

**THE ORGANIZATION AND  
STRUCTURE OF LOCAL  
GOVERNMENT  
IN ALBANIA**

# THE ORGANIZATION AND STRUCTURE OF LOCAL GOVERNMENT IN ALBANIA

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**COMMUNITY AND PUBLIC ADMINISTRATION SUPPORT STRATEGY**

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Copies of this book can be ordered by mail or e-mail.

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**Chapters.**

- I. Introduction.**
- II. Local Government Establishment.**
- III. City Council.**
  - City Council duties and competences
  - Boards and Commissions
- IV. Organizational Structure of the Municipal Executive.**
- V. Sample of the Organization of a Municipal Sector.**  
(The Local Taxes and Fees Sector).

**Charts.**

- 1. Electing and appointing authority.
- 2. Decision making authority.
- 3. City Council organogram.
- 4. Municipal government organogram.
- 5. Local taxes and fees sector organogram.
- 6. Local taxes collection scheme.
- 7. Cashier office scheme.

**Appendix.**

Sample of a Municipal Council Rules of Procedure.

## I. Introduction

The decentralization process, along with the development of advanced local government practices, has resulted in the addition of new capacities and the consolidation of many existing practices in Albania. Given the scarce human and financial resources, local governments must provide additional services while maintaining high quality and involving the public in an open process as services are added and expanded.

Albanian municipalities are competitive with other municipalities, both internally and internationally. The municipalities of the neighboring western countries have a long history of organizational development and consolidation. Therefore, the efforts of Albanian municipalities to achieve a successful and sustainable increase of organizational capacities are a daily challenge.

Albanian municipalities are experiencing an increase of functions, the successful exercise of which requires consolidated, well-organized, well-managed organizations capable of timely responses to the demands and needs of the community for services. The response must also address the dynamics of the developments and the increase in the number of fields in which they play a primary or coordination role.

The success of a local government is highly dependent on the quality of the organization. The city council members and the mayors need an organization which functions in an easy, coordinated and professional manner. Each segment of an organization must recognize the need to take actions complementary to other organizations to successfully implement city policies and provide quality services.

Not all municipalities in Albania have a well-developed organization. Decision making, control, managerial and implementation activities are not always clearly delineated. Functions and responsibilities are not always clearly set. Coordinated plans between segments of the organization and relationships with other organizations are not clearly established.

The chapters and charts presented in this manual can be used as reference by the city councils, mayors and heads of municipal units in their effort to establish and regulate clear and sustainable interaction relations within and among the municipal organizations, as well as between the municipality and other organizations with which it cooperates. This manual introduces in a synthesized way the phases for the establishment, organization and structuring of the local governments according to the Albanian law. It also aims to create a unified basis for the organization and structuring of Albanian municipalities.

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## II. Local Government Establishment.

This chapter briefly outlines the legal basis for local governments in Albania and the authorities the municipal government organs have to further structure the municipal organization. The local government in Albania is established and the functions are based on the principle of local self-governance. The representative bodies are, in the case of municipality, the Municipal Council and the Mayor.

“Any municipality is a continuous governing entity with a heritage” (Law 8652 article 4 number 5), and the Municipal Council has a legal continuity regardless of its membership and the inhabitants residing or leaving the municipal jurisdiction.

### **Election of the municipal governing bodies:**

1. The Council members of each municipality are directly elected by the voters from party lists made public before the elections date. The elected councilors are nominally selected from the party lists based upon the percentage of the vote received by each competing political party.
2. The Mayor is directly elected by the voters through a nominal competition.

### **Electing and Appointing Authority of the Municipal Council.**

“Law 8652 article 32 - Duties and Competencies of Municipality Councils.

- b) Elects and Dismisses the Chairman and Deputy Chairman of the Municipal Council.
- c) Appoints and Dismisses the Secretary of the Municipal Council”  
“The council appoints or dismisses the Secretary of the Municipal Council upon the proposal of the Council’s Chairman” (article 37 point 1).

### **Appointing Authority of the Mayor.**

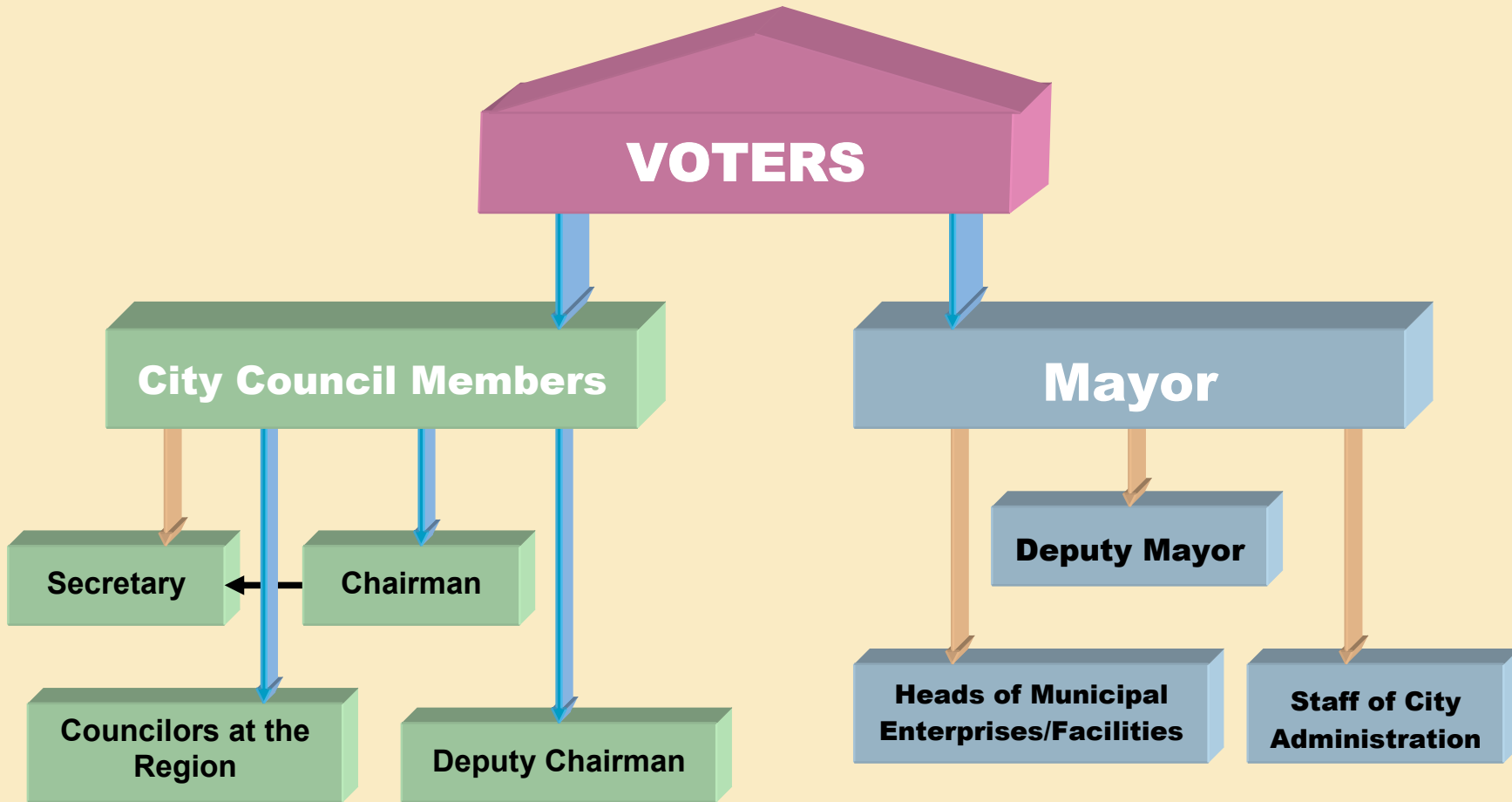
“Law 8652 article 44- Duties and Competencies of Mayor:

- e) Appoints and dismisses from duty the Deputy Mayor/s;
- ë) Appoints and dismisses the heads of the enterprises and institutions under municipal government jurisdiction [authority];
- f) Appoints and dismisses other non-leading employees of the agencies under the jurisdiction of the municipal government except as otherwise stipulated in the Law No 8549, dated 11.11.1999 on the Civil Service”.

There are two levels of appointment in Local Government:

1. Political Appointments  
Deputy Mayor/s and the Secretary of City Council.
2. Non- political appointments.  
The municipal civil servants (staff of municipal administration and heads of municipal enterprises and facilities).

**ELECTING AND APPOINTING AUTHORITY IN MUNICIPALITY**



### III. City Council

The City Council is the decision making organ of the municipal government and decides collectively on:

**a) Policies for:**

1. Services the City should provide and at what level and span.
2. Raising local revenues through levying taxes and fees.
3. Local expenditures.
4. Economic, social, physical, educational, cultural and recreational development
5. Involving citizens in municipal decision making processes
6. Etc.

**b) Administrative issues:** Authorizes the executive to enter into contractual agreements for the provision of public services.

**c) Actions:** To be taken, within its span of authority, for the benefit of the community.

The Mayor, as head of the Executive, is responsible for implementing the policies and acts adopted by the Municipal Council.

The Councilors can act as a City Council organ only when convened according to the law, Municipal Statute and City Council regulation as a governing body in a legal meeting. The majority of the membership can act on behalf of the City Council only in a Council meeting held according to the legal procedures. A City Council decision made in any other manner is considered illegal.

The principles for operation of the City Council should be:

1. Members of City Council should act as a single organ.
2. City Council should proceed in its work as in an efficient way.
3. City Council should act at least with a majority vote.
4. Each Councilor should enjoy the same rights in participating in the decision making process.
5. Internal regulation of the City Council should be enforced continuously.
6. Acts of the City Council should be a result of a decision taken following the regulated procedures and not as a result of manipulation of rules of procedure adopted by the City Council.

“Number of Councilors (law 8652 article 24 point 1)

1. The number of members of Municipality Councils shall be determined according to the population of the municipalities, as follows:

Municipalities up to	5, 000	inhabitants	13 Councilors
“ “	5,000 - 10,000	inhabitants	15 Councilors
“ “	10,000 - 20,000	inhabitants	17 Councilors
“ “	20,000 - 50,000	inhabitants	25 Councilors
“ “	50,000 - 100,000	inhabitants	35 Councilors
“ “	100,000- 200,000	inhabitants	45 Councilors
Municipality of Tirana			55 Councilors

2. In the application of this article, the Prefect defines the number of the



members of the council for each municipality in its jurisdiction, based upon the number of inhabitants according to the official statistics of the civil office as of January 1 of the year the [local] election takes place”.

The term of office for City Council is three (3) years.

The Statute of Municipality normally sets the structure of the City Council. A change in the Municipal structure is accomplished only by changing the Statute of Municipality that specifies the structure of the Council.

The decision-making authority of the City Council originates from:

1. The Law 8652 dated July 31, 20001 “On Organization and Functioning of Local Governments”.
2. The Statute of Municipality (the overall local articles in force applied in a certain Municipality).

“Organs of Local Government Units (law 8652 article 6).

1. The government of each municipality shall consist of a representative body and executive organ.
2. The representative body of municipalities shall be the Municipal Council, respectively. The head of the executive organ shall be the Mayor”.

Another decision-making organ at the local level is the voting constituency of the given community. They exercise this right through the local referendum. “Ten (10) per cent of the voters registered in the voting list of the Municipality and having the voting card, or 20,000 of these voters, whichever number is lower, have the right to a local referendum on an issue of local governing in the municipality” (law no.8609 dated May 08, 2000 Election Code in the Republic of Albania -article 128 point 1).

The Community is a very important element in the local government decision-making process. This is a newly introduced element in the active local decision-making process. This element adds to the control and co-responsibility of the community through the entire elected term of the City Council and has a direct impact in the life, development and activities of the community (“In advance of discussing and approving its acts, the Council holds public hearings” (law 8652 article 35 point 1). Community involvement assures, on one hand, an open, participatory and attentive City Council to the proposals coming from the community. On the other hand, this process needs a community aware of its role in local governing and the legal powers available to it.

The active participation and involvement of the community in local governance should be a continuous, institutionalized and regulated process so that the local decisions are a common product of the local government and the community with a share responsibility for implementation and enforcement.

**DECISION MAKING AUTHORITY**

**VOTERS**



**Local Referendum**

**Elected Bodies**

**CITY COUNCIL**

**MAYOR**

**Legislative Organ**

**Executive Organ**

**Community Involvement**

## **Duties and Competencies of Commune and Municipality Councils**

(law 8652 article 32)

“The Municipal Council exercises the following duties and competencies:

- a. Adopts the statute [charter] of Municipality and the internal regulations for the functioning of the Local Council.
- b. Elects and dismisses the Chairman and deputy Chairman of the Council.
- c. Appoints and dismisses the Secretary of the Municipal Council.
- ç) Adopts organizational and administration structure of the commune or municipality and the budgetary institutions under the respective authorities of the commune and municipality. Determines the number of personnel, the criteria for qualifications, salaries and criteria for compensation [bonuses] of the personnel or of the elected or appointed persons, in compliance with the legislation in force.
- d. Approves the foundation documents of the enterprises, companies and other judicial persons it establishes or co-founds.
- dh) Approves its budget and subsequent amendments.
- e. Approves the change of the ownership or permission to use [usufruct] its property for third parties.
- è) Implements and supervises the internal control of commune and municipality
- f. Decides rates of all local taxes and tariffs [fees].
- g. Decides to credit and liquidate obligations to third parties.
- gì) Approves the setting up of joint institutions with other local government units, including the Joint Powers Authority, or with third parties.
- h. Approves any legal proceedings instituted in its name.
- i. Determines the representations of communal or municipal council in Regional Council
- j. Adopts the approval or withdrawal of the mandate of a councilor.
- k. Adopts the norms, standards and criteria for the regulation and the enforcement of the functions granted to the council by law, as well as protects and guarantees the public interest.
- l. Decides the emblem of the municipality.
- ll. Approves the names of streets, squares, territories, institutions and objects under its jurisdiction.
- m. Grants honorary titles and bonuses.
- n. Adopts regulations, procedures and the manner of execution of delegated functions, in compliance with the Law.”

To carry out these duties and competencies, the Council structures itself determines the relations between its members, with the Mayor, municipal administration, the municipal enterprises and facilities, the community and other organizations outside the municipal government. The structuring of the Council work and its relations with other organizations is generally done through:

1. Regulations of City Council.
2. Standing or Temporary commissions and boards.
3. Agreements with other organizations outside municipal government.

In institutionalizing and structuring of these relations, the City Council considers the overall municipal development priorities, the biggest problems the municipality faces, and the human and natural resources available within and around the municipality (e.g., in case the municipality lake is the biggest natural resource, normally the Council would establish a standing commission that would deal with issues related to the lake, protection of its fauna and flora and the development of tourism).

Rights of Local Governments (law 8652, article 8, point 1, letter d) “Each local government may create committees, boards, commissions as it deems necessary for exercising specific functions.”

### **Boards, Commissions and Committees in Local Government Administration.**

Proper use of Boards, Commissions and Committees in local government administration is one of the most effective tools available, to develop and execute policy, generate support from the constituency and insure a transparent, broad-based local government. The rewards for effectively using these "extra arms" of the government are hard to overestimate. These extensions of the established government provide an opportunity to extend influence more effectively into quasi-governmental responsibilities, such as economic development. They also create a more open and responsive administration to deal with government regulations, policy and operations. Additionally commissions often provide local government with an opportunity to study highly controversial issues outside the pressure of official meetings and provide a check on the fair and appropriate execution of laws by the appointed bureaucracy.

These organizations can be institutionalized within the legal framework of the municipality or used on an ad hoc (temporary) basis for special issues. They can have a significant impact on decision-making and enhance the public's understanding of the value of their input to the local government's final policy. This applies not only to those serving on the commissions and committees but also to the average citizen who reads of their activities or appears before them to voice an opinion or complaint.

Despite all the potential benefits of such a system the success will ultimately depend upon the commitment of the Mayor and of the City Council. There are several general characteristics of Commissions and Committees that should be considered if they are to be successful.

