

LAW No. 23 /2021
LOCAL GOVERNMENT AND ADMINISTRATIVE DECENTRALIZATION LAW

The Constitution of the Democratic Republic of Timor-Leste provides that the organization of the Public Administration shall obey the principle of administrative decentralization.

Article 72 of the Fundamental Law states that Local Government shall consist of territorially based collective bodies, endowed with their own representative bodies, whose organization, competence, operation and composition shall be determined by law.

In compliance with these constitutional provisions, the Law of Local Government and Administrative Decentralization establishes the set of attributions to be pursued and the competencies to be exercised by the municipalities, as well as an organic model appropriate to the reality and specificity of our Country. The representative bodies of the local government are the Municipal Assembly, as a deliberative body, the Mayor of the Municipality as an executive body, responsible for the execution of the deliberations of the Municipal Assembly and for the superior direction of municipal services, and the Vice Mayor as a body to assist the Mayor. The election of the Mayor and municipal deputies by universal, free, direct, secret and periodic suffrage is also established.

It also establishes the Municipal Consultative Council, as a consultation body of the Municipal Assembly, which gathers, quarterly, representatives of the branches and social sectors of the municipal communities and which will be responsible for giving its opinion on the proposals of the Municipal Development Plan, the Annual Activity Plan, the Municipal Budget, the Activity Reports, the Accounts Reports and, also, on the proposals of territorial management plans.

The present law thus seeks to establish for Local Government a framework of attributions and competencies and an organizational model capable of reflecting the objectives established for it by the National Strategic Development Plan, namely the development of the private sector of the economy in rural areas, the creation of new opportunities for democratic participation and a more effective provision of services to local populations. With the institution of Local Government, the State seeks to favor the economic, social and territorial cohesion of our country through the involvement and active participation of all citizens in the process of local and national development.

Thus,

The National Parliament decrees the following, under the terms of Article 72 and Article 95.1 of the Constitution of the Republic, to be valid as law:

Title I
General Provisions and Fundamental Principles

Article 1
Object

This law establishes the organization, composition and competencies of local government bodies, as well as the legal framework for the administrative decentralization of the state.

Article 2

Definition and legal nature

A municipality shall be a public corporate body, of population and territory, endowed with administrative, financial, patrimonial and organizational autonomy, and representative bodies that aim to pursue the interests of the respective populations, as a factor of national cohesion.

Article 3

Administrative autonomy

The municipality shall enjoy administrative autonomy, which shall include the power to perform definitive and enforceable administrative acts.

Article 4

Patrimonial and financial autonomy

1. Municipalities shall have their own finances and property, which shall be managed by the respective municipal bodies within the context of administrative, financial and patrimonial autonomy.
2. The financial and patrimonial autonomy of municipalities is based on the autonomous exercise of the following powers, under the terms of the law
 - a) Elaborate, approve, alter and execute their own plans of activities and budget;
 - b) To elaborate and approve the respective balance sheets and management accounts
 - c) To launch, liquidate, and collect its own revenue and collect other revenue that by law should revert to it:
 - d) To resort to credit, in the terms of the law;
 - e) Order, process and settle its own budgeted expenses;
 - f) Make municipal public investments;
 - g) Have, manage and dispose of its own assets.

Article 5
Organizational autonomy

The municipality enjoys organizational autonomy that allows it to create, organize, and supervise services intended to ensure the pursuit of its attributions.

Article 6
Specialty

Municipal bodies may only deliberate or decide upon matters or issues that fall within the scope of their competence and for the performance of the duties of the respective municipality.

Article 7
Deconcentration

The municipality shall bring its administration closer to the people, organizing the services so that they have decision-making capacity at the level of administrative posts.

Article 8
Liability

The municipality shall be civilly liable to third parties for violation of their rights, for infringement of the legal provisions designed to protect their interests, resulting from unlawful actions or omissions committed maliciously or with negligence by its administrative bodies and agents, in the exercise of their functions and because of the exercise of those functions, under the terms and in the manner prescribed by the law on the non-contractual civil liability of public corporate bodies.

Article 9
Participation of private parties

Municipal bodies shall ensure the participation of private individuals in the formation of decisions that concern them, under the terms of the law.

Article 10
Participation by the municipality

The sovereign bodies shall hear the municipalities, individually or through their associations, before approving legislation that has as its object their organisation or functioning, or the devolution or exercise of powers.

Article 11
Transparency

Municipal bodies and services shall act and organize themselves with transparency before the community and the citizens.

Article 12
Speed

Municipal bodies must provide for the rapid and efficient processing of citizen requests, either by refusing and avoiding anything that is impertinent or dilatory, or by ordering and promoting everything that is necessary for a rapid decision.

Article 13

Justification

The decisions and resolutions of municipal bodies that affect legally protected rights or interests, or that impose or increase duties, charges or sanctions, must be expressly justified, under the terms of the law.

Article 14

Attributions and competencies

The municipalities and their respective bodies shall have the powers and duties established by law.

Article 15 Bodies

Organs

The representative bodies of the municipality are the Municipal Assembly, the Mayor and the Vice-Mayor.

Article 16

Subsidiarity Principle

1. The administrative and financial autonomy of municipalities is based on the principle of subsidiarity of their functions in relation to the state and the unitary organisation of the state.
2. Municipal autonomy shall respect the sphere of attributions and competences of the representative bodies of the municipalities.

Article 17

Principle of Legality

The actions of municipal bodies, employees and agents shall comply with the general principles of law and with the legal and regulatory norms in force, respect the purposes for which their powers were conferred upon them, and safeguard citizens' rights, equality between women and men, and non-discrimination.

Article 18

Principle of Independence

The bodies of municipalities shall be independent within the scope of their powers, and their decisions may only be suspended, modified, revoked or annulled in the manner prescribed by law.

Article 19

Principle of Administrative Decentralization

The division of duties between the central administration and the municipalities shall ensure that the municipalities intervene in the implementation of public administrative interests of a predominantly municipal nature.

Article 20

Principle of Open and Participatory Administration

1. The bodies, employees and agents of municipalities shall promote close collaboration with citizens, stimulating their initiatives in order to strengthen relations between the

Administration and the citizens, who shall have the right to be informed about the processes in which they are directly interested, as well as the right of access to administrative archives and records, within the terms of the law.

2. Citizens registered to vote in a geographical unit of census within the territorial jurisdiction of municipalities, individually or through legally constituted associations, shall have the right to request that the respective Municipal Assembly deliberate on matters of local interest within the scope of its powers, under the terms defined by the regulations of each Assembly.
3. The bodies, employees and agents of municipalities must ensure the participation of individuals, as well as associations whose object is to defend their interests, in the formation of decisions that concern them, namely through the respective prior hearing.
4. The decisions of the Mayor and all the deliberations of the Municipal Assembly shall be subject to publicity, through respective posting on notice boards and dissemination on the Internet site dedicated to the dissemination of municipal activity.

Article 21 **Regulatory Power**

Municipalities shall have their own regulatory power, within the limits of the Constitution of the Democratic Republic of East Timor, the laws, decree-laws, and regulations approved by the organs of sovereignty.

Article 22 **Symbols**

1. The municipality shall have a flag, emblem and seals that must be respected by all residents.
2. The municipal symbols shall be used together with the corresponding national symbols, safeguarding the precedence and highlights that are due to them.
3. .
4. The provisions of the preceding numbers shall be regulated by decree-law.

TITLE II **ADMINISTRATIVE SUPERVISION**

Article 23 **Scope and object**

1. Municipalities shall be subject to the administrative supervision regime established in this law.
2. Administrative supervision shall consist of verifying compliance with laws and regulations by the bodies and services of the municipalities and their associations.

Article 24 **Content**

1. Administrative supervision shall be exercised through inspections, inquiries, and inquiries.

2. For the purposes of the present diploma:
 - a. Inspection consists of verifying the conformity of the acts and contracts of municipal bodies and services with the law;
 - b. The inquiry consists in verifying the legality of concrete acts and contracts of the organs and services, resulting from a well-founded complaint presented by any natural or legal person or resulting from an inspection procedure;
 - c. The inquiry consists of an investigation of the services when there are serious indications of illegal acts or bodies and services which, due to their volume and seriousness, should not be investigated within the scope of the inquiry.
3. Without prejudice to the preceding paragraphs, administrative supervision includes prior consultation, by the municipalities, with the members of the Government competent in the matter, for the issue, within 10 days, of a non-binding opinion on the legal and regulatory conformity of municipal budget proposals, of draft administrative regulations with external effectiveness, of draft regulations on the organization of municipal administration, and their respective revisions.
4. Failure to issue opinions within the period provided for in the preceding paragraph shall not preclude the presentation to the Municipal Assembly of the municipal budget proposal or draft regulations and revisions thereof.

Article 25

Duties of information and cooperation

The bodies and services of the municipalities and their associations, which are subject to administrative supervision, are bound by the duties of information and cooperation.

Article 26

Holder of the powers of administrative supervision

Administrative supervision is the responsibility of the Government, and is assured in a coordinated fashion by the Inspector General of the State and the Inspector General of State Administration.

Article 27

Performance of inspection actions

1. Inspections shall be carried out regularly by the competent services, in accordance with the annual plan approved by order of the Prime Minister.
2. Inquiries and inquiries shall be determined by the competent member of the Government, by reason of the matter, whenever the prerequisites for their realization have been verified.

3. Reports on inspection activities shall be submitted to the Prime Minister for dispatch, who shall forward them to the Public Prosecutor's Office if there is any indication of criminal wrongdoing.
4. In the case of situations which may be grounds for dissolution of the Municipal Assembly or loss of mandate of its holders, the Mayor or Vice-Mayor, the member of the Government shall previously determine the notification of those concerned so that, within fifteen days, they may present the allegations deemed convenient in writing, attaching the documents they deem relevant.
5. Without prejudice to the previous number, whenever the loss of office of the Mayor is at stake, the Municipal Assembly must also be asked for its opinion, which must be pronounced within fifteen days.
6. Once the allegations have been presented or the opinion referred to in nos. 4 and 5 has been issued, or once the deadline for these purposes has elapsed, the Prime Minister shall forward the proposed decision, dissolution or loss of mandate or archiving to the Council of Ministers for deliberation within fifteen days.
7. The Anti-Corruption Commission and the Public Prosecutor's Office shall be informed of the Government's decision.
8. Those directly affected by the decision may appeal to the High Administrative, Fiscal and Audit Court, within fifteen days, against the decision to dissolve the Municipal Assembly or the loss of office of any of its members or the Mayor.
9. The appeal provided for in the previous number must be decided by the High Administrative, Tax and Audit Court within a maximum of thirty days, counting from the respective filing.

Article 28

Contentious opposition

1. The Government shall promote the declaration of nullity or the annulment of administrative acts, administrative regulations or administrative contracts involving municipal bodies that it considers to be illegal, observing, for this purpose, the rules of administrative litigation.
2. Municipalities shall challenge in court the illegal acts carried out by the supervisory authority in the exercise of its supervisory powers.

Article 29

Sanctions

The practice, by action or omission, of illegal acts within the scope of the management of municipalities or associations of municipalities may determine, under the terms of this law, the loss of the respective mandate, if practiced individually by members of bodies, or the dissolution of the body, if they are the result of its action or omission.

Article 30
Dissolution of Bodies

Municipal Assemblies and associations of municipalities may be dissolved when:

- a) Without legitimate cause, they fail to comply with final judicial decisions;
- b) They obstruct the carrying out of inquiries, inspections, and syndicates, the provision of information or clarifications, and also when they refuse to allow the examination of services and the consultation of documents requested within the scope of administrative tutelary procedures;
- c) Do not prepare or approve the municipal budget, in order to ensure that it comes into force on January 1st of each year, unless there is a justified fact
- d) They do not examine or do not submit their accounts to judgment within the time limits legally established for this purpose, except in the occurrence of a fact deemed to be justifiable;
- e) The legal limits for personnel costs are exceeded, except in the case of a fact not attributable to the body in question;
- f) The legal limits of the municipality's liabilities are exceeded, unless there is a proven justifiable fact;
- g) Fraudulent incurrence or omission, in serious illegality, translated into the attainment of ends unrelated to the public interest.

Article 31
Loss of Office

The members of the bodies of municipalities or associations of municipalities shall forfeit their office if:

- a) without justifiable reason, fail to attend five consecutive or fifteen interpolated meetings of the respective body;
 - b) After the election they are placed in a situation that renders them ineligible or for which elements are known that reveal a situation of ineligibility that already existed and is still subsisting, but that was not detected prior to the election;
 - c) After the election they register in a political party different from the one for which they were presented to the electoral ballot;
 - d) They practice or are individually responsible for the practice of the acts provided for in the previous article.
3. The incumbents of municipal bodies or associations of municipalities who, in the exercise of their functions or because of them, intervene in an administrative procedure, or act or contract, under public or private law, in relation to which a legal impediment exists, with the aim of obtaining a patrimonial advantage for themselves or for others, shall also forfeit their office.

4. The fact that the facts referred to in paragraph 1(d) and in paragraph 2 of this article were committed, by action or omission, during an immediately preceding term of office, shall also constitute cause for removal from office.

Article 32 **Effects of dissolution and loss of office**

1. The definitive decision to dissolve the Municipal Assembly or to remove the Mayor from office shall determine that the municipal bodies shall remain in office until the new municipal bodies are installed, and their actions shall be limited to acts of mere management of the Municipality.
2. The decision to dissolve the Municipal Assembly or the loss of the mandate of the Mayor shall imply the simultaneous holding of a new election, to be held within ninety days, for both bodies, whose new holders shall begin a new municipal mandate.

TITLE III **ATTRIBUTIONS AND COMPETENCIES OF THE MUNICIPALITIES**

Article 33 **Attributions**

1. The Municipalities have, within the scope of their respective territory, attributions in the following areas
 - a) Economic development;
 - b) Territorial planning
 - c) The environment, nature conservation and water resources;
 - d) Social equipment and means of communication;
 - e) Social action and housing;
 - f) Health
 - g) Civil protection and management of serious accidents and catastrophes;
 - h) Education and professional training;
 - i) Culture and heritage;
 - j) Promotion of gender equality;
 - k) Youth, sports and leisure;
 - l) Tourism;
 - m) Energy;
 - n) Transportation;
 - o) Cadastre, land registry and registry office;
 - p) Support to productive activities, namely those of an agricultural nature;
 - q) Support for the action of the sucos;
 - r) External cooperation.
2. The municipalities carry out their duties in accordance with the law and with respect for the duties of the Central Government and the sucos, with a view to promoting development and social and territorial cohesion.

