 104:

- (1) Where a mayor is dismissed or suspended, his replacement shall fully discharge his duties until a new mayor is elected.
- (2) Where a mayor is absent or is unable to discharge his duties, his replacement shall be responsible for handling routine matters. The replacement shall, in particular, neither replace the mayor in the general management of council matters nor modify its decisions or the budget.

#### Article 105:

- (1) In time of war, the mayor and the councillors considered individually, may, for purposes of public order or the general interest, be suspended by decree of the President of the Republic, until the end of the war. The members of the council thus suspended shall not be replaced numerically during the normal duration of their term of office.
- (2) However, where such measure leads to the reduction of the number of councillors by at least one quarter, a special body shall be set up, in accordance with the provisions of Section 53 above.

#### Article 106:

- (1) The provisions of Section 94 above shall, among others, apply in case of the following malpractices:
  - a) acts provided for and punishable under the law relating to the auditing of authorizing officers, managers and directors of public funds and of State enterprises;
  - b) use of council funds for personal or private purposes;
  - c) forgery as provided for under criminal law;
  - d) misappropriation of public funds and corruption;
  - e) speculation in the allocation or use of public lands and other movable and immovable property of the council and in the issuing of building, land parcelling or demolition permits.
- (2) In the cases referred to above, administrative sanctions shall not bar legal proceedings to be instituted in accordance with the regulations in force.

#### Article 107:

Where the mayor, deputy mayors, the chairman or members of the special body commit one of the malpractices provided for by the law relating to auditing of authorizing officers, managers and directors of public funds, they shall be liable to sanctions by the budget and finance disciplinary board.

#### Article 108:

The mayor, deputy mayors, chairman or members of the special body who illegally involve themselves in the handling of council funds shall be considered de facto accountants and may be prosecuted by the competent courts.

## PART V

# SPECIAL REGULATIONS APPLICABLE TO URBAN CENTRES

### Article 109:

- (1) Some urban centres, because of their specific nature, may be raised to city councils by decree of the President of the Republic.
- (2) A city council shall be a legal entity governed by public law, It shall have a legal personality and financial autonomy.
- (3) A city council shall comprise at least 2 (two) councils;
- (4) The councils which constitute a city council shall be called sub-divisional councils.
- (5) The name of the urban centre shall precede the words " ... City Council" .
- (6) The decree referred to in subsection (1) above shall determine the chief town as well as the area of jurisdiction of the city council concerned.

## Chapter I

### CITY COUNCIL

#### Section I

#### DUTIES OF THE CITY COUNCIL

### Article 110:

The following powers shall be devolved upon the city council, with effect from the date of its creation:

- creation, maintenance and management of city greens, parks and gardens;
- management of city lakes and rivers;
- monitoring and control of the management of industrial refuse;
- cleaning of city roads and areas;
- collection, removal and treatment of household waste;
- creation, development, maintenance, operation and management of urban sanitation, used and rain water facilities;
- preparation of urban environmental, action plans, especially as concerns the fight against nuisance and pollution, protection of lawns;
- creation, maintenance and management of public cemeteries;
- creation and management of urban sports facilities;
- urban development projects;
- setting up community land reserves;
- setting up and management of community cultural centres;
- construction, equipment, management and maintenance of community facilities;



- management and maintenance of markets, bus stations and slaughter houses;
- participation in the organization and management of urban passenger transport;
- preparation and implementation of community investment plans;
- signing with the State or the region of community development contracts and plans;
- urban planning, plans and master plans, land tenure plans or town planning documents in lieu thereof. To this end, the city council shall make recommendations on the draft regional development plan before its approval;
- construction, development, maintenance. operation and management of primary and
- secondary community roads and equipment, including public lights, road signs, rainwater
- drainage. safety facilities and bridges;
- creation and development of public squares;
- coordination of urban networks for the supply of power, drinking water and telecommunication services, and coordination of stakeholders in community traffic zones;
- urban circulation plans covering the entire circulation network.

## Section II

### ORGANIZATION AND FUNCTIONING OF CITY COUNCILS

#### Article 111:

The city council shall function, *mutatis mutandis*, in accordance with the regulations governing councils, as provided for by this law and the law on the orientation of decentralization.