One of the positive features of effective commissions and committees is their public nature. As a basic principle, all meetings and assemblies should be held in a public forum only after the meetings are publicly announced. This does not mean that the public must participate in all meetings but only that citizens and the media should always be allowed to be present to hear any deliberations and presentations. This policy increases transparency and instills confidence in the process.

Another basic principle is to de-politicize committees as much as possible. It is unreasonable to think that political preference will not be a factor in appointments to such bodies. However, in all cases, where appointments include political considerations, a minority of the opposition party or persuasion should also be appointed. Failure to do this will eventually result in almost total lack of cooperation

by the opposition. Successfully implementing this principle will encourage compromise and consensus in decision-making.

Material following provides definitions and explanations of the various types, and uses, of committee and commissions. It highlights ideas that might be useful in the developing nature of Albanian local government. It also discusses methods and considerations for organizing and structuring these bodies. Finally, it suggests some of the best ways to put various types of committees and commissions to use. It is important to realize that these are general guidelines and, although they provide experience-based advice, the parameters are always subject to change. The most important principle that the local government must remember is that there is no one best way to accomplish the goal. Within the law and within the realm of efficient and effective management there are many ways. The key to success is finding the one that works best for the individual municipality.

## **1. THE DEFINITIONS OF COMMITTEES AND COMMISSIONS**

Although sometimes used interchangeably Committees and Commissions are generally considered to be different entities and provide different functions within the local government organization. The most common definitions follow:

Committees refer to the formal Committees of the legislative body, or City Council. They may be made up of any number of council members as described by the law or needed at the time. By definition, however, they are composed of Council Members only. In some cases, depending upon the law and the Mayor's formal relationship with the Council, the Mayor may also be included. Some are committees of the whole involving all council members. As will be further discussed below, they may also be ad hoc (usually temporary and single purpose) or institutional (relatively permanent). They are most often provided for in the law governing local government or in the rules of council.

Commissions differ from Committees because they involve the participation of the non-elected public. They may or may not include elected officials. The purposes of these bodies are as varied as the issues that confront municipalities. The various categories and the characteristics of commissions are discussed below but a general rule applicable to all commissions is that they focus on a specific aspect of local government and they are primarily composed of citizens not elected to public office. Board, such as a Board of Directors, is another term used interchangeably with Commission. For the purpose of this paper they are used synonymously.

The concept of public involvement is critical. It opens the process and gives the citizens a sense of ownership. It also allows local government officials the ability to reach out and bring ordinary citizens, whose specialized talents might otherwise be lost, into the process. In this way the local government utilizes the collective knowledge, skills and talents of the entire community.

## 2. CHARACTERISTICS OF COMMITTEES AND COMMISSIONS

There are several basic characteristics that define all committees and commissions. Each has one of two exclusive characteristics that categorizes and defines, in many ways, the manner in which it will be used. Despite the fact that these characteristics are defining issues, they normally provide a clue to the use of the committee or commission. There will, of course, be exceptions to the rule. These characteristics are, however, important and should be considered when creating committees.

### 1. Advisory vs. Statutory.

All committees and commissions will be either advisory or statutory. In the case of the Advisory committee or commission, they are created for the purpose of discussing, debating and recommending courses of action to another decision-making body in their area of competence. These types of commissions can be used for virtually any issue and are typically created to increase citizen participation and to insure that a broader point of view is considered.

Advisory committees and commissions can be used in virtually all of the categories listed below and can be either institutional or ad hoc depending on the circumstances. Advisory committees are virtually always a creation of the local government without influence from a higher level of government.

The impact of advisory commissions depends on the purpose for which they are created. If the Mayor and Council have a genuine interest in a policy issue, which is either very controversial, highly technical or very diverse in its application, then the resulting recommendations from a committee can have a great impact. If however, they are used in the support or honorary categories their influence is apt to be less.

The main advantage of an advisory commission is that the output is exactly what the name implies, advice. Therefore, the recommendations are not legally binding on the Mayor and the Council. In many cases the political pressure to accept the findings of such a committee may virtually make the recommendations mandatory. Nevertheless, the decision making body generally enjoys some maneuvering room on the advice that is offered.

Depending on the prevailing laws, some committees and commissions are established by the local or central government law as statutory commissions. The organization of these bodies is usually stipulated in the law (either local or central). Since they are established by law the output of these bodies has legal status as an official recommendation or, in some cases, as the binding decision of the municipality. There are numerous cases where Council or State created committees are actually delegated the decision-making responsibility in their area of competence. Likewise, in cases where the city council has the final decision making authority, the commission may still have a degree of decision-making authority. For instance, a supermajority (as opposed to a normal simple majority) of the council may be required to overrule the commission's decisions. In any case such authority must be specifically stated in the governing law or regulations.

### 2. Ad Hoc vs. Institutional

Ad Hoc committees are those that are established for special purposes. They tend to exist for the sole purpose of the current issue at hand and then will be disbanded when

their work is done. Such committees are used to study special problems, develop plans for a specific deadline, investigate allegations of wrongdoing or make recommendations for one-time changes in laws or policies. They tend to be very useful because they are so focused on the specific issue before them. They allow a Mayor or Council to pick the very best people available and seek specialists for the particular issue. Often referred to by names such as "select committee or blue ribbon commission" these groups can provide a variety of services to a municipality. Because of their composition and nature they are generally well respected by the public and their findings are usually adopted, even though such committees or commissions are rarely statutory. Sometimes the issue or issues that the ad hoc committee addresses will become permanent concerns of the municipality in which cases such committee are often institutionalized.

Institutionalized committees refer to those boards, commissions and committees that are permanently established. Membership may change from time to time due to personal choice or term limitations but the work of the committee goes on. Municipalities that have multiple institutionalized committees and commissions typically reappoint or replace members during the first meeting of a Council in a year or term. Members tend to serve a limited time of a year or two. Since virtually all such commissions and committees are voluntary organizations regular rotation assures that no one individual will be asked to contribute an overburdening share to the community. It also assures the broadest possible involvement by the general public.

The above characteristics can be assigned to any of the categories listed below. Based on the nature of the category one or another characteristic can be almost exclusive for a given purpose. There are of course many other characteristics of committees and commissions but those listed above are applicable in virtually every case. Others tend to be more specific in nature. Some of these will be covered in the examples.

### **3. CATEGORIES OF COMMISSIONS**

Committees and Commissions are established for a multitude of purposes. The category refers to the purpose and helps define the expectations and requirements of a commission. There are of course other possible categories. However, the six listed below cover the vast majority of possibilities a municipality will encounter. It would be rare for a city to actually put a category label on a committee or commission but it is very important for both the appointing authority and the membership to have an understanding of the category intended. Only in this way will both have a full grasp of what is expected. It is also very frequent that commissions fall into more than one category. Most commonly, a policy making commission might also be regulatory. Again the label is not important but the understanding of the scope or authority is important. The categories are as follows:

#### **1. Policy Making**

This category refers to any committee or commission whose primary responsibility is to develop or review, and recommend, policy changes or innovations. Virtually all committees of City Council are policy making, since the output of their deliberations results in formal reports to the body as a whole and carry the weight of legal authority. The reports are generally the result of a vote taken in an official meeting of the committee.

Commissions are also frequently classified as policy-making bodies. When delegated the authority by the Mayor or Council to develop a plan or program, the result is a policy recommendation. Perhaps one of the most common is planning committees. These tend to have responsibility for developing and advising the city on a variety of planning issues including the master plan for the city, growth and development alternatives and economic development potential. Frequently the municipality will combine these functions and create an Overall Economic Development Planning Commission. This is a vital function for any municipality and will be given more attention below in the examples.

Another example of a policy making commission is a Tourism Commission which might be regulatory as well.

## 2. Regulatory

Regulatory commissions primary responsibility is to oversee and regulate a particular function over which a municipality has jurisdiction. (Committees generally do not fall into this category because the City Council has overall regulatory responsibility.) Perhaps the best known are Zoning Commissions that approve or disapprove of construction within the municipality based on the zoning laws and master plan of the City. A similar and related commission is the Building Code Commission that regulates the materials and methods used in construction (smaller cities might tend to combine these into one commission).

The work of these groups is very important to order in the municipality and to the safety of the citizens. Cities need to adopt a code for zoning and building specifications and then see that it is vigorously enforced. Asking ordinary citizens to undertake this function is difficult but allows for real expertise to be employed (potential members might include architects, engineers, building contractors, lawyers and others). Many of the enforcement problems currently experienced by cities could be reduced if a broader spectrum of citizens were involved in the process.

Other regulatory commissions might be responsible for usage and fees of city facilities such as markets and sporting arenas.

## 3. Appellate

Another important function of commissions is to provide an appeals process. With any bureaucratically administered programs there will always be exceptions to the rules. There will be a need to provide for variations from the normal requirement from time to time. A citizen's commission serving as the appellate body removes these considerations from the political arena and insures that a citizen has a group of his peers to appeal to if he feels that his petition has not been fairly treated by the department in charge of the issue. Most commonly, variances to building and zoning regulations are handled by appeals commissions. These need to be separate from the regulatory commissions referred to above for these functions to prevent any conflicts of interest.

Cities also have appellate committees to settle taxation disputes as well as arguments involving treatment of citizens by city officials, such as police brutality cases. Even when the law provides for ultimate resolution at a higher level (by providing the opportunity to go to court or appeal to a prefect) the idea of the appellate commissions



is important. Many cases receiving a fair hearing and disposition, at the appellate level, will save the time, expense and bitterness of court cases. Appellate commissions can be more effective in resolving problems since citizens tend to react more reasonably to a group of their peers than to appointed government officials.

Appellate committees have another desirable side effect. They tend to reduce the chances for corruption in city government. Since a citizen always has the right to appeal the decision of a bureaucrat to a panel of other citizens, it is far less likely that the bureaucrat will even suggest an illegal payment or other consideration for service. Of course it must first be understood by all city employees that the administration has no tolerance for such activity and that strong disciplinary actions will be taken against those who engage in it. Appellate commissions serve as a very important deterrent to this type of behavior.

#### 4. Support Commissions

Support Commissions are typically established on an ad hoc basis to encourage support of an important municipal initiative such as a new park or road system. Since these types of projects often require additional spending it is important to secure the support of the citizens. There is no better way to do this than by mobilizing support through a commission of dedicated supporters.

On an institutional basis, support commissions are usually formed for the purpose of getting interested citizens to meet regularly on an ongoing priority of city interest. A recreation program commission is a good example. Others are formed as supporters and advocates for museums, botanical gardens and zoos, municipal orchestras and theaters as well as any other cultural, recreational or educational issue that the municipality deems important or necessary. Such commissions can play supportive roles in suggesting policy, raising private funds for projects and mobilizing the citizens to get more involved in the particular functions.

As with all the other examples the most important element is the broadening of interest and involvement by bringing in citizens with expertise and commitment.

#### 5. Honorary Commissions

Honorary commissions are a good way to honor or thank citizens for their efforts and to let them remain involved in activities where they formerly served on a regular basis. They also permit the value of former members' experience to be provided in a formal setting. Honorary committees are typically institutionalized and advisory in nature but do serve a useful purpose in rewarding citizens for their efforts and commitment. They can also be used to select other citizens for honors or membership.

#### 6. Semi Autonomous - Statutory Commissions.

A related type of commission used in many municipalities is the semi autonomous statutory commission. Such commissions are established to be the governing body of a specific, limited function of government. Probably the most common use of this form is with water and sewer services, known usually as a Public Works Commission. These limited governmental organizations can even have elected commissioners or a combination of elected and appointed commissioners. This type of commission is normally used when the entity has a source of income separate from the municipality, such as fees charged for water and sewer services.

The advantage is that such bodies can legally raise funds and operate without putting an additional tax burden on the municipality. Typically they operate on a profit-making basis like a private business. In most cases municipalities retain ownership of the assets of these commissions so that they continue to belong to the people of the municipality. As such, a certain percentage of the profits are ordinarily put in the municipal general fund and can be an important source of revenue for municipalities.

#### **4. ORGANIZATION, STRUCTURE AND MEMBERSHIP**

In order for Committees and Commissions to be most effective the organization and structure must be established by the municipality and rigidly enforced. The structure needs to be one that promotes efficiency and effectiveness while at the same time giving the members of the body sufficient independence that they are not unduly influenced by any interest group. In order to accomplish this there are several principles that are helpful.

##### 1. Staffing

Committees and Commissions normally operate as voluntary organizations with the members serving as a public service to the community. To insure that they can operate effectively, the municipality must insure that staffing and support is provided as needed. Normally staffing for any given committee or commission is a collateral duty of the department that is most closely related to the function of the commission. For example the Planning department of the municipality would provide staff to assist a Planning and Zoning Commission.

##### 2. Appointments

The appointment of members to committees and commissions is one of the most important tasks a Mayor or Council faces. Who appoints, who should be appointed, how long should members serve and what qualifications should members have, are all questions that need to be answered before the committees and commissions are created. There are no hard and fast answers but there are some guidelines.

###### a. Who Appoints?

The most common system for appointments is to have members appointed by the Mayor and approved by City Council. This insures that both the administration and council have input into the process. It also provides greater assurance that the commission will be allowed to fairly and impartially carry out their duties, since all elected government officials have a stake in good results.

There are occasions when the Chief Executive or Mayor, appoints on his own authority. Primarily this will be for support commissions whose main responsibility is to propose or develop a plan that will later be sent to the Council. These types of executive committees are often important tools for a chief executive to build support for an initiative, particularly one that might be controversial. They can also be very helpful in increasing citizen involvement.

###### b. Who should be appointed?

The search for members is critical. Appointment for political reasons is probably one of the worst criteria. Yet it is an unwise politician who would intentionally appoint exclusively members of the opposition. So the concept of political interest cannot be

avoided. It is critically important that, to the extent possible, all points of view be represented on a deliberative body.

Searching for qualified candidates can take several directions. A Mayor should talk with and get advice from experts in the field of a commission's responsibilities. Many groups such as Doctors, Lawyers, Engineers, Business Professionals and others have professional organizations that can make recommendations. Universities often have potential members as well as contacts to recommend. Retired professionals, with expertise in a given field, often make good candidates. The concept of Non-Governmental Organizations (NGOs) is growing quickly in Albania. Certainly any NGOs with an interest in a particular area should be considered as a resource for members. Typically NGO members are very outspoken in favor of, or against, issues that they are involved in. Appointing an NGO member to a committee or commission will insure that they become part of the process rather than be in constant opposition to the process. Finally it is important to remember that all members do not have to be experts. Ordinary people who live in an affected neighborhood, or have exhibited a particular interest or devotion to an issue make excellent members and contribute to the diversity of the group.

c. How long should members serve?

Length of service is a controversial issue for which there is no absolute answer. However, there are some principles with regard to committees and commissions that make the process run much smoother and avoid problems.

The first principle is that there should be a definite term length for each position. Often these terms will overlap so that the committee will always have some experienced members. For example if all members are appointed for a three year term then one third of the membership should be replaced each year. Reappointment may be desirable but most cities have a limit of terms that a member can serve. Since most of these positions are voluntary it serves both the purpose of insuring new blood on a regular basis and not overburdening any one citizen.

Specialized commissions and those that deal with regulatory and appellate functions tend to change more often, since it is often difficult to be making decisions for the general public and to conduct business within the community at the same time. Ad Hoc committees set up for specific functions tend to exist only for as long as the purpose for which they were created exists. Thus the length of service is of little concern. Committees of the City Council typically follow the rule of terms being equal to the length of the term of the elected member although some mayors and councils switch committee assignments annually during a four-year term.

d. What qualifications should members have?

Before members are appointed it is important to ascertain if they have the time and dedication to serve. Being a member of a committee can be a nice status symbol in the community but failure to attend the meetings and participate makes a member a burden rather than an asset to the commission. Therefore it is important to know why a potential member would be desirable for a board and whether that person has the time to commit to the effort.

Some commissions will have requirements for specialized talents. For such commissions it should be stipulated in the regulations that the committee will include

the professional experts required. For example a commission that hears appeals on building codes needs to have at least one or two civil engineers who understand the technical aspects of the request. These requirements should be stated in advance so the appointing authority will know to seek a replacement with the same qualifications when a certain member's term has ended.