Article 34
Competencies in the area of economic development

- 1) The municipal bodies shall be responsible for
 - a. Elaborate and approve the Municipal Development Plan;
 - b. Support local employment initiatives;
 - c. Create or participate in establishments to promote local tourism;
 - d. To promote and support the development of handicraft activities and ethnographic manifestations of local interest;
 - e. To create and participate in rural development associations;
 - f. To participate in support programs for the installation of companies;
 - g. To promote the development of the agricultural sector, according to the strategies defined for the sector at a national and municipal level;
 - h. To support the development of systems for the irrigation of agricultural crops, dams and reservoirs;
 - i. To create and support Agricultural Service Centers.
- 2) The municipal bodies shall also be responsible for:
 - a) The licensing and supervision of tourist and hotel establishments;
 - b) The preparation of the register of commercial, tourist, and industrial establishments in the municipality;
 - c) Licensing and supervision of the display of advertising messages;
 - d) Authorization for the activity of itinerant sale.

Article 35
Competencies in the area of territorial planning

In terms of land use planning, the municipalities are responsible for:

- a) Draw up and approve urbanization plans;
- b) Draw up and approve the proposals for territorial planning instruments of municipal scope, under the terms of the law;
- c) Delimit the priority areas for urban development and construction
- d) Delimit the urban defense and control areas, the critical areas for urban recovery and reconversion, and the renovation plans for degraded areas;
- e) Licensing any private urbanistic operations, under the terms of the law;
- f) Licensing, with the binding opinion of the central administration, construction in the areas of ports and beaches.

Article 36
Competencies in the area of environment, nature conservation and water resources

1. The municipal bodies shall be responsible for planning, managing equipment, making investments and providing services in the following areas:

- a) Water supply systems;
 - b) Wastewater drainage and treatment systems;
 - c) Public cleaning systems and solid waste collection and treatment systems;
 - d) Used-oil collection systems
2. The municipal bodies are also responsible for:
- a. Create protected areas of municipal interest;
 - b. Maintain and rehabilitate the hydrographic network within the urban perimeters;
 - c. Licensing and inspecting the abstraction of underground water;
 - d. To ensure the management and guarantee the cleanliness and good maintenance of beaches and bathing areas
 - e. Licensing and supervising the extraction of inert materials;
 - f. Enforce compliance with the legislation concerning water and soil pollution.
3. The municipal bodies are also responsible for:
- a) Promote reforestation and sustainable land management and forest reordering of municipal territories;
 - b) Ensure the cleaning up of woods and forests and prevent the outbreak of forest fires;
 - c) To create community nurseries for trees and plants of autochthonous species;
 - d) Participate in the management of natural conservation areas and the national park.

Article 37

Competencies in the area of social equipment and communication routes

The municipal bodies are responsible for planning, managing equipment, making investments and providing services in the following areas:

- a. Green spaces;
- b. Streets and streets;
- c. Cemeteries;
- d. Municipal public services facilities
- e. Markets and municipal fairs;
- f. Construction, reconstruction or improvement of rural roads.

Article 38

Competencies in the area of social action and housing

1. The municipal bodies may ensure the management of equipment and make investments in the construction or support for the construction of:
- a) homes or day centers for the elderly;
 - b) Centers for the disabled;
 - c) Support centers for victims of domestic violence and gender-based violence.

2. The municipalities, with the support of and in articulation with central administration, should create the municipal network for the protection of minors, under the terms defined in a specific statute.
3. In the area of housing, municipal bodies will have the power to:
 - a) Make land available for the construction of social housing;
 - b) Promote controlled-cost housing and urban renewal programs
 - c) Guarantee the conservation and maintenance of the private and cooperative housing stock, namely by granting incentives and by carrying out building restoration works
 - d) Encourage the management of social rental housing;
 - e) Propose and participate in the viability of programs for the recuperation or substitution of degraded dwellings inhabited by owners or tenants.
4. The municipalities shall support the services of the State Administration in the payment of social benefits to individuals residing in the respective administrative district.

Article 39 **Competencies in the field of health**

The municipal bodies are competent to:

- a) Participate in the planning of the municipal network of health equipment;
- b) Build, maintain and support health centers, health posts and mobile clinics
- c) Participate in the definition of public health policies and actions;
- d) Participate in the consultative bodies for monitoring and evaluation of the National Health System;
- e) Participate in the communication and information plan for citizens on health matters;
- f) Cooperate towards the compatibility of public health with the strategic planning of municipal development;
- g) Manage municipal thermal equipment.

Article 40 **Competencies in the area of civil protection and management of serious accidents and catastrophes**

1. It is the competence of the municipal bodies to make investments in the following areas:
 - a) Construction and maintenance of fire stations;
 - b) Acquisition of equipment for firemen;
 - c) Construction, maintenance and management of municipal civil protection facilities and centers;

- d) Construction and maintenance of prevention and support infrastructures for fighting forest fires;
 - e) Garantir a execução de programas de limpeza e beneficiação das matas e florestas.
2. In the field of civil protection, municipal bodies are also responsible for developing and executing, in collaboration with the central administration, the planning and execution of the municipal emergency and civil protection plan, plans for evacuating public buildings and collective equipment in emergency situations, and other plans for preventing and responding to collective risks.
3. In the field of management of serious accidents and catastrophes, municipal bodies are responsible for:
- a. Promote, plan and execute, in coordination with central administration, the identification of areas of the municipal territory with high risk of occurrence of natural disasters;
 - b. Promote, plan and execute, in coordination with the central administration, actions of prevention, mitigation and response to emergency situations arising from the occurrence of serious accidents and catastrophes;
 - c. Promote, plan and execute, in coordination with the central administration, information and enlightenment activities for the population about the risks of occurrence of major accidents and catastrophes and the behaviour to adopt in relation to them;
 - d. Ensure, in coordination with the central administration, the provision, storage and conservation of food and non-food items, materials and equipment necessary to respond to emergency situations resulting from the occurrence of major accidents and disasters;
 - e. Provide humanitarian support to the population, namely through the distribution of food and non-food items and temporary shelter, as well as ensure the monitoring of persons, families and communities affected by the occurrence of major accidents and disasters.

Article 41

Competencies in the area of education and training

1. The municipal bodies shall be responsible for participating in the planning of the school network, managing educational facilities and making investments in the following areas:
- a) Construction, equipping and maintenance of pre-school education establishments;
 - b) Construction, equipping and maintenance of the establishments of basic education schools;
 - c) Ensure the management of the cafeterias of the establishments of pre-school education, basic education and the school lunch program;
 - d) Support the development of complementary activities of educational action in pre-school education and basic education;
 - e) Participate in the support to extracurricular education;
 - f) Recruiting and managing non-teaching staff in pre-school and elementary education;
 - g) To organize school transportation;

- h) Promote and support school sports;
 - i) Ensure, in coordination with the central administration, the availability, storage and distribution of textbooks and teaching materials and equipment for pre-school and elementary school students, under the scope of school social action programs.
2. The municipal bodies have the power to approve and implement the municipal plan for recurrent education.
3. In the field of training, municipal bodies shall have the power to:
- (a) Support the development of vocational training activities;
 - (b) Support the creation of new Qualification and Training Centers.

Article 42

Competencies in the area of culture and heritage

The municipal bodies are responsible for planning, managing and making public investments in the following areas:

- a. Culture centers, science centers, libraries, theaters and municipal museums;
- b. The municipality's cultural, landscape and urban patrimony;
- c. Propose the classification of real estate, groups or sites in the terms defined in a legal diploma, specifically approved for this purpose;
- d. Proceed with the classification of real estate, sets or sites considered to be of municipal interest and ensure their maintenance and recovery;
- e. Participate, through the signing of protocols with public, private or cooperative entities, in the conservation and recovery of heritage and classified areas
- f. Organize and keep up-to-date an inventory of the cultural, urbanistic and landscape heritage existing in the area of the municipality
- g. Manage classified museums, buildings and sites, under the terms to be defined by law;
- h. Support non-professional cultural projects and agents;
- i. Support cultural activities of municipal interest;
- j. Supporting the construction and conservation of cultural equipment of municipal or community scope.

Article 43

Competence in the area of youth, sports and leisure

1. The municipal bodies are responsible for planning, managing, and making public investments in the following areas:

- a) Campsites of municipal interest;
 - b) Facilities and equipment for sports and recreational practices of municipal interest.
2. The municipal bodies shall also be responsible for:
- a) Licensing and inspecting entertainment venues;
 - b) Supporting sporting and recreational activities of municipal interest;
 - c) Supporting the construction and conservation of local sports and recreational equipment.
3. It is the responsibility of the municipal bodies to plan, build and manage the Multipurpose Youth Centers which are implanted in the area of the respective municipalities.

Article 44

Competencies in the field of tourism

The municipal bodies are responsible for:

- a) Create, promote and manage tourism routes, in partnership with local private economic agents;
- b) To create or participate in Tourist Information and Promotion Centers;
- c) Promoting investments, at the village level, which enhance ecotourism.

Article 45

Competencies in the area of energy

- 1. The municipal bodies shall be responsible for planning, managing and making investments in the following areas:
 - a) Low voltage electricity distribution;
 - b) Urban and rural public lighting.
- 2. The municipal bodies shall also be responsible for the licensing and supervision of fuel storage and supply facilities, except those located on the national road network.
- 3. Municipal bodies may also make investments in energy producing centers, as well as manage distribution networks.
- 4. Municipalities may contract with the concessionary entity for the distribution of electricity to ensure the collection of the amounts charged to the respective consumers.

Article 46

Competencies in the area of transport

- 1. The planning, management and investments in the following areas are the competence of municipal bodies:
 - a) Road network of municipal scope;
 - b) Local regular transport network that takes place exclusively in the municipal area;
 - c) Support structures for road transport;
 - d) Parking areas in populated settlements;
 - e) Road signs in the municipal road network.

2. The municipal bodies are also responsible for:
 - a) To fix the quotas and to grant licenses for passenger vehicles allocated to rental transport;
 - b) To supervise, in coordination with the competent police authorities, the compliance with the rules for transporting passengers by the vehicles referred to in the previous subparagraph, within the agglomerations
 - c) To register motor vehicles, motorcycles and cycle-engines, under the terms of the law
 - d) To develop and implement urban mobility plans in conurbations.
3. The municipalities are obliged to be involved in the definition of the national and municipal road network and the use of the public highway.

Article 47

Powers in the area of cooperation

1. The municipal bodies shall be responsible for participating in decentralised cooperation projects and actions, namely within the scope of the Association of Southeast Asian Nations and the Community of Portuguese-Speaking Countries.
2. The instruments of international cooperation, in which the municipalities are involved, shall only become effective after they have been homologated by Resolution of the Government.

Article 48

Municipal Development Plans

1. Municipalities shall prepare and carry out municipal development plans and shall participate in the preparation and execution of national economic and social development plans, under the terms of the law.
2. The preparation of Local Development Plans shall obey the model established by a specific statute, and the consultation of the Suco Chiefs shall be mandatory prior to their approval.

Article 49

Competencies in the field of land registry, registry and notary

The municipal bodies are responsible for planning, making investments and providing services in the following areas:

- a) Plan and execute, in coordination with the central administration, the systematic land cadastral survey of the municipal territory, as well as the other operations for the execution of the land cadastre;
- b) Participate in the management of cadastral information regarding the municipal territory that is part of the nationwide cadastral database;
- c) Promote the regularization of situations of irregular detention or possession of buildings in the municipal public or private domain, without prejudice to the competences of the courts and police authorities;
- d) Issue declarations of personal suitability and residence, at the request of private individuals;

- e) Plan and execute, in coordination with the central administration, the municipal network of registry offices and notary services;
- f) Build, equip, maintain and manage buildings allocated to cadastral services, registry offices and notary services.

**CHAPTER IV
REPRESENTATIVE BODIES OF THE MUNICIPALITIES**

**CHAPTER I
MUNICIPAL ASSEMBLY**

**Section I
General Provisions**

**Article 50
Nature and composition**

The Municipal Assembly is the deliberative body of the municipality, and is elected by universal, direct, secret, and periodic suffrage of the citizens registered in the municipal area, according to the system of proportional representation.

**Article 51
Composition**

1. The Municipal Assembly shall be composed of:
 - a) Nineteen members, in municipalities with more than one hundred and fifty thousand registered voters, in the area of the municipality;
 - b) Seventeen members, in municipalities with one hundred thousand or more registered electors and fewer than one hundred and fifty thousand registered electors, in the municipal area;
 - c) Fifteen members, in municipalities with fifty thousand or more voters and less than one hundred thousand registered voters, in the municipal area;
 - d) Thirteen members in municipalities with fewer than fifty thousand registered voters in the municipal area.
2. The members of the Municipal Assembly shall be called municipal deputies.

**Article 52
Installation**

1. The President of the outgoing Municipal Assembly shall proceed to install the new Municipal Assembly within a maximum of thirty days from the date of the respective election, in a public act of verifying the formal regularity of mandates.
2. The outgoing President of the Municipal Assembly shall convene the members of the Municipal Assembly that are to be installed, in accordance with the ruling of the Supreme Court of Justice, by means of written communication, indicating the date, time and place where the public act of verifying the formal regularity of the mandates will take place and posting it on the notice boards at least forty-eight hours in advance.