#### Article 112:

The city council shall comprise:

- the city council;
- the Government Delegate to the City- Council.

#### Article 113:

- (1) The city council shall be made up of sub-divisional council mayors and representatives chosen within sub-divisional councils, in accordance with the provisions of
- (2) The city council shall discuss all matters which fall under its jurisdiction.

#### Article 114:

- (1) The term of office of the city council shall expire at the same time as that of councillors of sub-divisional councils.
- (2) Five members of the special body referred to in Sections 53 and 54 above shall represent a city council in case of dissolution, resignation or suspension of all members thereof.
- (3) In the event of vacancy on a city council resulting from death, resignation or other reasons, the sub-divisional council concerned shall replace the said councillor within a maximum period of 2 (two) months.

#### Article 115:

- (1) A government delegate appointed by decree of the President of the Republic shall fully exercise the duties and powers of a mayor at the head of a city council. He shall be assisted by persons appointed by order of the President of the Republic.

- (2) He shall convene and chair city council meetings.
- (3) The government delegate and his assistants shall constitute the city council executive.

#### Article 116:

In the discharge of his duties, the Government Delegate to the City Council shall be responsible for:

- preparing and implementing the decisions of the city board; preparing and implementing the budget of the city council;
- organizing and managing city services;
- managing the resources and property of the city;
- overseeing city projects;
- representing the city at official ceremonies.

#### Article 117:

The Government Delegate and Assistant Government Delegates shall be entitled to remuneration, as well as entertainment and duty allowances whose amounts shall be fixed by order of the President of the Republic.

#### Article 118:

During public ceremonies, the government delegate and assistant government delegates shall each wear around the waist a sash in national colours. With a gold fringed tassel for the Government Delegate and Silver fringed tassels for the assistant Government Delegates

#### Article 119:

- (1) Decisions of the city council shall be taken under the same legal conditions as those of the council.
- (2) Copies of the said decisions shall, within 10 (ten) days from the date of their coming into force, be sent by the government delegate to the city council to the mayors of the sub-divisional councils concerned,
- (3) The mayors shall be bound to notify the decisions referred to in Sub-section (2) above to their sub-divisional councils at their next meeting.

## Chapter II

### SUB-DIVISIONAL COUNCILS

#### Article 120:

The provisions of the law on the orientation of decentralization as well as those of this law shall be applicable *mutatis mutandis* to sub-divisional councils.

#### Article 121:

- (1) Mayors of sub-divisional councils shall be ex officio members of the city council.
- (2) In addition to the mayor referred to in Subsection (1) above, the sub-divisional council shall designate 5 (five) councillors to represent it on the city council.
- (3) The designation referred to in subsection (2) above shall be made during the first council meeting following the publication of council election results.

#### **Article 122:**

- (1) The sub-divisional council shall make recommendations whenever requested to do so by the city council or any other body, on matters that concern the said council
- (2) The consultation referred to in subsection (1) above shall be compulsory for any operation or project of general interest to be executed in its entire council area or a part thereof.

#### **Article 123:**

- (1) Sub-divisional councils may meet at the request of 2/3 (two thirds) of the councillors or, as an exceptional measure, the government delegate to the city council, with a specific agenda. In this case, the government delegate may address the sub-divisional councillors at the meeting.
- (2) The meeting referred to in subsection (1) above shall be subject to the prior approval of the representative of the State when it is initiated by the government delegate to the city council.

#### **Article 124:**

The setting up of a city council shall entail the transfer by sub-divisional councils of powers and resources to the said city council, in accordance with the provisions of this law.

#### **Article 125:**

- (1) Save in the case of consultation provided for under Section 122 above, the sub-divisional council may not deliberate on a field of competence devolved upon a city council.
- (2) In all cases of consultation, the decisions of the sub-divisional council shall not contradict those of the city council.
- (3) Notwithstanding the provisions of subsection 2 above, where the sub-divisional council takes a decision repugnant to that of the city council, the decision of the sub-divisional council shall automatically be null and void, save in case of violation of the instruments in force by the city council.

#### **Article 126:**

The President of the Republic may, by decree, apply the provisions of this part to any council by virtue of its importance and level of development.