### 3. Structuring for Results

The appointing authority will appoint the chairman when the members are appointed. In Successful commissions are those that perform the work assigned and report in a timely manner. Regardless of whether the task is a one-time function or a continuing responsibility these criteria must be met. Although the deliberations of a commission should be open and free of interference, the scope of work and time frame in which the commission is to operate should be clearly defined at the outset. This is a responsibility of the convening (appointing) authority. Every commission should have a clearly defined scope of work and description of its responsibilities. Time frames for reports, decisions and recommendations should be established in advance.

Despite the fact that highly qualified individuals are sought for work on commissions the best of them may stray to tangential issues and procrastinate in deliberations if the scope of work and time frames are not clearly defined.

Leadership on a board or commission is also important. Thus the role of chairman of the commission becomes critical to the process. In some cases the commission is allowed to select the chairman from among its members. There is no hard and fast rule and either method can be used depending on the circumstances at the time. For institutionalized regulatory and appellate boards or commissions it is important that the process of succession be clearly defined and written into the governing laws or regulations.

## **5. WORKING EXAMPLES FOR THE ALBANIAN MUNICIPALITY**

Many of the types of boards and commissions described generically above can be used today in Albanian cities. Even when the law does not provide statutory authority there is no reason why a Mayor and/or a Council cannot form organizations to provide advice and recommendations, therefore maximizing the input of the citizens of the city. With this in mind there are some types of commissions and boards that could be of immediate help in developing and carrying out the goals and objectives of the municipality. Some of those are described below.

### 1. Overall Economic Development Planning Commission (planning and policy commission)

Perhaps one of the most effective of all commissions is an economic development planning commission. Every municipality is interested in creating jobs for its citizens and improving the quality of life. However, the process for doing this takes time and intense planning. Every municipality has its unique assets and capabilities. Also, they all have deficiencies that are impediments to economic growth. A commission that studies these characteristics and determines how best to deal with them is crucial to long-term growth.

In some areas these types of commissions exist on a district or regional level. This should not preclude having a separate one for the municipality itself since there are

problems and potentials that are unique to the municipality proper. Working with regional commissions will make the overall effort even stronger.

The primary responsibilities for an Economic Development Commission should be to:

- a. Assess the assets and capacities of a municipality and make recommendations for improvement. This includes all pertinent elements such as human and natural sources, infrastructure and current business climate.
- b. Determine the best direction for the community and the necessary steps to make progress towards that end.
- c. Determine the best ways to support existing business and industry as the base for growth and further development.

Starting such a committee as soon as possible is very desirable. Long-term economic growth is, as the name implies a long, slow process but it cannot reach its goals until it gets started.

### 2. Board of Appeals for Building and Zoning

In the current circumstances one of the most troublesome issues for local officials is that of illegal construction. Although the law provides a remedy for such problems it has proved to be less than effective. The establishment of a board of appeals together with a clearly defined permitting system should help to alleviate some of the problem. Such a board would hear disputes and try to reconcile the parties before the matter is taken to the judicial level for resolution. The principle responsibilities would be to review complaints from citizens that were denied permits to build and to review cases brought by the city claiming illegal construction. Over time it would be advantageous to work out an arrangement with the Prefect that would provide some authority to the commission to take action against violators of such laws.

Although a change in the law would be required to give such a board statutory authority, the very existence of such a board, and the peer pressure it would be able to generate in a community, would substantially reduce the number of instances where the problem could not be resolved at the local level. An additional benefit of this type of board is that it will reduce the potential for corruption in the local government. An official of the administration is much less apt to suggest illegal activities if he knows that the citizen can take the matter to an appeals board.

### 3. Recreation Commission (support commission)

A Recreation Commission is a good example of a support commission. A community with a strong desire to support athletic activities for its youth and adults would be advised to form such a commission. Designed to gather and maintain supporters for recreational activities, this type of commission will generally develop innovative ideas as well as find ways to support the funding of activities of the recreation and sports departments of the local government. They may also be tasked with giving advice on the maintenance of parks or other amenities used by the public for their leisure time.

All communities will have those citizens who are willing to devote their time and effort to make the recreation facilities better. Getting those people together in a formal setting, like that which the commission provides, will organize and maximize the impact of the individual efforts they are willing to make.

The above-mentioned commissions are, of course, only examples. There are many other cases in which the types of boards and commissions described in the preceding pages can be instituted to the advantage of the Albanian municipalities. The advantages are many. Among the advantages is the opening up of government to provide a more transparent system. Such a move will increase the citizens' willingness and desire to participate and also reduce the incidences of corruption by local government officials. Likewise, it will give the municipality the benefit of all the talent and knowledge that exists within the community. Such a powerful force, once harnessed, can be invaluable in helping the community grow and prosper.

An organogram for the organization and structuring of the City Council including references to the legal functions the Council should implement is provided below.

It should be clear that each Standing or Temporary Commission or Committee should engage in regulatory issues within the field each commission/committee covers. In this case the juridical technical assistance should be provided from the law municipal sector/department and that of the content of the regulation should come from the municipal sector/department which covers the given issues included in the regulation.

The City Council should involve, besides those being members of the commission /board, the juridical and other agencies specialized in regulations and standards setting.

**Municipal Council Organogram**

# MUNICIPAL COUNCIL

**Political Groups**

## LEGISLATIVE BODY

**CHAIRMANSHIP**  
Chairman  
Deputy

**SECRETARY**

(CITIZENS' COMMISSIONS)  
TEMPORARY  
ADVISORY  
AD-HOCK  
BOARDS

## STANDING COMMISSIONS

**TEMPORARY COMMISSIONS**  
(eg. Investigation)

URBAN  
DEVELOPMENT  
INFRASTRUCTUR

PUBLIC  
HEALTH,  
ENVIRONMENT

MEMBERS'  
MANDATES, MEE  
TING MINUTES

FINANCES AND  
BUDGET,  
TAXES/FEEs

SOCIAL  
SERVICES,  
EDUCATION

MUNICIPAL  
AUDITING

MUNICIPAL  
ORGANIZATION,  
PERSONNEL

PUBLIC  
PROPERTIES,  
SERVICES

PUBLIC ORDER,  
CIVIL SECURITY,  
EMERGENCIES

POLICIES

ECONOMIC  
DEVELOPMENT  
BIZNESS

JUDICIAL,  
CONTRACTS,  
REGULATIONS,

CULTURE,  
AWARDS, SPORT,  
AEMNITIES

## IV. INTRODUCTION TO THE ORGANIZATIONAL STRUCTURE

In any organization, a substantial measure of success depends on the interaction of people and the maintenance of the lines of communication within the organization. The introduction of organization charts, and organizational rules, regulations and structures is one of the first steps in this endeavor. It is an ongoing process and a review should be done on a regular basis to see what has changed, and what should be changed to make the organization more effective.

The organization chart denotes the personnel structure in an organization. It lists each position and its corresponding relation to the department director and other positions within the department and municipality. Organization charts indicate the supervision structure and reporting relationships as well as the number and type of employees within a given organization or department as illustrated herein.

Neither the Organization chart, itself, nor the rules and regulations for organizational structure, in and of themselves, provide a better, more efficient and effective organization. Rather they allow the municipal administration the opportunity to define the span of control, lines of communication, classification of positions and in general to see the organization in a model of how it should function. By referring to the model and utilizing it as a tool organizations can become more effective and efficient.

One of the initial tasks of each new administration and, as mentioned above, an ongoing task of administrations is to constantly take a fresh look at the current personnel structure for the organization and to review its effectiveness. When designing a sanitation system we develop elaborate routing schemes to be effective. When providing street cleaning services we do the same. When assessing and collecting taxes we develop and design a system and timetable to make the process most effective. So why should developing the way we use our human resources be any different.

Why do we use organization charts to effect more efficient manpower usage. There are a number of reasons. They do a number of critical things for us.

- They visually allow you to see the span of control and whether it is viable.

Span of control is the number of people and entities (such as departments), which fall under the direct control of a given individual. It is important to have an optimum span of control commensurate with the ability to manage those under you. Too broad a span of control reduces the effectiveness of the manager, because he simply cannot keep up with all the entities undertaking the activities. Too narrow a span of control wastes the talent of the manager, because he does not have sufficient responsibility to occupy him.



- The organizational structures show the relations among the elements composing the organizational structure.

Who reports, to whom and why? These are important issues for employees, supervisors and managers alike. Lack of a systemized method for determining the lines of authority and communications leads to utter chaos in the administration. The organization chart helps prevent this by insuring that everyone knows the proper lines to follow.

- Organization charts help to insure that sufficient resources are applied to each part of the organization.

With personnel related expenses being about 50%, or more, of the total expenditures of a municipality it is vitally important to know where that money is being expended and how the current alignment of the human resources fits with the goals and objectives of the organization. Not only are the human resources affected in this way. The organization chart, by providing a good assessment of the spans of control of various persons in the organization can be used to help determine what resources will be devoted to what functions.

- They help management assess the existing relationships and develop alternatives to fit the changing needs of the organization.

One thing we can count on is that things will change. As they do change and the need for shifting people and resources occurs, the existing organization chart can be helpful in making the decisions on how that will be done. The new organization chart that reflects changes will assist managers, supervisors and employees to better and more easily understand the effects of the changes.

Organizational rules and regulations are all tools to be used in the development of a modern and effective municipal administration. Despite their effectiveness it must be remembered that they are not the only tools; and, one of their drawbacks is, that they do not account for individual human personalities which also affect the relationship structure. Nevertheless, they demonstrate an objective and concrete way the organization should operate.

The samples provided herein are hopefully helpful examples of how the tools can be used for the benefit of the municipality.

The following organizational structure includes all the functions local governments have according to the law no 8652 “On the Organization and Functioning of Local Government”. The municipalities may allocate and group functions based on the number of staff, structure and levels of management and supervision, and expertise of each manager and supervisor. In any case the organizational structure should insure that each municipal function the municipality is empowered with, by law, be addressed with the proper implementation staff.

Public safety and security functions should be under direct supervision of the Mayor because of the importance such functions have to the Mayor's responsibility for the community's safety and security.

The same should be true for the internal auditing function, because in this way the Mayor can give more authority to the officials responsible for this function. They will get the assignment from, and report directly to, the Mayor.

The organizational structure should make possible:

1. The efficient implementation of the functions given by law.
2. Implementation of policies adopted by the Municipal government.
3. The proper spread of the workload within government units in order to balance the personnel availability in the organization that will carry out the given functions.

Law no. 8549 dated Nov 11,1999 "Civil Servant Statue Civil" article 11 specifies that the orgnizational levels in the municipality are:

1. Department.
2. Directory.
3. Sector.
4. Office.

Each office, sector, directory and department should be divided in a way that allows for clear division of functions within each of these governmental units. It should provide for a possibility of control and supervision so that none of the officials or subunits controls the full process.

**Municipal  
Organigram**

**VOTERS OF MUNICIPALITY OF \_\_\_\_\_**

**City Council**

**Mayor**

Secretary

**LEGISLATIVE BODY**

Standing Commissions

Staff

**Cabinet of Mayor (Advisors)**

- Deputy Mayors
- Head of Finance
- Head of Urban Planning
- Head of Law Sector
- Head of Public Services
- Heads of Administrative Units

City Auditing

Foreign Relations

Administrative Units

Civil protection/Public safety

Law section,  
Contracts

**Finance &  
Urban development**

**1st Deputy Mayor**

Appeals office

**2nd Deputy Mayor**

**Public Utilities &  
Services**

**Urban development  
(Land Use)**

**Taxes, fees,  
licensing**

**Finance &  
Budget**

**Economic  
Development**

**Public Utilities &  
Transportation**

**Public Services**

**Internal Services**

Urban policies

Registration

Finance

Planning

Public Lighting

Social services

Personnel

Urban management

Inspection/  
Confiscation

Budget

Statistics

Roads/Streets

Civil registration

Administration

Technical secretariat

Licensing

Accounting

Small business  
services/  
promotion/fairs

Water and Sewage

Information and  
Communication

Technology

Cadastral office

City Stall/  
Indoor Market

Auditing  
(finances &  
budget,  
taxes & fees)

Management &  
protection of  
natural  
resources/  
environment

Transportation

Public Health/  
Veterinary

Maintenance

City Architect

Construction design

Building Permits

Building Inspection

Housing Policy

Cash Office  
IN cashing  
OUT cashing

Program  
management

Recreation facilities

Parks/Green spaces

Cemetery

Sanitation

Public decoration

Sports

Administration  
of Culture affairs

Archive

Security

Transportation

## V. Sample of Structuring a Municipal Sector. (Local Taxes and Fees Sector)

### Separation of functions.

Any well-established organizational structure for tax-collection should clearly distinguish three main tasks.

- ✚ The first task comprises all activities to establish the amounts to be paid (*data collection and registration section*)
- ✚ The second task comprises all activities to collect the amounts payable (*collection section*)
- ✚ The third task comprises all activities to financially account for the amounts to be paid and the amounts collected (*accounting section*).

The individual tasks should be assigned to different departments/sections, with each department/section having its own, independent registration and filing systems. This is the basic and fundamental separation-principle. As a consequence it is possible to gauge the integrity of the tax collection procedures and the persons involved.

### A proposed organizational structure.

The idea of having a Taxes and Fees collection Sector implies the allocation of all functions related to tax collection, together with other activities, in a newly established organizational unit. In such an organizational unit the “separation-principle” should be sufficiently adhered to. However, the number of staff involved in any of the three basic tasks of tax-collection should be sufficient to carry out the functions and duties. Moreover, a system must be established for reporting to the Finance Sector by the Taxes and Fees collection Sector in order to make sure that the latter can exert financial control and produce the Municipal accounts.

Based on generally applied international practices it is advised to organize all activities related to tax-collection within the Finance Sector. This creates the most conducive organizational structure for good overall management, co-ordination, control and reporting related to tax-collection in all its distinctive aspects. It uses as much as possible already existing equipment, systems and procedures. However, Finance and Tax Sectors can be separate, as long as their functions and relations are clearly specified. The main tasks of each section, under the overall supervision of the Head of Finance Sector, should be:

#### Tax Sector.

- ✚ Gather and register data on tax-subjects and tax-objects.
- ✚ Inspect and check as to improve the quality of the database.
- ✚ Gather and register all changes in tax-subjects and tax-objects.
- ✚ Prepare, produce and dispatch Tax Bills.
- ✚ Prepare and produce lists of all taxes to be collected, officially signed by the Mayor and the Head of Sector.
- ✚ Register, investigate and settle Taxpayers’ complaints.

## **Finance Sector:**

### **Cashier's Office.**

- ✚ Receive from the Tax Section the official lists of amounts to be collected.
- ✚ Collect taxes and issue receipts for the amounts received.
- ✚ Register all amounts received in the computerized tax-system.
- ✚ Report daily to the Accounting Section.
- ✚ Prepare and dispatch reminders.

### **Accounting Office.**

- ✚ Register in the Accounting System the taxes that should be collected (Tax Capacity).
- ✚ Register in the Accounting Systems the amounts collected for every single Tax and Fee.
- ✚ Financially control the Tax Section and the Cashier's Office.
- ✚ Monitor actual collection against budget and Tax Capacity.
- ✚ Prepare periodical progress reports to Mayor and/or Council.

Below is given a detailed layout of the steps to be followed and wording of specific duties and responsibilities in order to establish a well structured and efficient municipal tax sector, capable of addressing the needs to implement and enforce the taxes and fees collection function of a municipality. The sample below can easily be modified to fit to each individual municipality's specific situation, needs and overall organization structure.

## **LOCAL TAXES AND FEES SECTOR MUNICIPALITY OF \_\_\_\_\_**

### **Establishment**

The Local Taxes and Fees Sector in the Municipality of \_\_\_\_\_ is established with the City Council decision no. \_\_\_\_\_ dated \_\_\_\_\_, referring to the Law no.7572 dated 06 October, 1992 "On the Organization and Functioning of Local Government" article 14, point 4; **OR** (Law no. 8652 dated July 31, 2000 "On the Organization and Functioning of Local Government", article \_\_\_\_\_, point \_\_\_\_\_).