3. Should the new Assembly fail to be installed within the term provided for in the previous paragraph, the President of the Supreme Court of Justice, or the Judicial Magistrate designated by him/her, shall be responsible for installing the new Assembly within ten days following the expiration of this term, and the provisions of the previous paragraph shall apply, with the necessary adaptations.
4. The public act of formal verification of the mandates of municipal deputies shall consist of verifying the identity and legitimacy of those elected, documented in a record of installation, signed by all those sworn in and by the person in charge of installation, and filed in a special book.
5. The verification of the identity and legitimacy of the elected officials who have justifiably failed to attend the installation ceremony shall be performed at the first meeting attended by them and shall be recorded in the respective minutes by the Municipal Assembly Board presiding over that meeting.
6. Failure to comply with the formalities set out in paragraph 2 shall result in the nullity and repetition of the public act of verifying the formal regularity of the mandates and the election of the members of the Municipal Assembly's Board of the Municipal Assembly.

Section II

Municipal deputies

Article 53

Term of office

1. Municipal deputies shall hold office for a term of office lasting five years.
2. Municipal deputies shall serve for the term of their mandate and remain in office until legally replaced.

Article 54

Renunciation of office

1. Municipal deputies have the right to resign their mandate, to be exercised by means of a manifestation of will presented in writing, either before or after the installation of the Municipal Assembly.
2. The claim shall be addressed to the person convening the Municipal Assembly or to the Chairman of the Municipal Assembly, as the case may be.
3. Substitution of the resigning member shall take place by means of a letter of invitation to the substitute, signed by the persons referred to in the previous number, and shall take place between the communication of the resignation and the first session to be held thereafter, unless delivery of the document of resignation coincides with the installation or meeting of the body and the respective substitute is present, in which case, after verification of his identity and legitimacy, substitution shall take place immediately, if the substitute does not refuse it in writing under the terms of the previous number.

4. The absence of the elected municipal deputy from the act of installation of the Municipal Assembly, not justified in writing within thirty days, or considered unjustified, is equivalent to resignation by right.
5. The provisions of the previous number shall also apply, under its exact terms, in the absence of a substitute duly summoned to the act of installation.

Article 55 **Suspension of Office**

1. Municipal deputies may request suspension from office.
2. The request for suspension from office, duly founded, shall indicate the period of time covered and shall be sent to the President of the Bureau of the Municipal Assembly and considered at the meeting immediately following its presentation.
3. The following constitute grounds for suspension from office, namely
 - a) Proven illness;
 - b) Maternity or paternity leave;
 - c) Temporary absence from the municipal area for a period exceeding thirty days.
4. A suspension that, either on one occasion or cumulatively, exceeds 365 days during the term of office shall automatically constitute resignation, unless the municipal deputy declares, in writing, his/her desire to resume his/her duties on the first working day following the expiration of said term.
5. At the request of the interested party, duly substantiated, the Municipal Assembly may authorize the alteration of the term for which the mandate was initially granted, up to the limit established in the previous paragraph.
6. While their term of office is suspended, municipal deputies shall be replaced under the terms set forth in the previous article.

Article 56 **Substitution for less than 30 days**

Municipal deputies who have to be absent from the municipal area, for important reasons, for a period of less than thirty days, may request that the Municipal Assembly Board replace them.

Article 57 **Alteration to the composition of the Municipal Assembly**

1. When any of the municipal deputies cease to be part of the Assembly, due to death, resignation, loss of office, or for any other reason, they shall be replaced by the citizen immediately following in the order of the respective list or, in the case of a coalition, by the

citizen immediately following the party for which the member who caused the vacancy was proposed.

2. When, by application of the rule contained in the final part of the previous number, it becomes impossible for the vacancy to be filled by a citizen proposed by the same party, the mandate shall be granted to the citizen immediately following in order of precedence from the list presented by the coalition.
3. When the possibility of replacement provided for in the previous paragraph has been exhausted, and provided that the majority of the legal number of members of the Assembly are not in office, the Bureau shall notify the Government, so that new elections may be scheduled within a maximum period of ten days, to be held within forty days from the date of publication of the respective scheduling.
4. The new Municipal Assembly shall complete the term of the previous one.

Article 59 **Rights of Municipal Deputies**

Without prejudice to any others, the rights of Municipal Deputies are:

- a) To take a seat at plenary meetings and meetings of the committees to which they belong;
- b) Candidates for election to the Bureau of the Municipal Assembly;
- c) Participate in debates in the plenary sessions or in the committees to which they belong, according to the terms established in the bylaws;
- d) Submit motions, proposals, requests, recommendations and opinions for discussion and voting by the Municipal Assembly, under the terms of the established rules
- e) Request clarifications from the Municipal Deputies or from the Mayor, in the scope of the debates that take place in the plenary and specialized committees;
- f) Invoke the Municipal Assembly rules and present protests and complaints;
- g) Present votes of praise, congratulation or regret, regarding relevant events, actions or omissions of citizens, non-governmental bodies, organizations and services of the public administration or municipal bodies;
- h) Propose amendments to the bylaws that do not conflict with the law;
- i) Propose the carrying out, by the competent entities, of inquiries or syndicates to the actions of office-holders, employees or agents of municipal bodies and services;
- j) Request the discussion of the acts of the Mayor and Vice-Mayor;

- k) Appeal to the plenary against decisions made by the Municipal Assembly's Board or by any of its members
- l) Provide any clarification requested during debates in the plenary session or committee discussions;
- m) Defending their personal honor and the consideration due to their municipal bench
- n) Question the Bureau about the conduct of business;
- o) Make explanations of vote;
- p) Present, in writing, to the Mayor, through the Municipal Assembly's Bureau, the questions or requests they deem necessary to defend the interests of the populations they represent and to exercise their mandate as municipal deputies;
- q) Receive copies of the minutes of the Municipal Assembly.

Article 59 **Duties of Municipal Deputies**

Without prejudice to any other duties, the duties of Municipal Deputies are:

- a) Attend, punctually and assiduously, the plenary sessions of the Municipal Assembly and the meetings of the committees of which they are part;
- b) Attend, punctually, the sessions of the Municipal Consultative Council, participating in the respective works;
- c) Exercise with zeal, diligence and probity the functions for which they are designated by the Municipal Assembly or the respective municipal benches
- d) Participate in the voting;
- e) Sign the attendance register of plenary sessions or committee meetings where they are present
- f) Justify absences from plenary sessions and committee meetings, in writing, within five days, to the Municipal Assembly Board;
- g) Respect the dignity of the Municipal Assembly, the Municipal Deputies, the Mayor and the Vice-Mayor
- h) Contribute, with their behavior, to the efficiency and prestige of the Municipal Assembly's work.

Section III Municipal Benches

Article 60 Constitution and organization

1. Municipal deputies elected by each party or coalition of parties may form municipal benches, pursuant to the law and the bylaws.
2. The formation of each municipal bench shall be effected by means of a communication addressed to the Chairman of the Municipal Assembly, signed by the members that will comprise it, and identifying the respective leader.
3. The municipal bench is free to define its organization, and must communicate any change in its composition or leader to the Chairman of the Municipal Assembly Board.
4. Municipal deputies who are not part of any municipal bench exercise their mandate as independent municipal deputies.
5. The municipal benches have, as far as possible, support offices and working spaces in the building where the Municipal Assembly is held.

Article 61 Rights of municipal benches

The rights of the municipal benches are:

- a) To participate in committee meetings, according to the number of their members, appointing their representatives for this purpose;
- b) Being heard when the agenda of the plenary sessions is set;
- c) requesting the Bureau of the Municipal Assembly to urgently convene the plenary session;
- d) Submit motions of censure to the Municipal Assembly Board, the Mayor or the Deputy Mayor;
- e) propose the constitution of commissions, delegations, and work groups;
- f) Request a secret ballot;
- g) Manage with full autonomy their regular times;
- h) Propose the holding of an annual plenary debate on municipal policy.

Section IV Board of the Municipal Assembly

Article 62 The Board of the Municipal Assembly

1. The Board of the Municipal Assembly represents the Municipal Assembly and is responsible for conducting its work.

2. The Municipal Assembly Board, which shall include representatives of both genders, shall be composed of a President, a Vice-President and a Secretary, elected by secret ballot, from among the municipal deputies, immediately after verification of the identity and legitimacy of those elected, with the election process being assured by whoever has conducted the installation work of the new Municipal Assembly.
3. If there is a tie in the voting, a new election will be held.
4. If the tie persists in the latter, the municipal deputy who, from among the tied candidates, was in the best position in the lists that the competitors integrated in the election to the Municipal Assembly is declared elected to his or her functions, the one with the most votes being preferred.
5. The Bureau is elected for the term of office of the Municipal Assembly, and its members may be removed from office at any time by a majority decision of the legal number of its members.
6. The Chairman of the Board is substituted, in his absence and impediments, by the Vice-Chairman and the Secretary.
7. In the simultaneous absence of all or most of the members of the Bureau, the Assembly shall elect, by secret ballot, from among the members present, the necessary number of elements to integrate the Bureau that will preside over the meeting.
8. The President of the Bureau is the President of the Municipal Assembly.

Article 63 **Competence of the Board of the Municipal Assembly**

1. The general competencies of the Board of the Municipal Assembly are
 - a) Draw up the draft rules of procedure and submit them to the Municipal Assembly for discussion and vote;
 - b) Declaring the loss of office of any municipal deputy, under the terms of this law
 - c) Admit the Mayor's proposals that must be subject to the deliberative competence of the Municipal Assembly, verifying their conformity with the law
 - d) Accept the proposals from the municipal deputies, concerning matters within the competence of the Municipal Assembly, verifying their conformity with the law
 - e) forwarding, in accordance with the by-laws, the initiatives of the members of the Assembly, of the municipal benches and of the Mayor
 - f) Forward to the Assembly the petitions and complaints addressed to him;

- g) Request from the Mayor the documentation and information that he considers necessary for the exercise of the Municipal Assembly's competencies and the performance of its functions, in the manner, media, and with the frequency deemed convenient
 - h) Ensure the proper performance of the secretariat services.
2. With regard to plenary meetings, the Bureau shall be responsible for
- a) Integrate, in the forms provided by the regulations, the oral and written initiatives of the Municipal Deputies, the Municipal benches and the Mayor;
 - b) To decide on questions of interpretation and integration of gaps in the Rules of Procedure;
 - c) To examine and decide complaints regarding the minutes of the sessions;
 - d) Elaborate the agenda of the sessions and proceed to its distribution;
 - e) To ensure the final redaction of the deliberations;
 - f) Appointing the absences of the members of the Municipal Assembly;
 - g) communicating to the Municipal Assembly the refusal to provide information or to deliver documents, or the lack of cooperation from the Mayor or the Vice-Mayor;
 - h) Communicate to the Municipal Assembly the decisions regarding the loss of mandate or dissolution of the bodies;
 - i) give the floor to the Municipal Deputies, the Mayor and the Vice-Mayor, ensuring the order of the debates;
 - j) Give timely notice to the Municipal Assembly of messages, information, explanations, and invitations addressed to it;
 - k) Submit to discussion and voting the proposals and requests admitted.
3. It is up to the Board of the Municipal Assembly, as for the Members:
- a) To judge the justifications for the absences of municipal deputies from plenary meetings that are presented, in writing, within five days;
 - b) Grant requests for temporary replacements, in accordance with the law and the Rules of Procedure;
 - c) Receive and cause to be posted on the notice boards, declarations of resignation

- e) Act upon the requests and questions presented by the municipal deputies, addressed to the Mayor;
 - f) Authorize official travel.
4. The Board of the Municipal Assembly is responsible for the other bodies:
- a) Send to the Government, for purposes of knowledge, the deliberations of the Municipal Assembly;
 - b) Send to the Mayor, for purposes of execution, the deliberations of the Municipal Assembly
 - c) Communicate to the Government and to the President of the Municipality the results of votes on motions of censure
 - d) Schedule, in agreement with the Mayor or Vice-Mayor, as the case may be, the meetings in which the respective body will be present to answer questions and requests for clarification from municipal deputies
 - e) Draw up the draft internal regulation of the Municipal Consultative Council
 - f) Convene and direct the sessions of the Municipal Consultative Council, preparing the agenda and distributing it;
 - g) Send the opinions of the Municipal Consultative Council to the Government and to the President of the Municipality.
5. The Municipal Assembly's Board of Directors shall also exercise the competencies given to it by the Municipal Assembly.
6. The decisions of the Municipal Assembly Board shall always be subject to appeal to the Municipal Assembly Plenary.

Article 64

President of the Assembly Board

- 1. The President of the Bureau of the Municipal Assembly shall direct and coordinate the work of the Bureau and exercise authority over all employees and agents placed at the service of the Municipal Assembly.
- 2. The Chair of the Municipal Assembly Board may resign from office by means of written communication to the Municipal Assembly, which shall become immediately effective, without prejudice to the respective posting on the municipal notice boards.
- 3. In case of resignation or vacancy, a new election of the Chairman of the Municipal Assembly shall be carried out within 5 days.
- 4. It is the responsibility of the Chairman of the Board of the Municipal Assembly:
 - a) Representing the Municipal Assembly and presiding over the Bureau;

- b) Admit or reject the proposals for deliberation after verifying that they are in accordance with the rules of procedure, without prejudice to the right of appeal to the Plenary Session of the Assembly
 - c) Promote the establishment of the specialized committees, monitor and encourage their work and ensure compliance with the deadlines set for them by the Assembly
 - d) Convene the coordinators of the specialized committees to learn about their work
 - e) Receive and forward to the competent specialized committee, according to the subject matter, petitions addressed to the Municipal Assembly
 - f) Have the deliberations of the Municipal Assembly posted on notice boards;
 - g) Maintaining order and discipline, as well as the security of the Municipal Assembly, with the power to request and use the necessary means and to take the measures he deems appropriate
 - h) Ordering corrections to the minutes and notices of the Municipal Assembly
 - i) Directing the staff at the service of the Municipal Assembly
 - j) Ensuring compliance with the Municipal Assembly's Rules of Procedure and deliberations.
5. The Chair of the Municipal Meeting Board may invite, on an exceptional basis, national and foreign individuals to take their seats in the plenary meeting room and to take the floor.
6. The Chairman of the Municipal Assembly Board may delegate his powers to the Vice-Chairman or to the Secretary of the Municipal Assembly Board, by means of an order, posted on the notice board.