## **Chapter III**

### **SPECIAL PROVISIONS**

#### **Article 127:**

- (1) The general recurrent allocations to sub-divisional councils by the provisions of this law shall constitute a mandatory expenditure for the city council.
- (2) They shall be indexed to certain revenues of the city council.
- (3) The conditions for making the allocations provided for under subsection (1) as well as those of the indexation referred to in subsection (2) above shall be laid down by regulation.

#### **Article 128:**

- (1) The conditions of devolution of assets and liabilities of an urban centre comprising sub-divisional councils shall be laid down by order of the minister in charge of regional and local authorities.
- (2) The order referred to in Subsection (1) above shall be published within a maximum period of 3 (three) months following the setting up of the city council.

#### Article 129:

The provisions of this law relating to councils shall, *mutatis mutandis*, be applicable to city councils and sub-divisional councils.

#### Article 130:

The creation of any inter-council service by a city council shall be subject to the prior approval of the sub-divisional councils concerned.

## PART VI

# INTER-COUNCIL COOPERATION AND SOLIDARITY

### Chapter I

## DECENTRALIZED COOPERATION

#### Article 131:

- (1) Decentralized cooperation shall be realized under an agreement whereby 2 (two) or more councils decide to merge their various resources with a view to achieving common objectives.
- (2) It may be effected between Cameroonian councils or between Cameroonian and foreign councils, under the conditions laid down by the laws and regulations in force.

#### Article 132:

- (1) Councils may belong to international organizations of twinned towns or any other international organizations of towns.
- (2) The cooperation agreement, which shall be authorized before hand by decision of the council. shall be forwarded by the representative of the State for prior approval by the minister in charge of regional and local authorities.

### Chapter II

## COUNCIL UNIONS

### Section I

## REGULATIONS GOVERNING COUNCIL UNIONS

#### Article 133:

- (1) Councils of the same division or region may, by at least a 2/3 (two-thirds) majority of the decision of each council, form a union with a view to realizing inter-council operations.

- (2) A council union shall be set up by an agreement signed by mayors of the councils concerned. The said agreement shall lay down the conditions of functioning and management of the union, as provided for by this law.

**Article 134:**

- (1) A council union shall be an inter-council public establishment, endowed With legal personality as well as administrative and financial autonomy
- (2) It shall, *mutatis mutandis*, be subject to the provisions of the law on the orientation of decentralization, as well as those of this law.

## Section II

### ORGANIZATION AND FUNCTIONING OF COUNCIL UNIONS

**Article 135:**

- (1) The bodies of a council union shall comprise:
- a union board;
  - a union chairman
- (2) The union board referred to under subsection (1) above shall comprise mayors assisted each by 2 (two) councillors designated within each unionised council.
- (3) It shall be managed by a chairman elected from among members of the union board for a one year renewable term of office.
- (4) The term of office of councillors serving on the union board shall be governed by the legal provisions of the council to which they belong. In the event of vacancy or resignation, the members shall be replaced in accordance with the regulations applicable to the representatives of sub-divisional councils on the city council.

**Article 136:**

- (1) Minutes and decisions of the union board chairman to mayors of unionised councils.
- (2) Mayors shall be bound to notify the minutes and decisions referred to under subsection (1) above to their council during the next session.

**Art 137:**

The union board shall deliberate on issues within its jurisdiction, particularly:

- the union budget;
- the administrative and management accounts of the union;
- the acquisition, transfer and exchange of union property;
- the union action programme;
- requests for interventions of unionised councils;
- membership of new councils;
- management of a public enterprise or an inter-council public establishment.

**Article 138:**

- The chairman shall represent the union in civil matters and before the law courts. To that end, he shall:
- be answerable to the union board;

- implement the recommendations and decisions of the union board;
- be the authorizing officer of the budget of the union;
- propose the organization chart and the action plan of the union;
- authorize revenue and expenditure operations;
- prepare and present the union accounts;
- conclude contracts in accordance with the instruments in force;
- take out leases, contract loans and perform acts relating to the acquisition, sale, transaction, exchange, sharing or acceptance of gifts and legacies within the forms laid down by the regulations.

## Section III

### UNION BUDGET

#### Article 139:

The union budget shall be prepared, adopted, executed and audited in accordance with the provisions of the agreement creating the union.

#### Article 140 :

The union budget shall be prepared and executed in accordance with the conditions laid down by the financial regulations of regional and local authorities.