Amendments to the decision are done by the City Council with the Decision no. \_\_\_\_\_ dated \_\_\_\_\_, Decision no. \_\_\_\_\_ dated \_\_\_\_\_ etc.

### **Legal Framework for the Functioning and Service Provision .**

**On the functioning, operation and provision of services the Sector should refer to:**

#### **Main laws:**

1. Law no. 8652 dated 31.07.2000 On the Organization and Functioning of Local Government" article 8 paragraph III, point "a" and "b".
2. Law no. 8435 dated 28.12.1998 On the Tax System in the Republic of Albania.
3. Law no. 8334 dated 13.05.1998 On some amendments of the Law no. 7805.
4. Law no. 8508 dated 07.07.1999 Amendments.
5. Law no. 8519 dated 30.07.1999 Amendments.
6. Law no. 8552 dated 18.11.1999 Amendments.
7. Law no. 8561 dated 28.07.2000 Amendments.
8. Law no. 8713 dated 15.12.2000 Amendments of the law 8435 dated 28.12.1998.
9. Law no. 8560 dated 22.12.1999 On Income Tax Procedures in the Republic of Albania.
10. Law no. 8511 dated 15.07.1999 Amendments on the law 7805 dated 16.3.1994.
11. Law no. 7805 dated 16.03.1994 On the Property Tax in the Republic of Albania.
12. Law no. 7930 dated 11.05.1995 Amendments on the law 7805 dated 16.3.1994.

#### **Decisions of Council of Ministers (D.C.M):**

D.C.M no. 693 dated Oct 26, 1998"On the procedures for the collection of revenue from the Real Property Tax".

#### **Legal Guides from Central Government Units:**

Guide of the Ministry of \_\_\_\_\_ no. 12 dated May 16, 1994 "On the \_\_\_\_\_".

Guide of the Ministry of Finance no.3 dated February 01, 1999.

Guide of the Ministry of Finance, General Directorate of Taxes no.1 dated January 08, 2001.

#### **Acts of City Council:**

Decision no. \_\_\_\_\_ dated " \_\_\_\_\_ ".

Ordinance no. \_\_\_\_\_ dated " \_\_\_\_\_ ".

(other Laws, DCM-s and Guides).

**On the personnel management and administration the Sector should refer to:**

Law no 8549 dated 11.11.1999 Civil Servant Status.

DCM no. 231 dated 11.05. 2000	Recruiting in Civil Service and Probation Period.
DCM no. 306 dated 13.06. 2000	Discipline in Civil Service.
DCM no. 355 dated 07.07. 2000	Organization of Personnel Registration Folder.
DCM no. 342 dated 14.07. 2000	Parallel Movement and Promotion of Civil Servants.
DCM no. 360 dated 14.07. 2000	Discharge from Civil Service.
DCM no. 510 dated 05.08. 2000	Prohibition of rehiring the civil servants who were dismissed because of corruption, cheating and other disciplinary offences and against whom dismissal action have been taken.
DCM no. 657 dated 16.09. 2000	Rules of Ethics in Civil Service.
<b>Guide no.1</b> dated 13.6.2000	Structuring the order of works in civil service, the methodology to be used and general job description of the Secretary General position in civil service.
Guide no. 2 dated 07.7.2000	On the evaluation of the annual individual performance of the civil servants.

**Main Functions of the Sector:** Planning, establishment, organization and management of the systems of registration of the taxable objects and subjects, calculation of charges and distribution of bills to the public and private taxpayers within the jurisdiction of the Municipality of \_\_\_\_\_.

**Main Tasks:**

- Gather and register data on tax-subjects and tax-objects.
- Inspect and check as to improve the quality of the database.
- Gather and register all changes in tax-subjects and tax-objects.
- Prepare, produce and dispatch Tax Bills.
- Prepare and produce lists of all taxes to be collected, officially signed by the Mayor and the Head of Sector.
- Register, investigate and settle Taxpayers' complaints.
- Conduct sequester and confiscation against the debtors.

**Objective of work of the Local Taxes and Fees Sector.**

Taxes and Fees specified by the: Law no. \_\_\_ dated \_\_\_ "On \_\_\_\_\_", and Law no. \_\_\_ dated \_\_\_ "On \_\_\_\_\_", for the management of the collection of which is responsible the sector, are:

1. Real property tax.
2. Business activity registration tax.
3. Garbage cleaning, collection and treatment tax.
4. Market stalls tax.
5. Amateur hunting and fishing permission tax.
6. Hotel tax for foreigners.
7. Advertisement tax.
8. Butchering tax (slaughter).
9. Construction permission tax.
10. Public sign board tax.
11. Municipality tax on receipts of restaurants, cafes, bar-buffets, discotheques, hotels, and confectioneries at a rate of 1% of turnover.
12. Luxury dog keeping tax.
13. New residency registration fee.

14. Parking fee.
15. Fee for transport licensing.
16. Fee for using public spaces by service businesses like bars, restaurants.
17. Other taxes levied by Municipal Council ordinance.

### **Main Products of the Sector.**

1. Register with the records of the taxable subjects and objects, tax base.
2. Frozen lists with records of the individual subjects billed amounts, tax capacity.
3. Individual Bills.
4. Reports of filed inspections
5. The three months sector management and performance report.
6. The six months sector management and performance report.
7. The annual sector management and performance report.
8. Issuing of proof of tax payment.
9. Proposals to City Council on new taxes/fees and on the change of tax/fee rates.
10. Proposals to City Council on regulations and location of public market/stalls.
11. Proposals to City Council on policies, programs and projects on taxes and fees.
12. Register of sequestered and confiscated debtors.
13. Register of the sequestered and confiscated good being sold out.

### **Organizational Structure and Staffing of the Sector.**

Adopted with the City Council Decision no. \_\_\_\_\_ dated \_\_\_\_\_.

#### **Total staff - 14 employees.**

- 1. Head of Sector.**
- 2. Office of Registrations (2 employees).**  
Computer operator/Statistics specialist.  
Information specialist.
- 3. Office of Billings (2 employees).**  
Accountant.
- 4. Office of Inspection and Confiscation (3 employees).**  
Market Inspector  
Taxable objects and subjects field inspector.  
Sequester and Confiscation specialist.
- 5. Office of Market/Stalls Administration (5 employees).**  
Market maintenance – 2.  
Tax collector – 3.
- 6. Office of licensing (1 employee).**  
Transportation specials.

*(Note: A sample of the job description for the Head of Taxes and Fees Sector can be found in the manual "Modern Human Resource Management" published by COMPASS in cooperation with the Association of Albanian Municipalities).*



# TAXES AND FEES SECTION

**Structure  
Functions  
& main  
Responsibilities**

**Mayor/Deputy Mayor**

**HEAD OF SECTOR**

1. Formulates draft policies on taxes/fees collection system.
2. Formulates sector's work policies.
3. Organizes, manages sector works.
4. Prepares section annual work plan.
5. Manages the personnel.
6. Defends section proposals to City Council (C.C).
7. Implements C.C acts on fess/taxes.
8. Prepares section's work analyses.
9. Inspects offices/market/ subjects/ objects (when judges the need)
10. Monitors collection system progress.
11. Prepares section's draft budget. and the budget balance sheet.
12. Co-signs with the Mayor the frozen lists of billings and the sequester orders, signs the individual bills.
13. Handles complains against sector.
14. Prepares periodical progress reports.

**SECTOR OF FINANCE**

**1 Registrations Office**

1. Collects data and creates the database for taxable objects and subjects.
2. Registers all taxable objects and subjects.
3. Documents and records changes provided by inspection office.
4. Prepares the periodical frozen lists with all registrations.
5. Delivers frozen lists of regi-s to the billing office.
6. Maintains the database.
7. Address registration complains.
8. Prepares reports.

**2 Billing Office**

1. Calculates the charge to be billed for each tax/fee payer.
2. Prepares the periodical frozen list of billings.
3. Prepares the individual tax bills.
4. Sends the tax bills to each taxpayer.
5. Sends the frozen periodical list of billings to the cashier office.
6. Sends the frozen periodical list of billings to the accounting office
7. Address debtors list.
8. Address bill complains
9. Prepares reports.

**3 Inspection and Sequester Office**

1. Inspects:
  - a) objects/subjects
  - b) registers
  - c) market
  - d) licensing
  - e) the licensed
2. Prepares the inspection reports and sends data to registration office
3. Prepares sequester doc-s and conducts the sequestering.
4. Conducts sequestered goods selling.
5. Address sequester/ inspection complains
6. Prepares reports.

**4 Market Administration Office**

1. Opens/closes the stalls /indoor market.
2. Reports on problems/ damages.
3. Proposes and enforces regulation enforcement
4. Delivers market notice.
5. Contacts merchants, and collects their suggestions/complains
6. Suggests improvement
7. Supervises the market.
8. Supervises the implementation of CC acts on market/stalls.
9. Delivers the acts of leave-the-stall/market.
10. Addresses complains
11. Prepares reports.

**5 Licensing Office**

1. Receives requests.
2. Deals with requests.
3. Prepares licenses.
4. Delivers licenses to be signed by Head of Sector.
5. Delivers licenses to the requesters.
6. Registers license receivers.
7. Prepares the receiver file system and maintains the records and file.
8. Addresses licensing complains.
9. Prepares the reports.

**Cashier Office**

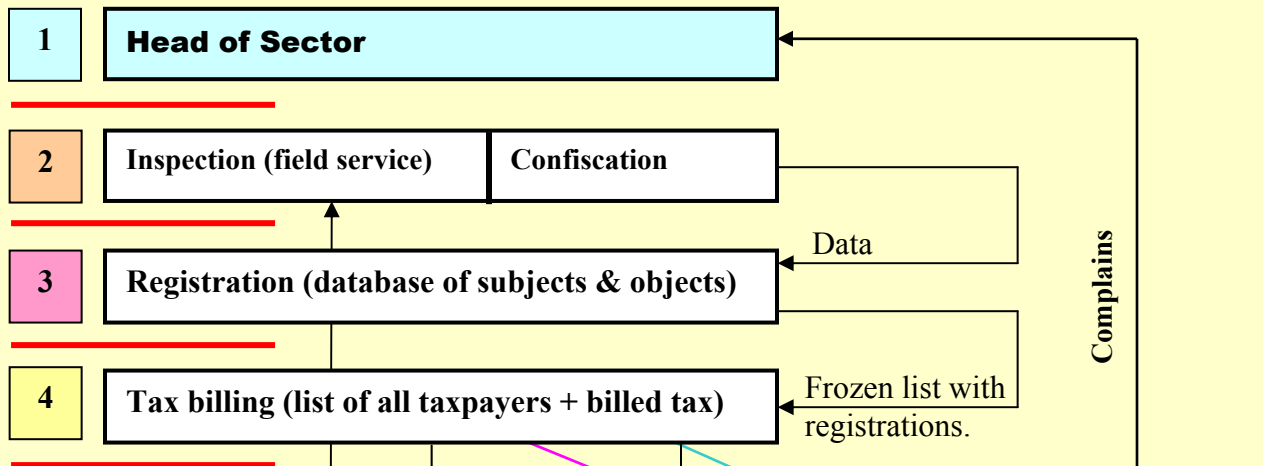
- A. Cashes money from:
  1. Taxes/Fees.
  - Licenses.
  - Market.
2. Debtors.
- B. Deposits the money.
- C. Prepares list of debtors, sends it to taxes & fees sector and accounting office.
- D. Prepares and delivers reminders.
- E. Calculates and prepares penalty and interest charges.
- F Prepares the daily and periodical reports on payments.
- G. Issues receipts of proof of payment.