Article 65

Vice-Chairman and Secretary of the Board of the Municipal Assembly

1. The Vice-Chairman and the Secretary of the Board of the Municipal Assembly assist the Chairman of the Board of the Municipal Assembly in the 2. exercise of their respective duties, and are responsible for:
- a) Advising the Chairman of the Bureau in the exercise of the respective functions;
 - b) Exercise the powers delegated to them by the Chairman of the Board of the Municipal Assembly;
 - c) Perform the functions of representation of the Municipal Assembly, which are entrusted to them by the Chairman of the Board;

- d) Verify attendance at plenary meetings, as well as verify at any time the quorum and record votes;
 - e) Order the matters to be put to the vote;
 - f) Organize the registration of the municipal deputies who 1. wish to speak, as well as record the registration
 - g) of the Mayor to intervene in the proceedings;
 - h) Read motions for deliberation and requests to speak before the beginning of the respective vote;
 - i) Sign, by delegation of the Chairman of the Board of the Municipal 2. Assembly, the correspondence sent on behalf of the Municipal Assembly;
 - j) Act as scrutineers in the voting.
2. In case of resignation or vacancy, the Vice President and Secretary of the Municipal Assembly Board will be re-elected within five days.

Section V

Committees, Delegations and Working Groups

Rule 66

Setting up of commissions

1. The Municipal Assembly may deliberate on the creation of specialized, permanent or temporary committees, delegations or workgroups for the study of problems related to the municipality's own attributions.
2. The establishment of specialized committees, delegations or work groups may be proposed by the Municipal Assembly Board or by the municipal benches.

Article 67

Composition

1. The composition of each commission, delegation, or work group must respect the principles of proportionality and representation from all of the municipal benches.
2. The number of members of each commission, delegation, or work group must be established in the proposal for its constitution.
3. Should the maximum number of members for commissions, delegations and working groups not be fixed, the Municipal Assembly's Bureau will be responsible for fixing this number, after hearing the views of the municipal benches.

4. The spokesperson for each municipal bench is responsible for appointing their respective representatives to the committees, delegations and working groups, as well as their respective substitutes.
5. If any of the municipal benches fails to nominate representatives to committees, delegations or working groups, these vacancies shall not be filled by municipal deputies from other municipal benches.

Rule 68

Installation and operation

1. The Bureau of the Municipal Assembly, as soon as it receives the identification of the majority of the Municipal Deputies that will form the commission, delegation or working group, shall convene the first meeting of those bodies, for the purposes of installation of the respective members and election of a coordinator and secretary.
2. The election of coordinators and secretaries of the committees, delegations and working groups takes place by secret ballot, in which the municipal deputies that are part of them may elect and be elected.
3. The President of the Municipal Assembly may appoint an official, who works for the Municipal Assembly, to provide technical and administrative support for the work of the committees.
4. Any municipal deputy who misses three of their meetings, without justification, when duly summoned, loses his/her status as a member of a committee, delegation or working group.
5. Committees, delegations and working groups may approve internal operating regulations, in accordance with the law and the Municipal Assembly's regulations.

Section VI

Sessions and Meetings

Subsection I

Functioning

Article 69

Opening Hours of the Municipal Assembly

1. The Municipal Assembly's normal period of operation begins on January 15 and ends on December 15, without prejudice to periods of suspension that the plenary session of the Municipal Assembly deliberates, by a majority of two thirds of its members.
2. The Municipal Assembly may meet in extraordinary sessions, convened by the Bureau, on its own initiative or at the request of the Mayor or two thirds of the municipal deputies, outside the normal operating period or during periods of suspension.

3. The Municipal Assembly will operate from Monday to Friday and must hold at least two weekly plenary sessions.
4. Committees, delegations and working groups may operate outside the period of operation provided for in paragraph 1, if deemed necessary for the proper conduct of their work, upon resolution approved by a majority of the members of these bodies.

Article 70

Operation Hours

1. The plenary sessions of Municipal Assemblies and the meetings of their committees, delegations and working groups must be held during the Assembly's regular business hours.
2. The ordinary opening hours of the Municipal Assemblies are from 9:00 a.m. to 7:00 p.m., divided into two periods ranging from 9:00 a.m. to 12:30 p.m. and 2:00 p.m. to 7:00 p.m.
3. The opening hours of the Municipal Assembly must be mandatorily and permanently posted on the notice board of that body, as well as the weekly schedules for plenary sessions and meetings of committees, delegations and working groups.

Rule 71

Quorum

1. Plenary sessions of the Municipal Assembly and meetings of its committees, delegations and working groups shall be opened only when at least one third of its members are present and in full exercise of their duties.
2. The plenary session, committees, delegations and working groups may only vote when a majority of their members in full exercise of their office are present.
3. The municipal deputies may at any time request that a quorum be established.

Article 72

Continuity of sittings and meetings

1. The sessions of the plenary session shall be continuous, and may only be interrupted, by decision of the President of the Assembly, in the following circumstances:
 - (a) Taking of breaks;
 - (b) restoration of order in the chamber
 - c) Lack of quorum;
 - d) At the request of a municipal bench or the Mayor.

2. If the situation referred to in c) of the previous number occurs, the Assembly's Board shall immediately mark the absent members as absent, by roll call.
3. The municipal benches may not use the faculty provided in paragraph d) of the previous number more than once a week.
4. Each plenary session of the Municipal Assembly shall not last for more than four hours uninterruptedly, unless the majority of the Municipal Deputies approve it.
5. The provisions of the preceding paragraphs shall apply to committees, delegations and working groups of the Municipal Assembly, with the necessary adaptations.

Article 73

Public nature of sessions and meetings

1. The plenary sessions of the Municipal Assembly and the meetings of its committees, delegations and working groups must be public.
2. Plenary sessions of the Municipal Assembly and meetings of its committees, delegations and working groups shall be made public, indicating the days, times and places where they are to be held, so as to ensure that those interested are aware of them, at least two working days prior to the date thereof.
3. No citizen shall be allowed, under any pretext, to interfere in the discussions, applaud or disapprove the speeches, votes and deliberations held in the plenary session, committee, delegation or working group, under penalty of being subject to a fine of five hundred US dollars and without prejudice to the fact that, in the event of a breach of order or discipline, the offender shall be ordered to leave the meeting venue, under penalty of incurring the crime of disobedience.
4. Each week, in one of the plenary sessions, there will be a period for public intervention, during which the public will be given the clarifications requested, under the terms that are defined in the bylaws.

Subsection II

Organization of work

Rule 74

Period before the agenda and period of the agenda

1. There shall be a period before the agenda for each plenary session for
 - a) Reading announcements or information the Bureau deems pertinent;
 - b) Reading and consideration of the summaries of the plenary sessions;
 - c) Reading and appreciation of the delegations' reports;

- d) Discussion and voting on votes of congratulation, greeting, solidarity, protest or regret, proposed by the Bureau, the municipal benches or the municipal deputies;
 - e) Political statements.
2. The period before the agenda will be organized by the Bureau and will have a maximum duration of ninety minutes.

Rule 75

Agenda

1. The agenda for plenary sessions and meetings of committees, delegations, and working groups shall include the matters indicated by any municipal deputy, municipal bench, or Mayor, provided that they are within the competence of the Municipal Assembly, at least five days prior to the session in which they are to be considered.
2. The agenda is delivered to all municipal deputies and to the Mayor, at least two days before the beginning of the sessions or meetings, sending them, simultaneously, the respective documentation.
3. Failure to comply with the provisions of the preceding paragraph shall invalidate the deliberations of the plenary session or of committees, delegations or working groups, unless the meeting is attended by all members and no one opposes it.

Rule 76

Priority at the request of the Mayor

1. The Mayor, when requesting the scheduling, debate and voting of his or her initiatives, may request that these be given priority over other proposals, invoking matters of national or municipal interest requiring urgent resolution.
2. The granting of priority is decided by the Municipal Assembly Board, after hearing the municipal benches.
3. Priority initiatives shall be subject to debate and voting, in plenary session, within a maximum period of five days.

Article 77

Debate with the Mayor

1. At the last plenary session of each meeting, there shall be a debate on municipal policy, which shall begin with an address by the Mayor on the state and life of the Municipality, subject to questions from the Municipal Deputies, followed by a general debate, which shall be closed by the Mayor.
2. The municipal deputies receive the speech of the Mayor, on the state and life of the Municipality, twenty-four hours in advance of the debate referred to in the previous paragraph.

Article 78
Use of the floor

The discipline regarding the use of the floor in plenary sessions of the Municipal Assembly, as well as in the meetings of committees, delegations and working groups, shall be established by the Municipal Assembly's regulations.

Section VII
Powers

Article 79
Powers

1. It is incumbent upon the Municipal Assembly
 - a) Elect, by secret ballot, the President of the Bureau, the Vice President and the Secretary;
 - b) Elaborate and approve its regulation;
 - c) Monitor and supervise the activity of the Mayor, the Vice-Mayor and the municipal services;
 - d) Monitor, based on useful information from the Mayor, provided in due time, the activity of municipal services and their results, in associations of municipalities or other entities in which the municipality participates
 - e) Request and receive information, through the Bureau, about matters of interest to the municipality and about the execution of previous deliberations, which can be requested by any member at any time
 - f) Appreciate the refusal, by action or omission, of any information and documents, by the Mayor or the Vice-Mayor, as the case may be, that hinders the carrying out of follow-up and supervision actions;
 - g) Know and take a position about the definitive reports, resulting from tutelary actions or audits executed about the activity of the municipal bodies and services
 - h) Deliberate on the constitution of delegations, commissions, or work groups to study problems related to the municipality's own attributions, without interfering in the functioning and normal activity of services;
 - i) Vote censure motions to the Mayor or Vice-Mayor, in evaluation of the action developed by them or by the municipal services
 - j) Discuss, at the request of any of the holders of the right of opposition, the report referred to in the statute of the right of opposition

- k) Take a position before the organs of central power on matters of interest to the municipality
 - l) Deliberate on appeals filed against the marking of unjustified absences of its members;
 - m) Comment and deliberate on matters that aim at the pursuit of the municipality's attributions;
 - n) Exercise other competencies that are conferred by law.
2. It is up to the Municipal Assembly, in matters of regulation and organization and operation, on the proposal of the Mayor
- a) Approve the municipality's regulations, with external efficacy;
 - b) Approve the Municipal Development Plan, the Activities Plan and the Budget proposal, as well as their respective revisions
 - c) Appraise the inventory of all assets, rights and obligations of patrimony and respective evaluation, as well as appraise and vote the documents of rendering of accounts;
 - d) Approve or authorize the contracting of loans under the terms of the law;
 - e) According to the law, establish the amounts of municipal taxes;
 - f) Deliberate on everything that represents the exercise of taxing powers conferred by law to the municipality;
 - g) Authorize the Mayor to acquire, sell or encumber municipal assets;
 - h) Authorize the municipality, under the terms of the law, to create and participate in local development associations, establishing the general conditions for participation;
 - i) Authorize the municipality, under the terms of the law, to become part of municipal associations, to associate with other public, private, or cooperative entities that pursue purposes of recognized local public interest and are within the municipalities' attributions, in any case establishing the general conditions for such participation;
 - j) Approve, under the terms of the law, the organization of municipal services
 - k) Approve the personnel charts for the municipality's different services, under the terms of the law
 - l) Approve incentives for establishing employees, under the terms of the law

- m) Authorize the municipality, under the terms of the law, to concession, through public tender, the exploration of public works and services, establishing the respective general conditions
 - n) Authorize the municipality to delegate its own competencies, namely in matters of investments, to the Suco Councils.
3. It is also the competence of the Municipal Assembly, in planning matters, under proposal or request for authorization by the Mayor:
- a) Approve the plans necessary to carry out the municipal attributions;
 - b) Approve the measures, norms, delimitations and other acts, within the scope of the territorial and urban planning regimes, in the cases and under the terms conferred by law.
4. It is also the competence of the Municipal Assembly, under proposal of the Mayor:
- a) Authorize the twinning of the Municipality with other municipalities or similar entities from other countries;
 - b) Authorize the municipality to deliberate on the concession of financial support, or other, to legally constituted institutions, with the objective of developing cultural, recreational and sporting activities.
5. The supervisory action mentioned in paragraph 1(c) consists in a casuistic and posterior assessment of the acts of the Mayor, the Vice-Mayor and the municipal services, namely through documentation and information requested for this purpose.
6. The proposal presented by the Mayor in relation to paragraphs b), c), f) and g) of no. 2 cannot be altered by the Municipal Assembly and must be duly justified when rejected.
7. The mayor must accept suggestions made by the Assembly, when duly substantiated, unless they contain predictions of facts that may be considered illegal.
8. Requests for authorization to contract loans to be presented by the Mayor, in accordance with paragraph 2(d), must be accompanied by information on the respective conditions.
9. Budget amendments in return for the reduction or cancellation of appropriations of the Municipal Assembly must be approved by this body.
10. The Municipal Assembly may not vote on the proposals of the Mayor, provided for in paragraphs a), b), c), d), e), f), g), j), m) and n) of paragraph 2, paragraphs a) and b) of paragraph 3 and paragraph a) of paragraph 4, before hearing the Municipal Advisory Council.

Section VIII
Municipal Consultative Council

Article 80
Nature

The Municipal Consultative Council is the consultative body of the Municipal Assembly, in matters of local economic and social development and of consultation with the Chiefs of the Sucos and with the local civic organizations and movements.

Article 81
Composition

1. The Municipal Consultative Council is composed
 - a) By the Chiefs of the Sucos who exercise functions in the territory of the municipality;
 - b) A representative of women's organizations established in the area of the municipality;
 - c) A representative of youth organizations established in the area of the municipality;
 - d) A representative of the private sector of the economy in the area of the municipality;
 - e) One representative of organizations defending citizens with special needs;
 - f) A representative of intellectual groups from the municipal area;
 - g) One representative of religious denominations based in the area of the municipality;
 - h) One representative of former national liberation fighters, designated by the respective Municipal Council of the Council of National Liberation Fighters.
2. The members of the Board of the Municipal Assembly, the municipal deputies, the President and the Vice President of the Municipality may participate, without the right to vote, in the meetings of the Municipal Consultative Council.
3. The manner in which members of the Municipal Consultative Council are appointed shall be established by regulations to be approved by each Municipal Assembly.