## Section IV

### SPECIAL PROVISIONS

#### Article 141:

- (1) The admission of a council to an existing union shall be submitted for prior approval by the union board.
- (2) The decision of the board to admit a new council shall be notified by the chairman to mayors of unionised councils.

#### Article 142:

A council may withdraw from the union, after approval by the board, in accordance with the provisions of the agreement creating the union.

#### Article 143:

- (1) The council union shall be dissolved:
  - as of right upon expiry of its duration or on completion of the operation which it had as its objective;
  - by resolution of the councils concerned made by at least a 2/3 (two-thirds) majority of the members of each council, in accordance with ordinary law.
- (2) The dissolution instrument shall determine, subject to third party rights, the conditions under which the union shall be liquidated.

## PART VII

### Single Chapter

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## FINANCIAL PROVISIONS

#### Article 144:

The resources needed by a council to exercise its powers shall be devolved upon it either by tax transfers or ceded revenue or both.

#### Article 145:

- (1) The draft budget shall be prepared and presented to the council by the mayor.
- (2) The budget and special revenue and expenditure authorizations shall be adopted by the council. They shall be divided into two sections: "Recurrent" and "investment".

#### Article 146:

A separate law shall lay down the financial regulations applicable to councils.

#### Article 147:

Relevant State services shall control the management of council funds.

## PART VIII

## MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

#### Article 148:

- (1) Where the mayor, government delegate, chairman of a council union or any other councillor is sentenced for a crime, he shall automatically be dismissed.
- (2) Where he has been sentenced for an offence or where such a person's conduct seriously undermines the interests of the council, city council or council union, on the basis of specific acts considered as such by the council and after being heard or summoned by the representative of the State to give written explanations on the charges against him, he may be dismissed by order of the minister in charge of regional and local authorities.
- (3) As a precautionary measure, and in case of emergency, the representative of the State may notify the incriminated official or councillor, by using any means with written proof, the immediate cessation of duty. In such case, the order referred to under subsection (2) above shall be published within a maximum period of one month with effect from the date of notification.

#### Article 149:

Dismissal shall automatically entail ineligibility for the office of mayor or councillor for a period of 10 (ten) years

#### **Article 150:**

The provisions of Section 148 above shall, among others, apply to the following:

- a) acts provided for and punishable under the law to set up the Budgetary and Financial Disciplinary Board;
- b) the use of council, city council or council union funds for personal or private purpose; forgery as provided for under criminal law;
- (d) misappropriation of public funds and corruption;
- (e) speculation in the allocation or use of public lands and other movable or immovable property of the council, city council or council union, and in the issuing of building, land parcelling or demolition permits, as the case may be.

#### **Article 151:**

In the absence of a separate instrument, the recruitment of any employee by the council, city council or council union shall be done in compliance with the conditions of recruitment, remuneration and career profile applicable to equivalent State positions.

#### **Article 152:**

- (1) The councils set up pursuant to Law. No. 74/2:3 of 5 December 1974 to organize councils, and subsequent amendments there to shall cease to be urban or rural councils with effect from the date of enactment of this law.
- (2) Notwithstanding the provisions of the preceding subsection councils bearing identical names by virtue of a change in status shall retain their former name, until the publication of a decree of the President of the Republic changing their name.

#### **Article 153:**

A council whose office is located in another council area shall have a period of 18 (eighteen) months with effect from the date of enactment of this law to transfer the said office to its own council area.

#### **Article 154:**

City and urban councils governed by special regulations in existence on the date of enactment of this law shall continue to function until they comply with the provisions of this law.

#### **Article 155:**

- (1) notwithstanding the provisions of Section 156 below, councils existing on the date of enactment of this law shall continue to function until compliance with the provisions of this law.
- (2) Councils elected before the enactment of this law shall remain in place until expiry of their term of office.
- (3) Their subsequent re-election shall be conducted in accordance with the regulations in force

#### **Article 156:**

The provisions of Laws No. 74/23 of 5 December 1974 to organize councils, and 87/15 of 15, July 1987 to set up city councils, and subsequent amendments thereto, and are hereby repealed.

#### **Article 157 :**

This law shall be registered published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

**Yaounde, 22 July 2004**  
**President of the Republic**  
**Paul Biya**