**Note- In small municipalities this office might be merged with the registration office.**

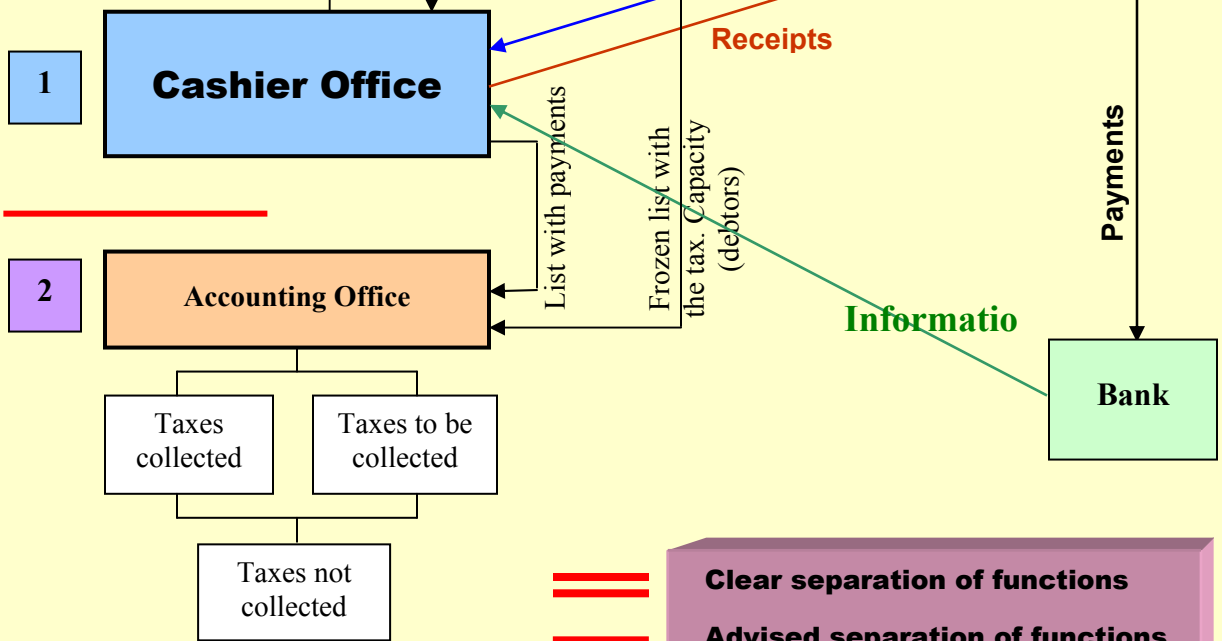
Daily cashings  
Nonpaying Debtors

# Taxes, Charges & Fees Collection Scheme (separation of functions and internal control)

## TAXES, CHARGES and FEES SECTOR

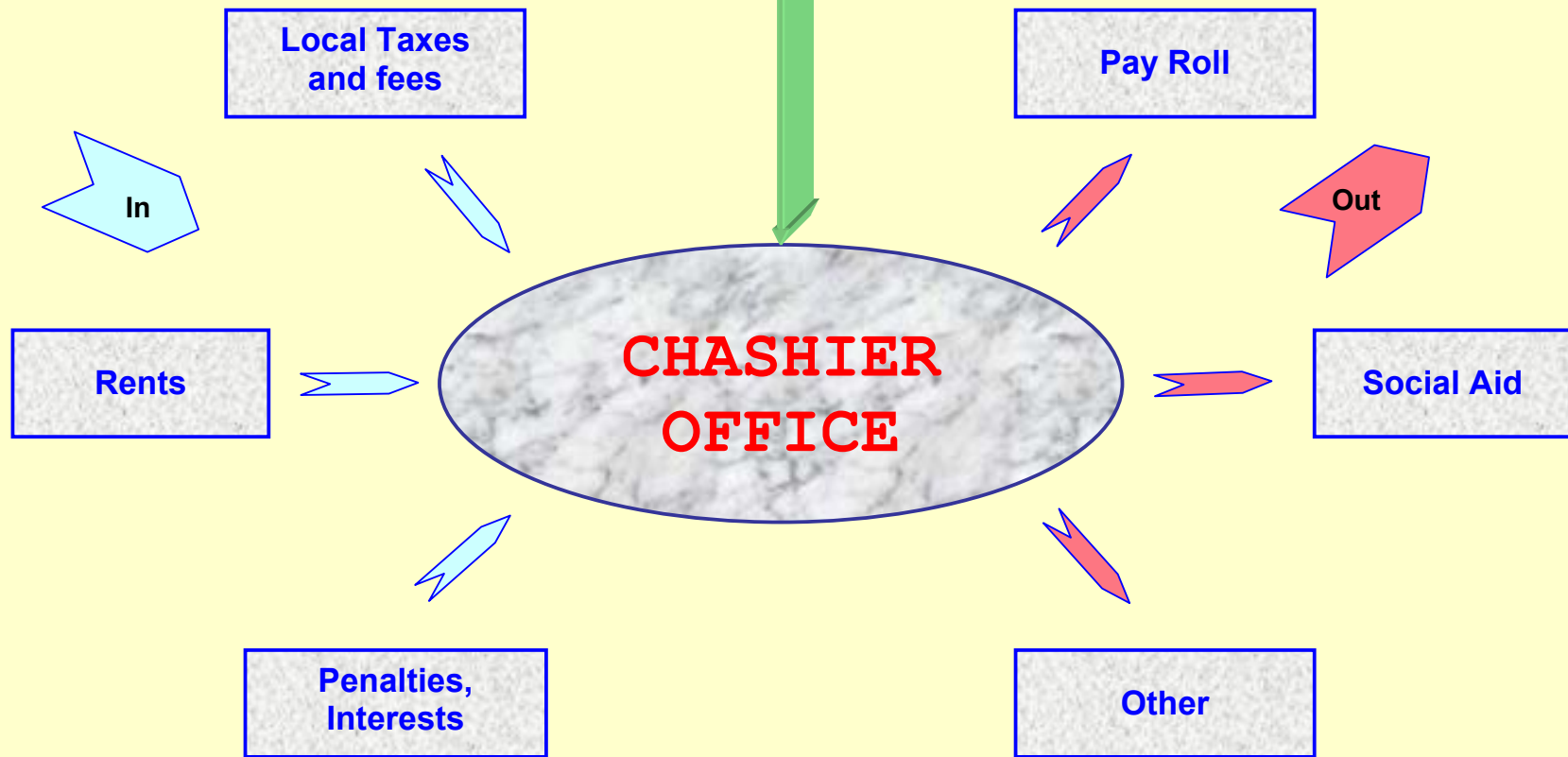


## FINANCE SECTOR



≡ **Clear separation of functions**  
≡ **Advised separation of functions**

# FINACE AND BUDGET SECTOR



## **Sample of a Municipal Council Regulation.**

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*The following is a sample of the organizational rules that might be considered for adoption by a City Council. The City Council might fully or partially adopt, or modify these rules according to its composition and specific needs.*

*In addition to the Municipal Chart, these provide the ground rules that Council adopts for themselves (This code is a sample and contains editorial annotations for explanations.)*

*This sample regulation is, in itself, an effort to introduce a contemporary regulation for the functioning of the City Councils in Albania.*

*To develop this sample regulation, Albanian and western models, the up-to-date experience of City Councils, their needs and problems encountered in their functioning within the Albanian context, have been consulted.*

## **ORDINANCE**

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### **ON THE COUNCIL'S REGULATION AND THE PROCEDURES OF THE MEETINGS OF THE MUNICIPALITY COUNCILS \_\_\_\_\_, ALBANIA, AND THE PROCEDURES ON THE APPROVAL OF ORDINANCES AND DECISIONS.**

WHEREAS the law no: 8652 dated. 31.07.2000 “On the Local Government Organization and Functioning”, article 32 letter a) Approves the status of commune or municipality as well as its internal regulation on its function.”

WHEREAS the law no: 8652 dated. 31.07.2000, article 31, point 2, “The current meetings of communal or municipal council are normally called by the Council, but not less than once in a month”; point 4 “The head of the Council assembles the Council and the participants are informed of the meeting not later than five days before the set date. The announcement includes the date, time, place and the agenda of the meeting.”

WHEREAS the law no: 8652, dated.31.07.2000, article 7 point 2 “The structures of local government’s units exercise their powers through the decisions, ordinances and orders.”

WHEREAS the law no: 8652 dated.31.07.2000, article 34 point 1 “The Council’s meetings are open to the public. Everyone is allowed to attend the Council’s meetings according to the method defined by the Council’s regulation; point 3 “The Council, based on the majority of the votes of all the councillors, decides on the cases when the meeting is held in private.”

WHEREAS the law no: 8652 dated. 31.07.2000 article 35 point 1 “The Municipal Council, before examining and endorsing the acts, holds counselling sessions with the community. The counselling sessions are obligatory in the cases defined by the law 8652 article 32 letters “dh”, “e”, “f” and “k”, point 1 “In any case, the counselling sessions with the community are made according to the method defined by the Council’s regulation.”

WHEREAS the law no: 8652 dated.31.07.2000 article 31 point 9 “The Council’s meetings are recorded in the meetings’ minutes.”

WHEREAS the law no: 8503 dated 30.06.1999, article 3 “Everyone has the right to ask information about official documents relating to the activity of the state bodies.... except the cases that are defined differently by the law.”

IT’S THE CHAIRMAN AND THE MEMBERS OF THE MUNICIPALITY COUNCIL,  
ASSEMBLED AT THE MUNICIPAL COUNCIL.

**Chapter 1.** Who puts the rules of the Municipality Council as follows:

## **(SAMPLE) MUNICIPAL COUNCIL'S RULES OF PROCEDURE.**

### **Definition of terms.**

**The meaning of the following terms in this regulation:**

**Absolute Majority:** Is the majority of the total number of the Municipal Councillors/Members; i.e. 50 % + 1.

**Act:** Every decision, order, ordinance, resolution, contract or regulation or any other action that has the effect of the above mentioned, considered and adopted through the procedures, norms, standards, criteria, approved by law, the Municipality's statute and regulation of the City Council, and which is voted by the necessary majority of Councillors, in an official meeting and valuable City Council meeting.

**Chair:** The chairman and the Deputy-Chairman or each of the Councillors in case of the absence of the first two, who chairs an Official Meeting of the Council.

**Chairman:** He/She Chairman/of the City Council.

**Chairmanship:** Chairman and Deputy-Chairman of the City Council.

**Closed Meeting:** Is a meeting held without public attendance.

**Confidential information:** Is the information classified by law as non-public (for example, the information for the persons who receive economic assistance, criminal records, medical records etc.)

**Consideration:** Is the process of reading, examining, discussing, confronting and/or taking action over an issue during the meeting of the Municipal Council.

**Consultations with the Community:** Includes open meetings with inhabitants, specialists, as well as with other institutions and/or NGO-s that have a vested interest in an issue under consideration as well as initiatives to organize local referenda.

**Continued Meeting:** Is any regular, unplanned, emergency or private meetings of the Municipal Council whose date, time and place are defined by the preliminary meetings and where the latter's agenda issues are considered.

**Council:** City Council of \_\_\_\_\_.

**Councillor:** Mandated He/She Councillor of the City Council.

**Defined Majority:** Is the majority defined by law, statute of the Municipality, or the regulation of the Municipality Council, for example 1/3 or 3/5 of all the Municipal Councillors or the Councillors present in the meeting.

**Deputy-Chairman:** He/She Deputy-Chairman of the City Council.

**Emergency Meeting:** Is a meeting of the Municipal Council, held under unexpected and emergency circumstances, which discusses emergency for which action is necessary within 48 hours.

**Interim Commission:** Is a Commission of City Councillors, established by the Council for a special objective, and for a limited time until achieving the special objective for which it has been established, to discuss, debate, and recommend a direction for action that the Council should follow in order to take a decision while carrying out the functions defined by law.

**Issue:** Is a motion, bill, draft-project, petition, resolution or a report presented in the meeting of the City Council.

**Meeting:** Is any kind of gathering or a communication in a hall or through the electronic means by the mandated councillors of the Municipal Council, called according to the law, Municipality's Statute and the City Council regulation where the councillors discuss public issues and take actions to exercise the functions and the powers of the Council prescribed by the law no: 8652 article 32.

**Meeting's Minutes:** The minutes of the Official Meeting of the City Council.

**Mixed Commission:** A Commission made up of Municipal Councillors, community members and / or representatives of governmental and non-governmental organizations.

**Motion:** Is a proposal submitted at an official meeting of the City Council.

**Necessary Majority:** is the sufficient number of the Councillors, absolute, relative or defined majority, to consider or undertake legal action on an issue, motion, bill or the 3/5 of the total number of the Councillors for the cases prescribed by the law no: 8652 article 32, letters "e" and "f".

**Official Meeting:** Is any Regular, Special, Emergency, or Continued Meeting, being Closed or Open, held with the participation of the Quorum, and which date, time, place and agenda have been notified to the Councillors and the public according to the procedures of the law, Municipality's Statute and this regulation.

**Organizational Meeting:** Is the first meeting of the Municipal Council, after the local elections, where the newly elected councillors are installed and where the chairman, deputy-chairman and the Standing Commissions of City are elected.

**Political Chairmanship:** The chairmen of the Council's political Groups approved by the City Council.

**Political Group:** A political group of Municipal Councillors affiliated with an electoral political party or of independent Councillors.

**Presentation:** A complete, official presentation, in accordance with the procedures defined by the law, the Municipality's statute and the Council's regulation, of a motion or bill, conducted in front of the City Council.

**Procedural Motion:** Is a motion that has to do with issues relating to the procedures of the holding of a Council’s meeting.

**Publication of the act:** Is the making public of an act through publishing it in the periodical municipal or local press, displaying it on the notice boards approved as such by the Council to display its acts and the location of which is publicly known, or through the local radio and television stations.

**Quorum of the Money:** Is the three-fifths of the total number of the Councillors who decide on the approval of an expenditure, budget or item of the Municipality’s budget.

**Quorum:** Is the majority of the City Council members, excluding the eventual vacant seats in the Council at the moment of calculating the Quorum, which validates an official meeting of the Council.

**Ratification:** Is the final approval by the City Council of actions, such as a motion, bill, or draft-resolution, taken on its behalf but without Council’s prior approval

**Regular Meeting:** Is a meeting of the Municipal Council that is held at the date, time, and place set permanently by the Municipal Council according to this regulation.

**Relative Majority:** Is the majority of the Quorum that may consider or take a decision on certain issue.

**Replica:** A stance, presented concisely by the Councillor, towards the content of a concluded discussion.

**Secretary:** He/She Secretary of the City Council.

**Special Meeting:** Is a meeting of the Municipal Council, besides the Emergency and Continued Meetings, organized at a time and place different from those of the regular meetings of the Council.

**Standing Commission:** Is the Commission of City Councillors, established by the Council to discuss, debate and recommend a direction for action that the Council should take in order to reach a decision while carrying out the functions defined by law, that function throughout the whole Council’s mandate.

**Substantial Motion:** Is a motion that has to do with issues relating to the Council’s legal functions, powers, duties and responsibilities.

**Valid Meeting:** Is the meeting of the Municipal Council held with the participation of the Quorum.

Note

[ ----- ] - Addition from the authors.

“.....” - Quotations from the law.



## **The Organization of City Council.**

### **Article 1**

“The First Meeting of the City Council (Law no: 8652 article 26)

1. The City Council organizes its first meeting not later than 20 days from the announcement of the elections’ results from the Central Electoral Commission.
2. The first meeting of the Council is called by the Secretary of the City Council. If absent, it’s the Prefect who takes this initiative.
3. If none of the above-mentioned representatives exercise this right within the deadline prescribed by the point 1 of this article, then the Council is convened within 10 days [after this deadline expires].
4. The first meeting of this Council is valid if attended by over than half of the Councillors, declared by the electoral commission for local government. If less than half of the Councillors are present, the meeting is annulled and rescheduled for three days later. This practice can be applied not more than three times. After three such occurrences, the Council is considered dispersed [this is publicly announced by the Prefect].
5. The first meeting of the Council, prior to the election of its chairman, is chaired by the oldest Councillor [present].
6. The Secretary distributes to the participant Councillors the list with the names of the Councillors confirmed by the Electoral Commission of Local Government (law no: 8609 article 107 letter e), their respective birthdays and the political party each is affiliated with.
7. The first meeting of the City Council:
  - a) elects the Commission of Mandates;
  - b) approves the mandates of the Councillors;
  - c) the [mandated] Councillors take oath.
  - ç) elects the Council’s chairman and the deputy-chairman;
  - d) elects the Councillors who would represent the municipal council in the regional council and provides them with the mandate of representation;
  - e) [adopts the title and composition of the Standing Commissions].
8. The Council shall be constituted after after more than half of its members have had their mandates verified”.

## **Election of Council’s Chairmanship.**

### **Article 2**

The Council’s chairman and the deputy-chairman are elected by a secret vote and “the decisions are taken by the majority of votes of total number of the Council’s members.” (Law no: 8652, article 33 point 3).

### **Article 3**

For each position, the Councillors propose not less than two candidates. The Chairman is elected first and afterwards the Deputy-Chairman. In case of voting for more than two candidates, which at the first round fail to win the majority votes of all Councillors, the voting is repeated between the two candidates who received the largest number of votes at the first round. The candidate who wins the majority of votes at the second round is declared the winner.

#### **Article 4**

The chair of the meeting asks for nominations for the members of the Voting Commission. The Commission consists of three (3) [or five (5)] Councillors. The Voting Commission members are elected by an open vote. The Chair of the meeting may not be elected as a Member of the Voting Commission.

#### **Article 5**

The Voting Commission members along with the Secretary prepare the ballot papers with the names of the candidates proposed by the Councillors. The Voting Commission prepares the report on voting results and presents it to the Chair of the meeting who declares the winner.

#### **Article 6**

The newly elected Chairman assumes the chair and declares the beginning of the procedures for the election of the Council's Deputy-chairman. The same procedures are applied for the Chairman's and Deputy-Chairman's election.

### **Council Meeting Chairing.**

#### **Article 7**

The Chairman chairs the Council's meetings.

#### **Article 8**

The Council's Deputy-Chairman acts as a chairman when the Chairman is sick or temporarily absent. In case the Deputy-Chairman is also temporarily absent or sick, the Chairman of the First Permanent Commission, when available, acts as a Chairman during the mentioned interval. In the absence of the Chairman, the Deputy-Chairman and the Chairman of the First Permanent Commission, the meeting is chaired by any Councillor who is chosen, by the majority of the Councillors present in the meeting, as the Chair of an official meeting. In any case, a Council member should chair every Council meeting.

### **Standing Commissions.**

#### **Article 9**

The Councillors of each Standing Commission, hereafter, in this chapter, referred to as "Commission", elect the chairman and the deputy-chairman of the Commission before the second regular meeting of the Council. In case of a vacant seat for whatever reason, in any commission during its term, the head of commission asks for a substitute in order to have the membership number specified in this regulation.

#### **Article 10**

The number and the membership of the Standing Commissions, which in this paragraph we will refer as "commission", are elected from the Councillors by an open vote, on the proposal of the Council Chairman after he has consulted the political groups. The Commission's chairmen are elected by the Commission members.

## **Article 11**

Each member of the Standing Commissions may attend a commission meeting of which he is not a member.

## **Article 12**

The chairman of each Commission informs the Secretary of the date, time, place and the agenda of the Commission meeting. Then, the Secretary communicates that to all the Councillors and the Municipality Staff, whose presence is considered necessary by the Commission, as well as to the individuals and the organizations that have submitted written requests to receive the meeting announcements.

## **Article 13**

The Commission meetings are open except in the cases that are described in the article 47 of this regulation when the majority of the Councillors present in the meeting decide to hold a closed meeting.

## **Article 14**

**The Standing Commissions** are as follows [this is an example]:

1. Ways and Means (The Commission of Finance) consists of all the Council members and the chairman, to whom shall be referred all matters connected with city finance, assessments and taxes and which constitutes the First Permanent Commission. The Quorum (the necessary majority) is seven councillors.