Article 82
Sessions

1. The Municipal Consultative Council shall hold four ordinary sessions each year in March, June, September, and December, which shall be convened by means of a notice posted on the notice boards of the administrative posts eight days in advance of the date on which they are to be held.

2. The Municipal Consultative Council may hold extraordinary sessions, convened by the Municipal Assembly Board, on its own initiative or at the request of two thirds of the Suco Chiefs who are part of the Consultative Council.
3. The members of the Municipal Consultative Council shall be entitled to receive an attendance voucher, for each meeting in which they participate, in the amount of 1/30 of the net monthly remuneration of the municipal deputies.

Article 83 **Bureau of the Municipal Consultative Council**

The Bureau of the Municipal Assembly shall chair the proceedings of the Municipal Advisory Council.

Article 84 **Competências**

1. It is incumbent upon the Municipal Consultative Council to issue non-binding opinions on:
 - a) The regulations of the municipality with external efficacy;
 - b) The options of the plan and the budget proposal, as well as the respective revisions;
 - c) The inventory of all assets, rights and obligations and their respective evaluation, as well as to appreciate and vote the documents of accountability;
 - d) Borrowing under the terms of the law;
 - e) Give its opinion about the amount of municipal taxes to be fixed by the Municipal Assembly;
 - f) The request for the acquisition, alienation or encumbrance of goods integrated in the municipality's patrimony;
 - g) the creation or reorganization of municipal services;
 - h) The granting, through public tender, of the exploration of public works and services and the fixing of the respective general conditions;
 - i) The delegation of the municipality's own powers, namely in matters of investments, to the suco councils;
 - j) The plans necessary for the accomplishment of the municipal attributions;
 - k) Measures, norms, delimitations, and other acts, within the scope of the territorial planning and urbanism regimes;

- l) The twinning of the municipality with other municipalities or similar entities in other countries.
2. The Municipal Consultative Council may give its opinion on any other matters at the request of the Municipal Assembly, the Mayor or by legal determination.
3. The Municipal Consultative Council is responsible for monitoring and supervising the activity of municipal bodies and services, approving an annual report on them and sending it to the Municipal Assembly, the Mayor and the Government.

CHAPTER II THE MAYOR OF THE MUNICIPALITY

Article 85 Nature and election

1. The Mayor is the municipal executive body, responsible for the definition and execution of municipal public policies, and is politically accountable to the Municipal Assembly.
2. The Mayor is elected by universal, direct, personal, secret, and periodic suffrage of the voters registered in the geographic units of census of the municipal area, for a period of five years.
3. The candidate who obtains more than half of the validly expressed votes is elected Mayor, excluding blank votes.
4. The election of the Mayor shall take place simultaneously with the election of the Municipal Assembly.

Article 86 Installation

The Mayor shall be installed on the date and under the terms established in Article 52, with the necessary adaptations.

Article 87 Termination of office

1. The Mayor terminates his or her office:
 - a) Upon the installation and commencement of office of the new Mayor of the Municipality;
 - b) By written statement addressed to the Municipal Assembly;
 - c) By death or permanent incapacity;
 - d) Following an unappealable decision of loss of mandate or dissolution of the municipal bodies, as a result of a tutelary process.

2. In the events foreseen in paragraphs b) and c) of the previous number, the Vice President of the Municipality assumes the functions of Mayor on an interim basis until the completion of the current term of office of the municipal bodies.

Article 88

Powers

1. The Mayor is responsible for the organization and operation of municipal services and for the current management:
 - a. Execute and ensure compliance with the deliberations of the Municipal Assembly;
 - b. Deliberate about the allocation and acquisition of goods and services, in the terms of the law;
 - c. To sell the movable assets that become dispensable, under the terms of the law;
 - b) Acquire or encumber real estate, under the terms established by the Municipal Assembly;
 - c) Accept donations, legacies, and inheritances for the benefit of the inventory;
 - d) Promote all the necessary actions for the current administration of the municipal patrimony and its conservation;
 - e) Proceed to the property registers of the municipal real estate patrimony, or others;
 - f) Authorize budgeted expenses up to the limit stipulated by law
 - g) Authorize the payment of expenses incurred, under the legal conditions;
 - h) Appoint and exonerate the municipality's representatives in the bodies of entities in which it has some participation;
 - i) Support or share in the support for school social action and complementary activities in the scope of educational projects, under the terms of the law;
 - j) Organize and manage school transports;
 - k) Approve the documents that instruct the projects, bidding programs, specifications and the awarding of contracts for works and acquisition of goods and services;
 - l) The delegation of the municipality's own competencies, namely in matters of investments, to the suco councils;
 - m) The plans necessary for the execution of municipal attributions;
 - n) Comply, as far as it is concerned, with the statute of the right of opposition;

- o) Deliberate on the administration of public waters under its jurisdiction;
- p) Promote the publication of documents, annals or bulletins of interest to the history of the municipality;
- q) deliberate on the parking of vehicles on streets and other public places;
- r) Establish the names of the streets and squares in the towns and establish the rules for numbering buildings;
- s) Decide on the roaming and extinction of noxious animals;
- t) Declare prescribed, in favor of the municipality, under the terms and within the time limits established by general law and after publication of notices, the deposits, mausoleums or other works, as well as perpetual graves installed in municipal cemeteries, when their owners are not known or in relation to which it is shown, after notification, that there is a persistent and unequivocal disinterest in their conservation and maintenance;
- u) Remit the municipality's accounts to the Chamber of Auditors of the High Administrative, Fiscal and Audit Court, according to the terms of the law;
- v) Represent the municipality in court outside of it, start legal proceedings and defend itself in them, being able to confess, give up or settle if there is no offense to the rights of third parties;
- w) Sign or endorse correspondence from the municipal services to any public entities or bodies;
- x) Respond, within fifteen days, to requests for information presented by municipal deputies, conveyed by the Municipal Assembly's Board of Directors;
- y) Decide all matters related to the management and direction of human resources allocated to municipal services;
- z) Modify or revoke acts practiced by employees or agents assigned to municipal services;
- aa) Promote the execution, by direct administration or by contract, of works, proceed to the acquisition of goods and services, under the terms of the law, and sign the contracts necessary for the execution of those works and for the regular functioning of the services;
- bb) Determine the investigation of administrative offenses and apply fines, under the terms of the law or of municipal regulations;
- cc) Send to the deliberative body copies of the definitive reports resulting from tutelary actions or audits on the activity of the executive body and the services, within a maximum period of ten days after receiving them;

- dd) Grant plots, in cemeteries owned by the municipality, for deposits, mausoleums and perpetual graves.
- 2. The Mayor is responsible for planning and development:
 - a. Prepare and submit for the approval of the Municipal Assembly the plans necessary for the execution of the municipal attributions;
 - b. Participate, with other entities, in the planning that is directly related to municipal attributions and competences, issuing an opinion to be submitted to the Municipal Assembly for deliberation;
 - c. Elaborate and submit the Municipal Development Plan, the Activities Plan and the Budget proposal and respective revisions for approval by the Municipal Assembly;
 - d. Implement the Municipal Development Plan, the Activities Plan and the Budget proposal approved, as well as approve their amendments
 - e. Draw up and approve the internal control norm, as well as the inventory of all assets, rights and patrimonial obligations and respective evaluation, and also the documents of accountability, to be submitted to the deliberative body for appreciation and voting;
 - f. Create, build and manage facilities, equipment, services, circulation networks, transport, energy, distribution of goods and physical resources integrated in the municipal patrimony or placed, by law, under municipal administration;
 - g. Participate in management bodies of central administration entities, in the cases, under the terms and for the purposes established by law;
 - h. Collaborate in the support of programs and projects of municipal interest, in partnership with other central administration entities;
 - i. Create or participate in rural development associations;
 - j. Promote and support the development of handicraft activities and ethnographic demonstrations, and the carrying out of events related to economic activity of municipal interest;
 - i. Ensure, in partnership or not with other public or private entities, according to the law, the survey, classification, administration, maintenance, recovery and dissemination of the natural, cultural, landscape and urban heritage of the municipality, including the construction of monuments of municipal interest.
- 3. It is the Mayor's responsibility, in a consultative capacity:
 - a. Issuing an opinion, in the cases and under the terms established by law, on construction projects not subject to municipal licensing;

- b) Participate in consultative bodies of central administration entities, in the cases established by law.

4. The Mayor is responsible for supporting activities of municipal interest:

- a. Deliberate on forms of support for legally existing entities and bodies, namely with a view to the pursuit of works or events of municipal interest, as well as information and defense of citizens' rights;
- b. Support or co-participate, by the appropriate means, in the support of activities of municipal interest, of a social, cultural, sporting, recreational or other nature;
- c. Participate in the provision of services to disadvantaged or dependent social strata, in partnership with the competent entities of the central administration, and provide support to said social strata, by appropriate means and under the conditions set out in municipal regulations.
- d. Deliberate on matters of school social action, namely with regard to food, housing, and the granting of economic aid to students;
- e. Ensure the appropriate support for the exercise of powers by the State, under the terms defined by law;
- f. Deliberate on the participation of the municipality in projects and actions of decentralized cooperation, namely in the scope of the Association of Southeast Asian Nations and the Community of Portuguese Speaking Countries.

5. The Mayor is responsible for licensing and inspection:

- a) Grant licenses in the cases and under the terms established by law, namely for the construction, rebuilding, use, conservation or demolition of buildings, as well as for unhealthy, uncomfortable, dangerous or toxic establishments;
- b) Carry out inspections and execute, in an exclusive or participated manner, the supervisory activity attributed by law, under the terms defined therein;
- c) Order, after an inspection, the total or partial demolition or improvement of buildings that threaten ruin or constitute a danger to people's health or safety;
- d) Issue licenses, registrations, title deeds and transfers of ownership and respective endorsements and proceed with examinations, registrations and the fixing of quotas for vehicles, in the cases legally provided for.

6. It is up to the Mayor, as far as his relations with other municipal bodies are concerned:

- a) Present proposals and requests for authorization to the Municipal Assembly, namely in relation to the matters contained in paragraphs 2 to 4 of article 79;
 - b) Deliberate on forms of support for the Sucos;
 - c) Propose to the Municipal Assembly the implementation of the delegation of part of the powers of the Mayor to the Suco Councils that have an interest therein, in accordance with the provisions of this law;
 - d) Present to the Municipal Assembly the opinions issued by the Government, in terms of article 24, number 3, together with the municipal budget proposal, the draft administrative regulations with external efficiency, the draft regulations for the organization of the municipal administration, and their respective revisions.
7. It is also the Mayor's duty to exercise the other powers legally conferred, with a view to the normal pursuit of the municipality's attributions.
8. The Mayor is replaced in his absences and impediments by the Vice Mayor.
9. In the impossibility of substitution by the Vice Mayor, the Mayor is replaced by a Municipal Secretary.

Article 89 **Municipal Secretaries**

- 1. The Mayor may appoint up to three Municipal Secretaries to assist him in the exercise of his functions.
- 2. The Municipal Secretaries are chosen by the Mayor from among people of his political and personal trust, from among high public administration officials, or from among citizens of recognized professional experience and merit.
- 3. The appointment of Municipal Secretaries must be preceded by a prior hearing of the Municipal Assembly.
- 4. Municipal Secretaries manage areas of municipal governance in accordance with the portfolios assigned to them by the Mayor, namely
 - (a) Housing, Urbanism and Spatial Planning;
 - (b) Municipality Administration, Planning and Finances
 - (c) Education, Youth, Sports and Leisure
 - (d) Social Affairs, Health, Civil Protection and Environment;
 - (e) Agriculture, Forestry, Fishing and Tourism.
- 5. The Municipal Secretaries, within the scope of their respective areas of responsibility, are responsible for

- a) Contribute to the formulation and execution of public policies and programs in the area of their Pelouro;
 - b) Studying the problems and proposing solutions related to the services of their area of responsibility;
 - c) Execute the decisions of the Mayor that concern them, in articulation with the managing staff of the services, without prejudice to the direction and coordination powers of the Mayor.
6. The following duties are incompatible with the position of Municipal Secretary:
- a. Municipal Deputy;
 - b) Member of the National Parliament;
 - c) Member of the Government;
 - d) Judges and Public Prosecutors, in full exercise of their duties;
 - e) Members of the PNTL and F-FDTL in full exercise of their functions;
 - f) Members of the suco organs, in full exercise of their duties;
 - g) Municipality employees;
 - h) Official of the Government department that oversees the municipalities.
7. The Municipal Secretaries receive a monthly salary corresponding to 70% of the Mayor's base salary and are subject to the rights and duties of the Public Administration leaders.

Article 90

Delegation of powers to the municipal administration director

1. The Mayor may delegate the powers laid down in Article 88(1)(a), (f), (g), (h), (i), (v), (w), (y), (bb) and (dd) to the municipal administration director.
2. In the areas of direction and management of human resources, the following powers of the Mayor may be delegated to the municipal administration director, with the possibility of sub-delegation:
 - a) Approving and altering the vacation map and other vacation decisions with respect for the interests of the service;
 - b) Justifying or unjustifying absences;
 - c) Granting unpaid leave of up to 90 days;
 - d) Deciding, under the terms of the law, on the duration and hours of work, within the scope of the modality of the latter as established by higher authority
 - e) Authorizing overtime work;
 - f) Performing all acts related to the retirement of employees, except in the case of collective retirement;
 - g) Performing all acts relating to the social security system.

3. The delegation or sub-delegation of the matter referred to in Article 88(1)(w) must be granted on a case-by-case basis.
4. The act of delegation or sub-delegation may contain directives or binding instructions for the delegate or sub-delegate on how the powers conferred are to be exercised.
5. The managers and heads of municipal services must inform the Mayor of decisions that generate costs or financial benefits that are adopted under delegated or sub-delegated powers.
6. The Mayor may, at any time, terminate the delegation of competencies.
7. The delegator or sub-delegator may revoke the acts carried out under the delegation or sub-delegation of powers, on his own initiative or at the request of the interested parties, submitted within a maximum period of five days from the date of knowledge thereof.
8. The presentation of a request for the revocation of an act practiced under the scope of a delegation or sub delegation of competencies implies the impossibility of executing the same prior to the delegator's definitive decision.
9. The delegations and sub-delegations of powers expire with the installation of the Mayor.

Article 91

Delegation of competencies to the Heads of Suco

1. The Mayor, with the authorization of the Municipal Assembly and with the assent of the Suco Council, may delegate competencies to the Suco Chiefs, through the execution of an Agreement for the Delegation of Competencies, in the following areas:
 - a. Conservation and cleaning of ditches, berms and paths;
 - b. Conservation, paving and cleaning of streets and sidewalks;
 - c. Management and conservation of gardens and other landscaped spaces;
 - d. Placing and maintaining signposting;
 - e. Management, conservation, repair and cleaning of markets;
 - f. Management, conservation and repair of equipment owned by the municipality, namely cultural and sports equipment, schools and pre-school establishments, support centers for the elderly and libraries;
 - g. Conservation and repair of basic education and pre-school schools;
 - h. Management, conservation, repair and cleaning of cemeteries.
2. Within the scope of the delegation of competencies, the Mayor may assign to the Suco employees assigned to the areas of competence delegated to him.

3. The secondment of employees is without prejudice to the rights and benefits of the same and is not subject to a term, remaining as long as the delegation of powers subsists.

Article 92

Protocols for collaboration with third parties

The Mayor of the Municipality can establish, with the authorization of the Municipal Assembly, collaboration protocols with public or private institutions or cooperatives, which develop their activity in the municipality's area, regarding the competencies foreseen in lines i) and j) of number 2 and lines b) and c) of number 4 of article 88.

CHAPTER III

DEPUTY MAYOR

Article 93

Nature and Election

1. The Vice-Mayor is a body that assists the Mayor.
2. The Vice Mayor is elected, jointly and simultaneously, with the Mayor in the terms of Article 85, with the necessary adaptations.
3. The Vice Mayor-elect is the candidate registered as such in the candidacy of the Mayor-elect.

Article 94

Installation

The Vice Mayor shall be installed in accordance with Article 86, with the necessary adaptations.

Article 95

Termination of office

The Vice-Chairman of the Municipality shall cease his or her functions:

- a) With the installation and start of duties of the new Mayor;
- b) Through written statement addressed to the Municipal Assembly;
- c) By death or permanent incapacity;
- d) Following an appealable decision of loss of office or dissolution of the municipal bodies, as a result of a tutelary process.

Article 96

Competences

1. The Deputy Mayor is responsible for assisting the Mayor in the following matters:
 - a. The exercise of the functions of direction and management of the municipal services
 - b. In the execution and fulfillment of the deliberations of the Municipal Assembly;
 - c. Comply, as far as it is concerned, with the statute of the right of opposition;
 - d. In the planning of matters that are directly related to the powers delegated to him;
 - e. In representing the municipality, including representation in court, to the extent and within the limits of the powers of representation delegated to it.
2. It is also the Vice President's responsibility to exercise the other competencies delegated by the Mayor that are not incumbent upon another body.
3. The Mayor of the Municipality may also assign the Vice Mayor one or more areas of responsibility, pursuant to article 89, paragraph 4.
4. The order of delegation of powers shall be published in the Official Gazette, under penalty of legal ineffectiveness.

CHAPTER IV

STATUS OF THE MEMBERS OF THE MUNICIPALITIES' REPRESENTATIVE BODIES

Article 97

Municipalities' Representative Bodies

For the purposes of this law, the municipal deputies, the Mayor and the Vice-Mayor are considered to be the holders of the representative bodies of the municipalities.

Article 98

Regime of performance of functions

The members of the representative bodies of the municipalities shall perform their duties on a permanent basis.

Article 99

Incompatibilities

Without prejudice to other provisions contained in special legislation, the functions performed by the members of the representative bodies of municipalities shall be incompatible with any other remunerated activity.

Article 100

Immunity

The members of the representative bodies of municipalities shall not be liable, in civil, criminal or disciplinary terms, for votes or opinions that they cast in the exercise of their functions or because of them.

Article 101

Rights

Without prejudice to other rights established by law, the members of the representative bodies of municipalities have the right

- a) To a monthly remuneration;
- b) Per diem and transport allowance;
- c) Social security
- d) Vacations;
- e) Free circulation in public places of conditional access when in the exercise of their functions;
- f) A special passport, when representing the municipality;
- g) A special identification card;
- h) To a municipal vehicle when on municipal service;
- i) To request the assistance of any authorities, whenever the interests of the respective municipality so require
- j) To support in legal proceedings that have as their cause the exercise of their functions;
- k) To exercise all legally established parental rights.

Article 102

General Duties

In the exercise of their respective functions, the members of the representative bodies of municipalities are bound to the fulfillment of the following duties:

- a) Scrupulously observe the legal and regulatory norms applicable to the acts practiced by them or by the bodies to which they belong;
- b) Comply with and enforce the constitutional and legal norms relative to the defense of the interests and rights of citizens, within the scope of their competencies;
- c) To act with justice and impartiality;
- d) Safeguard the public interests of the State and the respective municipality
- e) Respect the public purpose of the powers vested in them;
- f) Not to sponsor private interests, their own or of third parties, of any nature, either in the exercise of their functions, or invoking their position as a member of a representative body of the municipality

- g) Not intervene in an administrative process, act or contract of public or private law, nor participate in the presentation, discussion or voting of matters in which he/she has an interest or intervention, by himself/herself or as a representative or business manager of another person, or that his/her spouse, relative or kinsman in a direct line or up to the second degree of the collateral line, as well as any person with whom he/she lives in common economy, has an interest or intervenes in the same capacity
- h) Not to enter into any contract with the municipality, except adhesion contracts;
- i) Not use, for their own interests or those of third parties, information to which they have access in the exercise of their functions.

Article 103

Remuneration of the members of the municipalities' representative bodies

1. The members of the representative bodies of municipalities shall be entitled to a monthly remuneration.
2. The value of the salary of the Mayor of the municipality shall correspond to 70% of the basic salary attributed to the President of the Republic.
3. The salary of the Vice Mayor shall correspond to 75% of the basic salary attributed to the Mayor.
4. The monthly remuneration of the members of the Municipal Assembly is fixed by reference to the salary attributed to the Mayor, in accordance with the following indices:
 - a. Chairman of the Municipal Assembly - 85%;
 - b. Vice-Chairman of the Municipal Assembly - 75%;
 - c. Secretary of the Municipal Assembly - 70%;
 - d. Leaders of the municipal benches - 60%;
 - e. Coordinators and secretaries of committees, delegations and working groups - 60%;
 - f. Municipal deputies - 55%.
5. The members of the representative bodies of municipalities are entitled to representation expenses corresponding to 20% of their respective remuneration, which are paid annually in twelfths.

Article 104

Transport Allowance

The members of the municipal representative bodies shall be entitled to a transport allowance, under the terms and according to the scale in force for civil servants, when on mission and not using a municipal vehicle.

Article 105

Social security

The members of the representative bodies of municipalities shall be covered by the social security system applicable to State employees.

Article 106

Vacations

The members of the representative bodies of municipalities shall be entitled to thirty days' annual leave, which must be taken outside the normal functioning period of the Municipal Assembly.

Article 107

Laissez-passer

The members of the representative bodies of municipalities shall have the right to free circulation in public places of conditioned access in the area of the respective municipality, when necessary for the effective exercise of their functions or because of them, upon presentation of the identification card referred to in the following article.

Article 108

Special identification card

The members of the representative bodies of municipalities shall be entitled to a special identification card, issued by the Chair of the Municipal Assembly, in accordance with the model approved by a ministerial statute from the ministry responsible for the area of local administration, to be published within thirty days of this statute coming into force.

Article 109

Insurance

The Municipal Assembly may decide that the municipality contract personal accident insurance for the members of municipal bodies and employees of municipal services.

Article 110

Length of service

The time of service provided by the members of the representative bodies of municipalities shall be counted as if it had been provided by the State or by a private employer.

Article 111

Legal protection

The municipal budget shall bear the costs arising from legal proceedings to which the members of the municipal bodies are party, provided that such proceedings were caused by the exercise of their functions and that no intent or negligence on their part is proved.

Article 112

Acquired rights

The holders of municipal bodies may not be prejudiced in their employment or permanent job by virtue of the exercise of their mandates.

During the exercise of their term of office, the holders of municipal offices may not be prejudiced in terms of promotions, competitions, benefits, bonuses, social benefits, or any other acquired right of a non-pecuniary nature.

Article 113
Tax system

Remuneration, compensation and any allowances received by holders of municipal representative bodies in the exercise of their duties shall be subject to the tax system applicable to holders of elective sovereign public offices.

Article 114
Charges

The remuneration and other charges provided for in this chapter shall be borne by the budget of the respective municipality.

2. Suspension from office of the members of the representative bodies of municipalities shall cause the processing of any remuneration or compensation to cease, except where such suspension is based on duly proven illness, maternity leave or paternity leave.

CHAPTER V
RIGHT OF OPPOSITION

Article 115
Entitlement and right to object

1. Political parties with seats in the Municipal Assembly but which are not represented on the executive body of the municipality are entitled to the right to object.
2. The right of opposition shall be understood as the activity of monitoring, supervising and criticising the political and administrative guidelines of the Mayor and Vice-Mayor.

Article 116
Right to information

1. The holders of the right of opposition have the right to be regularly and directly informed by the Mayor on the progress of the main issues of public interest related to their activity.
2. The information must be provided directly and within a reasonable period of time, to the spokespersons of the municipal benches.

Article 117
Right of prior consultation

The holders of the right of opposition have the right to be heard in advance about the proposals for annual municipal plans and budgets.

Article 118
Right of participation

Holders of the right of opposition shall have the right to pronounce and intervene, through constitutional and legal means, on any issues of relevant public interest, as well as the right to be present and to participate in all official acts and activities that, due to their nature, justify it.

Article 119
Right to testify

The holders of the right to object have the right, through representatives designated by them, to testify before any commissions constituted for the purpose of conducting white papers, reports, inquiries, inspections, syndicates or other forms of fact-finding on matters of relevant municipal interest.

Article 120
Freedom and independence of the media

The holders of the right of opposition have the right to question the Mayor and Vice-Mayor, and to obtain adequate information within a reasonable period of time, about the measures taken to effect the independence and freedom of the media from local political and economic powers.

Article 121
Evaluation Report

1. The Mayor shall draw up reports evaluating the degree of observance and respect for the rights and guarantees arising from the statute on the right of opposition and shall send them to holders of the right of opposition by the end of March of the year following the year to which they refer.
2. The reports referred to in the preceding paragraph may be submitted to the plenary debate of the Municipal Assembly, with the mandatory presence of the Mayor, at the request of any municipal bench.

TITLE V
MUNICIPAL SERVICES

CHAPTER I
MUNICIPAL ADMINISTRATION

Section I
Fundamental Principles

Article 122
Fundamental principles

Municipalities have their own administrative services, whose organization, structure and operation must be guided by the principles of unity and effectiveness of action, bringing services closer to the citizens, reducing bureaucracy, rationality of means and efficiency in the allocation of public resources, quantitative and qualitative improvement of the service provided, and guaranteed citizen participation.

Article 123
Management of municipal administration

The management of the municipal administration must respect:

- a) The correlation between the plan of activities and the municipal budget, in order to obtain greater effectiveness and efficiency of municipal services;
- b) The principle of operating activities in relation to instrumental activities, which should be oriented toward administrative support of the former;
- c) The principle of using management by projects when the execution of missions with an integrated economic-social purpose and interdisciplinary character cannot be effectively and efficiently achieved with permanent vertical resources and structures.

Article 124
Direction of municipal administration

The Mayor shall be responsible for directing municipal services.

Section II
Organization of Services

Article 125
Organization of municipal administration

The municipal administration shall comprise:

- a) Municipal services at the administrative center of the municipality;
- b) Municipal services in the administrative posts.

Article 126
Municipal services

1. The municipal services established in the administrative center of the municipality shall comprise:
 - a) The director of the municipal administration;
 - b) The municipal inspectorate;
 - c) The municipal directorates.
2. They must also be part of the municipal administration structure, working under the direct dependence of the Mayor, as advisory bodies aimed at supporting the formulation and monitoring of public policies that are the municipality's responsibility.
3. The advisory bodies are those provided for in the municipal administration organization regulation, and must be chaired by the Mayor and composed of the municipal administration's managers and heads and, eventually, by individuals of recognized merit.

Article 127
Director of the municipal administration

1. The mission of the Director of Municipal Administration is to ensure the administrative coordination of the municipal services and administrative posts of the municipality.
2. The Director of Municipal Administration shall be in charge of:
 - a) Ensure the general internal management of the municipality and propose to the Mayor the appropriate measures in accordance with the Municipal Development Plan, the Activity Plan and the annual Budget;
 - b) Accompany the execution of the cooperation projects and programs and proceed to their internal evaluation;
 - c) Promote the elaboration of the annual and pluri-annual plans, namely the Municipal Development Plan, the Annual Activities and Investment Plan, the sectorial plans of the municipal services and the municipal budget;
 - d) Ensure the management of the municipality's human resources, under the terms foreseen by this law and by the law on the statute, bonds, careers and remuneration of local government workers;
 - e) Comply with and enforce the legislation applicable to municipalities, reporting to the municipal inspector any indications of illicitness
 - f) Supervise and control the legality of expenditures, under the terms of this law and the municipal finance law;

- g) Coordinate the preparation of internal services and ensure the efficiency, articulation and cooperation between all the departments and administrative posts of the municipality;
- h) Coordinate the preparation of the activities and sessions of the municipality's advisory bodies
- i) Coordinate the monitoring and evaluation process of the activities developed by the municipal administration;
- j) Exercise the other competencies that are conferred to him by law or delegation.