*(Authors' Note: In the city from which the sample is taken, Ways and Means is a committee of the "whole". This is not always the case and many cities have designated members as committee members as with the other committees. The decision is based strictly on what works best for the municipality and local law. Both methods have advantages. With the smaller committee there are a few people who concentrate and really become experts in the financial matters. However, when it comes to money matters virtually everyone wants to be involved and with the committee of the whole you avoid going back over the issue again when it reaches the City Council meeting.)*

2. Services and Public Environments Commission consists of four (4) Council members. The Quorum requires three members.
3. Public Security Commission is composed of four Council members. The Quorum requires three members.
4. Traffic and Transport Commission is composed of four Council members. The Quorum requires three members.
5. Commission of the Immovable has four Council members. The Quorum requires three members.
6. Commission of Community's Development consists of six Council members. The Quorum requires four members.

7. Special Services Commission has six Council members. The Quorum requires four members.
8. Human Resources Commission has four Council members. The Quorum requires three members.
9. Entertainment and Culture consists of four Council members. The Quorum requires three members.

*(Authors' Note: The number and the objective of the committees vary from one municipality to another and they are defined in accordance with the specific needs and policies of the municipality.)*

### **Responsibilities of the Council's Standing Commissions.**

#### **Article 15**

It shall be the duty of each member of a standing commission to attend all meetings of the commission of which he is a member, and lend his aid and assistance to the proper investigation into and report upon all matters referred to the commission.

#### **Article 16**

It shall be the duty of the Standing Commissions to carefully examine into and report upon all petitions and other matters referred to them by this body, using due diligence thereon.

#### **Article 17**

It shall be the duty of the Standing Commissions and of the members thereof, to carefully examine the ordinances of the City appertaining to the subject with which the Commission is specifically charged and to endeavor to ascertain from time to time whether the ordinances appertaining to the subject are being properly regarded and enforced, and whether in their opinion these ordinances are sufficient and satisfactory; reporting from time to time to City Council such violations as they may ascertain, such changes in ordinances on aforesaid subjects as they may deem proper or any other matter connected therewith, which may seem to them to be in the best interest of the City.

*(Authors' Note: The commissions not only deal with the new initiatives sent to them but also with review of current rules to determine their continued validity.)*

#### **Article 18**

The matters to be referred to the several Standing Commissions shall be such as appertain or relate to the subjects with which the Commission is charged and whenever matters shall be brought before City Council by petition or otherwise connected with or relating to one of the said subjects exclusively, the matters shall be referred to the Standing Commission having charge of those subject matters.

*(Authors' Note: It's a common practice that matters and petitions should be first sent to a Commission before discussing it in a City Council's meeting.)*

### **Article no.19**

Whenever any matter shall come before the City Council by petition or otherwise, which shall be connected with or related to two or more of these subjects with which the Standing Committees are specifically charged, Council shall in such case determine whether it shall be referred to a special commission, or to a joint commission to be composed of two or more of the Standing Commissions concerned therewith, or to one of the said standing Commission, and in the latter case to which one the reference is to be made. In each case the Commissions' chairman should report independently to the Council.

*(Authors' Note: When an issue is of concern to more than one committee this method is used. This typically does not include the Ways and Means committee since virtually all issues must come through that committee before consideration.*

### **Article 20**

All reports shall be signed by a majority of the Commission to whom the subject was referred, before being presented to the Council for consideration.

### **Article 21**

The Councillors have the right of access to all of the Municipality's documents. The entire municipal administration and all the Municipal enterprises are obliged to put at the Councillors' disposal all the data and information they possess except in the cases when the law prescribes differently.

### **Article 22**

The Ways and Means Commission of the City Council shall hold at least one meeting every month for the purpose of carrying out the provision of Rule \_\_\_\_\_. When any matter is referred to any commission at any meeting of Council, the commission shall meet and take action on such matters before the next regular meeting (*of the whole Council*), reporting thereon at the meeting and at every subsequent meeting until the matter be finally disposed of.

*(Authors' Note: This provision insures that committees act expeditiously on matters referred to them)*

### **Article 23**

The Head of a Standing Commission, two days from the submission of the written request by at least one third of the Commission, convenes the Commission and in case of failure to do so, the members who have submitted the request can call the Commission meeting.

### **Commission of Verification of the Meeting's Minutes.**

### **Article 24**

The Council appoints two Councillors who represent the two largest political groups in the Council who along with the Chairman/Chair and the Secretary compose the Verification Commission of Meeting's Minutes of the Council. All of them should sign

the Meeting's Minutes which would be referred to before an act is formally signed.

### **Commission of Mandates.**

#### **Article 25**

The Commission of Mandates, in an official meeting, has the right to present a motion on giving or lifting a mandate to a Councillor and this is done in accordance with the law 8652 article 27 point 4.

### **Interim Commissions.**

#### **Article 26**

The Interim Commissions are established by the Council for a certain subject area. The Council approves the Commission's name, goal, term of existence, and its composition and elects its chairman. The Interim Commissions is established and functions in the same manner as the Standing Commissions.

### **Investigating Interim Commissions.**

#### **Article 27**

The Investigating Interim Commission is established by the Council to verify or investigate into a certain matter. The members of this Commission are Councillors belonging to more than one political party. The Commission always includes the Councillor/group of Councillors who proposed the establishment of the Commission. The Commission should report to the Council about its findings and the all the Commission members sign the report.

### **Mixed Commissions.**

#### **Article 28**

The Mixed Commissions are Standing or Interim Commissions composed of members and non-members of the Council. The Council establishes them as consulting organisms. They are established by the City Council following the same procedures as for the Standing Commissions.

### **Political Groups.**

#### **Article 29**

The Councillors can establish only political groups. The minimal number for the establishment of a political group is three (3) Councillors.

#### **Article 30**

Every group submits to the Chairman the list with the names of the group members and the group's leader. The written announcement on the establishing of each group is distributed by the Secretary to all the Councillors. A Councillor can be member of only one political group.

#### **Article 31**

The members define the rules for joining and leaving a political group.

### **Article 32**

The Group has the right to appoint a representative who will address the Council on behalf of the Group about the matters discussed in the Council. In this case, the group members can address the Council individually if needed.

### **Political Chairmanship.**

### **Article 33**

The Political Chairmanship is composed of the chairmen of the political groups and is convened by the Council's Chairman in the cases of preliminarily approving the draft-agenda or when the Councillors' consensus, on an action the Council should take, or on cases of conflicts and disagreements between the Councillors, is required.

### **Council's Meetings.**

#### **Regular meetings.**

### **Article 34**

The Regular Meetings of the City Council are held at 6 p.m. on the second Wednesday of January, February, March, April, May, September, October and November, at the same time on the third Tuesday of June, July and August and at the same time on the first and third Wednesday of December.

### **Article 35**

All the Council's regular meetings are held in the meeting hall of the City Council except in the cases when the Council, failing to decide by the majority of votes in the previous meeting, assembles somewhere else within the Municipality's jurisdiction. When the scheduled Wednesday corresponds with a national holiday, the Council holds the regular meeting the next business day.

#### **Special Meetings.**

### **Article 36**

"The Council organizes special meetings (law 8652 article 31 point 3):

- a) at the Mayor's request;
- b) at the request of one third of its Councillors;
- c) at the motivated request of the Prefect about issues relating to the exercise of his powers."

### **Article 37**

In each of the cases, a written and signed request on the holding of the special meeting clearly specifying the matter to be considered and the aim and reasons for holding the meeting, is submitted to the Chairman and, through him, to the Councillors.

### **Article 38**

Special meetings are held on the date, time and place defined by the Chairman.

### **Article 39**

The Secretary, and in his absence the Chairman or the Deputy-Chairman, should notify the Councillors, verbally or by phone. The notification must be made at least 48 hours before holding the Meeting and should include the date, time, place, agenda, reasons and the aim of the meeting.

### **Article 40**

The public announcement should be made through the local media, billboards displayed close to the Municipal hall and the Municipal Journal, if the latter is to be distributed with the set deadline of the announcement, by the Secretary and in his absence by the Chairman or the Deputy-Chairman. The Secretary notifies all institutions and individuals who have requested to receive regular notifications of each Council meeting.

### **Article 41**

The Special Meeting considers only those agenda items for which the meeting is called. Other matters can be discussed only with the approval of the majority of Councillors present in the meeting.

## **Emergency Meeting**

### **Article 42**

The Emergency Meeting can be held on the call of the Chairman or when he is requested to organize this meeting through a written request signed by:

- a) 1/3 of the Councillors;
- b) the Prefect about issues relating to the exercise of his powers.”
- c) the Mayor

### **Article 43**

The request should specify in a few words the content and the objective of the emergency issue for which the meeting should be hold. The Emergency Meeting considers only the issues for which the meeting is called for.

### **Article 44**

The Councillors are notified by the Secretary or, in his absence, by the Chairman or the Deputy-Chairman, verbally or by phone.

### **Article 45**

The public notification is made through the local media and billboards displayed close to the main Municipal hall The Secretary notifies all the institutions and the individuals who have requested to receive a regular notification of each Council meeting.



## **Closed Meeting.**

### **Article 46**

“The Council, based on the majority of the votes of the general number of the Councillors, decides on the cases when a closed meeting can be hold (Law 8652 article 34 point 3). The closed meeting is held only after such a decision has been taken, according to the legal procedures, Municipality’s statute and this regulation, by the majority of the Councillors present in an open meeting, where the reason for holding this meeting should be specified (i.e. one of the following 10 reasons.) The voting for holding of a closed meeting is open. The Chairman announces the voting results, conveys it to the Secretary, and declares the holding of the closed meeting. This meeting is allowed only to provide an opportunity to the Council to act in the interest of the public it represents. The closed meeting can be held even for considering an item of the agenda.

### **Article 47**

City Council may hold a Closed Meeting when it is required to:

1. Prevent disclosure of information that is privileged confidential pursuant to the law (for example, information about people who receive social assistance)
2. Consult with an attorney employed or retained by the Council in order to preserve the attorney –client privilege between the attorney and Council, when the last mentioned needs to consider and give instruction to the attorney concerning the handling or settlement of a claim, juridical action or administrative procedure.
3. Start juridical procedures over issues relating to the Council’s powers.
4. Discuss matters relating to the location or expansion of industries or businesses in the area served by the Council.
5. Decide or instruct the administrative staff about the conditions of collective contracts, rewards, wages and complaints for the municipal employees.
6. Establish, or to instruct, the municipal staff or the negotiating agents concerning the position to be taken by or on behalf the Council in negotiating price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, exchange or lease, the amount of compensation and other material terms of employment contracts or proposed employment contracts.
7. Consider conflicts among Councillors and between Council and Mayor and his staff.
8. Consider complaints against Councillors, Mayor and staff.
9. Plan, conduct or hear reports concerning investigations of alleged criminal misconduct.
10. Prevent the premature disclosure of an honorary degree or prize.

### **Article 48**

For the points 4, 5, 6 & 7, the Council’s decision is taken in an open meeting.

### **Article 49**

The public should be notified of the topics to be discussed in a closed meeting. Those who are not Councillors can be allowed to attend a closed meeting, by vote of a majority of the Councillors present, if their assistance is judged to be necessary in the consideration of the issue/s.

## **Article 50**

The materials presented and considered in a Closed Meeting are not public record. Moreover, it is forbidden to video or audio record a Closed Meeting. These materials can be opened for public inspection only after the reason for holding the Closed Meeting no more exists. If not forbidden by law the next Council can decide to open for public inspection the records of Closed Meetings of the former Council

### **Calling a Meeting.**

## **Article 51**

“The Council Meeting is called by the Chairman of the Council“(law 8652 article 31 point 4) and in his absence by the Deputy-Chairman.

### **Notification of the Council Meeting.**

## **Article 52**

The Secretary sends the notifications for the Council meetings (law 8652 article 37 letter c). In his absence the Chairman and the Deputy-Chairman or another person appointed by them in a written form is in charge. In any case, the person sending the notification writes his name and signature on the notification paper.

## **Article 53**

Notification to the Councillors and the public for the Special Meetings must be provided at least 48 hours before the meeting takes place. In the case of an Emergency Meeting the Councillors are notified by phone or directly at least one hour prior to holding the meeting. The Councillors leave with the Secretary their telephone numbers or the best way to reach them

## **Article 54**

The public notification is made through the local media, Municipal journal, announcements displayed in the Municipal Hall/Information Office, Municipality’s billboards, as well as by mail or telephone. The Secretary chooses means and ways to notify the organizations and the individuals who have requested to receive regular notification of every Council meeting.

## **Article 55**

The Secretary sends a copy of the meeting agenda to the Secretary of the Prefecture and to the Secretary of the Region of which the Municipality is a part.

## **Article 56**

If the Council holds an official meeting at a time and place different from a previous public announcement, a new announcement with the changed time and place should be made.

#### **Article 57**

If the Council postpones an official regular, special, emergency or adjourned meeting, that that was convened with proper public notification in which the date, time, and place have been announced in the open meeting, no other publication is necessary.

#### **Article 58**

The Secretary notifies all those institutions and individuals who have requested a regular announcement of the Official Meeting of the Council.

### **Meeting Agenda.**

#### **Article 59**

The Chairmanship assisted by the Secretary prepare the draft-agenda for all the Council meetings.

#### **Article 60**

The Council should make known to the public the agenda. The materials attached to the agenda are public record. The materials can be read at the Secretary's office or at the Information Office and they can be photocopied after paying the set fee [to be decided by the Council].

#### **Article 61**

On Friday, before every Council's Regular Meeting the Councillors shall be notified of the meeting. The announcement shall include the date, time, place, and the agenda of the meeting - law 8652 article 31 point 4). Forty-eight (48) hours before every Special Meeting, the Councillors shall provide the Secretary with the package of the agenda delivering it by mail [or by hand]. The deadline to submit a proposal to add an item in the draft agenda the City Council meeting is Wednesday noon before the scheduled meeting.

#### **Article 62**

The package of project-agenda includes the agenda-document, bills, amendments to acts, support materials and the other information related to agenda.

#### **Article 63**

In a regular/special Meeting the Council may add another item to the proposed agenda by a majority vote with three-fifths of the Councillors present. Two thirds of the Councillors' votes are needed to add an extra item to the agenda after it has been approved by the meeting.

#### **Article 64**

The Political Chairmanship meets at least one day before the regular/special meeting to examine and discuss the project-agenda [this is highly recommended in order to have less additions and discussions during the agenda approval session].

#### **Article 65**

The Chairmanship/Chair and the Secretary schedule the time needed (about 30 minutes) for the non-official public comments on the agenda items.

#### **Article 66**

The Secretary maintains the list of the organizations and individuals who have requested to receive regularly the notification and the agendas of the Council meetings.

### **Conduct of an Open Meeting.**

#### **Article 67**

The Chair shall open the meeting at the set time and the Secretary shall call the roll. If a Quorum is not present within 30 minutes after the set time, no member can be required to remain at the meeting. In this case, the Chairman/Chair can permit the Councillors to leave the meeting hall, unless the majority of the Councillors present decide otherwise.

#### **Article 68**

If a Councillor has withdrawn from the Official Meeting without the prior permission of the relative majority of the present Councillors, he would be considered present for purposes of a Quorum.

#### **Article 69**

Whenever the Chair verifies that the necessary majority, or the Quorum of Money, when needed, is not present, the majority of the Council members may order the Secretary to declare the obligatory presence of the absent Councillors. This order is not subject to debate and until it is executed, and the necessary majority or, if needed, the Quorum of Money be present, no other proposal can be considered other than postponement of the meeting.

#### **Article 70**

The Chair of the meeting asks the Secretary to record in the Meeting Minutes that the Council requests the absent Councillor for purposes of a Quorum. The notification is regarded as delivered when the Secretary directly, through phone or other means, contacts the Councillor.

#### **Article 71**

The Chair declares the opening of the meeting if the Quorum is present and the Secretary confirms the decision. At the beginning of the meeting, the Council approves the proposed agenda items and their order. In determining the order of the agenda items the Council considers those items, which require the participation of non- Councillors such as the public or the Municipal staff.

#### **Article 72**

The meeting proceeds as follows:

1. The approval of agenda.
2. The reading and approval of the minutes of the previous meeting.

3. Non-official comments of the public.
4. Sessions of public hearings  
*(Authors' Note: The public sessions are publicly declared before they are held. After these sessions, the City Council discusses about the issues debated in the public sessions).*
5. Submitted requests or matters under consideration.
6. Administrative reports or communications from the Municipal Officials and/or Boards.
7. Reports from the Council's Standing Commissions.
8. Reports from the Interim/Mixed Municipal Commissions.
9. Second consideration of bills.
10. Presentation new bills.