Article 128

Municipal inspection

1. The municipal inspectorate is the internal service of the municipal administration, with competencies in the areas of financial control and supervision of the municipality.
2. The municipal inspectorate is responsible for:
 - a) Evaluate the administrative, financial and asset management of the municipality's structures;
 - b) Carry out administrative inspections and financial audits of the municipality's structures and activities;
 - c) Report to the Mayor any indications of disciplinary infraction;
 - d) Maintain liaison and coordinate its activities with the General Inspection of the State, the General Inspection of Finance and the General Inspection of State Administration;
 - e) Report to the State General Inspection or to the Public Prosecution Service any facts likely to constitute an illicit act.

Article 129

Municipal directorates

- 1) The municipal departments are organizational units of the municipal services, responsible for the execution of specialized activities, according to the material distribution established in the regulation of organization of municipal services.
- 2) The municipal departments shall be managed by a municipal director directly dependent upon the Mayor.
- 3) The municipal directorates of the smallest size may comprise the following organic sub-units, when indispensable to the adequate pursuit of the service's objectives:
 - a) Department;
 - b) Section.

3. The name of the organic units shall be formulated in such a way as to reflect their identification, in accordance with their fundamental attributions.
4. The creation of different organic sub-units must take into account the size of the service to be created, its importance in the Directorate's attributions and the balance that must exist between them.
5. The creation of different sub-units shall take into account the size of the service to be created, its importance in the senior management's tasks and the balance that must exist between them.

Article 130 **Municipal services in Administrative Posts**

1. The municipal services in Administrative Posts comprise all the services provided by the municipality at the level of Administrative Posts that seek to guarantee the effective approximation of the services of the municipal administration to the population and to ensure the greatest possible participation of citizens in the realization of local interests.
2. The municipal services in the Administrative Posts are headed by a Post Administrator appointed by the Mayor of the Municipality from among senior public administration officials or from among leaders of the municipalities' own staff.
3. Without prejudice to others that are delegated to them, the Post Administrators are responsible for:
 - a. Represent the municipal administration in their respective territories;
 - b. Ensure coordination between the municipal services, private or cooperative organizations, and the Chefes de Sucos;
 - c. Regularly consult the people and the Chefes de Sucos, in the respective territories, about matters of public interest
 - d. Regularly inform the President of the Municipality, through the director of municipal administration, about the social and economic situation of the populations and communities of the respective territories
 - e. Implement the municipal activities and programs in their territorial area or favor their implementation to the employees and agents of the municipality or the State.

CHAPTER II **MUNICIPAL OFFICIALS AND AGENTS**

Section I **General Provisions**

Article 131 **Municipal staff**

1. The municipalities shall have their own establishment plans, which shall be structured according to the permanent needs of the municipality.
2. Municipal boards may be intercommunicated, and the regulations governing mobility between boards must favor the placement of staff in the most peripheral or remote areas.
3. Civil servants from the central administration who join the municipal cadres will, as a result of the transition, lose their link to the state civil service.
4. The costs of paying municipal employees and agents cannot exceed 60% of the municipality's current revenue.

Article 132

Restrictions on the hiring of non-tied personnel

1. The filling of vacancies in the municipal staff shall be done, whenever possible, through the mobility of civil servants with ties to the central administration.
2. Restrictions on the hiring of staff not tied to the civil service, as well as their effects, must be understood without prejudice to situations of possible creation of recruitment pools, as well as any other legally

Section II

Managerial Personnel

Article 133

Managerial Personnel

1. To direct the activities organized within the scope of the municipalities, with the purpose of pursuing their objectives, the municipal services will have management and leadership positions.
2. Managerial positions may not be created without the existence of the corresponding organic unit, duly structured, whether such unit is permanent or of a project nature.
3. The municipal administration's management and leadership positions are exercised in a service commission regime.

CHAPTER III

PERSONAL SUPPORT OFFICES

Section I

General Provisions

Article 134
Definition

The personal support offices assist the members of the municipal bodies in the exercise of their respective duties.

Article 135
Composition

The personal support offices shall be composed of the chief of office, the personal secretary, and the advisors.

Article 136
Appointment and Dismissal

1. The members of the personal support offices shall be freely appointed and dismissed by order issued by the office-holder, indicating the appointee's duties, powers and remuneration.
2. The cabinet member shall take up his or her duties on the date on which the order is issued.
3. The termination of duties of the cabinet holder shall terminate the appointment of all members of the personal support cabinet.

Section II
Personal Support Office of the Chairman of the Board of the Municipal Assembly

Article 137
Composition

The Chair of the Board of the Municipal Assembly may set up a personal support office comprising a head of office, a secretary and an advisor.

Article 138
Remuneration

1. The members of the personal support office shall receive the following remuneration:
 - a. The head of personal support office, a basic monthly remuneration corresponding to 60% of the remuneration of the President of the Municipal Assembly;
 - b. The secretary of the personal support office, a basic monthly remuneration corresponding to 55% of the remuneration of the President of the Municipal Assembly

- c. The advisor of the personal support office, a basic monthly remuneration corresponding to 50% of the basic monthly remuneration of the President of the Municipal Assembly.
2. The members of the personal support office cannot benefit from any other gratuities or compensations for the exercise of their functions, except for the allowances legally foreseen for the civil service.
3. The remuneration of the members of the personal support office of the President of the Municipal Assembly shall be borne by the municipal budget.

Section III Mayor's Personal Support Office

Article 139 Composition

The Mayor may establish a personal support office consisting of a chief of staff, a secretary and up to two advisors.

Article 140 Remuneration

1. The members of the personal support office shall receive the following remuneration:
 - a. the head of the personal support office, a basic monthly remuneration corresponding to 60% of the remuneration of the Mayor;
 - b. the secretary of the personal support office, a basic monthly remuneration of 55% of the remuneration of the Mayor
 - c. The personal support office advisor, a basic monthly remuneration corresponding to 50% of the mayor's basic monthly remuneration.
2. The members of the personal support office cannot benefit from any other gratuities or compensations for the exercise of their functions, except the allowances legally foreseen for the civil service.
3. The remuneration of the members of the Mayor's personal support office shall be borne by the municipal budget.

Section IV Office of the Deputy Mayor's Personal Support

Article 141 Composition

The Vice Mayor may establish a personal support office consisting of a chief of staff, a secretary and an advisor.

Article 142 **Remuneration**

1. The members of the personal support office receive the following remuneration:
 - a. The head of the personal support office, a basic monthly remuneration corresponding to 60% of the remuneration of the Deputy Mayor;
 - b. The secretary of the personal support office, a basic monthly remuneration corresponding to 55% of the remuneration of the Vice-Mayor
 - c. The advisor of the personal support office, a basic monthly remuneration corresponding to 50% of the basic monthly remuneration of the Vice-Mayor.
2. The members of the personal support office cannot benefit from any other gratuities or compensation for the exercise of their functions, except for the daily allowances legally foreseen for the civil service.
3. The remuneration of the members of the personal support office of the Deputy Mayor shall be borne by the municipal budget.

CHAPTER IV **TECHNICAL SUPPORT OFFICES**

Article 143 **Technical Advisory Services**

Whenever municipalities need specialized staff they must preferably resort to the assistance of technical support offices.

The advisory services provided by each technical support office may be extended according to modalities to be agreed upon, on a case-by-case basis, in accordance with the legal regime established for this purpose.

TITLE VI **MUNICIPAL PLAN AND BUDGET**

Article 144 **Activities plan**

1. The annual plan of activities of municipalities must be organized and structured by objectives, programs, measures and activities.

2. The business plan shall itemize, in each objective and program, with an appropriate degree of detail, the projects that imply expenses to be incurred through investments or capital transfers.
3. For each measure foreseen in the business plan the following elements must be indicated, among others
 - a) Expected expenses for the respective year, in the case of measures with direct budgetary expression;
 - b) Budget line or lines where the corresponding charges are to be paid;
 - c) Dates foreseen for the beginning and the end of the measure;
 - d) The impact on the status of women and other vulnerable groups or groups with special needs.
4. The activity plan shall set out the means of financing the measures, expressly indicating the part guaranteed and entered in the budget and, where appropriate, the sources of financing envisaged and not yet guaranteed.
5. The measures provided for in this Article may be broken down by activity where they are autonomous or spread over time.

Article 145

Budget Principles

1. The budgets of municipalities shall respect the principles of equilibrium, annually, unity, universality, specification, non-consignment and non-commitment.
2. The principle of non-consignment shall not apply:
 - a) When the municipal budget allocates to the suco councils revenues intended for the exercise of functions that, with their agreement, are entrusted to them by the municipality or for the realization of projects of municipal interest;
 - b) When the revenues come from the General State Budget or from international cooperation projects for the financing of specific projects or actions.
3. When the General State Budget allocates funds to municipalities for the pursuit of new functions, these are obliged to include in their budgets expenditure appropriations for the corresponding amounts.

Article 146

Activities report and management account

1. The municipal activities report explains the execution of the previous year's activities plan and also includes an analysis of the municipality's financial situation, in which the following aspects are referred to, namely
 - a) Deviations between planned and realized revenues and expenses;
 - b) Evolution of indebtedness;

- c) Ratio between current revenues and expenses and capital revenues and expenses.
- 2. The results of the budget execution are shown in the management account, drawn up according to the classification of the respective budget and in accordance with the instructions of the Chamber of Auditors of the High Administrative, Tax and Audit Court.
- 3. The management account of the municipality is sent, by the Mayor, to the Chamber of Auditors of the High Administrative, Tax and Audit Court until the end of May of the year following that to which it relates.

Article 147

Municipal revenues

The following are revenues of municipalities:

- a) Current transfers from the State Budget;
- b) The amounts transferred to municipalities under the contractualization of project execution;
- c) Transfers made by central government, under agreements for the delegation of powers;
- d) The amounts collected from the application of municipal taxes;
- e) The amounts collected from the application of fines;
- f) Amounts collected under the scope of any administrative contracts;
- g) Amounts received on account of civil indemnities
- h) The product of inheritances, legacies and donations made in favor of the municipality
- i) Proceeds from loans granted to the municipality by the State
- j) Proceeds from the leasing of movable and immovable property.

Article 148

Municipalities' Taxes

Municipalities may charge fees for:

- a) Realization, maintenance and reinforcement of urbanistic infrastructures;
- b) Granting of allotment licenses, urbanization work licenses, licenses for the execution of private works, for the occupation of the public road for construction purposes and for the use of buildings, as well as works for the occupation or use of the soil, subsoil and airspace of the municipal public domain;
- c) Occupation or use of the soil, subsoil and airspace of the municipal public domain and use of public utility assets;
- d) Provision of services to the public by the organic units or municipal employees;
- e) Occupation and use of reserved places in markets and fairs;
- f) Parking vehicles in parks or other places intended for that purpose;
- g) Authorization for the use of advertising media intended for commercial propaganda;
- h) Use of any facilities intended for public comfort, convenience or recreation;

- i) Burial, granting of plots and use of deposits, ossaries and other facilities in municipal cemeteries;
- j) Sewage conservation and treatment;
- k) Sanitary licensing of facilities;
- l) Compensation for damages caused to the municipality by the exploitation of inerts in the respective area;
- m) Any other measure under the jurisdiction of the municipalities;
- n) Registrations required by law;
- o) Any others required by law.

TITLE VII ADMINISTRATIVE DECENTRALIZATION

CHAPTER I FUNDAMENTAL PRINCIPLES

Article 149 Principles

1. 1. The purpose of administrative decentralization is to ensure the strengthening of national cohesion and to promote efficiency and effectiveness in public management, guaranteeing the rights of the public administrators.
2. 2. The transfer or delegation of attributions or powers may be made globally to all municipalities or only to one or more of those that have the technical and material capacity to fully assume the attributions and tasks transferred or delegated.
3. Only the attributions or competencies for promoting social and economic development and meeting the collective needs of local populations are transferable or delegable.
4. Administrative decentralization shall be implemented under the terms established in this law.
5. 5. The transfer or delegation of powers shall not prejudice the respective articulation with the complementary intervention of the services and organisms of the central administration.

Article 150 Unity of public policies

Central government and local government shall coordinate their intervention in the exercise of their own competences, namely through the forms of partnership provided for in this law, in order to ensure the unity of pursuit of public policies and to avoid overlapping actions.

Article 151 Types of decentralization

Decentralization will be carried out through:

- a. Definitive transfer of administrative attributions or competencies from the central administration to the local administration;
- b) Temporary delegation of attributions or administrative competencies to municipalities;
- c) Temporary delegation of administrative attributions or competencies from the municipalities to sucos or civil society organizations.

CHAPTER II FUNCTIONAL DECENTRALIZATION

Section I General Provisions

Article 152 Material Scope

1. The transfer of attributions to municipalities implies the transfer of the power to elaborate, approve and execute administrative options, as well as the power to approve subordinate regulations and to practice administrative or civil acts related to the matters of the decentralized attributions.
2. Decentralized powers are exercised under the terms defined by law and the regulations issued by the organs of sovereignty.

Article 153 Guarantee of means

1. The transfer of attributions or competencies shall be accompanied by the human resources, financial resources and assets appropriate for their pursuit or exercise.
2. The transfer of attributions and competencies may not lead to an increase in expenditure for the current economic year.
3. The General State Budget shall establish annually, in the amount and under the conditions that have been agreed upon between the central administration and the municipalities, the resources to be transferred for the pursuit of the new attributions and exercise of the new competencies.
4. The General State Budget shall, whenever necessary, indicate the competencies to be financed through consigned revenues.

Section II Transfer of attributions and competencies from the central administration

Article 154 Agreements for the Transfer of Duties and Competencies

1. The transfer of new attributions or competencies from the State to the municipalities shall be preceded by a trial phase of three years.
2. The experimental phase of transfer shall be the object of an Agreement on the Transfer of Attributions and Competencies (ATAC), the draft of which, negotiated between the parties, shall be approved by the Council of Ministers on the proposal of the Municipal Assembly.

Article 155

Signing of the agreements for the transfer of attributions and competencies

Agreements for the transfer of attributions and competencies shall be signed between the Government, represented by the Prime Minister, and the interested municipalities, represented by their mayors.

Article 156

Content of arrangements for transfer of tasks and competences

1. The transfer of tasks and competencies agreements shall specify the tasks and competencies transferred and the corresponding allocation of financial resources in accordance with paragraph 5, as well as the mechanisms for their effective, regular and timely transfer and the performance indicators.
2. The transfer agreements of attributions and competences must also include
 - a. Training of the personnel necessary for the exercise of the new attributions and competences;
 - b. Mobility of qualified personnel, preliminary, complementary or alternative to the one referred to in paragraph a);
 - c. Technical support in the organization, adaptation or installation of the services necessary for the exercise of the new attributions and competences;
 - d. The identification of the officials or agents who, in representation of the parties, will monitor and supervise the operationalization process of the exercise of the new attributions and competences.
3. Agreements for the transfer of attributions and competences shall be published in the Official Gazette.
4. The entry into force of agreements transferring attributions and competences shall always refer to the economic year following that in which they are signed and shall be conditional on the inclusion in the General State Budget for that economic year of one third of the corresponding appropriation of financial resources to be transferred to the municipality.
5. The appropriations foreseen in agreements for the transfer of attributions and competences for the years following the beginning of their term of validity shall be considered obligatory expenditure.

Article 157

Evaluation of Agreements for the Transfer of Duties and Competencies

1. At the end of the experimental phase, the Government and the interested municipalities shall jointly evaluate the results, on the basis of which the Council of Ministers shall approve the draft law for the definitive transfer of attributions and competencies to the municipalities party to the agreements for the transfer of attributions and competencies, or approve, by Government resolution, the reversion of the attributions and competencies or the extension of the agreements for the transfer of attributions and competencies.
2. The decision to extend the Agreements depends on the prior agreement of the municipality.
3. The bill and the decisions referred to in paragraph 1 shall include an attached document, drawn up by the officials and agents referred to in Article 156(2)(d), in which they identify
 - a. the performance indicators specified in the Transfer of Assignments and Competencies Agreements that have been achieved;
 - b. the conclusive study demonstrating the timeliness, efficiency and effectiveness of the transfer.
4. The Transfer of Tasks and Powers Agreements may be extended only once.

Section III

Delegation of central government powers and duties

Article 158

Agreements for the Delegation of Attributions and Competencies

The delegation of attributions and administrative competencies to municipalities shall be established by Agreements for the Delegation of Attributions and Competencies, whose term of validity shall be determined by the parties and may be renewed for equal and successive periods of time.

Article 159

Signing of Agreements for the Delegation of Duties and Competencies

The agreements for delegation of attributions and competencies shall be entered into by the Mayor, duly authorized by the Municipal Assembly and by the member of the Government holding the competencies that are the object of the delegation.

Article 160

Content of Agreements for the Delegation of Powers and Competencies

1. The agreements for the delegation of attributions and competencies shall specify, for each case, the object, scope, content and duration of the delegation, as well as the

corresponding allocation of financial resources, the mechanisms for the effective, regular and timely transfer of said allocation, the conditions and objectives for the exercise of the delegated attributions and competencies and performance indicators.

2. The provisions of Article 156(2) to (5) shall apply to the delegation agreements, with the necessary adaptations.

Article 161

Renewal of agreements on the delegation of tasks and powers

1. Agreements for the delegation of powers and competences may be renewed once or more times, with the agreement of the parties for the period indicated by them or, alternatively, for the same period as the previous one.
2. The renewal of the agreements for delegation of attributions and competencies depends on the fulfillment of performance indicators or on the demonstration that their non-fulfillment is not imputable to the entity receiving the delegation.
3. The provisions of article 157 shall apply, with the necessary adaptations, to the delegation of attributions and competencies to municipalities with a duration of more than three years.

Section IV

Delegation of powers to sucos and civil society organizations

Article 162

Agreements for the temporary delegation of powers

1. The municipalities may temporarily delegate the exercise of the competencies that have been transferred or delegated to them, which do not involve the exercise of authority, to the Sucos or to civil society organizations.
2. The delegation of competencies, under the terms of paragraph 1, implies the temporary transfer of the competence of material, registration, certification, fee collection and management acts within the scope of the delegated competencies, in conformity with the programs, plans, projects, guidelines and instructions of the municipal organs.
3. The temporary delegation of powers, as provided for in this article, are established by temporary delegation of powers agreements.
4. The provisions set out in articles 159 to 161 shall apply, with the necessary adaptations, to agreements of temporary delegation of powers.

Section V

Control

Article 163
Monitoring and Supervision

1. The Government and the municipalities have the functional power to supervise the performance of the attributions and competencies that have been transferred or delegated, and may, namely
 - a) a). Establish a regular information system about the performance of the attributions and competencies transferred or delegated to be provided by the beneficiary entities;
 - b) Request and obtain sundry information from the entities receiving the transfers or delegations or from other public or private entities of good standing;
 - c) Conduct inquiries, audits and on-site inspection and verification actions on how the transferred or delegated powers and duties are being carried out.
2. The Government and the municipalities may terminate the Agreements for the Transfer of Attributions and Competencies and the Agreements for the Delegation of Attributions and Competencies that they have entered into, with at least one hundred- and twenty-days' notice and on the grounds of repeated non-compliance, by the beneficiaries of the transfer or delegation, with the obligations undertaken in terms that justify foreseeing the non-compliance with performance indicators.
3. Municipalities, sucos and civil society organizations that are party to Agreements for the Temporary Delegation of Competencies may terminate such agreements with notice of not less than one hundred and twenty days and on the grounds of repeated non-compliance, on the part of the beneficiaries of the transfer or delegation, with the obligations undertaken in terms that justify foreseeing non-compliance with the performance indicators.

TITLE VIII
ASSOCIATIONS OF MUNICIPALITIES

Article 164
Right of Association

Municipalities may freely associate themselves for the defense and realization of common interests and integration of public policies included within the scope of their attributions, namely for the realization of attributions or projects, provision of services or acquisition of goods or equipment of common or complementary interest.

Article 165
Concept

Associations of municipalities are collective persons under private law, created by two or more municipalities, for the realization of common interests.

Article 166 **Object**

The purpose of the associations of municipalities is to implement the attributions conferred by law upon the municipalities or to implement any interests included in their attributions, except those attributions or interests that, due to their nature or by provision of the law, must be directly pursued by them.

Article 167 **Constitution**

1. The promotion of the necessary steps for the formation of municipal associations is the responsibility of the Mayors of the interested municipalities, and the effectiveness of their deliberations depends on the approval of the respective Municipal Assemblies.
2. The associations of municipalities are constituted by public deed, under the terms of the provisions of article 160, number 1 of the Civil Code, and the signatories are the Mayors of the interested municipalities.
3. The constitution of the associations is communicated to the Ministry responsible for local administration.

Article 168 **Statutes**

1. The preparation of the statutes of the municipal associations is the responsibility of the Mayors of the associated municipalities, and their efficacy depends on the approval of the respective Municipal Assemblies.
2. The statutes of the associations of municipalities must specify:
 - a. The name, purposes, headquarters and composition;
 - b. The competencies of the respective bodies;
 - c. The goods, services and other contributions that municipalities contribute to the pursuit of the respective attributions;
 - d. Its internal organization;
 - e. The form of its functioning;
 - f. The duration, when the association is not established for an indefinite period of time.
3. The statutes must also specify the rights and obligations of the associated municipalities, the conditions for their withdrawal and exclusion and for the admission of new municipalities, as well as the terms for the dissolution of the association and the consequent division of its assets.

4. The statutes may be modified by agreement of the associated municipalities, in accordance with the regime established in this diploma for the respective approval.
5. It is up to the general assembly, on its own initiative or on a proposal from the board of directors, to approve changes to the statutes, provided that there is prior and express agreement from the bodies of the associated municipalities.

Article 169

Tutelage

The associations of municipalities are subject to administrative supervision.

Article 170

Bodies of the associations of municipalities

The bodies of the associations of municipalities are

- (a) The general assembly;
- (b) The board of directors.

Article 171

Competencies

1. To pursue the association's object, the bodies shall exercise the powers granted to them by law and the bylaws.
2. The municipal competencies regarding the organization and management of the services included in the association's object are considered to be delegated, unless there is a legal or statutory provision to the contrary, to the association's organs.
3. The deliberations of the bodies of the associations of municipalities shall be subject to the rules for publishing the deliberations of the municipal bodies.

Article 172

General Assembly

The general assembly is the deliberative body of the associations and is composed of representatives of all members, whose number and form of election are established in the bylaws.

Article 173

Functioning of the General Assembly

1. The General Assembly shall meet at intervals established in the Articles of Association.
2. The General Assembly must meet in plenary session to approve its annual plan of activities, annual budget, activities report, and management account.

3. The work of the General Assembly shall be directed by a Bureau, whose composition and competencies are established by the statutes of the Association of Municipalities.

Article 174 **Board of Directors**

The Board of Directors is the executive organ of the Association of Municipalities, and is composed of the Mayors of the municipalities that are part of it.

Article 175 **Functioning of the Board of Directors**

1. The Board of Directors shall organize its work under the terms established by the statutes of the Association of Municipalities.
2. The provisions contained in articles 22 to 31 of Decree-Law no. 30/2020, of 29 July are suppletively applicable to the operation of the boards of directors of municipal associations.

Article 176 **Executive Secretary**

1. The Board of Directors may appoint an Executive Secretary for the current management of the association's affairs, in which case the powers or competencies conferred to him shall be expressly determined in the minutes.
2. By proposal of the Board of Directors, the General Assembly may fix the remuneration or a bonus to the Executive Secretary, according to the executive functions and which, in no case, may exceed the remuneration fixed for the Town Administration Director.
3. The performance of the duties of executive secretary shall not confer on the holder the status of employee or agent of the central or municipal public administration and shall be incompatible with the exercise of any political office.
4. The functions of Executive Secretary may cease at any time, by deliberation of the Board of Directors.

Article 177 **Technical Advisory Services**

The provisions of Article 143 shall apply to associations of municipalities.

Article 178 **Activities Plan, Budget and Accounts**

1. The activities plan and budget of the Association shall be prepared by the Board of Directors and submitted to the General Assembly for approval during the month of November.

2. The activities plan and budget are sent by the Board of Directors to the Municipal Assemblies of the associates, for their knowledge, within one month after its approval.
3. The budget shall include all of the association's revenues and the respective expenses, whatever their nature.
4. The associations shall adopt the accounting system established for municipalities.

Article 179

Revenues

1. The revenues of the municipal associations are
 - a) The proceeds of the contributions of the municipalities;
 - b) Fees for the use of goods and arising from the rendering of services;
 - c) The income from its own property and the product of its alienation or constitution of rights over it;
 - d) The donations, subsidies or participations coming from the central administration under the terms of the municipal finance, patrimony and provisioning law;
 - e) The product of loans contracted under the law;
 - f) Any other income permitted by law.
2. The contributions provided for in paragraph a) of the preceding number shall be made under the terms and within the deadlines set by the general assembly, and shall not be reversed, even in cases where the municipality does not use the services provided by the association.

Article 180

Exemptions

Associations of municipalities benefit from the tax exemptions provided for by law for legal persons governed by public law.

Article 181

Assets

The assets of the association are constituted by the goods and rights transferred to it in the act of incorporation or subsequently acquired by any means.

Article 182

Activities Report and Management Account

1. The activities report and management account of the Association of Municipalities are prepared by the Board of Directors and submitted for approval to the General Assembly during the month of January of the year following the year to which the accounts refer.

2. The accounts of associations of municipalities shall be sent to the municipal assemblies of the associated municipalities for information, and shall be posted on the notice boards of the municipalities and published on the internet site of the municipalities.

Article 183

Judgment of Accounts

1. The accounts of the associations of municipalities shall be judged by the Chamber of Auditors of the High Administrative, Fiscal and Audit Court, within the same time limits established for municipalities.
2. It is the responsibility of the Board of Directors to ensure that the accounts of the association of municipalities are submitted for judgment in a timely manner.

Article 184

Staff

1. Associations of municipalities may have their own staff.
2. Associations of municipalities may also resort to the requisition or secondment of staff from the associated municipalities, without this resulting in vacancies in the original establishment plan.
3. Associations of municipalities may individually hire technical and management personnel.
4. The staff of the association identified in paragraphs 1 and 2 shall be subject to the regime applicable to municipal officials and agents.
5. In all cases in which the associations of municipalities choose to create their own staff, they must resolve all staff situations before they decide to dissolve the associations.

Article 185

Personnel costs

1. The expenses incurred with own staff and other staff are relevant for the purposes of the limit established by law for expenses with staff of the associated municipalities.
2. For the effects of the provisions of the previous number, it is up to the General Assembly to deliberate on the form of imputation of expenses to the associated municipalities, which requires the agreement of the Municipal Assemblies of the municipalities in question.

Article 186

Extinction of the Association

1. The extinction of the associations shall be mandatorily communicated, by the Mayor of the municipality where the association has its headquarters, to the Ministry responsible for local administration.
2. The association is extinguished:
 - a. By deliberation of three quarters of the members of the general assembly, ratified by the majority of the Municipal Assemblies of the associated municipalities;
 - b. In the associations of municipalities of temporary duration, by the expiration of the respective duration period.
3. If the statutes of the association do not provide otherwise, the assets of the association shall be shared among the associated municipalities in proportion to their respective contribution to the expenses of the association of municipalities.

TITLE IX RELATIONS WITH THE ADMINISTRATORS

Article 187 Fundamental principles

In relations with those subject to public administration, the bodies and agents of the municipalities shall respect the principles of justice, transparency, impartiality and impartiality, good faith, and the rights and legitimate interests of private individuals.

Article 188 Reference

The administrative procedure, approved by Decree-Law 32/2008, of August 27, is applicable to all areas of administrative activity of municipalities, with the necessary adaptations.

TITLE X FINAL PROVISIONS

Article 189 Specific establishment of municipalities

The municipalities shall be specifically established by law.

Article 190 Entry into Force

The present law shall enter into force on the day following its publication.

Approved on September 21, 2021.

The Speaker of the National Parliament,
Aniceto Longuinhos Guterres Lopes

Promulgated on November 4, 2021.
To be published.

The President of the Republic,
Francisco Guterres Lú Olo.