*(Authors' Note: Not all the above-mentioned categories can be found in the agendas of each meeting but the order of the agenda items would be the same).*

### **Council's Action.**

#### **Article 73**

The Council accepts for consideration, motions, draft-acts of the Municipality's administration, resolutions and reports from the Standing, Interim and Mixed Commissions.

*(Author's note: Council may consider other issues judged as necessary).*

#### **Article 74**

The Council proceeds by motion.

#### **Article 75**

All the communications with the City Council are done through requests or memory documents. Only the Council members can speak about a request or memory document without the unanimous approval of the Council except when, in the 30 minute break of any regular meeting, the Chair may recognize the present citizens right to address the Council about the Municipal issues.

### **Council's Action by Reference.**

#### **Article 76**

The Council may not consider, vote or take any action towards an issue by referring to the agenda or to the documents if the former and the latter are not clearly expressed and publicly read in order that people may know exactly what is being discussed.

### **Motions.**

#### **Article 77**

Any Councillor has the right to present only one motion about one issue at a time. A motion which does not have the support of at least two Councillors [*Note of Authors- This in the case of a Council with many members*] is not considered for voting by the Council. The Chairman addresses the Councillors to support or refuse the consideration

of the motion.

### **Article 78**

A **substantial motion** may not be presented to the Council if another substantial motion is under consideration. A substantial motion is approved if voted by the necessary majority of the Councillors, a Quorum being present. The Chair should state the motion and invite the Councillors to debate following the principles below:

1. The Councillor, who has presented the motion, a draft-act, a to-be-improved act or a resolution, has the right to speak first.
2. A Councillor, who has not spoken on a given issue, has priority before another Councillor speaks about the same issue for a second time.
3. The debate should be alternated as much as possible between the Councillors who support the issue and those who oppose it.

### **Article 79**

While a substantial motion is being discussed, a procedural motion can be put forth to be discussed. The procedural motion is debatable.

### **Article 80**

**The procedural motions** can be listed as follows according to their importance:

1. Postponement of the meeting (debatable). This can be done after the end of an action over a pending issue. This does not interrupt the examination of an issue.
2. To take recess (debatable).
3. Call to follow the agenda rigorously.
4. To suspend the application of the Council's rules but without taking illegal acts. This motion requires a majority of all the Council's Councillors.
5. To divide a complex substantial motion into parts.
6. To defer consideration.
7. To put off the examination of a motion to another time and date for lack of time and complete information.
8. To prepare a substantial motion that is the same or, essentially the same, as the one under consideration if the Councillor has put forth this motion to the Commission that covers this issue 60 days before the meeting which act should be documented.
9. To amend a substantial motion under examination.
10. To prevent the early examination of a motion previously refused by the Council.

### **Article 81**

A debated act on buying/selling of the Municipal properties and the approval of a partial town-planning study can be reviewed at least two months after the meeting where the motion on the above-mentioned issues was refused by a vote. A draft-regulation, rejected by voting, can be re-considered four months after the meeting where it was rejected or immediately after the election of a new Council.

**Article 82**

The proposed amendments to a draft-act should be presented in written form.

**Article 83**

The motion about an act or resolution is considered by the Council after the relevant Commission has expressed its opinion.

**Article 84**

A rejected motion cannot be reconsidered in the same meeting.

**Article 85**

A motion can be withdrawn, by the Councillor who presented it, before the Chair calls for a vote. If the voting process has already started, it can be suspended only by the consensus of all the Councillors present in the meeting.

**Article 86**

A bill, draft-regulation, resolution or ordinance should be presented, and its presentation should be recorded in the meetings' minutes, at the first meeting that issue is on the agenda, although the Council may not consider it in that meeting. If the Council fails to adopt an act, it can be debated at the next regular meeting.

**Article 87**

A regulation, resolution, ordinance or any other action taken to amend or annul an existing act should be endorsed by the necessary majority of the Councillors.

**Article 88**

The Commission's chairman presents the motion on a bill to the Council. In his absence, any Commission member, elected by the majority of the present Councillors in the Commission's meeting is in charge.

**Article 89**

If during the Council's meeting, one Councillor makes a motion concerning the Quorum's presence or if "the Quorum of Money" is needed, the Chair of the meeting orders the Secretary to call the roll and then he declares the result. This procedure is not debatable.

*(Authors' Note: According to the local law, some issues need the presence of an absolute majority to form the necessary majority. Most such issues have to do with the monetary aspects and because of that this is presented as the Quorum of Money).*

**Relations with the Mayor.****Article 90**

The Mayor is allowed to attend all the open meetings of the Council. The Council invites the Mayor to participate in the meeting when he sees that reasonable and explains to him

the reason and the matter for which he/she is asked to attend.

#### **Article 91**

When the Councillors have questions for the Mayor that require preliminary data, these questions are sent to the Mayor through the Secretary two days before the meeting at which the questions are to be answered. Otherwise, the Mayor has the right to ask for time. In these cases, the questions are made in written form. The Secretary records the Mayor's responses in the agenda.

#### **Article 92**

The Councillor, who has made the questions, has the right to ask for the answers in written form or verbally. Before the Mayor answers, the Councillor has the right to justify his questions. The Mayor is not obliged to answer the questions if the said Councillor is absent even though the item is included on the agenda.

#### **Article 93**

While the Mayor is replying, the Chair of the meeting gives no permission for debates. At the end of the reply, the Councillor has the right to speak back and comment upon the answers for not more than two minutes.

### **Procedures for Adopting an Act.**

#### **Article 94**

A bill should be officially introduced to the Secretary to be considered by the Council.

#### **Article 95**

The Council agrees to consider only draft-acts of the Municipal administration that have been signed by the Mayor, head of municipal unit who has presented the draft-act and the lawyer of the Municipal administration [if he is a municipal staff] appointed by the Mayor to verify the legal basis of the draft-acts. In case of problems, the Chairman consults with the chairmen of the political groups.

#### **Article 96**

The Secretary assigns the draft-acts and the attached materials to the Standing Commission. If it is difficult for the Secretary to define to which Standing Commission a certain issue should be assigned, he consults with the Chairman. The Standing Commission responsible for the subject matter of the draft-act/resolution should preliminarily examine every draft-act/resolution.

#### **Article 97**

Every draft-act, resolution should be attached to a document signed by the Secretary. This document confirms that the draft-act has gone through the procedures of being presented to the Council as required by the law, Municipality's statute and this City Council's rules of procedure.



## **Article 98**

All laws passed by Council shall be in the form of ordinances, which shall receive three readings. The first reading of a bill shall be by title only, for information; no amendment shall then be in order. The Bill presented shall be printed as a part of the Council proceedings, and lie over until the next meeting of Council. No notice shall be necessary for the introduction of a bill.

## **Article 99**

The second reading of a Bill shall be by title only except that, if requested by any two members of Council, it shall be read section by section. After the Bill has received second reading and all amendments and privileged motions (if any) are disposed of, the question shall be, "Shall this Bill be ordered to a third reading?" Upon a decision in the affirmative, the order shall be accordingly; a decision in the negative shall be a rejection.

## **Article 100**

At a third reading of the Bill, the Bill shall be read by its title only. After the Bill shall have been so read the questions shall be, "Shall this Bill pass, the title thereof be changed to an Ordinance and be ordered for ratification?" Upon the third reading of a Bill, no amendment shall be offered, except by unanimous consent or previous notice.

*(Authors' Note: The provision for three readings is unusual. South Carolina law only requires two for a bill to become a law, ordinance. The number to be used in Albania will depend on the National and local laws).*

## **Article 101**

After a bill shall have passed its third reading and shall have been ordered to be engrossed for ratification, it shall then be ratified in open council by signature of the Chairman and the Secretary.

## **Article 102**

A bill having passed its third reading but held over for ratification cannot at a subsequent meeting be considered, except by unanimous consent, two thirds of the elected members of the Council being present at the meeting. It shall be the duty of the Clerk to have such a Bill which has passed its third reading engrossed and ready for ratification at the next regular meeting and neither the Clerk nor the City Council shall have power to withhold its ratification, except by the unanimous consent of the Council, two thirds of the Council being present.

## **Article 103**

Except in an Emergency Meeting, no ordinance may be finally adopted on the date it is introduced except by an affirmative vote equal to [or greater than] two thirds of the all Councilors, excluding the vacant seats.

## **Article 104**

Every Bill before presentation to the Council shall have its title engrossed; every report its title at length; every petition, memorial, or paper its prayer or substance; and any Council member presenting such a bill, report, memorial, or other paper shall endorse his

name therein.

*(Authors' Note: This means that all the draft-acts and the presented issues to the Council should be introduced in written form and with a complete content and clear format).*

### **Powers of the Chair.**

#### **Article 105**

The Chair of the meeting should always precede an Official Meeting of the Council.

#### **Article 106**

The Chair's decisions are final when it is about the procedural motions though for every such decision, each Councillor may request a general vote of the Councillors present.

#### **Article 107**

The Chairman has the following undisputable powers:

1. To chair the meeting by respecting the approved meeting procedures and excluding from the agenda every motion he considers as impeding for the continuation or unreasonable proceedings of the meeting.
2. To assess whether a Councillor has exceeded the behaviour and ethics standards during his speech.
3. To order the temporary adjournment or emergency adjournment of the meeting. He can do that even in the emergency cases. If the majority of the present Councillors disagree with that, the Councillors should vote for another Head while the meeting may continue later.
4. To declare the results of the open and secret voting.
5. To order leave from meeting to any Councillor who attempts to disorder the meeting as well as any other participant from the public or the Municipal Staff who disturb the peace and order in the meeting.
6. To prevent any Councillor from speaking longer than the time allowed by regulation.
7. To notify in advance by a written note any Councillor who risks the loss of his office because he is about to exceed the specified number of absences in a six-month period.

### **Debate.**

#### **Article 108**

The Councillor should take the floor on recognition by the Chair and has the right to address his debate to the Council. The Councillor raises his hand to request permission to take the floor. The Councillor may speak in the tribune or from his own seat.

#### **Article 109**

If the Councillor's speech steers away from the subject, the Chair remarks on him/her and if he/she persists, the Chair may prevent him/her from speaking further.

**Article 110**

Only the Councillor, who has taken the floor from the Chair, has the speech recorded in the meeting's minutes or in the official audio/video equipments of the Council.

**Article 111**

If the Chair wishes to take an active part in the debate, he/she appoints the Deputy-Chairman to chair the meeting and respects the procedures until the Chair re-takes his post. The Chair can participate in the debate over an interval that is the same with the Councillor's.

**Article 112**

Each Councillor before taking the floor, addresses to the Head with the words: "Mr./Mrs. Chairman, but does not keep on speaking until the Head gives the right to continue.

**Article 113**

A member shall at all times avoid any profanity or disrespect to the Council and all personalities and shall confine his comments to the question under consideration. The fine for use of profanity shall be \_\_\_\_\_ for the first occurrence at a meeting and \_\_\_\_\_ for the second occurrence at the same meeting. The amount of all fines shall be deducted from the Councilmember's salary on the Councilmember's next paycheck.

*(Authors' Note: In all the years that these consultants have dealt with municipal government I have never seen a fine levied. It is, however, important that a chairman have a way of controlling a meeting, according to the established rules).*

**Article 114**

The Chair, when addressed by a Councillor, shall name the member using the title of "Councilmember". The Councillors who seek to be heard shall be heard in order and, if two or more members seek to be heard at the same time, the Chair shall decide who will speak first.

**Article 115**

No Councillor shall speak a second time on the same question until every member desirous of speaking shall have spoken; and no more than twice without leave of Council, except to explain. No Councillor shall speak longer than fifteen minutes at any time.

**Article 116**

Every Councillor has the right to speak back if his name is mentioned in the speech of another Councillor. He can do that only after the said speech and for only one (1) minute.

**Article 117**

The Mayor, in his absence, the Deputy-Mayor, has the right to speak about the issue that is being considered by the Council but not more than twice on the same issue. The floor is also given to the heads of the departments/sectors, present in the meeting, if the Council needs explanations.

### **Article 118**

The Chair gives the floor to the individual or group from the public if he/she has lodged with the Secretary their requests in advance. Then, he allows the others to speak in accordance with the time the Council has in its disposal.

### **Article 119**

If the Chair has no requests for the floor, the debate is considered closed and the voting starts. No Councillor can speak after the voting has started.

### **Article 120**

The motion on closing the debate requires the votes of two-thirds of the Councillors present. Every Councillor has the right to make this motion.

### **Article 121**

“The Councillor is not responsible for his/her comments and opinions expressed on official issues while exercising his own duty” (Law 8652 article 29 point 1) or during the debate.

## **Public Hearings.**

### **Article 122**

“The public hearings are prepared by the Secretary” (law 8652 article 37 letter d). The Quorum should be present in a public session. If the Quorum is absent, the Chair declares the postponement of the session to the next meeting.

### **Article 123**

“The Council holds the public hearings in the cases defined in the law 8652 article 32 letters “dh”, “e”, “f”, and “k” of this law.

- dh) Approves the budget and amends it.
- e) Approve the change of the ownership or giving in use [usufruct] to third parties of its property.
- f) Decides rates of all local taxes and tariffs [fees].
- k) Adopts norms, standards and criteria for the regulation and the enforcement of the functions granted to the council by law, as well as protects and guarantees the public interest”.

## **The Right to Vote.**

### **Article 124**

The Councillor cannot delegate his/her right to vote. It is the duty of each Councillor to vote in an official and valid Council meeting when the voting is required and conducted according to the legal procedures approved by the Council. The voting is individual.

### **Article 125**

“The Councilor does not take part and vote in any meeting where the matter being considered and discussed in the Council is of personal interest, property interest, or any other kind of interest to him, his spouse, parents, children, brothers, sisters, in-laws, father-in law, mother-in law, son- in law and his wife. (law no. 8652 article 30). In all

other cases failure to vote by a Councillor who is physically present in a Meeting or who has withdrawn without being excused by the majority vote of the remaining Councillors present, shall be counted as an affirmative vote and as such shall be recorded in the Meeting Minutes.

#### **Article 126**

In case of conflicts of interests between the Councillor and the issue that is being considered, the exclusion dispositions, prescribed by the Code of Administrative Procedures of the Republic of Albania (law 8652 article 37, 38, 39, 40, 41, 42, 43), are applied.

#### **Article 127**

It is the responsibility of the Councillor to notify the Chairman when he has a conflict of interest with the issue under consideration. Before the voting starts, the Councillor should ask the Chair's permission not to vote. The Council allows that in such a case.

### **Voting**

#### **Article 128**

The voting can be open or secret.

#### **Article 129**

The open voting is done verbally using the words "pro," "con" or "I abstain". The open voting can be nominal. In this case, the Secretary calls the names one by one following the list prepared with the participant Councillors. After that, each Councillor votes verbally. In each case, the Secretary counts the vote and then declares the result to the Chair.

#### **Article 130**

A secret vote may be taken in case of individual persons, organizations or corporations.

#### **Article 131**

The Secretary is member of the Voting Commission when there is secret voting. He, along with two or more other Councillors of the Voting Commission, administers the voting process. After the voting and the vote-count, the Secretary communicates the result to the Chair. The voting results are recorded in the minutes document, which is signed by all the members of the Voting Commission. If a member of the Voting Commission has remarks on the voting, vote-count and the way the results were drawn, he/she writes his/her comments in the voting minutes document. The Chair notifies all the Councillors of the voting minutes, the results and the remarks of one or some members of the Commission, which are all registered in the Meeting Minutes.

#### **Article 132**

Every political group, before the voting, has the right to withdraw for consultations for not more than 10 minutes.

#### **Article 133**

The vote may be taken on the entire act or, if the Council desires, the vote may be taken

article by article.

**Article 134**

If the voting is interrupted for lack of order in the hall, the Chair re-announces the start of voting after the cause of this interruption has been revealed.

**Article 135**

If the voting results in a draw (tie vote) between those who voted “no” and those who voted “yes”, the motion/draft act is considered as rejected.

**Article 136**

If upon a question taken by acclamation (voice vote) the Chairman, or a division (roll call vote) be called for, Council shall divide, by those in the affirmative first raising their right hands, then those in the negative. The ayes and nays on any question shall always be ordered by the Chair when required by any two Councillors and the Secretary shall call the roll and take names of all who vote aye and all who vote nay, which he shall enter on the meeting minutes. When the question has been stated and the first response has been made to the Secretary's call, all debate shall cease, and no Councillors shall say more than "yea", "nay" or “abstain”. During the call no Councillors shall leave the Council Chamber.

**Article 137**

A Councillor may be permitted to explain his vote only by leave of Council, and for such explanation he may be allowed no more than two (2) minutes.

**Article 138**

The Chairman shall vote in all cases (except when he may be directly interested, or shall be excused by his name being called last in the ayes and nays.

*(Authors’ Note: Most US laws require that public officials abstain from decision making or voting when they have financial or personal interest in the issue under consideration. The typical procedure of a city council is that the person declares that he abstains because of an eventual conflict of interests).*

**Sanctions**

**Article 139**

Any member leaving the Council Chamber during an official meeting, without permission of the Chairman, shall be fined \_\_\_\_\_, and should his leaving Council Chamber, without such permission, cause any suspension of the meeting or voting, he shall be fined \_\_\_\_\_, unless excused. The fine should be declared by the Chair in the meeting where the fine is given and is recorded in the meeting minutes. Permission to leave the Council Chamber shall be requested of the Chairman in open session of Council after having been duly recognized. The amount of all fines shall be deducted from the Councilmember's salary on the Councilmember’s next paycheck.

**Article 140**

“The Councillor’s mandate expires before the end of Council’s mandate at the proposal

of the Mandates' Commission he/she is recorded of not attending the Council's meetings **for a six-month period (6).**" (Law 8652 article 27 point 4 letter e). **This six-month (6)** period of absence is documented by the Secretary who presents to the Chairman the records of the absences. The Chairman passes the said record to the Commission of Mandates which afterwards proposes the lifting of the Councillor's mandate in the first coming open meeting of the Council. "The majority of the votes of the Council members is needed to approve or lift mandates" (law 8652 article 27 point 2).

### **Ratification of Actions.**

#### **Article 141**

The Council may ratify actions taken on its behalf but without its prior approval to the extent provided by law. A motion to ratify is a substantive motion.

### **Validity of Acts.**

#### **Article 142**

An act of the Council is considered legitimate/valid if it is adopted in an Official Meeting held according to the legal procedures, Municipality's Statute, this City Council regulation and is recorded in the Meeting Minutes; is signed by the Meeting Minutes Verification Commission and the Secretary; is ratified and enforced according to the law, Municipality's Statute and the regulation of the City Council.

#### **Article 143**

"The signage of an act is done in A4 paper form after it is recorded in the Meeting Minutes without which it has no juridical effect" (law 8485 article 106 point 2). The Council's act is officially signed when its original copy is signed by the Chairman/Chair and the Secretary, where is specified the date and the time of the signage of the said act. The form and the content layout of the Council's acts follow the guidelines of the law 8485 articles 106, 107, 108, 109, 110. In each case the act should be prepared by the Secretary in cooperation with the head of sector or of the institution which has introduced the draft-act to the City Council [with the municipal lawyer in the case he is city staff] and the in the text of the act should be included the due date and the people responsible for implementation.

#### **Article 144**

The Secretary officially sends a copy of the acts to the Prefect according to the cases specified by law. The Secretary officially sends a copy of the act, which refers to individual subjects, to the said subject mentioned in the act. The Secretary sends a copy of every act to the Chairman/Deputy-Mayor and to the Municipal Archives Sector/Office as well as to the department/sector held responsible for the execution of the act. It is the Municipal Archives sector/office via which the acts are distributed. The decisions, ordinances, orders and the regulations constitute public records and a copy of them, through the Secretary, is available for public inspection in the Information Office.

#### **Article 145**

The style of the ordinance shall be: "Be it ordained by the Chairman and Council

members of the City Council Assembled."

### **Publication of Acts.**

#### **Article 146**

"The Secretary is responsible for the publication of the acts" (law 8652 article 37 letter ç). "The Council's acts are made public within 10 days from their adoption's date and come into effect 10 days after their publication. The acts referring to individual subjects come into force in the date announced to the subjects mentioned in these acts" (law 8652 article 33 point 6). The Council's act should be made public in the Municipal bulletin, the information board put in the municipal hall and that outside the municipal building, and in the local media.

#### **Article 147**

In case of Emergency Meeting, where action is taken to address emergency situations such as natural disasters, serious public disorders within the community [or other cases specified by law], the decision, as specified in the text of the Council's act, should be made public in the information board put in the municipal hall and that outside the municipal building, and in the local media and entered into force immediately.

### **Documentation of the History of Acts.**

#### **Article 148**

The Council acts should be accompanied by legislative information according to the form described below. The Secretary will prepare this information.



**Municipality of \_\_\_\_\_ - Legislative Information.**

-----  
Bill Number: 110452

Act Number: 117436  
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**Act Title:** \_\_\_\_\_ (e.g. Strategic Plan of Municipality's Economic Development)

**The Act Amends:** \_\_\_\_\_ (e.g. Strategic Plan of Municipality's Economic Development)

Approved the act with no: .....dated.....

**Date bill presented at the Council Meeting:** \_\_\_\_\_ (say, November 15, 2001)

**Date passed by the City Council:** \_\_\_\_\_ (say, December 10, 2001)

**Status:** Approved (or Rejected)

**Votes:** Pro: 9, Con - 0, Abstention - 0

**Date of Act's Signage by the Council Chairman:** \_\_\_\_\_ (say, December 19, 2001)

**Date of Act's Publication by Secretary:** \_\_\_\_\_ (say, December 20, 2001)

**Date of public notification of Act by Secretary:** \_\_\_\_\_ (say, December 22, 2001)

**Date of Act's Entrance into effect:** \_\_\_\_\_ (say, December 30, 2001/  
Date of act's entrance into effect for the subject \_\_\_\_\_ (say, January 30, 2002)

**Commission:** Standing Commission of Development and Policies.

**Article 149**

Within every February, the Secretary is responsible to prepare for publication a summary of the acts approved by the Council during the last year. After the Council's mandate expires, the Secretary is responsible to publish the acts issued by the Council during this mandate. The valid acts together with the package of relevant materials and documents are displayed in the Municipal Information Office. They are open to the public. The Secretary keeps the electronic copies of the acts passed by the Council.

**Meeting Minutes.**

**Article 150**

“The Council's meetings are recorded in the Meeting Minutes (article 31 point 9). *(The way of keeping and verifying the minutes are defined by the internal regulation of functioning of the Council)*”.

### **Article 151**

The meeting minutes are recoded by handwriting which should be clear and easy to read.

### **Article 152**

The minutes of the Open Meeting are kept by the Secretary.

### **Article 153**

The Meeting Minutes are recorded in the Meeting Minutes Book which on its cover has the title written “The Meeting Minutes Book of the City Council of \_\_\_\_\_, mandate 2002-2003”. The page format of this book is A4 and its pages are horizontally lined. The book has 500 pages (or another number). In case, the first book is fully written, the Chairman allows, through a written document and signed by him, the use of a second book with the same characteristics. The Secretary is responsible for the preparation of the Meeting Minutes Book. Every new Council uses a new book for recording the minutes. The notes are kept in handwriting in black/blue [*through video or audio*].

### **Article 154**

#### **The Meeting’s Minutes should contain:**

1. Date of the meeting,
2. Time of the meeting
3. Place of holding the meeting,
4. Type of meeting (regular, special, emergency or adjourned),
5. Open/private,
6. Number of Councillors present.
7. Description of every agenda item and the length of time for their consideration.
8. Definition of the Motion - name of the Councillor who presented the motion,
9. Council’s decisions,
10. Pro-s, Con-s and Abstention votes for every issue for which a decision is taken,
11. Decisions on the penalties taken by the Chairman,
12. Signatures of the Verification Commission of the Meeting Minutes and the Secretary,
13. The Chair’s decisions on ordering a Councillor out of the Council’s meeting.  
(*Authors’ note: Add other elements that would be defined by the Council*).

### **Article 155**

The Council appoints one of the Councillors, or the Secretary if he is allowed to attend the meeting, to keep the minutes of a Closed Meeting. If the Council takes a decision in a Closed Meeting, the decision and the procedures of taking it are recorded in the meeting minutes. If the Council does not take a decision, then, only the date, time, place and the aims of the discussed issues as well as the valid votes for holding the Closed Meeting are noted down in the Meeting Minutes. In the cases of the Closed Meetings, where the Secretary is not allowed to participate, the Secretary receives the meeting minutes prepared by the Councillor, who was assigned by the Council to keep them, after the minutes have been signed by the Meeting Minutes Commission.

## **Article 156**

The meetings of the Standing/Interim and Mixed Commissions are recorded in their respective meeting minutes and it is the Secretary who keeps them. At the end of the meeting, the meeting minutes are signed by the Chairman of each Standing/Interim and Mixed Commission and by the Secretary. Every Commission has its own meeting minutes book.

### **Administration of Meeting's Materials.**

## **Article 157**

The Secretary is responsible for maintaining the documentations of every official meeting of the Council. He keeps files for each meeting including the motions, forms of the legislative information, materials and documents relating to the act passes or refused, as well as the agenda, data on the place and time of the public notification and the list of the Councillors present in the meeting, the list of the persons or the organizations supporting or rejecting the introduced act in the public hearings as well as the documentation of the confirmation of the act from the Prefect [as specified in the law].

## **Article 158**

All the videos and audio registrations of the Council meetings made by the Municipality are kept by the municipal archives sector/office. The Secretary prepares the cassettes delivery form and co-signs it with the head of the archive sector/office.

## **Article 159**

No later than January 30 of every year [or at the end of each month], the Secretary delivers the files of the last year's Council meetings to the municipal archive sector/office and one month after the end of the local elections he/she delivers the files of all the Meetings held before Council was dissolved to the municipal archive sector/office. In both cases the Secretary co-signs with the head of archive sector/office the delivery form, which records the summary of the filed documents.

## **Article 160**

### **Chairman**

#### **Duties**

Except for the duties and responsibilities the Chairman has according to the article of this regulation, following are other grouped duties:

1. Is the chairman of the \_\_\_\_\_ Standing Commission.
2. Makes sure that each City Council meeting is planned and organized according to this regulation and proceeds according to the adopted agenda.
3. Presides the meeting of the chairmen of the Standing Commissions.
4. Makes sure that each Standing or Temporary Commission operates normally and abiding by this regulation.
5. Makes sure that each Standing Commission develops and approves its respective mission, goals and objectives.

6. Takes part, as need might come, in the meetings of Standing Commissions.
7. Prepares the material with the training needs of the Councilors.
8. Cooperates with the heads of the political groups to facilitate the City Council business and meeting performance.
9. Makes sure that a copy of Standing Committee's meeting reports be delivered to him by the Secretary before the City Council Meeting.
10. Is responsible for the preparation of the draft-project for the functioning of the City Council.
11. Coordinated the joined meeting of the Standing committees.
12. Deals with the correspondence sent to the City Council Chairman.
13. Reads the correspondence mailed to City Council and forwards the letters to the appropriate function for further consideration.
14. Reads in the Council meeting the petitions, declarations, and appeals sent to the City Council.
15. Represents the Council in relations and agreements with other homologue Councils and other organizations in and outside the country.
16. Makes sure that the Council be represented in the delegations, ceremonies or other activities where the Council is invited to participate and in cooperation with the heads of the political groups decides for the Councilors who will participate all this in the cases whet there are no nominal invitations.

*(Note of the Authors: The Chairman may be charged with other duties as deemed necessary by the Council).*

## **Article 161**

### **Secretary**

#### **Duties**

“The Secretary is responsible for keeping the Council's official documents (law 8652 article 37 point 2 letter a)” described as follows:

1. The Council Meeting Minutes Book.
2. The files with the Voting Commission's reports alongside with the relevant voting papers.
3. Files of the Council Meetings.
4. The list with the names of the organizations and the individuals who have made written requests to receive regular notifications for the Council's meetings as well as the files with these requests.
5. The files with the requests and petitions submitted to the Council.
6. The meetings minutes books of the Standing, Interim and Mixed Commissions.
7. The files with the written questions of the Councillors addressed to the Mayor/deputy-mayor.
8. The books with records of the acts passed by the City Council annually and during whole mandate.
9. Records for the announcements and publication of the notifications and the acts passed by the City Council.
10. Records of attendance of Councilors in the Council Meetings.
11. Statistics on the Council's activity.

*(Authors' Note: Other documents may be enlisted as decided by the City Council)*

12. Assists the Chairman during the Council Meeting proceedings
13. Administers all the documentation dealing with the functioning of the City Council.

*(Authors' Note: The Secretary may be charged with other duties as deemed necessary by the Council).*

## **Article 162**

### **Enforcement of Regulation.**

#### **Chairman**

The Chairman of the Council, and in his absence the Deputy-Chairman, is responsible for the enforcement of this regulation during the proceedings of the Council Meetings and also for specific issues of which he is responsible according to the articles of this regulation. Continuous and intentional violations of this regulation by the Chairman/Deputy-Chairman constitute a sufficient cause for a group of Councillors consisting of at least three members to put forth a motion of non-confidence against the Chairman/Deputy-Chairman. This non-confidence motion can be presented in any Official Meeting. It should be presented in written form together with the documents that confirm the violations. The motion-supporters can notify the Secretary before the meeting about the presentation of the non-confidence motion. The Secretary informs immediately all the Councillors.

## **Article 163**

The non-confidence motion must be approved by an absolute majority of the Councillors. The approval of this motion presumes the dismissal of the Chairman/Deputy-Chairman from his position. In the same meeting, the proposals for the candidates to fill the above-mentioned positions and the election of the new Chairman/Deputy-Chairman are made. In the case of Chairman's dismissal, it is the Deputy-Chairman who presides over the meeting for the election of the new Chairman. The procedures mentioned in article 2, 3 and 4 of this regulation are followed for the election of the Chairman/ Deputy-Chairman in this case.

#### **Secretary.**

## **Article 164**

"The Council's Secretary supervises the enforcement of the regulation for the functioning of the Council (law 8652 article 37 letter "dh").

## **Article 165**

Constant and intentional violations of this regulation and the non-accomplishment of the set duties by the Secretary constitute a sufficient cause that a group of Councillors consisting of at least three members may ask a non-confidence motion against the Secretary. This motion can be presented in any Official Meeting. It should be presented in written form together with the documents that confirm the violations. The motion-supporters can notify the Chairman before the meeting about the presentation of the non-

confidence motion. The Chairman asks the Secretary to inform immediately all the Councillors.

**Article 166**

The non-confidence motion should be approved by all the Council’s Councillors. The approval of this motion presumes the Secretary’s dismissal from his position. If dismissed, the Council may proceed with the appointment of the new Secretary in the same meeting.

**Councillors’ Rewards.**

**Article 167**

The Councillors are paid monthly for their own activity in the post of the Municipal Councillor. Every Councillor, besides the Chairman, receives a monthly pay of \_\_\_\_\_. The Council’s Chairman receives a monthly pay of \_\_\_\_\_. (*“The reward is defined by the relevant Council on the basis of the criteria set by the effective legislation - law 8652 article 29 point 2”*).

**Regulation’s Improvement.**

**Article 168**

Each of the above-mentioned rules, except of those that need the unanimous approval and the approval as expressed by law and by the Municipality’s Statute, can be abrogated, suspended or changed with three-fourths of the votes of the Councillors present in an Official and Valid Meeting.

**Section 2.** This ordinance comes into force immediately after being ratified by the City Council of \_\_\_\_\_.

Ratified by the City Council of \_\_\_\_\_,  
on November 27, 2001.

\_\_\_\_\_

Chairman

I attest:

\_\_\_\_\_

Secretary of the Council.

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